

S B

115

SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 115

SPONSOR Duncan

BILL TITLE Create AK Native Affairs Commission

DATE REFERRED 1-13-89

HEARING SCHEDULED 2-24-89

FISCAL NOTE PREPARED

SPONSOR CONTACTED Dale 4766

INTERESTED PARTIES CONTACTED

will check & call back
 Sheila ^{Karen} Gottehrer, Bds + Commission } 3500
 Linda Perez, Admin. Services } Gov's office
 Sherry Kochman, Leg. Office ^{Mike Natch} }

AFN, Janie Leask [274-3611] Phone hook-up

Dale will call: ^{yes} AFN, Julie Kitka 274-3611
 Klingit Haida
 VANB, Richard Stitt

586-1432
 Andy Ebara, ANB
 Ed Thomas, Te H
 Ron Williams, ANB

OTHER
 SB115 SEC. TXT = sectional

9 appointed members + 6 Executive Branch
Travel & per diem
study, research, disseminate...
Annual report → Leg/Gov (Jan. 15)
BY DUNCAN, ZHAROFF AND
ELIASON

1 IN THE SENATE

2 SENATE BILL NO. 115

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating an Alaska Native Affairs Commis-
7 sion."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 44.19 is amended by adding new sections to read:

10 ARTICLE 17. ALASKA NATIVE AFFAIRS COMMISSION.

11 Sec. 44.19.561. CREATION OF COMMISSION. (a) There is created
12 in the Office of the Governor the Alaska Native Affairs Commission.
13 The commission consists of the attorney general, the commissioner of
14 commerce and economic development, the commissioner of community and
15 regional affairs, the commissioner of education, the commissioner of
16 fish and game, and the commissioner of health and social services, or
17 their designees, and nine members appointed by the governor.

18 (b) The members appointed by the governor under (a) of this
19 section shall be residents of the state. In making the appointments,
20 the governor shall consider

21 (1) the recommendations made by Alaska Native corporations,
22 Alaska Native nonprofit associations, Alaska Native fraternal orga-
23 nizations, and other groups and persons having an interest in Alaska
24 Native affairs;

25 (2) statewide geographical representation on the commis-
26 sion.

27 Sec. 44.19.562. MEETINGS. A majority of the members constitutes
28 a quorum for conducting business and exercising the powers of the
29 commission. The commission shall meet at the call of the chair, at

1 the request of a majority of the members, or at a regularly scheduled
2 time as determined by a majority of the members.

3 Sec. 44.19.563. TERM OF OFFICE AND COMPENSATION. (a) Each
4 appointed member shall serve a term of four years. A vacancy shall be
5 filled for the balance of the unexpired term in the same manner as
6 original appointments.

7 (b) Members of the commission do not receive compensation for
8 their services but are entitled to per diem and travel expenses author-
9 ized by law for commissions under AS 39.20.180.

10 Sec. 44.19.564. POWERS AND DUTIES. (a) The commission may

11 (1) study and analyze all facts relating to laws, regula-
12 tions, and guidelines with respect to Alaska Native affairs, including
13 issues of health, education, and economic development;

14 (2) act as a clearinghouse and coordinating body for mat-
15 ters concerning Alaska Natives and the state and for information
16 relating to the affairs of Alaska Natives;

17 (3) cooperate with public and private agencies in joint
18 efforts to study and resolve problems of Alaska Natives in the state;

19 (4) disseminate the results of research and data compiled
20 by the commission by publication and other methods such as public
21 hearings, conferences, and seminars;

22 (5) recommend legislative and administrative action on
23 matters relating to Alaska Native affairs;

24 (6) select and retain the services of consultants whose
25 advice is necessary to assist the commission in obtaining information;

26 (7) establish standing committees among the members to
27 investigate and make recommendations on issues of concern;

28 (8) create task forces composed of commission members and
29 other experts;

*Staff
see p. 77*

1 (9) accept monetary gifts or grants from the federal gov-
2 ernment, private corporations, charitable foundations, professional
3 associations, or other sources for implementation of programs neces-
4 sary or desirable for carrying out the general purposes of the commis-
5 sion;

6 (10) hire an executive director and additional administra-
7 tive staff as necessary to the commission's function.

8 (b) The commission shall elect one of its appointed members as
9 chair and may select other commission officers as it considers neces-
10 sary.

11 (c) By January 15 of each year the commission shall file a
12 report with the governor and the legislature of its proceedings for
13 the previous calendar year and shall submit recommendations for
14 legislative and administrative action.

15 * Sec. 2. Notwithstanding AS 44.19.563, enacted by sec. 1 of this Act,
16 the governor shall set the terms of the initial nine members of the Alaska
17 Native Affairs Commission appointed under AS 44.19.561, enacted by sec. 1
18 of this Act, so that three members serve for one year, three members serve
19 for two years, and three members serve for three years.

ALASKA NATIVE AFFAIRS COMMISSION

" An Act creating an Alaska Native Affairs Commission."

Section 1.

CREATION OF THE COMMISSION

THE ALASKA NATIVE AFFAIRS COMMISSION is created in the office of the Governor. The Commission membership includes from State government, the Attorney General, the Commissioner of Commerce and Economic Development, the Commissioner of Community and Regional Affairs, the Commissioner of Education, the Commissioner of Fish and Game, and the Commissioner of Health and Social Services. The Governor, considering statewide geographical representation, also appoints nine other Alaskans to serve on the Commission. These appointments are made from recommendations of the Alaska Native corporations, Alaska Native nonprofit associations, Alaska Native fraternal organizations, and others having interest in Native affairs.

MEETINGS of the Commission shall be at the call of the chair, at the request of a majority of the members, or at a regularly scheduled time as determined by a majority of the members. A majority of the members constituted a quorum for conducting the Commission's business.

MEMBERS of the Commission appointed by the Governor serve a four year term. Vacancies shall be filled for the balance of the unexpired term for the vacant seat. Commission members are not entitled to compensation but may receive per diem and travel expenses.

POWERS AND DUTIES of the Commission provide that it may:

(1) study and analyze all facts relating to laws, regulations, and guidelines with respect to Alaska Native affairs, including issues of health, education, and economic development;

(2) act as a clearing house and coordinating body for matters concerning Alaska Natives and the state and for information relating to the affairs of Alaska Natives;

(3) cooperate with public and private agencies in joint efforts to study and resolve problems of Alaska Natives in the state;

(4) disseminate the results of research and data compiled by the Commission by publication and other methods such as public hearings, conferences, and seminars;

(5) recommend legislative and administrative action on matters relating to Alaska Native affairs;

(6) select and retain the services of consultants whose advice is necessary to assist the Commission in obtaining information;

(7) establish standing committees among the members to investigate and make recommendations on issues of concern;

(8) create task forces composed of Commission members and other experts;

(9) accept monetary gifts or grants from the federal government, private corporations, charitable foundations, professional associations, or other sources for implementation of programs necessary or desirable for carrying out the general purposes of the Commission;

(10) hire an executive director and additional administrative staff as necessary to the Commission's function.

CHAIR of the Commission shall be elected from the members who are appointed to serve and any other officers may be selected as is necessary.

REPORTS of the Commission's activities are required to be filed with the Governor and the legislature by January 15 of each year. In addition the Commission shall submit recommendations for legislative and administrative action.

SECTION 2.

TERMS OF MEMBERSHIP for the initial nine members appointed to the Alaska Native Affairs Commission shall be staggered so that three members serve for one year, three members serve for two years, and three members serve for three years.

NEWS RELEASE

JANUARY 16, 1989

CONTACT:

DALE STALEY

465-4766

JUNEAU --- A BILL TO ESTABLISH AN ALASKA NATIVE AFFAIRS COMMISSION WAS INTRODUCED FRIDAY IN THE ALASKA STATE SENATE.

THE PRIME SPONSOR OF THE LEGISLATION, JUNEAU SENATOR JIM DUNCAN, SAID, "THE CREATION OF THE ALASKA NATIVE AFFAIRS COMMISSION WILL PROVIDE A STRUCTURED ORGANIZATION OF SIX ADMINISTRATION OFFICIALS AND NINE OTHER PERSONS INTERESTED IN ALASKA NATIVE AFFAIRS WHO WILL REPRESENT ALASKA NATIVE INTEREST STATEWIDE." THE LEGISLATION IS A RESPONSE TO CONCERNS EXPRESSED BY THE ALASKA NATIVE BROTHERHOOD & SISTERHOOD AND THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA.

DUNCAN SAID, "35 OTHER STATES HAVE ESTABLISHED COMMISSIONS SIMILAR TO THIS AND MOST OF THOSE STATES HAVE LESS THAN HALF THE INDIGENOUS POPULATION WE HAVE IN ALASKA."

MORE MORE MORE

PAGE 2

BOTH THE ALASKA NATIVE BROTHERHOOD & SISTERHOOD AND THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA HAVE PASSED RESOLUTIONS SUPPORTING THE ESTABLISHMENT OF AN ALASKA NATIVE AFFAIRS COMMISSION. THESE RESOLUTIONS STRESS THE NEED FOR A SINGLE AGENCY DEALING SPECIFICALLY WITH ALASKA NATIVE RELATIONSHIPS WITH STATE GOVERNMENT.

SENATOR DUNCAN EXPLAINED, "IT IS IMPORTANT THAT A STATE LEVEL COMMISSION BE CREATED THAT CAN HELP COORDINATE STATE AGENCY POLICIES THAT DEAL WITH ALASKA NATIVE ISSUES. THE STRUCTURE OF THE PROPOSED COMMISSION WILL ASSIST AGENCIES TO HAVE AN AWARENESS OF HOW WELL THEY ARE ADDRESSING NATIVE ISSUES." THE COMMISSION MEMBERSHIP WILL INCLUDE THE ATTORNEY GENERAL, AND THE COMMISSIONERS OF COMMERCE AND ECONOMIC DEVELOPMENT, COMMUNITY AND REGIONAL AFFAIRS, EDUCATION, FISH AND GAME, AND HEALTH AND SOCIAL SERVICES. IN ADDITION THE GOVERNOR WITH RECOMMENDATIONS FROM ALASKA NATIVE ORGANIZATIONS WILL APPOINT NINE MEMBERS FROM THE GENERAL PUBLIC WHO HAVE AN INTEREST IN ALASKA NATIVE AFFAIRS AND REPRESENT ALL REGIONS OF THE STATE.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

October 3, 1988

MEMORANDUM

TO:

FROM: Karen Oakley *ko*
Legislative Analyst

RE: Native Affairs Commissions in Other States
Research Request 89.028

You are interested in creating an Alaska Natives Affairs Commission and asked what other states have created such commissions. You were specifically interested in whether the commissions were created for short-term or long-term purposes and whether the commissions were established by statute or executive order. You also asked for examples of the missions of the commissions.

In this memorandum, I first discuss the results of my survey of Indian commissions in other states and then present considerations about such a commission in Alaska.

In summary, I found that many states have established commissions on Indian affairs. The majority have been created by legislatures through statute to serve the long-term purpose of solving jurisdictional issues arising from the presence of reservations. Because Alaska does not have reservations (except Metlakatla), and therefore does not face the same types of jurisdictional issues, the impetus for establishment of a Native affairs commission in Alaska is not the same as in other states. Alaska does face other issues involving Alaska Natives, and a Native affairs commission could address these issues. A comprehensive study of the status of Alaska Natives, such as the study done prior to formal establishment of the Alaska Women's Commission, could serve to indicate the usefulness of an Alaska Native Affairs Commission.

October 3, 1988

Page 2

INDIAN AFFAIRS COMMISSIONS IN OTHER STATES

At least 28 states have created a formal Indian affairs agency, commission or office. In the remaining states, including Alaska, the governor's office typically provides any Indian affairs liaison or coordination services needed. I sent questionnaires to the 28 states with commissions or offices, and 15 states responded. Table 1 presents basic information about the commissions which responded to the survey. Attachments A through O provide the statutes or executive orders creating the commissions for each of the responding states. The attachments also include any annual reports or other informational materials returned with the questionnaire. Below, the general features of the commissions and agencies are discussed.

Commission Establishment

Most Indian affairs commissions are relatively long-standing institutions. Of the 15 Indian affairs commissions or offices studied, four were established in the 1950s, four in the 1960s and seven in the 1970s. All but one of the existing commissions have been established in statute; only the Washington Office of Indian Affairs was created by executive order. The Louisiana Commission on Indian Affairs was originally created by executive order, but was later established in statute. All of the states responding to the survey noted that their commissions or offices were established to meet long-term goals.

Commission Types

The Indian affairs commissions and offices studied are of three general types:

- 1) an independent commission, generally with an executive director and other support staff (Arizona, Nevada, New Mexico, Oregon, Texas, Virginia);
- 2). a council or commission within another executive branch agency which may or may not have staff dedicated to the commission (Colorado, Connecticut, Louisiana, Massachusetts, Nebraska, North Carolina, Utah); or
- 3) an office of Indian affairs, either in the Governor's office or another executive branch agency, without a commission (Montana, Washington).

TABLE 1
STATE NATIVE COMMISSIONS: BASIC INFORMATION

STATE	INDIAN POPULATION	NUMBER OF FEDERALLY-RECOGNIZED TRIBES	YEAR COMMISSION CREATED	COMMISSION NAME	LOCATION IN STATE GOVERNMENT	HOW CREATED	COMMISSION				STAFF AND BUDGET			ATTACHMENT
							NUMBER OF MEMBERS	HOW SELECTED	MEETING FREQUENCY	PAY	EXECUTIVE DIRECTOR	OTHER STAFF	FY 88 BUDGET	
Arizona	200,000	18	1953	Arizona Commission on Indian Affairs	Independent	statute	15 (see Note 2)	appointed by governor	quarterly	\$30/day plus per diem	appointed by governor	2.5	\$165,000	A
Colorado	21,015	2	1976	Colorado Commission of Indian Affairs	Office of the Lieutenant Governor	statute	14	(see Note 3)	quarterly	none	appointed by commission and must be Indian	1	50,000	B
Connecticut	4,500	1	1973	Connecticut Indian Affairs Council	Dept. of Environmental Protection	statute	8	5 appointed by tribes; 3 by governor	monthly	\$25/day plus mileage	none	1	10,000	C
Louisiana	11,000	3	1972	Governor's Commission on Indian Affairs	Office of the Governor (see Note 4)	statute	9 (all Indians)	appointed by governor	quarterly	some travel	appointed by governor	2	96,641	D
Massachusetts	15,000	1	1974	Commission on Indian Affairs	Executive Office of Administration and Finance	statute	7 (all Indians)	appointed by governor	monthly	none	none	2	94,980	E
Montana	40,000	7	1951	State Coordinator of Indian Affairs	Dept. of Commerce	statute	see Note 5					1	81,200	F
Nebraska	26,000	3	1970	Commission on Indian Affairs	Dept. of Economic Development	statute	15 (all Indians)	appointed by governor from tribal nominees	quarterly	\$35/per day plus expenses	appointed by governor and must be Indian	3	101,000	G
Nevada	14,700	24	1965	Nevada Indian Commission	Independent	statute	5 (3 Indians)	appointed by governor	quarterly	\$50/meeting	appointed by governor	1.5	105,820	H

TABLE 1 (Continued)

STATE NATIVE COMMISSIONS: BASIC INFORMATION

STATE	INDIAN POPULATION	NUMBER OF FEDERALLY-RECOGNIZED TRIBES	YEAR COMMISSION CREATED	COMMISSION NAME	LOCATION IN STATE GOVERNMENT	HOW CREATED	COMMISSION				STAFF AND BUDGET			ATTACHMENT
							NUMBER OF MEMBERS	HOW SELECTED	MEETING FREQUENCY	PAY	EXECUTIVE DIRECTOR	OTHER STAFF	FY 88 BUDGET	
New Mexico	130,000	22	1955	Commission on Indian Affairs	Independent	statute	10 (8 Indians)	appointed by governor from tribal nominees	quarterly	\$58/day plus 22 cents/mile	appointed by commission	6	280,000	I
North Carolina	64,635	1	1971	Commission on Indian Affairs	Dept. of Administration	statute	24 (see Note 6)	popular vote of tribes; appointed by governor	quarterly	none	appointed by commission and must be Indian	48	3,500,000	J
Oregon	27,000	8	1975	Commission on Indian Services	Independent	statute	12 (see Note 6)	appointed by Speaker and President from tribal nominees	quarterly	expenses	appointed by commission	1	183,931 (FY 87-88 biennium)	K
Texas	65,000	3	1967	Texas Indian Commission	Independent	statute	3 (1 Indian)	appointed by governor	quarterly	\$30/day plus travel expenses	appointed by commission	2	84,000	L
Utah	20,000	7	1967	Board of Indian Affairs	Dept. of Community and Economic Development	statute	9 (6 Indians)	appointed by governor; confirmed by Senate	7 plus 4 to 5 special	\$75/day plus travel and per diem	appointed by board with concurrence of governor and Dept. head	1	100,000	M

TABLE 1 (Continued)
STATE NATIVE COMMISSIONS: BASIC INFORMATION

STATE	INDIAN POPULATION	NUMBER OF FEDERALLY-RECOGNIZED TRIBES	YEAR COMMISSION CREATED	COMMISSION NAME	LOCATION IN STATE GOVERNMENT	HOW CREATED	COMMISSION				STAFF AND BUDGET			ATTACHMENT
							NUMBER OF MEMBERS	HOW SELECTED	MEETING FREQUENCY	PAY	EXECUTIVE DIRECTOR	OTHER STAFF	FY 88 BUDGET	
Virginia	9,500	0	1983	Virginia Council on Indians	Independent	statute	10 (5 Indians)	appointed by governor	quarterly	travel expenses	currently none; hired by council subject to funding	0.5	3,000	N
Washington	58,186	26	1969	Governor's Office of Indian Affairs	Office of the Governor	executive order		(No Commission)			appointed by governor	2	281,000 (FY 87-88 biennium)	0

NOTES:

1. The information in the table was provided by each commission or agency in response to a survey conducted by the House Research Agency, August 1988.
2. The Arizona commission consists of 7 Indians appointed by the governor from names submitted by the tribes, two non-Indians appointed by the governor, the governor, the superintendent of Public Instruction, the director of the Department of Health Services, the director of the Department of Transportation, the Attorney General and the director of Economic Security.
3. The Colorado commission consists of the lieutenant governor, director of Department of Social Services, the director of the Department of Health, the director of the Department of Natural Resources, the director of the Department of Local Affairs, two official representatives of the Ute tribes and two at-large members elected by the commission.
4. The Louisiana commission was originally created by executive order. In 1980, the commission was created in statute, and the commission was placed within the Department of Urban and Community Affairs. In 1987, the commission was placed in the Office of the Governor.
5. The Montana State Coordinator of Indian Affairs is appointed by the governor from a list of five qualified Indian applicants submitted by the tribal councils. Montana does not have an Indian commission.
6. The North Carolina commission consists of 17 Indians elected by the various North Carolina tribes, one person appointed by the Speaker of the House, one person appointed by the Senate President, the Secretary of Human Resources, the director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Natural Resources and the Community Development and the Commission of Labor.
7. The Oregon commission consists of 10 Indians selected by the Speaker of the House and the Senate President from tribal nominees, one member of the Senate, member of the House of Representatives.

Prepared by the House Research Agency, October 1988 (89.028).

Commission Membership

The number of commission members varied from three members (Texas) to 24 members (North Carolina); the majority have commissions composed of between nine and 15 members. All of the commissions are required to have Indian members, and the tribal composition of the commission is frequently specified in statute. The number of Indians required to be appointed to the commissions and their method of appointment varies. Texas requires that one of the three commissioners be Indian, while Louisiana, Massachusetts and Nebraska require that all commissioners be Indian. In eight states, the governor is given the authority to appoint the commissioners. In three states, the commissioners are appointed by the governor (or the legislature) from lists of nominees submitted by the tribes. In three states (Colorado, North Carolina and Connecticut), the tribes elect their own representatives to serve on the commissions.

In addition to Indian members and other at-large members, the commissions of Arizona, Colorado, North Carolina and Oregon include executive branch department heads. The Oregon commission also includes members of the legislature.

Meeting Frequency

The commissions are generally required by statute to meet at least quarterly or monthly. The commissions may meet more often if necessary.

Remuneration of Commission Members

Remuneration of commission members varies from none to \$75 per day plus expenses. Most states pay, at minimum, travel expenses plus \$30 to \$50 per day. Commission members that are also executive branch appointees are not paid extra for their attendance at commission meetings.

Commission Staff and Budgets

Most of the commissions employ an executive director and one or two other staff. The directors are appointed either by the governor or by the commission. Colorado, Nebraska and North Carolina require that the executive director be Indian.

The FY 88 budgets of most of the commissions are in the \$100,000 to \$200,000 range. The Virginia and Connecticut commissions are funded at a very low level--less than \$10,000.

October 3, 1988

Page 7

The North Carolina commission--with 49 employees, 10 field offices and a budget of \$3.5 million--is unique among the commissions. According to Dave McCoy, Assistant Director of the North Carolina Commission on Indian Affairs, only \$500,000 of their budget is state general funds. The remaining \$3 million is mostly federal block grant monies which the commission uses to implement specific programs. The North Carolina commission started out with modest budgets--\$12,500 in 1976--but over the years has aggressively pursued other sources of money to carry out programs to meet the needs of Indians. In North Carolina, the counties are supposed to provide services to Indians and other residents, but the commission found that many counties were not meeting the needs of the Indians. The commission therefore took over as administrator of many of the federal grant programs, such as housing, day care, adult basic education, drug and substance abuse, and Job Training Partnership Act programs, which are more often administered by local governments. The North Carolina Commission on Indian Affairs is the largest housing authority in North Carolina. The North Carolina commission is also in the process of opening a \$50 million Coastal Tourist Center.

Commission Powers, Duties and Functions

All of the statutes establishing the commissions contain sections addressing the powers, duties and functions of the commissions.¹ All of the commissions have several general purposes, of which the most often stated purpose was

- to coordinate intergovernmental dealings between tribes and the state.

Frequently, the commissions were also mandated by statute to

- assemble facts and investigate problems,
- make recommendations to the governor and/or the legislature, and
- produce an annual or biennial report.

Most of the commissions are legal entities with the power to receive and administer funds, to enter into contracts for the provision of services, to adopt regulations, and to administer programs. At least two of the commissions were given specific responsibilities with regard to program administration. For example, the Utah Board of Indian Affairs was given the authority to expend moneys received by the State of Utah from the federal government pursuant to a 1933 act extending the Navajo Indian reservation. Other commissions and offices were not given this kind of power and thus serve in a purely advisory, liaison or promotional role.

¹See Attachments A through O for copies of the statutes and specific mission statements.

Current Issues of Concern to the Commissions

The annual reports submitted by many of the commissions provided information on the issues of current concern to the commissions. The most commonly cited issues were jurisdictional--relating to the proper roles of state, federal and tribal governments in dealing with Indian affairs. Other common issues or concerns were Indian burial sites, water rights and quality, economic development on reservations, defining "Indians" for the purposes of state programs, housing, child welfare, taxation, education, and corrections.

CONSIDERATIONS FOR A COMMISSION ON ALASKA NATIVE AFFAIRS

Status of Alaska Natives: Effect on the Need for a Commission

In other states, Indian affairs commissions have been established to address jurisdictional problems which do not, for the most part, exist in Alaska. Under federal Indian law, American Indian tribes retain certain internal powers of self-government. In the continental United States, most Indian tribes have a government-to-government relationship with the federal government. Most Indians also reside on reservations. For states, the special status of Indian citizens relative to the federal government and the presence of often large areas of "Indian Country" within their borders created complicated jurisdictional problems. States established Indian affairs commissions to provide a forum for addressing these problems.

In comparison to the Indian tribes of other states, Alaska Natives have a fundamentally different relationship with the federal government. At the time that Alaska became a territory of the United States, reservations were out of favor, and only a few reserves were ever established in Alaska. All but one of these reservations, Metlakatla, were revoked in 1971 with passage of the Alaska Native Claims Settlement Act (ANCSA). The ANCSA, which settled the land claims of Alaska Natives through grants of land and money, had assimilationist goals. Except for Metlakatla, the State of Alaska does not consider that Indian Country exists in Alaska.² Thus, the State of Alaska has not been faced with the type of jurisdictional problems that other states have faced and which have encouraged the establishment of Indian affairs commissions.

²Although the state staunchly maintains that Indian Country does not exist in Alaska except in Metlakatla, some proponents of Native sovereignty argue that there is Indian Country in Alaska. The state is currently involved in several lawsuits involving the sovereignty issue. See House Research Memorandum 88.192 (Attachment P) for further information on this topic.

October 3, 1988

Page 9

Current Method of Addressing Alaska Native Issues

Recent Alaska governors have typically assigned one of their special assistants responsibility for following and dealing with Alaska Native issues. Sandra Borbridge held this position under Governor Sheffield, and Rosita Worl holds this position under Governor Cowper. In addition to following Alaska Native issues, Ms. Worl is also responsible for a variety of other issues, including those involving the Departments of Community and Regional Affairs, Military Affairs, Education, Transportation and Public Facilities, Law, and the University of Alaska.

Commissions in Alaska Generally

Currently, there over 100 boards and commissions in Alaska. Generally, commissions are established by statute in Title 44 (State Government) either under the Office of the Governor or under the department which administers the board or commission. Commissions may also be created by executive order. House Research Memoranda 88.214, 88.156, 86.159, 85.255 and 85.168 provide information on Alaska boards and commissions and are found in Attachment Q.

House Research Memorandum 85.168 provides background information on the Alaska Women's Commission and may be of particular interest. In 1977, the legislature instructed the Human Rights Commission to produce a report on the status of women in Alaska. That study identified several problem areas and recommended establishment of a women's commission to address those problems. Such an approach may be useful in this situation.

I hope you find this information useful. If you need additional information, please let me know.

Attachments are to numerous for copying; may be seen in our office.



Grand Camp
Alaska Native Brotherhood

ALASKA NATIVE BROTHERHOOD EXECUTIVE COMMITTEE
March 5-6, 1987 Meeting
Juneau, Alaska

RESOLUTION NO. 6

TITLE: IN SUPPORT OF THE ESTABLISHMENT OF AN ALASKA NATIVE COMMISSION

WHEREAS; 35 States have established, by statute or executive order, American Indian Commissions, and

WHEREAS; Members to the Commission are Native American leaders selected by the Tribal groups and appointed by the respective Governor, and

WHEREAS; The primary purpose for the creation of a Commission is to improve relations between the State and Indian groups, and

WHEREAS; In carrying out it's charge, the Commission's staff acts as the coordinating agency for intergovernmental programs concerning Indians and the State, and assists in setting the policy for, and acts as the clearinghouse for, all State programs affecting Indian people in the State, and

WHEREAS; Most Commissions have the authority to investigate, study and act upon the entire subject of Indian conditions and relations within a State, including, but not restricted to, issues of health, education, economic development and legislation, and

WHEREAS; Alaska Natives, age 16 years and older, number 85,818 in the State of Alaska, according to BIA figures, and

WHEREAS, There is no existing single agency dealing specifically with Alaska Native relationships with State government, now therefore,

Past ANB Grand Presidents
Dr. Alfred Widmark
Patrick J. Paul
Thomas Jackson

John Hope
Frank See
Dr. Walter Soboleff

Richard Still
Steven V. Hclch
Nelson D. Frank

Frank O. Williams
Herbert Hope
Robert R. Martin

Roy Peratrovich, Grand President Emeritus
Dr. Cyrus Peck, Sr., Grand Secretary Emeritus
Dr. Mildred Sparks, ANS Grand President Emerita

RESOLUTION NO. 6

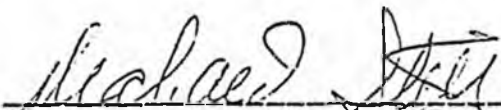
Page 2

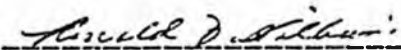
BE IT RESOLVED; By the Executive Committee of the Alaska Native Brotherhood, meeting in Juneau, Alaska, March 5-6, 1987, go on record as requesting the State Legislature to enact legislation creating an Alaska Native Affairs Commission, and

BE IT FURTHER RESOLVED, That the powers and duties of the Commission be modeled upon similar commissions in other States.

ATTEST:

I certify that this resolution was adopted by the ANB Executive Committee during meetings in Juneau, Alaska, March 5-6, 1987.


Richard Stitt, Grand President


for Albert Kookesh, Grand Secretary

ALASKA NATIVE BROTHERHOOD & SISTERHOOD

GRAND CAMP

POLICY STATEMENT

ISSUE:

The Governor has developed and announced a "Native Policy Statement" outlining the present status of the State's relationship with Alaska Natives, and the policies of the Cowper administration on Native issues.

RECOMMENDATIONS:

1. The Grand Camp President shall monitor the implementation of the Native Policy Statement.
2. The Local Camps shall review and analyze how the Native Policy affects their communities and report their findings to the Grand Camp President.
3. Strongly recommend that the Governor's Special Staff Assistant for Native Affairs monitor the implementation of the Native Policy Statement and report the findings to the ANB/ANS, Tlingit-Haida, AFN and other affected entities.
4. Each Commissioner should prepare an initial status report on how the Native Policy is implemented within its department; the changes and the financial resources that are needed to implement the Native Policy; and should report to the Governor on a regular basis the progress of implementation.
5. The State of Alaska should establish a Native Affairs Commission, per Senator Duncan's proposed legislation.
6. Compliment Governor Steve Cowper for his progressive effort in adopting the first comprehensive statement on Native Policy for the State of Alaska.

REFERRED TO STATE/FEDERAL COMMITTEE - ANDREW EBONA -CHAIRMAN
COMMITTEE RECOMMENDATION: DO PASS
ADOPTED BY ANB/ANS CONVENTION 11-19-88



CENTRAL COUNCIL

tlingit and haida indian TRIBES of alaska
320 West Willoughby Avenue • Suite 300
Juneau, Alaska 99801

FIFTY-SECOND GENERAL ASSEMBLY
Central Council of Tlingit and Haida Indian Tribes of Alaska
April 16-18, 1987
Juneau, Alaska

Resolution 87/88-18

Title: Creation of an Alaska Native Affairs Commission

Submitted by: Delegates Robert Loescher and Andrew Ebona

WHEREAS, the Executive Committee of the ANB Grand Camp has approved a resolution to request the Legislature to enact legislation creating an Alaska Native Affairs Commission; and

WHEREAS, the concept of such a commission at the State level could only help to develop policy in dealing with Alaska Native issues; and

WHEREAS, 35 other states, most with less than half the indigenous population than Alaska have established such commissions; and

WHEREAS, there are many models to choose from in setting up a commission;

WHEREAS, Alaska Natives age 16 years and older number 85,818 in the State of Alaska according to BIA figures; and

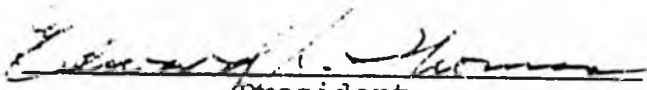
WHEREAS, there is no existing single agency dealing specifically with Alaska Native relationships with State government;

NOW, THEREFORE, BE IT RESOLVED by the Central Council in its Annual Assembly go on record as supporting the ANB Grand Camp Executive Committee resolution asking for the creation of an Alaska Native Commission; and

BE IT FURTHER RESOLVED, that copies of the resolution be sent to the Honorable Governor Steve Cowper, Senator Jim Duncan, Legislative Bush Caucus, Grand Camp President ANB Richard Stitt, RurALCAP President Gordon Jackson, and SEACAP President Miles Murphy.

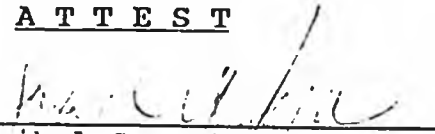
ADOPTED this 18th day of April, 1987, by the Fifty-Second General Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska, in session at Juneau, Alaska.

C E R T I F I E D



President

A T T E S T



Tribal Secretary

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act creating an Alaska
 Native Affairs Commission."
 Sponsor: Duncan, Zharoff, Eliason
 Requestor: Senator Duncan

Agency Affected: Office of the Governor
 BRU: Commissions/Special Offices

Components: Alaska Native Affairs
 Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		157.6	162.5	167.5	172.7	178.0
TRAVEL		88.7	88.7	88.7	88.7	88.7
CONTRACTUAL		110.8	96.6	36.6	36.6	36.6
SUPPLIES		3.7	2.5	2.5	2.5	2.5
EQUIPMENT		43.5	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		404.3	351.3	296.3	301.5	306.8

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		404.3	351.3	296.3	301.5	306.8
FEDERAL FUNDS						
OTHER						
TOTAL		404.3	351.3	296.3	301.5	306.8

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis

Prepared by: Michael A. Nizich, Director *M. Nizich* Phone: 465-3616
 Division: Administrative Services Date: 2/15/89

Approved by Commissioner: Garrev M. Peska *Garrev M. Peska* Date: 2/15/89
 Agency: Office of the Governor

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

PERSONAL SERVICES

Fiscal note assumes Juneau location of commission staff consisting of three positions -- Executive Director, Research Analyst, and Administrative Assistant.

Request for New Position forms are attached. Salaries are shown at step A for FY 90. Personal Services requests for subsequent years include one-step merit increases for all three positions.

TRAVEL 88.7

Travel has been averaged to incorporate travel costs from statewide geographical locations of the public members and assumes five commission meetings across the state.

Juneau:

Public members

travel @ 500/person x 8 people	= 4,000	
per diem @ 80/day x 3 days x 9 people	= 2,160	6,160

Anchorage:

Public members

travel @ 360/person x 8 people	= 2,880	
per diem @ 80/day x 3 days x 9 people	= 2,160	

Administrative staff

travel @ 366/person x 2 people	= 732	
per diem @ 80/day x 3 days x 2 people	= 480	

Departmental members

travel @ 366/person x 6 people	= 2,196	
per diem @ 80/day x 3 days x 6 people	= 1,440	9,888

Fairbanks:

Public members

travel @ 400/person x 8 people	= 3,200	
per diem @ 80/day x 3 days x 9 people	= 2,160	

Administrative staff

travel @ 436/person x 2 people	= 872	
per diem @ 80/day x 3 days x 2 people	= 480	

TRAVEL - continued

(Fairbanks)

Departmental members

travel @ 436/person x 6 people	=	2,616	
per diem @ 80/day x 3 days x 6 people	=	1,440	10,768

Rural (Bethel)

Public members

travel @ 661/person x 8 people	=	5,288	
per diem @ 85/day x 3 days x 9 people	=	2,295	

Administrative staff

travel @ 612/person x 2 people	=	1,224	
per diem @ 85/day x 3 days x 2 people	=	510	

Departmental members

travel @ 612/person x 6 people	=	3,672	
per diem @ 85/day x 3 days x 6 people	=	1,530	14,519

Rural (Nome)

Public members

travel @ 720/person x 8 people	=	5,760	
per diem @ 90/day x 4 days x 9 people	=	3,240	

Administrative staff

travel @ 682/person x 2 people	=	1,364	
per diem @ 90/day x 4 days x 2 people	=	720	

Departmental members

travel @ 682/person x 6 people	=	4,092	
per diem @ 90/day x 4 days x 6 people	=	2,160	17,336

Subtotal:			58,671
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TRAVEL - continued

The proposed legislation provides for the commission to appoint task forces comprised of commission members and other experts. As the number of task forces/members are unknown at this time, an additional amount for travel, per diem, honorariums, etc. is included.

Task force travel/per diem/honorarium reserve	=	30,000
	Total Travel:	88,671

CONTRACTUAL 110.8

Fiscal note assumes Juneau location of commission staff.

Proposed legislation provides for consulting services (see Sec. 44.19.564(6) on page 2) to assist in obtaining information with respect to health, education, and economic development issues. Fiscal note assumes professional services contracts for related research through FY 91.

Professional Services:

3 contracts @ 20,000	=	60,000
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Communication:

Telephone (toll costs, base/local fixed costs, centrex network costs) 600/mo x 12 months	=	7,200	
Telecopier charges, 25/mo x 12 months	=	300	
Teleconference charges, 5 @ 450	=	2,250	
Postage, 300/mo. x 12 months	=	3,600	13,350

Transportation:

Freight/express charges, 75/mo x 12	=	900
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Advertising, Printing & Binding:

Subscriptions	=	75	
Advertising, 5 meetings x 350 ea.	=	1,750	
Printing, 5 newsletters x 800 ea.	=	4,000	
Annual report forms, misc.	=	13,500	
Photocopy, fixed costs, 55/mo x 12	=	750	
Photocopy, vendor charges	=	660	
		400	21,135

Minor repair/Maintenace:	=	1,200
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CONTRACTUAL - continued

Rental for Space:

Per Depart. of Administration standards:

Executive Director	150.0 sq. ft.	
Research Analyst	83.0 sq. ft.	
Admin. Support Tech.	83.0 sq. ft.	

Total of 316 sq.ft. x 3.75/sf x 12 mos.	=	14,220
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Total Contractual:		110,805
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SUPPLIES AND MATERIALS 3.7

Office and library supplies, 300/mo x 12	=	3,600	
Data processing supplies	=	100	3,700

EQUIPMENT 43.5

Communication Equipment:

network hookup, 3 stations x 1500	=	4,500	
1 controller/modem	=	5,000	
3 position phone system	=	1,500	11,000

Data Processing Equipment:

3 PC workstations @ 4500	=		13,500
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Furniture/Office Equipment:

3 Desks, chairs, etc., @ 5,000	=	15,000	
2 5-drawer lateral file cabinets	=	850	
Bookcases	=	350	
Photocopier	=	1,800	
2 calculators	=	150	
typewriter	=	800	18,950

Total Equipment:		43,500
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Position Title Executive Director		No. of Positions 1	Range/Step 23/a	Barg. Unit Partially Exemp
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Type of Expenditure		Amount		
1	2	3		
Salary	52.5			
Benefits	17.5			
Premium Pay				
Other				
Total Personal Services		70.0		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		70.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	70.0		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Justification

The Executive Director will be responsible for coordinating the work of the Commission; preparing the Annual Report; overseeing work production and projects of the Commission; coordination and interaction with state agencies, and other related groups and organizations; serving as liaison between the Commission and the Governor's Office; supervising staff; and other duties as assigned by the Commission and/or the Office of the Governor.

This position is established as a permanent full time, Range 23A, which is comparable with the status of like positions of other similar agencies.

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Native Affairs
 Commission

Page 1 of 3
 Revised Date

FY 90

Position Title Research Analyst		No. of Positions 1	Range/Step 18/A	Barg. Unit Partially Exempt
Time Status PFT	Staff Months 12	Location Juneau		Election District 4
Type of Expenditure		Justification		
		The Research Analyst will be responsible for gathering, compiling, analyzing and reporting on data related to Alaska Native affairs; production of the newsletter; assistance with production of Annual Report responding to requests for information; and other duties as assigned by the Executive Director and/or the Commission.		
		This position is established as permanent full time, Range 18A, which is comparable with the status of like positions of other similar agencies.		
Amount				
1	2	3		
Salary	37.5			
Benefits	14.0			
Premium Pay				
Other				
Total Personal Services		51.5		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		51.5		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	51.5		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Native Affairs
Commission

Page 2 of 3
 Revised Date

FY 90

Position Title Administrative Assistant I		No. of Positions 1	Range/Step 12/A	Barg. Unit Partially Exempt
Time Status PFT	Start Months 12	Location Juneau		Election District 4
Type of Expenditure		Amount		
1	2	3		
Salary	25.0			
Benefits	11.1			
Premium Pay				
Other				
Total Personal Services		36.1		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		36.1		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	36.1		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

Justification

The Administrative Assistant will be responsible for general routine office correspondence and communications; management of the office; travel and other related arrangements for Commission meetings; and other duties as assigned by the Executive Director and/or the Research Analyst.

This position is established as a permanent full time, Range 12A, which is comparable with the status of like positions of other similar agencies.

**Request For
New Position**

Agency Office of the Governor
 BRU Commissions/Special Offices
 Component Alaska Native Affairs
Commission

FY 90

Page 3 of 3
 Revised Date

Alaska State Legislature



SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
FINANCE
VICE CHAIR -
HEALTH EDUCATION
& SOCIAL SERVICES
BUDGET & AUDIT
BANKING &
ECONOMIC
DEVELOPMENT

MEMORANDUM

TO: ~~Senator Pat Pourchot, Chairman~~
~~Senate State Affairs Committee~~

FROM: ~~Senator Jim Duncan~~

SUBJECT: Hearing for SB 115

DATE: January 30, 1989

Please find attached information concerning Senate Bill 115, "An Act creating an Alaska Native Affairs Commission." I have introduced this legislation with the hope of bringing Alaskan government and Native Alaskans closer together.

Several states, most with smaller native populations than the over 85,000 Alaska natives age 16 and older, have some form of Native commission. Most of these are created by statute and are appointed by the governor. The responsibilities of these commissions typically involve serving as an advocate for Native interests coming before state government.

I am requesting your consideration for scheduling a hearing on SB 115 before the Senate State Affairs Committee at your earliest convenience. Please contact Dale Staley of my staff if you need any additional information.

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman
Sen. Al Adams
Sen. Tim Kelly
Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members
FROM: Senator Pat Pourchot, Chairman
RE: February 24 Committee Hearing
DATE: February 23, 1989

On Friday, February 24 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bill:

SB 115, An Act creating an Alaska Native Affairs Commission

SB 115 would establish in the Governor's office a 15 member commission to serve as a coordinating body for matters concerning Alaska Natives. The commission would be charged with studying the problems of Alaska Natives and making recommendations for legislative and administrative action.

The commission would be authorized to hire staff and would be required to submit an annual report. A fiscal note based on five meetings per year and three staff positions is attached.

Sen. Pourchot
Feb. 23, 1989

SB 115 CREATING AN ALASKA NATIVE AFFAIRS COMMISSION

MEMBERS

Attorney General
DCED Commissioner
C&RA Commissioner
DOE Commissioner
ADF&G Commissioner
DHSS Commissioner
9 public members

Governor to consider recommendations
of Native groups; statewide geo-
graphical representation

TERMS

4 years
staggered
per diem and travel, but no compensation

STAFF

executive director and additional staff as necessary

ANNUAL REPORT

by January 15
to Governor and Legislature

DUTIES

study laws
coordinate information
resolve problems
disseminate research results
recommend action

POWERS

create task forces
retain the services of consultants
accept monetary gifts and grants

SB 115 CREATING ALASKA NATIVE AFFAIRS COMMISSION

TO TESTIFY:

SENATOR DUNCAN, SPONSOR (DALE)

SOMEBODY FROM ADMINISTRATION - Jim Plasman, CoRA

RICHARD STITT, ALASKA NATIVE BROTHERHOOD

ED THOMAS, TLINGIT AND HAIDA CENTRAL COUNCIL

ANDY EBONA, ALASKA NATIVE BROTHERHOOD

RON WILLIAMS, ALASKA NATIVE BROTHERHOOD

SOMEBODY FROM A.F.N. -- ~~??~~ Janie Leask on teleconference holding off hearing it (at sponsor's request) because of concerns of AFN + Governor's office.

OTHERS (SEE WITNESS LIST)

F.Y.I.

PETER GOLL HAS SAME BILL IN HOUSE (IN STATE AFFAIRS)

DUNCAN WANTS FISCAL NOTE REDUCED. ASSUMPTIONS INCLUDE 3 STAFF, 5 MEETINGS PER YEAR, TRAVEL COSTS FOR AGENCY MEMBERS, 60.0 IN CONSULTANT CONTRACTS, ETC.

HOUSE RESEARCH REPORT OCT. 1988:

28 STATES HAVE COMMISSIONS ON INDIAN AFFAIRS. MAJORITY CREATED TO ADDRESS JURISDICTIONAL ISSUES ARISING FROM PRESENCE OF RESERVATIONS -- THESE SAME ISSUES DON'T FOR THE MOST PART EXIST IN ALASKA.

REPORT SUGGESTS A COMPREHENSIVE STUDY OF THE STATUS OF ALASKA NATIVES TO INDICATE THE USEFULNESS OF AN ALASKA NATIVE AFFAIRS COMMISSION. (NOTES THAT WOMEN'S COMMISSION WAS OUTGROWTH OF 1977 STUDY BY HUMAN RIGHTS COMMISSION ON STATUS OF WOMEN IN ALASKA; STUDY WAS REQUESTED BY LEGISLATURE.)

ALL OF THE OTHER STATES' COMMISSIONS ARE REQUIRED TO HAVE INDIAN MEMBERS (NOT SB 115).