

**HB**

**71**

**FISCAL NOTE**

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. HB 71**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to involuntary dissolution of Native  
           corporations  
 Sponsor: Representative Foster  
 Requestor: \_\_\_\_\_

Department Affected: Commerce and Economic Development  
 BRU: Banking, Securities and Corporations  
 Component: \_\_\_\_\_  
 COMPONENT SERIAL NO. 1233

**Expenditures/Revenues:**

<b>OPERATING EXPENDITURES</b>	<b>FY 95</b>	<b>FY 96</b>	<b>FY 97</b>	<b>FY 98</b>	<b>FY 99</b>	<b>FY 00</b>
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
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**FUND SOURCE**

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of current year (FY 94) cost: \$ 0

**POSITIONS**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Willis F. Kirkpatrick, Director  
 Division: Banking, Securities and Corporations

Phone: 465-2521  
 Date: \_\_\_\_\_

Approved by Commissioner: Paul Fuhs  
 Agency: Commerce and Economic Development

Date: 2/14/98

**PREPARER TO PRO**  
 For fur:

**DR'S LEGISLATIVE OFFICE**  
 Legislative Office

SPONSOR STATEMENT

HB 71

"An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

Representative Foster

This bill would provide a period of time within which ANCSA corporations that have been involuntarily dissolved because of their failure to file a biennial report could be reinstated.

Corporations affected by this bill would be required to pay appropriate fees as they would normally had they not been delinquent, and, in addition, would also pay any penalties allowable under statute before reinstatement.



# Alaska State Legislature

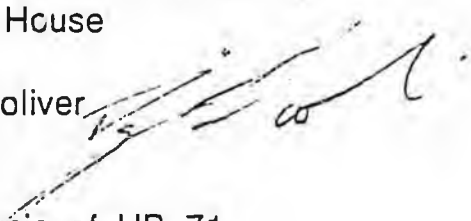
## HOUSE OF REPRESENTATIVES

Official Business

State Capitol  
Juneau, AK 99801-1182

### MEMORANDUM

TO: Representative Ramona L. Barnes  
Speaker of the House

FROM: Douglas A. Wooliver  
Staff Attorney 

SUBJECT: Sectional Analysis of HB 71

DATE: April 16, 1993

The following is a sectional analysis of HB 71; "An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

Section 1 amends AS 10.06.960(i). Title 10 deals with "Corporations and Associations" and chapter 06 deals specifically with the "Alaska Corporations Code." Section 960 is entitled "Corporations organized under Alaska Native Claims Settlement Act."

This amendment updates the reference to the Alaska Native Claims Settlement Act and defines "village corporation" by referencing the federal code.

Section 2 amends AS 10.06.960 by adding 2 new subsections. New subsection (j) allows a village corporation that has been involuntarily dissolved, and has passed the deadline for application for reinstatement, to be reinstated within 1 year of the effective date of this Act. Such reinstatement treats the corporation and its shareholders as if there had never been a dissolution.

New subsection (k) states that if a corporation had been involuntarily dissolved and, before the effective date of this Act, replaced by another corporation of the same name, the replacing corporation assumes all of the rights and responsibilities of the dissolved corporation.

Section 3 clarifies that references in section 2 of this act to "the effective date of this Act" refer to the effective date of this act as established under section 4 and not to the effective date of the Alaska Native Claims Settlement Act.

Section 4 provides for an immediate effective date.

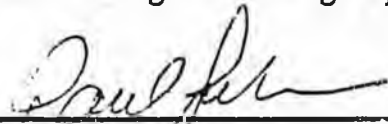
HB 71: "An Act relating to the involuntary dissolution of Native corporations; and providing for an effective date."

The Department of Commerce and Economic Development, Division of Banking, Securities and Corporations, has no objection to the proposed legislation.

The department supports this legislation in recognition that corporate status for Native villages and regions is specifically called for in the terms and conditions of the Alaska Native Claims Settlement Act. The department acknowledges the unique inalienability of the ownership of Native Alaskans as shareholders in Native corporations.

The department concurs that corporations affected by HB 71 should pay the appropriate fees that would have been effective had they not allowed themselves to become delinquent, plus any penalties allowable under AS 10.06.633(e).

The department encourages the involvement of the regional corporations and other Native associations, such as the Alaskan Federation of Natives, in assisting the smaller village corporations in meeting their filing requirements.

  
\_\_\_\_\_  
Paul Fuhs, Acting Commissioner

Date: 3/7/94

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Law Offices Of  
Jerald M. Reichlin

Jerald M. Reichlin  
Kenneth G. Robertson

Attorneys At Law  
880 "N" Street, Suite 203  
Anchorage, Alaska 99501

Telephone (907)277-5955  
Telecopier (907)276-7321

December 30, 1992

*File w/bill*

Rep. Richard Foster  
State Capitol  
Room 611  
Juneau, Alaska 99801-1182

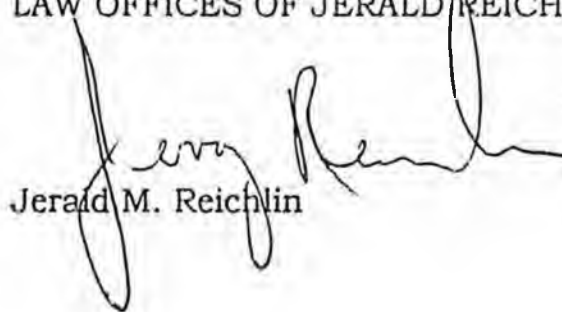
Re: Nunapiglluraq, Inc./Reinstatement of Dissolved ANCSA  
Corporations

Dear Rep. Foster:

I am writing on behalf of Nunapiglluraq Corporation of Hamilton regarding the reintroduction of legislation that would provide a "window" for the reinstatement of ANCSA corporations that have been involuntarily dissolved on account of their failure to file a biennial report. You introduced similar legislation in the form of HB435 last year but it failed to gain passage during the press of the legislature's closing hours of business. Nunapiglluraq is requesting that you propose similar legislation in the House this term. Thank you once again for your past and future efforts on behalf of Nunapiglluraq.

Very truly yours,

LAW OFFICES OF JERALD REICHLIN

  
Jerald M. Reichlin

JMR/kcm

cc: Anna Kamkoff, President  
Nunapiglluraq Corp.

# Calista Corporation

601 W. 6th Avenue, Suite 200 - Anchorage, AK 99501-2226 • (907) 279-5516 • FACSIMILE (907) 272-5060

Senator Robin L. Taylor, Chairman  
Senate Judiciary Committee  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

March 7, 1994

Dear Mr. Chairman,

The purpose of this letter is to let you know of Calista's concern for HB71, a bill to reinstate involuntarily dissolved ANCSA corporations. This bill will be before your committee on March 9, 1994. We are hopeful that this bill will pass this year and are asking you and your committee to do what it can to help this bill get before the full senate for a vote.

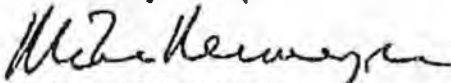
More than a quarter of all ANCSA village corporations are located in the Calista Region. It should come as no surprise that many of the involuntarily dissolved village corporations in Alaska have come from our region. We are concerned now because we have villages that have been dissolved in this manner although they still continue to function as if it were business as usual. Calista has done much over the years to try to help our villages maintain an active status. With so many villages in one region it is not always possible to assist all who need help. We are often not aware of the problems our villages are having until it is too late.

Although these corporations could follow existing state law and incorporate again, we are concerned about the expense to these corporations which have meager funds. This is one of the reasons that they are in the situation they are in now. More important however is the possibility of disrupting the ANCSA benefits that they enjoy as an ANCSA village corporation. This is of paramount concern to Calista since the shareholders of these corporations are also Calista

shareholders. We are concerned that a disruption in the corporate status, repaired by the normal incorporation process, may have legal ramifications to the corporations that go far beyond the corporate reporting requirements of state law. This would be a stiff penalty to pay for failing to maintain their corporate records.

For this reason we ask that you support the passage of this bill. Thankyou for your consideration of our concerns.

Sincerely,



Mike Neimeyer  
Senior Vice President, Natural Resources

c.c. Senator Rick Halford  
Senator George Jacko  
Senator Dave Donley  
Senator Suzanne Little