

HB

1088

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B — JUNEAU 99801

March 23, 1973

The Honorable Selwyn Carrol
Alaska State House of
Representatives
Pouch V
Juneau, Alaska 99801

Dear Representative Carrol:

As requested by the House Committee on Community and Regional Affairs, the enclosed draft legislation has been prepared in response to my testimony on House Bill 108. The draft legislation hopefully responds to the expressed concern of the Committee. Attached to the draft is a list of communities eligible for State aid under the proposal, their populations and the total amount of State aid provided under the proposal.

Enclosed also is a list of Alaska Native villages which have been identified by the U. S. Treasury Department, with Bureau of Indian Affairs assistance, as providing "general governmental services" thereby qualifying for federal revenue sharing. The list also contains Native village populations and the amount of federal revenue sharing each has received.

For the information of your Committee, federal revenue sharing to Native villages, as opposed to municipal corporations, is distributed on the basis of population only. Payment is made to each village in a Census District, from the amount of money allocated to that Census District, based on a percentage of that village's population to the total population of the Census District. The Native village distribution is made before distributions are made to municipal corporations in the Census District. Native villages must account for funds received in the same manner as municipal corporations.

I am available at your convenience to discuss these matters.

Sincerely,


Byron I. Mallott
Commissioner

BIM:mw

Enclosure

cc: Representative Terry Gardiner
w/ attachments

An Act Providing State-Shared Revenues for Unincorporated Communities; and Providing for an Effective Date.

Section One. AS 43.18 is amended by adding a new Article to read:

ARTICLE 4

Section 43.18.400. State aid to communities not incorporated as Alaska Municipal Corporations: (a) During each fiscal year the State shall pay to unincorporated communities \$10 per capita for the purpose of encouraging communities to ascertain priorities for future community development, to plan for the provision of future local governmental services, and as a secondary purpose to provide needed community services, not inconsistent with applicable State statutes in accordance with priorities and plans developed under this section.

(b) Payment shall be made to non-profit corporations or associations organized in eligible communities certifying to the Department of Community and Regional Affairs that their membership is open to and broadly representative of all the residents of the community and certifying that their intent is to carry out the purposes of this act.

(c) State-shared revenues payable under this section may be paid for a period of three years upon annual application following date of receipt and approval of certification by the Department of Community and Regional Affairs, or until a community is incorporated as a city under the laws of the State of Alaska, whichever comes first.

(d) Funds received by the non-profit designee in an unincorporated community may be expended for any purpose for which the designee has authority to expend funds consistent with the purposes of this section.

(e) Non-profit designees receiving funds by operation of this section shall file with the Department of Community and Regional Affairs a statement of annual income and expenditures and a report generally stating the purposes for which the funds were expended. Compliance with the provisions of this section is a prerequisite to receipt of State-shared revenues under AS 43.18. The State shall withhold allocation under this chapter in the event of noncompliance until such time as the report requirements are complied with.

(f) The Department of Community and Regional Affairs shall establish standard application and reporting forms to meet requirements of this section.

(g) In this section "unincorporated community" means a community not incorporated as a city of the first or second class under the laws of the State of Alaska and having a permanent resident population of 25 or more.

(h) The Department of Community and Regional Affairs may adopt regulations to carry out the purposes of this section.

Section 43.18.410. Unincorporated communities service account established:

(a) The unincorporated communities services account is established. Funds to carry out the provisions of section 400 of this chapter may be appropriated annually by the Legislature to the account. If amounts in the account are insufficient for the purpose of each community's share authorized under section 400 of this chapter, such funds as are available shall be distributed prorata among eligible communities.

(b) Money in the unincorporated communities services account which, at the end of the fiscal year for which money is appropriated, exceeds the

amount required for the allocation authorized in this chapter reverts to the general fund.

Section Two. This act takes effect on July 1, 1973.



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ORIGINAL.

OFFICE OF REVENUE SHARE AND
INDIAN TRIBES PAYMENT REPORT

NAME	GOVERNMENT CODE	COUNTY	AMOUNT	POPULATION
VILLAGE COUNCIL OF ALEKNAGIK	02 6 001 609	ALASKA	TOTALS* 0 1,772 0 1,912*	57 92*
VILLAGE COUNCIL OF ALEKNAGIK		TOTALS	0 1,902**	92**
VILLAGE COUNCIL OF BELDOSHVA	02 6 001 610	ALASKA	TOTALS* 0 266* 0 266*	53 53*
VILLAGE COUNCIL OF BELDOSHVA		TOTALS	0 266**	53**
VILLAGE COUNCIL OF CHIONIK	02 6 001 611	ALASKA	TOTALS* 0 336* 0 316*	67 67*
VILLAGE COUNCIL OF CHIONIK		TOTALS	0 336**	67**
VILLAGE COUNCIL CHIONIK LAUGHON	02 6 001 612	ALASKA	TOTALS* 0 151* 0 151*	30 30*
VILLAGE COUNCIL CHIONIK LAUGHON		TOTALS	0 151**	30**
VILLAGE COUNCIL CHIONIK LAKE	02 6 001 613	ALASKA	TOTALS* 0 512* 0 512*	115 115*
VILLAGE COUNCIL CHIONIK LAKE		TOTALS	0 512**	115**
VILLAGE COUNCIL OF CHISTOGHINA	02 6 026 614	ALASKA	TOTALS* 0 260* 0 260*	17 17*
VILLAGE COUNCIL OF CHISTOGHINA		TOTALS	0 260**	17**
VILLAGE COUNCIL CLARKS POINT	02 6 001 615	ALASKA	TOTALS* 0 1,131* 0 1,531*	75 75*
VILLAGE COUNCIL CLARKS POINT		TOTALS	0 1,530**	75**
VILLAGE COUNCIL COPPER CENTER	02 6 026 616	ALASKA	TOTALS* 0 1,422* 0 1,422*	91 91*
VILLAGE COUNCIL COPPER CENTER		TOTALS	0 1,422**	91**
VILLAGE COUNCIL OF EGECH	02 6 001 617	ALASKA	TOTALS* 0 1,556* 0 1,686*	74 74*
VILLAGE COUNCIL OF EGECH		TOTALS	0 1,686**	74**
VILLAGE COUNCIL OF EALUTNA	02 6 002 618	ALASKA	TOTALS* 0 351* 0 351*	23 23*
VILLAGE COUNCIL OF EALUTNA		TOTALS	0 351**	23**
VILLAGE COUNCIL OF ERUH	02 6 001 619	ALASKA	TOTALS* 0 1,025* 0 1,025*	60 60*
VILLAGE COUNCIL OF ERUH		TOTALS	0 1,025**	60**
VILLAGE COUNCIL OF ERUOK	02 6 001 620	ALASKA	TOTALS* 0 1,471* 0 1,926*	54 54*
VILLAGE COUNCIL OF ERUOK		TOTALS	0 1,926**	54**
VILLAGE COUNCIL OF ENGLISH BAY	02 6 012 621	ALASKA	TOTALS* 0 1,096* 0 1,096*	53 53*
VILLAGE COUNCIL OF ENGLISH BAY		TOTALS	0 1,096**	53**
VILLAGE COUNCIL OF FALSE PASS	02 6 001 622	ALASKA	TOTALS* 0 273* 0 273*	50 50*
VILLAGE COUNCIL OF FALSE PASS		TOTALS	0 273**	50**
VILLAGE COUNCIL OF GULKANA	02 6 026 623	ALASKA	TOTALS* 0 395* 0 395*	57 57*
VILLAGE COUNCIL OF GULKANA		TOTALS	0 395**	57**
VILLAGE COUNCIL OF ILIAPPA	02 6 001 624	ALASKA	TOTALS* 0 410* 0 410*	23 23*
VILLAGE COUNCIL OF ILIAPPA		TOTALS	0 410**	23**

INDIAN TRIBES PAYMENT REPORT

NAME	GOVERNMENT CODE	COUNTY	AMOUNT	POPULATION
VILLAGE COUNCIL OF IVAROF BAY	02 6 001 628	VALDESA	\$ 231	96
		TOTALS*	\$ 231*	96*
VILLAGE COUNCIL OF IVAROF BAY		TOTALS	\$ 231**	96**
VILLAGE COUNCIL OF HOLIGANEN	02 6 003 629	ALASKA	\$ 2,796	134
		TOTALS*	\$ 2,796*	134*
VILLAGE COUNCIL OF HOLIGANEN		TOTALS	\$ 2,796**	134**
VILLAGE COUNCIL NORHAMOR BAY	02 6 007 623	ALASKA	\$ 1,372	67
		TOTALS*	\$ 1,372*	67*
VILLAGE COUNCIL NORHAMOR BAY		TOTALS	\$ 1,372**	67**
VILLAGE COUNCIL OF LARSEN BAY	02 6 018 621	ALASKA	\$ 1,747	91
		TOTALS*	\$ 1,747*	91*
VILLAGE COUNCIL OF LARSEN BAY		TOTALS	\$ 1,747**	91**
VILLAGE COUNCIL OF LEVELOCK	02 6 003 629	ALASKA	\$ 1,681	82
		TOTALS*	\$ 1,681*	82*
VILLAGE COUNCIL OF LEVELOCK		TOTALS	\$ 1,681**	82**
VILLAGE COUNCIL NENTASTA LAKE	02 6 026 630	ALASKA	\$ 97	64
		TOTALS*	\$ 97*	64*
VILLAGE COUNCIL NENTASTA LAKE		TOTALS	\$ 97**	64**
VILLAGE COUNCIL NELSON LAGOON	02 6 001 631	ALASKA	\$ 195	39
		TOTALS*	\$ 195*	39*
VILLAGE COUNCIL NELSON LAGOON		TOTALS	\$ 195**	39**
VILLAGE COUNCIL OF NINILCHIK	02 6 012 632	ALASKA	\$ 370	18
		TOTALS*	\$ 370*	18*
VILLAGE COUNCIL OF NINILCHIK		TOTALS	\$ 370**	18**
VILLAGE COUNCIL PAULOF HARBOR	02 6 001 633	ALASKA	\$ 193	38
		TOTALS*	\$ 193*	38*
VILLAGE COUNCIL PAULOF HARBOR		TOTALS	\$ 193**	38**
VILLAGE COUNCIL OF PEDRO BAY	02 6 003 634	ALASKA	\$ 1,045	51
		TOTALS*	\$ 1,045*	51*
VILLAGE COUNCIL OF PEDRO BAY		TOTALS	\$ 1,045**	51**
VILLAGE COUNCIL OF PILOT POINT	02 6 003 638	ALASKA	\$ 1,388	68
		TOTALS*	\$ 1,388*	68*
VILLAGE COUNCIL OF PILOT POINT		TOTALS	\$ 1,388**	68**
VILLAGE COUNCIL PORTAGE CREEK	02 6 003 636	ALASKA	\$ 1,332	65
		TOTALS*	\$ 1,332*	65*
VILLAGE COUNCIL PORTAGE CREEK		TOTALS	\$ 1,332**	65**
VILLAGE COUNCIL OF PORT ORMAN	02 6 012 637	ALASKA	\$ 1,966	96
		TOTALS*	\$ 1,966*	96*
VILLAGE COUNCIL OF PORT ORMAN		TOTALS	\$ 1,966**	96**
VILLAGE COUNCIL OF ST. GEORGE	02 6 003 638	ALASKA	\$ 781	166
		TOTALS*	\$ 781*	166*
VILLAGE COUNCIL OF ST. GEORGE		TOTALS	\$ 781**	166**
VILLAGE COUNCIL OF TWIN HILLS	02 6 003 639	ALASKA	\$ 1,356	66
		TOTALS*	\$ 1,356*	66*
VILLAGE COUNCIL OF TWIN HILLS		TOTALS	\$ 1,356**	66**
VILLAGE COUNCIL OF USASHIK	02 6 003 640	ALASKA	\$ 308	19
		TOTALS*	\$ 308*	19*
VILLAGE COUNCIL OF USASHIK		TOTALS	\$ 308**	19**



OFFICE OF THE COMMISSIONER
INDIAN TRUSTS PAYMENT REPORT



NAME	GOVERNMENT CODE	COUNTY	AMOUNT	POPULATION
VILLAGE COUNCIL OF ANEACHAN	02 6 005 691	ALASKA	TOTALS* 1 6,193 1 6,193*	300 300*
VILLAGE COUNCIL OF ANEACHAN			TOTALS** 1 6,193**	300**
VILLAGE COUNCIL OF KUTIELAH	02 6 005 692	ALASKA	TOTALS* 1 7,552 1 7,552*	190 190*
VILLAGE COUNCIL OF KUTIELAH			TOTALS** 1 7,552**	190**
VILLAGE COUNCIL KUTIELAH	02 6 005 693	ALASKA	TOTALS* 1 2,971 1 2,971*	145 145*
VILLAGE COUNCIL KUTIELAH			TOTALS** 1 2,971**	145**
VILLAGE COUNCIL OF HUNAFIICHUR	02 6 005 694	ALASKA	TOTALS* 1 6,188 1 6,188*	102 102*
VILLAGE COUNCIL OF HUNAFIICHUR			TOTALS** 1 6,188**	102**
VILLAGE COUNCIL OF KUTINAKAN	02 6 005 695	ALASKA	TOTALS* 1 6,802 1 6,802*	132 132*
VILLAGE COUNCIL OF KUTINAKAN			TOTALS** 1 6,802**	132**
VILLAGE COUNCIL OF TUNNAN	02 6 005 696	ALASKA	TOTALS* 1 5,532 1 5,532*	270 270*
VILLAGE COUNCIL OF TUNNAN			TOTALS** 1 5,532**	270**
VILLAGE COUNCIL OF ATHAUTILAH	02 6 005 697	ALASKA	TOTALS* 1 1,996 1 1,996*	95 95*
VILLAGE COUNCIL OF ATHAUTILAH			TOTALS** 1 1,996**	95**
VILLAGE COUNCIL OF CAOCHED	02 6 010 698	ALASKA	TOTALS* 1 2,028 1 2,028*	99 99*
VILLAGE COUNCIL OF CAOCHED			TOTALS** 1 2,028**	99**
VILLAGE COUNCIL OF GEORGETOWN	02 6 010 699	ALASKA	TOTALS* 1 245 1 245*	12 12*
VILLAGE COUNCIL OF GEORGETOWN			TOTALS** 1 245**	12**
VILLAGE COUNCIL OF HALSHAD	02 6 010 699	ALASKA	TOTALS* 1 2,172 1 2,172*	106 106*
VILLAGE COUNCIL OF HALSHAD			TOTALS** 1 2,172**	106**
VILLAGE COUNCIL OF HASSILAH	02 6 005 691	ALASKA	TOTALS* 1 4,262 1 4,262*	208 208*
VILLAGE COUNCIL OF HASSILAH			TOTALS** 1 4,262**	208**
VILLAGE COUNCIL OF RIPPUR	02 6 005 692	ALASKA	TOTALS* 1 11,864 1 11,864*	575 575*
VILLAGE COUNCIL OF RIPPUR			TOTALS** 1 11,864**	575**
VILLAGE COUNCIL OF HONGIIOHAN	02 6 005 693	ALASKA	TOTALS* 1 3,740 1 3,740*	183 183*
VILLAGE COUNCIL OF HONGIIOHAN			TOTALS** 1 3,740**	183**
VILLAGE COUNCIL OF LINC	02 6 010 694	ALASKA	TOTALS* 1 813 1 813*	25 25*
VILLAGE COUNCIL OF LINC			TOTALS** 1 813**	25**
VILLAGE COUNCIL OF MARSHALL	02 6 021 698	ALASKA	TOTALS* 1 3,462 1 3,462*	165 165*
VILLAGE COUNCIL OF MARSHALL			TOTALS** 1 3,462**	165**
VILLAGE COUNCIL OF MCBATH	02 6 010 696	ALASKA	TOTALS* 1 2,293 1 2,293*	110 110*
VILLAGE COUNCIL OF MCBATH			TOTALS** 1 2,293**	110**

OFFICE OF MILEAGE EXPENSE
INDIAN TRIBES PAYMENT REGION

NAME	GOVERNMENT CODE	COUNTY	AMOUNT	POPULATION
VILLAGE COUNCIL OF NENAH	02 6 008 687	ALASKA	TOTALS* 9 2,215	111
			9 2,215*	111*
		VILLAGE COUNCIL OF NENAH	TOTALS 9 2,215**	111**
VILLAGE COUNCIL OF NIKIRPUSI	02 6 008 690	ALASKA	TOTALS* 9 2,500	122
			9 2,500*	122*
		VILLAGE COUNCIL OF NIKIRPUSI	TOTALS 9 2,500**	122**
VILLAGE COUNCIL OF OSCARVILLE	02 6 008 699	ALASKA	TOTALS* 9 311	30
			9 311*	30*
		VILLAGE COUNCIL OF OSCARVILLE	TOTALS 9 311**	30**
VILLAGE COUNCIL OF	02 6 021 660	ALASKA	TOTALS* 9 1,332	47
			9 1,332*	47*
		VILLAGE COUNCIL OF	TOTALS 9 1,332**	47**
VILLAGE COUNCIL OF PEATINUP	02 6 001 681	ALASKA	TOTALS* 9 1,912	88
			9 1,912*	88*
		VILLAGE COUNCIL OF PLATINUM	TOTALS 9 1,912**	88**
VILLAGE COUNCIL OF RED HEAVY	02 6 016 660	ALASKA	TOTALS* 9 451	27
			9 451*	27*
		VILLAGE COUNCIL OF RED DEVIL	TOTALS 9 451**	27**
VILLAGE COUNCIL OF RUSSIAN	02 6 016 663	ALASKA	TOTALS* 9 1,956	95
			9 1,956*	95*
		VILLAGE COUNCIL OF RUSSIAN	TOTALS 9 1,956**	95**
VILLAGE COUNCIL OF RUSSIAN	02 6 021 660	ALASKA	TOTALS* 9 2,020	110
			9 2,020*	110*
		VILLAGE COUNCIL OF RUSSIAN	TOTALS 9 2,020**	110**
VILLAGE COUNCIL OF SHELDONIS	02 6 021 660	ALASKA	TOTALS* 9 2,479	121
			9 2,479*	121*
		VILLAGE COUNCIL OF SHELDONIS	TOTALS 9 2,479**	121**
VILLAGE COUNCIL OF SLEETRUIC	02 6 018 660	ALASKA	TOTALS* 9 1,906	90
			9 1,906*	90*
		VILLAGE COUNCIL OF SLEETRUIC	TOTALS 9 1,906**	90**
VILLAGE COUNCIL OF STONY RIVER	02 6 018 682	ALASKA	TOTALS* 9 1,159	60
			9 1,159*	60*
		VILLAGE COUNCIL OF STONY RIVER	TOTALS 9 1,159**	60**
VILLAGE COUNCIL OF TONTOULIAN	02 6 005 660	ALASKA	TOTALS* 9 3,355	159
			9 3,355*	159*
		VILLAGE COUNCIL OF TONTOULIAN	TOTALS 9 3,355**	159**
VILLAGE COUNCIL OF MINIO	02 6 029 667	ALASKA	TOTALS* 9 1,017	157
			9 1,017*	157*
		VILLAGE COUNCIL OF MINIO	TOTALS 9 1,017**	157**
VILLAGE COUNCIL OF STEVENS	02 6 018 670	ALASKA	TOTALS* 9 210	22
			9 210*	22*
		VILLAGE COUNCIL OF STEVENS	TOTALS 9 210**	22**
VILLAGE COUNCIL OF TANACROSS	02 6 019 671	ALASKA	TOTALS* 9 218	31
			9 218*	31*
		VILLAGE COUNCIL OF TANACROSS	TOTALS 9 218**	31**
VILLAGE COUNCIL OF TETLIN	02 6 029 678	ALASKA	TOTALS* 9 308	100
			9 308*	100*
		VILLAGE COUNCIL OF TETLIN	TOTALS 9 308**	100**

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STATE
of ALASKA

MEMORANDUM

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

TO: Files

DATE: March 20, 1973

FROM: Byron I. Mallott
Commissioner

SUBJECT: Federal Revenue Sharing

The Department of Community and Regional Affairs through the Office of the Governor has submitted the following proposals for rule changes to the Office of Revenue Sharing, Department of the Treasury. The proposed changes pertain to the draft final regulations prepared by the U. S. Treasury Department to govern administration of the State and Local Fiscal Assistance Act of 1972, (Federal Revenue Sharing).

The proposed changes are generally procedural in nature. Departmental observations and comments upon substantive matters in the Act have been expressed verbally and in writing during the past six months to appropriate Federal officials.

The following comments are offered with respect to the draft final regulations prepared by the U. S. Treasury Department to govern administration of the State and Local Fiscal Assistance Act of 1972. I have arranged my comments below pertaining to each section of the draft regulations in the order these sections appear in the regulations.

Section 51.2(m): The following phrase should be deleted: "The term 'unit of local government' shall also include the recognized governing body of an Indian Tribe or Alaskan Native Village which performs substantial governmental functions." Local government units in Alaska are only cities and boroughs incorporated under the laws of the State of Alaska, i.e., political subdivisions of the State. The term "Local Governments" should not be synonymous with Alaska Native Villages in these regulations.

Section 51.3: Refine the term "recipient government": Divide into three classes: State Governments, Local Governments, and Indian Tribes or Alaskan Native Villages. Also, the Governor of the State should be notified of the failure of any of the State's political subdivisions, Indian Tribes or Native Villages to comply with provisions of the Act or regulations and receive a copy of all notices sent to recipients pertaining to failures to comply with either the Act or regulations. This section should contain the phrase, "if the Secretary determines that a recipient has failed to comply with any provisions of this part and after giving reasonable notice and opportunity for a hearing to the Governor in the case of a state and the Governor and Chief Executive Offices in the case of a recipient other than a state government..."

Section 51.10(b): A minimum of sixty (60) days should be specified as a period for transmittal and receipt by treasury of assurances.

Many of Alaska's local governments are remote, have sporadic mail service and part-time rural government administrative structures.

Section 51.11(a): Allow at least sixty (60) days for the receipt of Planned Use Reports. Delete the two columns requiring percentage amounts for transfers to other governments dealing with maintenance of existing services and new or expanded services. This information is not available and would be impossible to determine in most state transfers to other governments. Delete the percentage estimates of what expenditures will be used to compensate additional personnel.

Section 51.11(b): Waive this requirement for local governments with populations of less than 500 or substitute state reporting requirements imposed on units of local government of this size and capacity. Due to very limited revenues and lack of trained accounting and administrative personnel, few small units of local government in Alaska would be able to meet this reporting requirement without a great deal of difficulty.

Section 51.14: Should be amended as follows:

(1) All data elements which form the basis of entitlement allocations for revenue sharing shall be made available upon request to the recipient governments, and "the Secretary shall furnish the Governor of the State complete data elements for any of the local governments located in that state, upon request of the Governor."

(2) Each recipient local government shall furnish the Governor copies of all data and information requested by federal agencies concerning revenue sharing entitlements.

Section 51.20(a): The terms "such other sources of data" should be further defined.

Section 51.20(b)(3): Local governments ought to have an opportunity to review and comment on the Secretary's final determination.

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shall become effective by vote of the adult male Indians residing on the reservation. It shall be the duty of the Secretary of the Interior, within one year after June 18, 1934, to call such an election, which election shall be held by secret ballot upon thirty days' notice. (June 18, 1934, ch. 576, § 18, 48 Stat. 988.)

any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after June 18, 1934, to call such an election, which election shall be held by secret ballot upon thirty days' notice. (June 18, 1934, ch. 576, § 18, 48 Stat. 988.)

to Indians who have attained the age of twenty-one years. (June 18, 1934, ch. 576, § 19, 48 Stat. 988.)

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959 upon issuance of Proc. No. 2769, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

CROSS REFERENCES

Right-of-way grant, consent of tribal officials, see section 324 of this title.

§ 480. Indians eligible for loans.

On and after May 10, 1939 no individual of less than one-quarter degree of Indian blood shall be eligible for a loan from funds made available in accordance with the provisions of sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, 479, and 501—509 of this title. (May 10, 1939, ch. 119, § 1, 53 Stat. 698.)

§ 481. Tribal organizing work; allowance to Indians traveling away from home.

CODIFICATION

Section, act July 2, 1942, ch. 473, § 1, 56 Stat. 513, was from the Interior Department Appropriation Act, 1943, and was not repeated in subsequent appropriation acts.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts: 1941—June 28, 1941, ch. 239, § 1, 55 Stat. 311. 1940—June 18, 1940, ch. 305, § 1, 54 Stat. 413. 1939—May 10, 1939, ch. 119, § 1, 53 Stat. 693.

§ 482. Revolving fund; loans; regulations.

The Secretary of the Interior, or his designated representative, is authorized, under such regulations as the Secretary may prescribe, to make loans from the revolving fund established pursuant to sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title and sections 501—509 of this title, to tribes, bands, groups, and individual Indians, not otherwise eligible for loans under said sections; *Provided*, That no portion of these funds shall be loaned to Indians of less than one-quarter Indian blood. (May 7, 1948, ch. 266, 62 Stat. 211.)

§ 483. Sale of land by individual Indian owners.

The Secretary of the Interior, or his duly authorized representative, is authorized in his discretion, and upon application of the Indian owners, to issue patents in fee, to remove restrictions against alienation, and to approve conveyances, with respect to lands or interests in lands held by individual Indians under the provisions of sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title, or sections 501—509 of this title. (May 14, 1948, ch. 293, 62 Stat. 236.)

§ 483a. Mortgages and deeds of trust by individual Indian owners.

The individual Indian owners of any land which either is held by the United States in trust for them or is subject to a restriction against alienation imposed by the United States are authorized, subject to approval by the Secretary of the Interior, to execute a mortgage or deed of trust to such land. Such land shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust.

EXTENSIONS OF TIME

The time for holding an election under this section was extended to June 18, 1936, by act June 15, 1935, ch. 260, § 2, 49 Stat. 378.

Act June 15, 1935, ch. 260, § 3, 49 Stat. 378 provided that the periods of trust or the restrictions on alienation of Indian lands should be extended to Dec. 31, 1936, in case of a vote against the application of sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title.

CROSS REFERENCES

Right-of-way grant, consent of tribal officials, see section 324 of this title.

§ 478a. Procedure.

In any election heretofore or hereafter held under sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title, on the question of excluding a reservation from the application of the said sections or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: *Provided, however*, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote. (June 15, 1935, ch. 260, § 1, 49 Stat. 378.)

§ 478b. Laws, treaties and rights unaffected by passage of sections 461 to 479.

All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said sections. Nothing in said sections shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said sections. (June 15, 1935, ch. 260, § 4, 49 Stat. 378.)

§ 479. Definitions.

The term "Indian" as used in sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title shall include all persons of Indian descent who are members of any recognized Indian band, group, or pueblo now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of said sections, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in said sections shall be construed to refer to any Indian band, group, or pueblo, or the Indians residing on any reservation. The words "adult Indians" wherever used in said sections shall be construed to refer

vested in any Indian tribe by law, the constitution and bylaws of such tribe or also vest in such tribe or its members the same voting rights and powers as are vested in the choice of counsel and attorneys to the approval of the Secretary of the Interior to prevent the sale, disposition, or encumbrance of tribal lands, interests in lands, or other tribal assets without the approval of the Secretary of the Interior. The Secretary of the Interior may, upon petition of such tribe, issue a charter which shall become operative upon approval by a majority vote of the members of the reservation. Such charter shall be incorporated into the constitution and bylaws of the tribe, or bequest, or other disposition of real and personal property, and shall be subject to the same restrictions as are applicable to restricted Indian lands. The Secretary of the Interior may, upon petition of such tribe, issue a charter which shall become operative upon approval by a majority vote of the members of the reservation. Such charter shall be incorporated into the constitution and bylaws of the tribe, or bequest, or other disposition of real and personal property, and shall be subject to the same restrictions as are applicable to restricted Indian lands.

see sections 473, 474 and 475

Federal Power Act, see section 324 of this title.

tribes; charter; ratification

Secretary of the Interior may, upon petition of such tribe, issue a charter which shall become operative upon approval by a majority vote of the members of the reservation. Such charter shall be incorporated into the constitution and bylaws of the tribe, or bequest, or other disposition of real and personal property, and shall be subject to the same restrictions as are applicable to restricted Indian lands.

tribal officials, see section 324 of this title.

to 479 optional

sections 466—470, 471—473, 474, 475, 476—478, and 479 of this title shall not apply

It is declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by said sections of this title shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States. (June 18, 1934, ch. 576, § 15, 48 Stat. 987.)

CROSS REFERENCES

Offsets against awards of Indian Claims Commission, see section 70a of this title.

Right-of-way grant, consent of tribal officials, see section 324 of this title.

§ 475a. Same; offsets of gratuities.

In all suits now pending in the Court of Claims by an Indian tribe or band which have not been tried or submitted, and in any suit hereafter filed in the Court of Claims by any such tribe or band, the Court of Claims is directed to consider and to offset against any amount found due the said tribe or band all sums expended gratuitously by the United States for the benefit of the said tribe or band; and in all cases now pending or hereafter filed in the Court of Claims in which an Indian tribe or band is party plaintiff, wherein the duty of the court is merely to report its findings of fact and conclusions to Congress, the said Court of Claims is directed to include in its report a statement of the amount of money which has been expended by the United States gratuitously for the benefit of the said tribe or band; *Provided*, That expenditures made prior to the date of the law, treaty, agreement, or Executive order under which the claims arise shall not be offset against the claims or claim asserted; and expenditures under sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title shall not be charged as offsets against any claim on behalf of an Indian tribe or tribes now pending in the Court of Claims or hereafter filed; *Provided further*, That funds appropriated and expended from tribal funds shall not be construed as gratuities; and this section shall not be deemed to amend or affect the various Acts granting jurisdiction to the Court of Claims to hear and determine the claims listed on page 678 of the hearings before the subcommittee of the House Committee on Appropriations on the second deficiency appropriation bill for the fiscal year 1935; *And provided further*, That no expenditure under any emergency appropriation or allotment made subsequently to March 4, 1933, and generally applicable throughout the United States for relief in stricken agricultural areas, relief from distress caused by unemployment and conditions resulting therefrom, the prosecution of public works and public projects for the relief of unemployment or to increase employment, and for work relief (including the civil-works program) shall be considered in connection with the operation of this section. (Aug. 12, 1935, ch. 508, § 2, 49 Stat. 596.)

CROSS REFERENCES

Offsets against awards of Indian Claims Commission, see section 70a of this title.

§ 476. Organization of Indian tribes; constitution and bylaws; special election.

Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate con-

stitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws, when ratified as aforesaid and approved by the Secretary of the Interior, shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress. (June 18, 1934, ch. 576, § 16, 48 Stat. 987.)

CROSS REFERENCES

Application to certain tribes, see sections 473, 473a and 478 of this title.

Charges to licensees under Federal Power Act, see section 803 of Title 16, Conservation.

Right-of-way grant, consent of tribal officials, see section 324 of this title.

§ 477. Incorporation of Indian tribes; charter; ratification by election.

The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe; *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law; but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress. (June 18, 1934, ch. 576, § 17, 48 Stat. 988.)

CROSS REFERENCES

Right-of-way grant, consent of tribal officials, see section 324 of this title.

§ 478. Acceptance of sections 461 to 479 optional.

Sections 461, 462, 463, 464, 465, 466—470, 471—473, 474, 475, 476—478, and 479 of this title shall not apply

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to enrollees, heirs, or legatees; persons and persons under legal disability.

NEW YORK INDIANS: DISTRIBUTION OF JUDGMENT FUND [NEW]

Distribution of funds; attorney's fees and disbursements; rolls; Oneida Tribe of Wisconsin; Brotherton Indians of Wisconsin; applications for enrollment; report of Secretary in preparing memorandum; ratio of apportioned shares; and State income taxes.

LOWER CHEHALIS TRIBES: DISTRIBUTION OF JUDGMENT FUND [NEW]

Membership roll; preparation; eligibility; finality of determination; equal shares; persons under legal disability; escheats; exemption; and regulations.

ARAPAHO INDIANS OF OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND [NEW]

Authorization for distribution of funds; education and scholarships; application; to enrollees, heirs or legatees, and persons under legal disability; approval of agreement; time for filing; bar of unfiled claims; reverted funds; exemption; use of reverted funds; and regulations.

TRIBES OF KANSAS AND NEBRASKA: DISTRIBUTION OF JUDGMENT FUND [NEW]

Distribution of funds; authorized expenditures; tax exemption.

DELAWARE NATION OF INDIANS [NEW]

Distribution of judgment fund; preparation; roll; eligibility.

Agreement between Cherokee Delaware and Delaware Tribe of Western Oklahoma; equal share distribution; heirs of deceased enrollees; tax exemption; rules and regulations.

CONTRACTS WITH STATES

Donations for Indians; use of gifts; report to Congress.

Secretary of the Interior may accept of funds or other property for the advantage of Indian race, and he may use the donation in accordance with the terms of the agreement or other program authorized by law for the benefit of Indians; report shall be made to the Congress of the amount received and allocations made from it. This report shall include administrative and other pertinent data. (As amended June 10, 1906, 34 Stat. 171.)

AMENDMENT

Pub. L. 90-333 expanded the area of land to which the Secretary may put donated

provisions allowing the inclusion of programs authorized by law intended to benefit Indians and the permissible uses to programs authorized by law only if it could be shown that such programs would benefit a particular Indian institution; and added provisions for an annual report on donations received and allocations made therefrom.

Provisions for education, medical attention, and general welfare of Indians.

REFERRED TO IN OTHER SECTIONS

Referred to in title 20 section 237.

INDIANS AND CONSERVATION OF RESOURCES

Mortgages and deeds of trust by individual Indians.

REFERRED TO IN OTHER SECTIONS

Referred to in title 16 section 1166.

Indian Reservation; consolidations of lands; sale, and exchange.

Provision for effecting consolidations of land within the Spokane Indian Reservation in Washington into the ownership of the individual tribal members and for the planning and preserving an economic Indian use, alleviating problems of Indians and assisting in the productive leasing, and other use of tribal lands, the Secretary is authorized in his discretion to acquire for the Spokane Tribe of Indians any such tribe and to otherwise acquire, exchange, or relinquishment any lands and improvements thereon within the Spokane Indian Reservation.

Approve sales of any tribal trust lands, and improvements thereon.

Acquire any tribal trust lands, including improvements or improvements thereon, for any purpose within such reservation.

Indian trust lands.

Secretary of the Interior is authorized to sell any individual Indian trust lands held in common to the Spokane Tribe or to individual members thereof if the sale or exchange is in writing by owners of at least a majority in such lands; except that no greater approval of individual Indians shall be required under this section than in any other case where a general application approved by Congress.

Liability; value limitation.

Lands, or any interests therein, acquired under this section by the Spokane Tribe or individual members thereof, shall be taken into the United States of America in trust for the Spokane Tribe or individual Indian, and shall be treated as other tribal and allotted Indian trust lands within the Spokane Reservation; *Provided, however,* that the value on nontrust lands, or non-Indian land, acquired under this section by the Spokane Tribe during any twelve-month period shall not exceed the value of lands, or interests therein, that passed in any manner from a non-Indian status to a taxable fee status within

the boundaries of the Spokane Reservation in Stevens County, Washington, during the twelve-month period preceding acquisition by the tribe.

(d) Lands held by mortgage or deed of trust.

That any tribal land that may be sold pursuant to this section may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust and shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to any such proceeding with the right of removal of the clause to the United States district court for the district in which the land is located, following the procedure in section 1446 of Title 28: *Provided, That* the United States shall have the right to appeal from any order of remand in the case.

(e) Acquisition and sale procedures; land purchase and consolidation program.

The acquisition and sale of lands for the Spokane Tribe pursuant to this section shall be upon request of the business council of the Spokane Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a land purchase and consolidation plan approved by the Secretary of the Interior, and except as it may otherwise be authorized or prescribed by the Secretary, shall be limited to lands situated within the boundary of the Spokane Reservation. Such acquisition by the Spokane Tribe, or individual members thereof, may be achieved by exchange of lands with Indians or non-Indians as well as outright purchase, with adjusting payments to approximate equal value. Moneys or credits received by the tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land purchase and consolidation program, approved by the Secretary of the Interior. (Pub. L. 90-335, § 1(a)-(e), June 10, 1906, 32 Stat. 174.)

INDIANS OF ALASKA

§ 491. Annette Islands reserved for Metlakahla Indians.

Until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in southeastern Alaska on the north side of Dixon's entrance, is set apart as a reservation for the use of the Metlakahla Indians, and those people known as Metlakahlans who, on March 3, 1891, had recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior. (Mar. 3, 1891, ch. 561, § 15, 26 Stat. 1101.)

CROSS REFERENCES

Annette Islands excepted from the operation of provisions of act May 14, 1898, ch. 299, see section 687a-5 of Title 43, Public Lands.

Lands in Annette Islands excepted from homestead settlement and entry, see section 270-15 of Title 43, Public Lands.

§ 492. Designation of land for Indian reservation.

The Secretary of the Interior is authorized to designate as an Indian reservation any area of land which has been reserved for the use and occupancy of Indians or Eskimos by section 280a of this title, or by section 14 of the Act of March 3, 1891 (26 Stat. 1101), or section 491 of this title, or which was reserved prior to May 1, 1936 under any executive order and placed under the jurisdiction of the Department of the Interior or any bureau thereof, together with additional public lands adjacent thereto, within the Territory of Alaska, or any other public lands which are actually occupied by Indians or Eskimos within said Territory: *Provided*, That the designation by the Secretary of the Interior of any such area of land as a reservation shall be effective only upon its approval by the vote, by secret ballot, of a majority of the Indian or Eskimo residents thereof who vote at a special election duly called by the Secretary of the Interior upon thirty days' notice: *Provided, however*, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote: *Provided further*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied. (May 1, 1936, ch. 254, § 2, 49 Stat. 1250.)

REFERENCES IN TEXT

Section 14 of the Act of March 3, 1891 (26 Stat. 1101), referred to in the text, was not classified to the Code.

CROSS REFERENCES

Right-of-way grant, consent of tribal officials, see section 324 of this title.

KLAMATH TRIBE: TERMINATION OF FEDERAL SUPERVISION

§ 564n. Protection of minors, persons non compos mentis and other members needing assistance; guardians; other adequate means; trusts; annuities; assistance factors; contests.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 565a of this title.

KLAMATH TRIBE: DISTRIBUTION OF JUDGMENT FUND (NEW)

§ 565. Authorization to distribute funds.

That the Secretary of the Interior is authorized and directed to distribute in accordance with the provisions of sections 565—565g of this title the funds appropriated in satisfaction of a judgment obtained by the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, hereinafter called the Klamath Tribe for the purposes of the administration of sections 565—565g of this title, from the Indian Claims Commission against the United States in docket numbered 100, and all other funds heretofore or hereafter deposited in the United States Treasury to the credit of the Klamath Tribe or any of its constituent parts or groups, except the funds heretofore or hereafter set aside for the purpose of paying the usual and necessary

expenses of prosecuting claims against the United States. (Pub. L. 89-224, § 1, Oct. 1, 1965, 79 Stat. 897.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 565f, 565g of this title.

§ 565a. Distribution to persons on final roll: payment of shares due living adults, deceased enrollees, adults under legal disabilities, persons in need of assistance, and minors.

(a) A distribution shall be made of the funds resulting from docket numbered 100, including interest, after deducting litigation expenses and estimated costs of distribution to all persons whose names appear on the final roll of the Klamath Tribe, when the roll was closed and made final as of August 13, 1954 (68 Stat. 718). Except as provided in sections (b), (c), (d), and (e) of this section, a share or portion of a share payable to a living enrollee shall be paid directly to such adult; (b) a share payable to a deceased enrollee shall be paid to his heirs or legatees upon the filing of proof of heirship and inheritance satisfactory to the Secretary of the Interior, whose findings and determinations on such proof shall be final and conclusive: *Provided*, That amounts payable to deceased heirs amounting to \$5 or less shall not be paid, and such amounts shall remain in the United States Treasury to the credit of the Klamath Tribe; (c) a share payable to an adult under legal disability shall be paid to his legal representative; (d) a share payable to a person previously found to be in need of assistance under the provisions of section 564n of this title may be paid directly to the individual or, if the Secretary deems it in the best interest of the individual, it may be added to the trust now in force on behalf of the said individual, with concurrent consent of the trustee; and (e) a share or portion of a share payable to a person under age of majority as determined by the laws of the State of residence shall be paid to a parent, legal guardian, or trustee of such minor. (Pub. L. 89-224, § 2, Oct. 1, 1965, 79 Stat. 897.)

REFERENCES IN TEXT

68 Stat. 718, referred to in subsec. (a) of this section is a reference to section 3 of act Aug. 13, 1954, which was classified to section 564b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 565, 565c, 565e, 565f, 565g of this title.

§ 565b. Time of payment; claims for shares of deceased enrollees.

Within sixty days of October 1, 1965, the Secretary of the Interior shall commence to pay the share due to each living person whose name appears on the final roll of August 13, 1954. As to persons who have died since promulgation of the final roll of August 13, 1954, the Secretary shall give notice of distribution of funds and a form for presentation of a claim thereunder to all known heirs or legatees of such deceased enrollees. All claims shall be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within two years following October 1, 1965. From and after that date, all claims and the right to