

**HB**

**16**



Alaska State Legislature

- Interim (May-Dec.) -  
10928 Eagle River Rd., Suite 140  
Eagle River, Alaska 99577  
☎ (907) 694-6683  
FAX (907) 694-1015

- Session (Jan-May) -  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
☎ (907) 465-2199  
FAX (907) 465-4587

Toll free (800) 342-2199

- E-mail -  
Representative\_Fred\_Dyson  
@Legis.state.ak.us

- Internet -  
<http://www.akrepublicans.org>

## REPRESENTATIVE FRED DYSON

### CSSSHB 16 (CRA) Sponsor Statement

**"An Act relating to villages; and providing for an effective date.**

Updated: February 9, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

House Bill 16 allows an existing Second Class City, or unincorporated area, to form a "Home Rule Community" government structure under state law. The city or area would be allowed, through the charter system, to flexibly define its scope of governing powers and services to meet specific area needs.

For instance, a community charter may be drafted to provide for police or fire protection services while leaving transportation issues in the state purview. Under the provision of their charter, a local government may assume any of a wide range of powers, from alcohol and animal control to airport and public works management.

Currently, all home rule governments are required to meet strict financial auditing requirements, provide land-use, zoning and platting services and constitute their own school district. House Bill 16 removes these requirements\* allowing smaller communities to share in the strength and flexibility of the charter system while avoiding some the thickest mazes of red tape. The goal: greater self-determination and a more locally relevant government structure.

A new charter-base Home Rule Community may be the best option for unincorporated areas that would not be viable under the second class city model. Existing second class cities that are strained by general law requirements may find relief in a more narrowly crafted charter that allows them to forego services beyond their capability, while accepting responsibility for local needs that can be met with local resources.

CSSSHB 16 requires a conforming bill to be passed before becoming law. The conforming bill directs Legislative Legal Services to prepare a technical clean-up bill that adjusts language referring to municipalities *outside of this act* to treat Home Rule Communities like Second Class Cities. This conforming bill is set up to be the "trigger" to enact HB 16.

Please feel free to contact my office with questions or concerns.

###

\*Financial statements are required in lieu of a full audit. Land use, zoning and platting may be done, but are not required. A home rule community would not constitute a school district.

SPONSOR STATEMENT

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SSHB 16  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to cities incorporated under BRU Civil Division  
state law that are home rule communities. . ." Component Governmental Affairs  
 Sponsor Representative Dyson  
 Requester House Community & Regional Affairs Component No. 2207

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	2.5	2.5	2.5	2.5	2.5	2.5
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.4	0.4	0.4	0.4	0.4	0.4
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	2.9	2.9	2.9	2.9	2.9	2.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>	<b>2.9</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 SSHB 16 allows an existing second class city or unincorporated area to form a "home rule community" government structure. This new classification would permit the city or area to choose a narrower scope of governing powers than current law requires.  
  
 The Department of Law will provide legal assistance in developing the new model charters for home rule communities during FY02, and provide advice to the Local Boundary Commission as charter petitions are received in the following years. We anticipate approximately 30 hours of attorney time per year will be required for these more routine functions. Any litigation arising from the new charter process would require additional time. Because we have no way of predicting how much, if any, new litigation there might be, these costs are not included in this fiscal note.  
  
 Based on the department's FY02 hourly attorney rate, which includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses, the cost of SSHB 16 would be \$2,927.10 (30 hours x \$97.57/hour).

Prepared by: Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date/Time 2/5/01 10:37 AM  
 Approved by: Kathryn Daughhetee for Bruce M. Botelho, Attorney General Date 2/5/01  
 Agency Department of Law

For distribution information, call the Governor's Legislative Office

# HYDER COMMUNITY ASSOC. INC.

P. O. BOX 149  
HYDER, ALASKA  
99823  
(907) 836-9148  
FAX (907) 836-2714

IN JUNEAU REPLY TO:  
John Pearson  
HCA Economic Development Office  
8216 Cedar Drive  
Juneau, AK 99801  
Tel: 907-789-1402  
Fax: 907-789-1403

Date: March 22, 2000

To: Members of the Alaska Legislature  
From: Paul Larkin, Administrator, Hyder Community Association  
Ref: HB 255 "Home Rule Community"



Dear Legislative Members:

With great interest and full support, the Hyder Community Association, representing approximately 130 residents of Hyder, Alaska has become very supportive of HB255 addressing a new "Home Rule Community" designation.

We view this legislation as a great opportunity for smaller communities such as ours, to go the extra step in assuming local responsibility and providing added services within the community.

Under HB 255 we would be able to assume any of a wide range of local powers from environmental controls to public works management. This bill would allow us to contract with state and local governments to provide certain services; contract with private organizations for services, apply for and receive federal funds; engage in funding measures such as bonds, establish a legally recognized forum to address local concerns; and have a platform to petition the state and federal government.

Much of our interest in this bill results from our desire to improve life and bring positive economic development to Hyder, while not being strapped with the costly complications found in the incorporated First Class City designation process.

As an unorganized community, the Hyder Community Association presently provides fire and emergency services, operates a library, plows snow on the side streets, oversees the state harbor, float facility and local roads. In addition we operate a visitor center, museum, and manage various grants.

Today Hyder is in the process of establishing a new job creating economic base. With a historical five or six, year round jobs in the community, we currently have a major Alaska bottled water plant under construction, creating 41 new jobs in Hyder. This remarkable feat, with no assistance from the State of Alaska in our efforts to eliminate all unemployment and welfare in our community, brings the focus this needed legislation into realistic view.

I want to assure you of our full support for HB255 and trust you will recognize the value this bill to our small Alaska communities.

Please feel free to contact John Pearson in Juneau, on 789-1402 if there are any questions or a need for additional support for this important bill.

# SOUTHEAST CONFERENCE

*Working for strong economies, healthy communities, and a quality environment in Southeast Alaska*

March 24, 2000

Representative Fred Dyson  
Alaska State Legislature  
Room 104, Capitol Bldg  
Juneau, AK 99801-1182

Re: Support for HB 255

Dear Representative Dyson:

The Southeast Conference Board of Directors recently met and discussed HB 255 (CRA) "An Act relating to cities incorporated under state law that are home rule communities" and would like to offer their support to this important legislation.

Many of the smaller communities of Southeast Alaska would benefit from the ability to participate and offer services within the capability of their local resources. This has been a missing piece and your bill does an excellent job of filling the gap. HB 255 gives the smaller communities the option to pursue strategies that are meaningful to them and to tailor those services offered to local consensus.

The Southeast Conference appreciates the work you have done on this legislation in the House and supports passage in the Senate. A part of the mission statement of the Southeast Conference is to help develop strong economies and healthy communities. We feel that HB 255 will be a welcome addition to the building tools for our region.

Thank You.

Sincerely,



Frank Homan  
Executive Director

**Subject: Small Communitis****Date:** Sun, 05 Mar 2000 08:11:26 -0900**From:** Richard Burton <ribketchikan@worldnet.att.net>**To:** Representative\_Fred\_Dyson@legis.state.ak.us

I am writing to congratulate you on an attempt to do something that I have advocated for many years. You may remember me although we have only met briefly. I was Commissioner of Public Safety for both Jay Hammond and Wally Hickel. I spent my entire life in law enforcement and now do Public Safety Management consulting.

Any how. You are right on in what you are trying to do. A major part of the current problem with the rural areas that the state is currently experiencing, is the fact that local government as it is allowed by current title 29 does not and never has worked for small villages. I tried during my last service to get something started to do just what you are trying. There has to be a way to create a different level of local government which in fact allows local control to include a level of local law enforcement and public protection. I also believe the state has the authority to create a village or municipal level court. This would allow the small communities that are not easily accessible to the rest of the state to have courts (of limited jurisdiction) so that they could handle the minor, but most frequent, disturbances in the villages. I mean things like, curfew, truancy, drunk and disorderly conduct, etc. If a major crime, murder, rape, etc. occurs then Troopers could respond. I believe this would go along ways toward the villages having a feeling of being in control of their own communities in the same way that the residents of Anchorage, Fairbanks and other sizeable towns now do.

If you have the time and are interested I would like to talk to you more about this. For one thing, there are a lot more of these small communities than what could be considered major towns in Alaska, and they have special needs to provide for local autonomy. There is also the savings to be realized to the cost of state government by letting them handle many things at the local level. Think of the cost to send State Troopers into those villages to handle minor complaints that are probably best left to the community itself and the transported of people back and forth to jails and courts.

Richard L. Burtron  
443 Forest Park Drive  
Ketchikan, Alaska 99901  
Ph. 907-247-3334  
Faz 907-247-3335

---

Richard Burton <ribketchikan@worldnet.att.net>

Subject: [Fwd: HB 255]

Date: Thu, 23 Mar 2000 17:56:31 -0900

From: Representative Fred Dyson <Representative\_Fred\_Dyson@legis.state.ak.us>

To: Peter Torkelson <Peter\_Torkelson@legis.state.ak.us>

---

Subject: HB 255

Date: Wed, 22 Mar 2000 13:57:39 -0900

From: Vic Fischer <afvf@UAA.ALASKA.EDU>

To: Representative\_Fred\_Dyson@legis.state.ak.us

Dear Fred --

Belated congratulations on your initiative and leadership in pushing the home rule community legislation. I think it will help accomplish many of the objectives we discussed some time ago.

I have just had a chance to glance at the 2/25/00 CS. It looks good. A couple of quick items:

- It might be worth encouraging Quinhagak-type cooperation by including specific authority for joint/collaborative/contractual/whatever performance of functions, provision of services -- there is a definition of "village" in Sec. 46.08.900 (16) that could be pertinent... Since, however, a home rule community would have that authority, such a provision may cause more problems than it solves.

- Reclassification from second class city to home rule community might be accompanied by concurrent extension of boundaries. Extraterritorial jurisdiction under 29.35.020 is limiting, a nuisance. The communities should be able to exercise police, environmental, land use, and other controls in their whole ancillary area. (I again think of the problems Quinhagak had in obtaining state concurrence.)

- Sec. 8 of CSHB 255 (CRA) sounds as if only boroughs would have a charter "for its own government". Should be clear that applies in each case.

- Sec. 11 (p.4, l. 17) "and" would be better than "or".

I wish you the best with this legislation, and very best personal regards,

Vic

-----  
Victor Fischer, Professor of Public Affairs  
Institute of Social and Economic Research  
University of Alaska Anchorage  
tel 907-786-7718, fax -786-7739  
afvf@uaa.alaska.edu

---

Fred Dyson <Representative\_Fred\_Dyson@legis.ak.us.>

Representative  
State of Alaska  
Alaska Legislature

# ALASKA CONSTITUTION

## ARTICLE 10 LOCAL GOVERNMENT

### **Section 10.1 - Purpose and Construction.**

The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

### **Section 10.2 - Local Government Powers.**

All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

### **Section 10.3 - Boroughs.**

The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

### **Section 10.4 - Assembly.**

The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter.

### **Section 10.5 - Service Areas.**

Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

### **Section 10.6 - Unorganized Boroughs.**

The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function in an unorganized borough which the assembly may exercise in an organized borough.

### **Section 10.7 - Cities.**

Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

### **Section 10.8 - Council.**

The governing body of a city shall be the council.

### **Section 10.9 - Charters.**

The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

### **Section 10.10 - Extended Home Rule.**

The legislature may extend home rule to other boroughs and cities.

### **Section 10.11 - Home Rule Powers.**

A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

### **Section 10.12 - Boundaries.**

A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

### **Section 10.13 - Agreements; Transfer of Powers.**

Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

### **Section 10.14 - Local Government Agency.**

An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

### **Section 10.15 - Special Service Districts.**

Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

**ACHIEVING  
ALASKA NATIVE  
SELF-GOVERNANCE**

*Toward Implementation of the Alaska  
Natives Commission Report*

*Final Report - AFN Version*

*May 1999*

*Stephen Cornell  
Jonathan Taylor  
Kenneth Grant  
THE ECONOMICS RESOURCE GROUP, INC.*

*Victor Fischer  
Thomas Morehouse  
THE INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH,  
UNIVERSITY OF ALASKA, ANCHORAGE*

## **Preface**

---

Four years ago, the Alaska Natives Commission noted that “a common theme” in the hearings it conducted with Native people over the preceding two years was “the need for Alaska Native villages—tribes in the federal terminology— to regain governmental control of their own communities and to exercise authority” in areas ranging from subsistence resources to criminal justice to social programs. The theme, in other words, was self-governance: the freedom and ability of Native peoples to control their own affairs and determine their own futures.

To follow up on the Commission’s report and to pursue its implementation, the Alaska Federation of Natives in 1998 engaged the Economics Resource Group, Inc. (Stephen Cornell, Jonathan Taylor, Kenneth Grant) and the Institute of Social and Economic Research of the University of Alaska Anchorage (Victor Fischer, Thomas Morehouse) to examine Native self-governance in Alaska. The objective was to explore the range of options available to Alaska Natives as means of furthering self-determination and participation in decision making. This included, for example, an evaluation of existing and emerging institutions being utilized by Alaska Natives in developing the capacity for greater and more efficient self-governance.

Since the Alaska Native community has initiated its own process of setting goals and developing recommendations to the Congress, this AFN version of the ERG/ISER September 1998 Final Report eliminates the authors’ specific recommendations. Aside from this change in the last section, the analysis and conclusions are those of the authors.

Julie Kitka, President  
Alaska Federation of Natives

# Contents

<b>EXECUTIVE SUMMARY</b> .....	
Principal Findings and Conclusions .....	1
Overview of the Report.....	3
<b>I. WHY AND HOW SELF-GOVERNANCE WORKS</b> .....	<b>6</b>
I.A. The Demand for Self-Governance.....	6
I.B. Self-Governance Works.....	7
I.C. Self-Government Has to Be Organized Appropriately and Exercised Effectively.....	10
I.D. In the Rest of this Report.....	12
<b>II. NATIVE SELF-GOVERNANCE TODAY</b> .....	<b>14</b>
II.A. Village Governments with IRA Status .....	15
II.B. Traditional Councils .....	18
II.C. Municipal Governments.....	19
II.D. Boroughs.....	21
II.E. Regional Profit Corporations .....	23
II.F. Regional Non-Profit Associations.....	26
II.G. Village Corporations .....	28
II.H. Resource Co-Management Arrangements .....	29
II.I. Other Governing Bodies.....	31
<b>III. THE BENEFITS AND COSTS OF THE CURRENT STRUCTURE OF SELF-GOVERNANCE</b> .....	<b>32</b>
III.A. Differences from the Indian Situation in the Lower Forty-Eight States .....	32
III.B. Advantages and Benefits of the Current Structure.....	33
III.C. Costs and Limits of the Current Structure.....	35
<b>IV. MODELS</b> .....	<b>38</b>
IV.A. Consolidation of Municipal and Tribal Governments in Quinhagak.....	40
IV.B. Formation of a Borough Government for Yakutat: Benefits and Costs to Native Governance.....	44
IV.C. Extending Self-Governance Compacting From the Non-Profits to the Villages: The Tanana Chiefs Conference MOA/EMOA Process.....	48
IV.D. The Council of Athabascan Tribal Governments: Intertribal Organization in the Yukon Flats.....	52
IV.E. Akiachak: Local Autonomy and Regional Organization on the Lower Kuskokwim .....	59
IV.F. The NANA Village-Regional Model .....	64
IV.G. Metlakatla: The Model Reservation .....	71
IV.H. Alberta Metis Settlements: A Provincially Recognized Federation .....	76
IV.I. Government-to-Government Agreement: The White Mountain Apache Tribe and the U.S. Fish and Wildlife Service.....	81
IV.J. Intertribal Courts in the Northern and Southern Rockies .....	84
IV.K. Coordinating Off-Reservation Impacts on Natural Resources: The Confederated Tribes of the Warm Springs Reservation .....	88
IV.L. General Conclusions.....	90
<b>V. STRENGTHENING NATIVE SELF-GOVERNANCE</b> .....	<b>93</b>
V.A. Four Critical Considerations for Self-Governance Policy .....	94
V.B. Conclusion .....	100
<b>VI. WHAT CAN BE DONE?</b> .....	<b>102</b>
<b>APPENDIX A: SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES</b>	
<b>APPENDIX B: NATIVE ALASKAN DEMOGRAPHICS</b>	
<b>APPENDIX C: HOME RULE AS A NATIVE SELF-GOVERNANCE OPTION</b>	
<b>APPENDIX D: A LEGAL ANALYSIS OF THE VENETIE DECISION</b>	
<b>APPENDIX E: A LEGAL ANALYSIS OF LAND BANK PROTECTIONS</b>	
<b>APPENDIX F: ABOUT THE AUTHORS</b>	

## **EXECUTIVE SUMMARY**

---

### **Principal Findings and Conclusions**

Renewed attention recently has been focused on Alaska's Native communities. News accounts, government reports, and academic studies make it clear that Native communities continue to struggle with serious socioeconomic problems despite extensive federal and state programs designed to address them. The public debates arising out of the U. S. Supreme Court's decision in the *Venette* case,<sup>1</sup> the formation of the governor's Rural Governance Commission (not to mention previous commissions), and continuing subsistence conflicts highlight unresolved questions about what Native, state, and federal institutions should do to address the problems of village Alaska. Finally, the recent Alaska Inter-Tribal Council (AITC)-Rural Alaska Community Action Program (RurAL CAP) Conference of Tribes and the subsequent march, rally, and declaration illustrate continuing Native resolve to address the problems themselves. Clearly there is consensus that Native problems need urgent attention, but there is less agreement on what is to be done.

A central issue in this debate concerns Native self-governance. Can Native self-governance do a better job of dealing with Native problems than non-Native efforts have done? What should be the extent of such governance? What forms should it take?

This report considers these and related questions. By picking up where the Alaska Natives Commission left off and examining Native situations and Native actions in Canada, the lower forty-eight states, and Alaska, it attempts to further the debate about the future of Native self-governance. The report is based on an extensive review of available materials on the current political, economic, and social situation of Alaska Natives, on our own research on Alaska Native self-governance, and on existing studies of indigenous peoples and self-governance elsewhere in the United States and Canada.

---

<sup>1</sup> For a discussion of the legal implications of the U.S. Supreme Court decision, see Appendix D.

Among our central conclusions:

**1. Native self-governance is an essential ingredient in overcoming poverty and related social problems in rural Alaska.**

Without real powers of self-determination, Native communities are condemned to be either wards or victims of other institutions trying to either improve or exploit the Native situation. This is unlikely to produce sustained positive change. Nowhere in the history of Indian policy has sustained, successful economic development or sustained improvement in Indian welfare been achieved by communities whose decisions, resources, and internal affairs are substantially controlled by outside decision-makers. In asserting governing powers today, Native communities argue a principle that has found confirmation around the world: we who bear the consequences of decisions about our fate should be the ones making those decisions.

**2. Alaska's current approach to Native governance, while it offers some useful opportunities to Native communities, undermines their ability to deal effectively with their own problems and to develop their resources in ways that improve the socioeconomic conditions of rural Alaska.**

The current structure of self-governance in Alaska offers Natives a variety of institutional models to work with and has some benefits for Native communities. But it fragments responsibility and power among multiple governing units; tends to concentrate decision-making power and control over resources at regional and state levels, undermining rural development efforts and distorting accountability; provides inadequate fiscal support for local self-government; and otherwise constrains Native ability to effectively govern their communities and deal with their problems themselves.

**3. Alaska's Native peoples are currently engaged in a variety of resourceful and determined efforts to take control of their affairs and resources and use that control to solve their problems.**

The most promising Native political developments in Alaska today are happening at the village and sub-regional levels. The movement for tribal self-governance has produced a remarkable array of new governing strategies and institutions. From village-regional relations in the Northwest Arctic region to municipal-tribal government consolidation in Quinhagak to tribal consortia in the Yukon Flats and elsewhere, a number of Native communities are inventing solutions to their problems. Their efforts contain important lessons for all of rural Alaska and provide a number of self-governance options for Alaska's Natives to consider.

**4. These self-governance efforts deserve close attention and support.**

The self-governance efforts being made by Native communities often suffer from inadequate financial resources; from the hostility of existing non-Native institutions and even, at times, from the hostility of Native institutions as well; from internal design and capacity problems; and from the difficulties of effectively communicating models, experience, and ideas across rural Alaska. These problems have to be overcome if these crucial efforts are to realize their full potential. This will require support at regional, state, and federal levels.

**5. Certain key considerations should be taken into account in the effort to improve Native self-governance.**

As Native communities either work within the current system or experiment with new strategies and models, they have to take certain considerations into account. Among those considerations are: which institutional strategies (current or new) actually advance self-determination, which ones have legitimacy with the relevant Native community, which ones not only put Natives in control of their affairs but can deliver *effective* governance, and which ones best fit Native capabilities and resources?

**6. There are concrete changes that can be made at all levels—village, regional, state, federal—that could benefit not only Native communities, but the state as a whole.**

A number of actions can be taken at all governing levels to improve Native self-governance and, thereby, the socioeconomic conditions of rural Alaska. These range from improving the financial management and judicial capabilities of villages to state recognition of tribal status, from federal efforts to facilitate land transfers between Native corporations and tribal governments to regional support for the rural economic development efforts of tribes. Sustained improvement in the situation of rural Alaska will require the reconsideration of some long-established institutions and basic assumptions. But the benefits to Natives and to the state can be substantial.

## **Overview of the Report**

The report that follows is divided into six sections.

**Section I:** The opening section provides an overview of the general argument for self-governance. It draws upon existing empirical research on both Native and non-Native communities to highlight the relationship between self-determination and socioeconomic welfare. It offers empirical and analytical evidence for the assertion that self-governance is a necessary (though not sufficient) condition for creating healthier and more prosperous Native societies. It identifies some key strategic questions confronting Alaskan Natives as they move forward on the path toward greater self-governance.

## Appendix A: Selected Governance Characteristics of BIA- Recognized Villages

---

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe			City			1990 Census	
	Village Corporation	V-Corp Status	Trad. IRA	Self-Gov. Compact	Reserve	Uninc.	Second First	Home Rule	Population	Percent Native
<b>Ahtna Region <sup>1,2</sup></b>										
Cantwell	Ahtna, Inc.	M	•			•			147	22%
Chistochina	Ahtna, Inc.	M	•			•			60	61%
Chilina	Chilina Native Corporation	A	•			•			49	46%
Copper Center	Ahtna, Inc.	M	•			•			449	34%
Gakona	Ahtna, Inc.	M	•			•			25	-
Gulkana	Ahtna, Inc.	M	•			•			103	59%
Mentasta Lake	Ahtna, Inc.	M	•			•			96	72%
Tazlina	Ahtna, Inc.	M	•			•			247	23%
<b>Aleut Region <sup>1,2</sup></b>										
Akutan	Akutan Corporation	A	•				•		589	13%
Atka	Atxam Corporation	A		•			•		73	91%
Belkofski	Belkofski Corporation	N	•			•			-	-
False Pass	Isanotski Corporation	A	•				•		68	76%
King Cove	King Cove Corporation	A	•					•	451	39%
Nelson Lagoon	Nelson Lagoon Corporation	A	•			•			83	80%
Nikolski	Chaluka Corporation	A		•		•			35	82%
Pauloff Harbor	Sanak Corp.	A	•			•			-	-
Saint George	Saint George Tanaq Corporation	A		•			•		138	94%
Saint Paul	Tanadgusix Corporation	A		•			•		763	66%
Sand Point	Shumagin Corporation	A	•					•	878	49%
Unalaska	Ounalashka Corporation	A	•					•	3,089	8%
Unga	Unga Corporation	A	•			•			-	-
<b>Arctic Slope Region <sup>2</sup></b>										
Anaktuvuk Pass	Nunamiut Corporation	A	•				•		259	84%
Atkasuk	Atkasuk Corporation	A	•				•		216	93%
Barrow	Ukpeagvik Inupiat Corporation	A	•					•	3,469	63%
Kaktovik	Kaktovik Inupiat Corporation	A	•				•		224	84%
Nuiqsut	Kuukpik Corporation	A	•				•		354	92%
Point Hope	Tigara Corporation	A		•			•		639	91%
Point Lay	Cully Corporation	A		•		•			139	81%
Wainwright	Olgoonik Corporation	A	•				•		492	94%
<b>Bering Straits Region <sup>1,3</sup></b>										
Brevig Mission	Brevig Mission Native Corporation	A	•				•		198	92%
Council	Council Native Corporation	A				•			8	62%
Diomede	Diomede Native Corporation			•			•		178	93%
Elim	Elim Native Corporation	A	•		•		•		264	91%

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe				City			1990 Census		
	Village Corporation	V-Corp Status	Trad.	IRA	Self-Gov. Compact	Reserve	Uninc.	Second	First	Home Rule	Population	Percent Native
Gambell	Sivuqag Incorporated	A		•	•	•		•			525	96%
Golovin	Golovin Native Corporation	A	•					•			127	92%
King Island	King Island Native Corporation	A		•			•					
Koyuk	Koyuk Native Corporation	A		•				•			231	94%
Mary's Igloo	Mary's Igloo Native Corp.	A	•				•					
Nome	Sitnasauk Native Corporation	A		•					•		1,500	52%
St. Michael	St. Michael Native Corporation	A		•				•			295	91%
Savoonga	Savoonga Native Corporation	A		•		•		•			19	95%
Shaktolik	Shaktolik Native Corporation	A		•				•			178	94%
Shishmaref	Shishmaref Native Corporation	A		•				•			456	94%
Solomon	Solomon Native Corporation	A	•				•				6	100%
Stebbins	Stebbins Native Corporation	A		•				•			400	94%
Teller	Teller Native Corporation	A	•					•			151	86%
Unalakleet	Unalakleet Native Corporation	A		•				•			714	81%
Wales	Wales Native Corporation	A		•				•			161	88%
White Mountain	White Mountain Native Corp.	A		•				•			180	87%
<b>Bristol Bay Region<sup>1,2,3</sup></b>												
Aleknagik	Aleknagik Natives Limited	A	•					•			185	83%
Chignik	Far West, Incorporated	A	•					•			188	45%
Chignik Lagoon	Chignik Lagoon Native Corporation	A	•				•				53	56%
Chignik Lake	Chignik River Limited	A	•				•				133	91%
Clark's Point	Saguyak, Incorporated	A	•					•			60	88%
Dillingham	Choggiung, Limited	A	•						•		2,017	55%
Egegik	Becharof Corporation	A	•					•			122	70%
Ekuk	Choggiung, Limited	M	•				•				3	33%
Ekwok	Ekwok Natives Limited	A	•					•			77	87%
Igiugig	Igiugig Native Corporation	A	•				•				33	78%
Iliamna	Iliamna Natives Limited	A	•				•				94	66%
Ivanof Bay	Bay View Incorporated	A	•				•				35	94%
Kokhanok	Alaska Peninsula Corporation	M	•				•				152	90%
Koliganek	Koliganek Natives Limited	A	•				•				181	96%
Levelock	Levelock Natives Limited	A	•				•				105	82%
Manokotak	Manokotak Natives Limited	A	•					•			385	95%
Naknek	Paug-Vik, Incorporated, Limited	A	•				•				575	41%
New Stuyahok	Stuyahok, Limited	A	•					•			391	95%
Newhalen	Alaska Peninsula Corporation	M	•					•			160	94%
Nondalton	Kijik Corporation	A	•					•			178	89%
Pedro Bay	Pedro Bay Native Corporation	A	•				•				42	90%
Perryville	Oceanside Corporation	A		•			•				108	94%
Pilot Point	Pilot Point Native Corporation	I	•					•			53	84%

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe				City				1990 Census	
	Village Corporation	V-Corp Status	Trad.	IRA	Self-Gov. Compact	Reserve	Uninc.	Second	First	Home Rule	Population	Percent Native
Port Heiden	Alaska Peninsula Corporation	AC†	•					•			119	72%
Portage Creek	Choggiung, Limited	M	•				•				5	60%
South Naknek	Alaska Peninsula Corporation	AC†	•				•				136	79%
Togiak	Togiak Natives Limited	A	•					•			613	87%
Twin Hills	Twin Hills Native Corporation	A	•				•				66	92%
Ugashik	Alaska Peninsula Corporation	M	•				•				7	85%
<b>Calista Region <sup>1</sup></b>												
Akiachak	Akiachak, Limited	A		•			◦				481	95%
Akiak	Kokarmuit Corporation	A		•				•			285	97%
Alakanuk	Alakanuk Native Corporation	A	•					•			544	95%
Andreafsky	Nerklikmute Native Corporation	A	•								410	84%
Aniak	Kuskokwim Corporation	M	•					•			540	70%
Atmautluak	Atmautluak Limited	A	•				◦				258	96%
Bethel	Bethel Native Corporation	A	•					•			4,674	63%
Bill Moore's Slough	Kongnigilnomuit Yuita Corp.	A	•				•				-	-
Chefornak	Chefarnrmute Incorporated	A	•					•			320	97%
Chevak	Chevak Company Corporation	A	•					•			598	93%
Chuathbaluk	Kuskokwim Corporation	M	•					•			97	89%
Chuloonawick	Chuloonawick Corporation	I	•				•				-	-
Crooked Creek	Kuskokwim Corporation	M	•				•				106	90%
Eek	Iqfijouaq Corporation	A	•					•			254	95%
Emmonak	Emmonak Native Corporation	A	•					•			642	92%
Georgetown	Kuskokwim Corporation	A	•				•				-	-
Goodnews Bay	Kuitsarak, Incorporated	A	•					•			241	95%
Hamilton	Nunapiglliraq Corporation	A	•				•				-	-
Hooper Bay	Sea Lion Corporation	A	•					•			845	96%
Kasigluk	Kasigluk Incorporated	A	•				◦				425	95%
Kipruk	Kugkallik Limited	A	•				•				470	97%
Kongiganak	Qemirtalek Coast Corporation	A	•				•				294	97%
Kollik	Kollik Yupik Corporation	A	•					•			461	97%
Kwethluk	Kwethluk Incorporated	A		•				•			558	96%
Kwigillingok	Kwik Incorporated	A		•			•				278	95%
Lime Village	Lime Village Company	A	•				•				42	95%
Lower Kalskag	Kuskokwim Corporation	M	•					•			291	98%
Marshall	Maserculiq Incorporated	A	•					•			273	92%
Mekoryuk	Nima Corporation	A		•				•			177	99%
Mountain Village	Azachorak Incorporated	A	•					•			674	91%
Napaimute	Kuskokwim Corporation	M	•				•				3	100%
Napakiak	Napakiak Corporation	A		•				•			318	94%

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe			City			1990 Census			
	Village Corporation	V-Corp Status	Trad.	IRA	Self-Gov. Compact	Reserve	Uninc.	Second	First	Home Rule	Population	Percent Native
Napaskiak	Napaskiak Incorporated	A	•					•			328	94%
Newtok	Newtok Corporation	I	•				•				207	93%
Niginmute	Chinuruk, Inc.	AC‡	•					•			153	95%
Nunapitchuk	Nunapitchuk, Limited	A		•				•			378	97%
Ohogamiut	Ohog Incorporated	I	•				•				-	-
Oscarville	Oscarville Native Corporation	A	•				•				57	91%
Paimiut	Paimiut Corporation	N	•				•				-	0%
Pilot Station	Pilot Station Native Corporation	A	•					•			463	95%
Pitka's Point	Pitka's Point Native Corporation	A	•				•				135	95%
Platinum	Arviq, Incorporated	A	•					•			64	92%
Quinhagak	Qanirtuuq, Incorporated	A		•				•			501	93%
Red Devil	Kuskokwim Corporation	M	•				•				53	50%
Russian Mission	Russian Mission Native Corp.	A	•					•			246	94%
Saint Mary's	Saint Mary's Native Corporation	A	•						•		441	83%
Scammon Bay	Askinuk Corporation	A	•					•			343	96%
Sheldon Point	Swan Lake Corporation	A	•					•			109	92%
Sieelmute	Kuskokwim Corporation	M	•				•				106	86%
Stony River	Kuskokwim Corporation	M	•				•				51	88%
Toksook Bay	Nunakuiak Yupik Corporation	A	•					•			420	95%
Tuluksak	Tulkisarmute, Incorporated	A		•			•				358	95%
Tuntutuliak	Qinarmiut Corporation	A	•				•				300	96%
Tununak	Tununarmiut Rinit Corporation	I		•			•				316	96%
Umkumiute	Chinuruk, Inc.	C	•				•				-	-
Upper Kalskag	Kuskokwim Corporation	M	•					•			172	84%
<b>Chugach Region</b>												
Chenega Bay	Chenega Corporation	A		•			•				94	69%
Eyak	Eyak Corporation	A	•								172	7%
Nanwalek	English Bay Corporation	A	•				•				158	91%
Port Graham	Port Graham Corporation	A	•				•				166	90%
Tatillek	Tatillek Corporation	A		•			•				119	86%
<b>Cook Inlet Region</b>												
Chickaloon	Chickaloon-Moose Cr. Native Assoc.	A	•				•				145	6%
Eklutna	Eklutna, Incorporated	A	•		+						381	12%
Kenai	Kenai Natives Assoc., Inc.	A		•					•		6,327	8%
Knik	Knikatnu, Incorporated	A	•				•				272	11%
Niniilchik	Niniilchik Native Association, Inc.	A	•				•				456	19%
Salamatoff	Salamatoff Native Assoc., Inc.	A	•				•				999	10%
Seldovia	Seldovia Native Association	A		•	+				•		316	15%

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe			City				1990 Census		
	Village Corporation	V-Corp Status	Trad.	IRA	Self-Gov. Compact	Reserve	Uninc.	Second	First	Home Rule	Population	Percent Native
Tyonek	Tyonek Native Corporation	A		•			•				154	92%
<b>Doyon Region <sup>1,2,3</sup></b>												
Alatna	K'oyill'ots'ina, Limited	C	•								31	93%
Allakaket	K'oyill'ots'ina, Limited	C	•					•			170	94%
Anvik	Ingalik, Inc.	A	•					•			82	91%
Arctic Village			•			•					96	93%
Beaver	Beaver Kwitchin Corporation	A	•				•				103	95%
Birch Creek	Tihteet'aii, Incorporated	A	•				•				42	90%
Chalkyitsik	Chalkyitsik Native Corporation	A	•				•				90	92%
Circle	Danzhit Hanl'aii Corporation	A		•			•				73	86%
Dot Lake	Dot Lake Native Corporation	A	•				•				70	54%
Eagle Village	Hungwitchin Corporation	A		•			•				35	80%
Evansville	Evansville, Incorporated	A	•				•				33	57%
Fort Yukon	Gwitchyaa Zhee Corporation	A		•				•			580	85%
Galena	Gana-A' Yoo, Limited	AC*	•						•		833	45%
Grayling	Hee-Yea-Lingde Corporation	A		•				•			208	93%
Healy Lake	Mendas Cha-ag Native Corporation	A	•				•				47	85%
Holy Cross	Deloycheet, Incorporated	A	•					•			277	93%
Hughes	K'oyill'ots'ina, Limited	C	•					•			54	92%
Huslia	K'oyill'ots'ina, Limited	C	•					•			207	90%
Kaltag	Gana-A' Yoo, Limited	C	•					•			240	92%
Koyukuk	Gana-A' Yoo, Limited	C	•					•			126	97%
Manley Hot Springs	Bean Ridge Corporation	A	•				•				96	14%
McGrath	MTNT Limited	C	•					•			528	47%
Minto	Selh-De-Ya-Ah Corporation	A		•			•				218	97%
Nenana	Togholthele Corporation	A	•						•		393	47%
Nikolai	MTNT Limited	C	•					•			109	89%
Northway Village	Northway Natives, Incorporated	A	•				•				113	94%
Nulato	Gana-A' Yoo, Limited	C	•					•			359	96%
Rampart	Ban-O-Yeel Kon Corporation	A	•				•				68	94%
Ruby	Dineega Corporation	A	•					•			170	74%
Shageluk	Zho-Tse, Incorporated	A		•				•			139	95%
Stevens Village	Dinyee Corporation	A		•			•				102	91%
Takotna	MTNT Limited	C	•				•				38	44%
Tanacross	Tanacross, Incorporated	A		•			•				106	94%
Tanana	Tozitna, Limited	A		•					•		345	78%
Telida	MTNT Limited	C	•				•				11	90%
Tetlin	Tetlin Native Corp	A		•		•	•				87	95%
Venelie		I	•			•	•				182	94%

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe			City				1990 Census		
	Village Corporation	V-Corp Status	Trad.	IRA	Self-Gov. Compact	Reserve	Uninc.	Second	First	Home Rule	Population	Percent Native
<b>Koniag Region <sup>2</sup></b>												
Afognak	Afognak Native Corporation	A	•				•				-	-
Akhiok	Akhiok-Kaguyak, Inc.	AC**	•					•			77	93%
Kaguyak	Akhiok-Kaguyak, Inc.	C	•				•				-	-
Kanatak				•			•				-	-
Karluk	Koniag, Inc.	M		•			•				71	91%
Larsen Bay	Anton Larsen, Inc.	A	•					•			147	84%
Old Harbor	Old Harbor Native Corporation	A	•					•			284	88%
Ouzinkie	Ouzinkie Native Corporation	I	•					•			209	85%
Port Lions	Afognak Native Corporation	M	•					•			222	67%
Woody Island	Lesnoi, Inc.	A	•				•				-	-
<b>NANA Region <sup>1,2</sup></b>												
Ambler	NANA Regional Corporation	M	•					•			311	89%
Buckland	NANA Regional Corporation	M		•				•			318	95%
Deering	NANA Regional Corporation	M		•				•			157	94%
Kiana	NANA Regional Corporation	M	•					•			385	93%
Kivalina	NANA Regional Corporation	M		•				•			317	97%
Kobuk	NANA Regional Corporation	M	•					•			69	89%
Kotzebue	Kikiktagruk Inupiat Corp.	A		•				•			2,751	75%
Noatak	NANA Regional Corporation	M		•			•				333	96%
Noorvik	NANA Regional Corporation	M		•				•			531	93%
Selawik	NANA Regional Corporation	M		•				•			596	95%
Shungnak	NANA Regional Corporation	M		•				•			223	94%
<b>Sealaska Region <sup>1,3</sup></b>												
Angoon	Kootznouwo, Incorporated	A		•				•			638	82%
Craig	Shaan-Seet, Incorporated	A		•					•		1,260	22%
Haines	N/A			•					•		1,238	18%
Hoonah	Huna Totem Corporation	A		•					•		795	67%
Hydaburg	Haida Corporation	A		•					•		384	89%
Juneau	Goldbelt, Incorporated	A		•							26,751	12%
Kake	Kake Tribal Corporation	A		•	•				•		700	73%
Kasaan	Kavilco, Incorporated	A		•				•			54	53%
Ketchikan				•	+					•	8,263	15%
Klawock	Klawock Heenya Corporation	A		•					•		722	54%
Klukwan	Klukwan, Incorporated	A		•		•	•				129	86%
Mellakatta				•	•+						1,464	82%
Petersburg				•						•	3,207	10%

## Appendix A

### SELECTED GOVERNANCE CHARACTERISTICS OF BIA-RECOGNIZED VILLAGES

Village Name	Village Corporation		Tribe				City				1990 Census	
	Village Corporation	V-Corp Status	Trad.	IRA	Self-Gov. Compact	Reserve	Uninc.	Second	First	Home Rule	Population	Percent Native
Saxman	Cape Fox Corporation	A		•				•			369	77%
Silka	Shee Alika, Incorporated	A		•	•						8,588	20%
Skagway			•						•		692	5%
Wrangell				•						•	2,479	20%
Yakutat	Yak-Tat Kwaan, Incorporated	A	•								534	55%
<b>Totals/Average</b>			<b>150</b>	<b>71</b>	<b>8</b>	<b>7</b>	<b>94</b>	<b>99</b>	<b>17</b>	<b>5</b>	<b>-</b>	<b>77%</b>

**Notes:**

<sup>1</sup> The non-profit corporation affiliated with this region has a BIA Compact.

<sup>2</sup> The non-profit corporation affiliated with this region has an IHS Compact. In addition, several other health organizations have IHS compacts. They are: Chugachmuit, Eastern Aleutian Tribes, Norton Sound Health Corporation, Southcentral Foundation, Southeast Alaska Health Consortium, and Yukon-Kuskokwim Health Corporation.

<sup>3</sup> The non-profit corporation affiliated with this region has re-compacting agreements with villages.

° Dissolved second-class city

+ IHS Compact

**Village Corporation Status Codes:**

M Formed by merger

A Corporation in good standing

N Corporation not in good standing

AC Corporation in good standing into which other corporations have been consolidated

C Corporation that has been consolidated into another village corporation

I Involuntarily dissolved

† The Alaska Peninsula Corporation was formed through the consolidation of Kokhanok Corp., Meshink, Inc., Newhalen Native Corp., Oinuyang, Inc., and Ugashik Native Corp.

‡ Chinuruk Incorporated was formed through the consolidation of NGTA, Inc and Umkumiute.

\* Gana-A'Yoo, Limited was formed through the consolidation of Mineelghaadza', Limited, Notaaghleedin, Limited, and Takathlee-Tondin, Inc.

\*\* Akhiok-Kaguyak, Inc. was formed through the consolidation of Natives of Akhiok, Inc., and Kaguyak, Inc.

**Sources:**

V-Corp Status: Division of Bank, Securities and Corporations, March 23, 1998

Traditional and IRA Government designations: Bureau of Indian Affairs

Self-Governance Compact: Bureau of Indian Affairs, Indian Health Service.

Reservation Status: Anders, Gary and Kathleen Anders, "Incompatible Goals in Unconventional Organization: The Politics of Alaska Native Corporations," Organization Studies, 1986 at 214.

City Types: DCRA Community Database

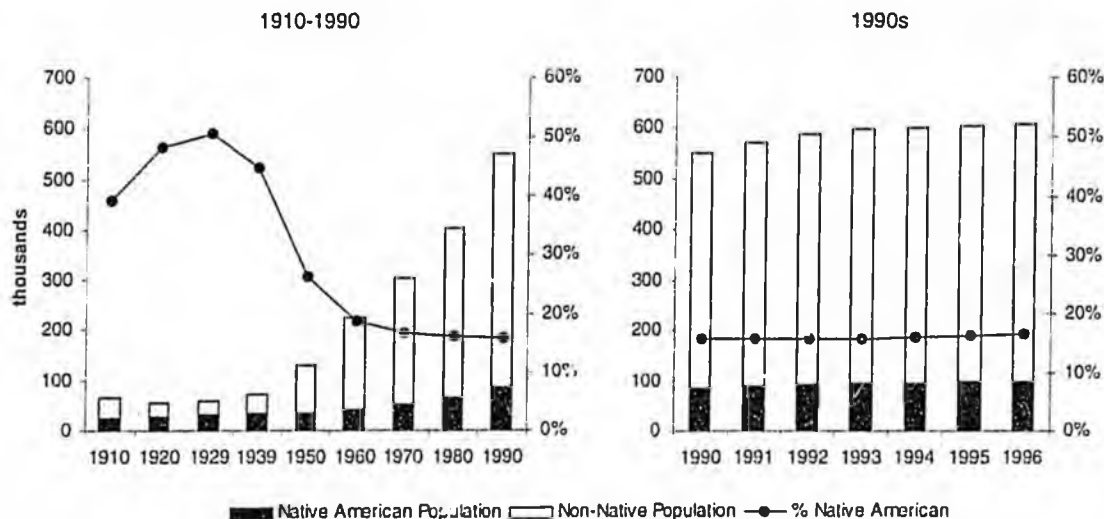
Population: DCRA Community Database

## Appendix B: Native Alaskan Demographics

### *Trends*

The total of Alaska Natives living in Alaska is just over 100,000—a number greater than ever in history. Another 20,000 Alaska Natives are estimated to live in other states. The total population of Alaska has increased tenfold since 1910, largely as a result of immigration. During the same period, Alaska's Native population increased four times, despite substantial emigration. More significantly, while the state's overall population has doubled since 1970, so did the Native population, which now constitutes close to 17 percent of the state's total. Since 1990, the proportion of Native population has grown slowly but steadily (see Figure 1). This trend will probably continue. The Native birth rate will likely remain relatively high, while there is not likely to be any influx of non-Natives comparable to that caused by trans-Alaska pipeline construction in the 1970s and state spending in the early 1980s. The trend of Native population growth exists among all Native groups in Alaska (see Table 4).

**Figure 1**  
Native and Non-Native Population of Alaska in the Twentieth Century



Note: The horizontal axes are measured in different units; 1996 values are estimates.  
Source: Alaska Department of Labor, *Alaska Population Overview*, Table 1.4, Native Population and Total Population of Alaska, 1910-96.

**Table 4**  
Population by Tribal Group  
Alaska 1980, 1990

	1980	1990	Change
Native American	64,103	85,698	33.7%
Eskimo	34,144	44,401	30.0%
Alaska Athabascan	8,744	11,696	33.8%
Tlingit	6,764	9,448	39.7%
Haida	994	1,083	9.0%
Tsimshian	1,168	1,653	41.5%
Alaska Native (Other)		566	
Other North American Tribes	3,028	4,633	53.0%
Tribe Not Reported or Specified	1,933	2,166	12.1%
Aleut	8,090	10,052	24.3%

Source: Alaska Department of Labor, *Alaska Population Overview*, Table 1.5, Population by Race and Tribal Group, Alaska and U.S. 1980, 1990.

Anchorage has become the largest Native community in Alaska, with around 20,000 Natives. The Native population of Anchorage is growing at a rate twice that of the overall Native population. Much of the city's rapid growth in Native population has been a result of in-migration from rural parts of Alaska. Despite this migration, the Native population continues to increase in most other regions of Alaska as well (see Table 5), and it is demographically clear that Native villages are going to remain an integral part of Alaska.

**Table 5**  
**Native Alaska Population: Growth and Regional Distribution**  
**1980-95**

	1995			1980			Native Percent Increase 80-95	Ratio of Native Growth to Total Regional Growth 80-95
	Total	Native	Native Share	Total	Native	Native Share		
<b>ALASKA TOTAL</b>	<b>615,900</b>	<b>97,004</b>	<b>15.7%</b>	<b>401,851</b>	<b>64,103</b>	<b>16.0%</b>	<b>51.3%</b>	<b>0.96</b>
Aleutian Islands	8,369	2,851	34.1%	7,768	1,934	24.9%	47.4%	6.13
Anchorage	257,780	18,124	7.0%	174,431	8,953	5.1%	102.4%	2.14
Bethel	15,367	12,857	83.7%	10,999	9,247	84.1%	39.0%	0.98
Bristol Bay	1,307	482	36.9%	1,094	360	32.9%	33.9%	1.76
Dillingham	6,260	4,889	78.1%	4,616	3,520	76.3%	38.9%	1.09
Fairbanks/North Star	84,880	5,673	6.7%	53,983	2,987	5.5%	89.9%	1.60
Haines	2,310	299	12.9%	1,680	214	12.7%	39.7%	1.06
Juneau	29,228	3,478	11.9%	19,528	2,190	11.2%	58.8%	1.18
Kenai Peninsula	46,759	3,213	6.9%	25,282	1,738	6.9%	84.9%	1.00
Ketchikan Gateway	15,082	1,794	11.9%	11,316	1,406	12.4%	27.6%	0.83
Kodiak Island	15,400	2,361	15.3%	9,939	1,884	19.0%	25.3%	0.46
Matanuska-Susitna	50,601	2,123	4.2%	17,816	688	3.9%	208.6%	1.19
Nome	8,991	6,988	77.7%	6,537	5,174	79.1%	35.1%	0.93
North Slope	6,989	4,884	69.9%	4,199	3,225	76.8%	51.4%	0.77
Northwest Arctic	6,694	5,949	88.9%	4,831	4,113	85.1%	44.6%	1.16
Prince of Wales/Outer Ketchikan	6,934	2,767	39.9%	3,822	1,651	43.2%	67.6%	0.83
Sitka	9,194	1,845	20.1%	7,809	1,669	21.4%	10.5%	0.59
Skagway/Yakutat/Angoon	4,617	1,878	40.7%	3,478	1,462	42.0%	28.5%	0.87
Southeast Fairbanks	6,522	818	12.5%	5,670	725	12.8%	12.8%	0.85
Valdez/Cordova	10,657	1,543	14.5%	8,348	1,060	12.7%	45.6%	1.65
Wade-Hampton	6,670	6,294	94.4%	4,665	4,347	93.2%	44.8%	1.04
Wrangell/Petersburg	7,303	1,355	18.6%	6,167	1,190	19.3%	13.9%	0.75
Yukon/Koyukuk	8,488	4,541	53.5%	7,873	4,368	55.5%	4.0%	0.51

Source: Scott Goldsmith, ISER.

### *Tribes*

There are 226 federally recognized tribes in Alaska. Native communities range from the populous and heterogeneous Anchorage Native community, with representatives from every Native Alaskan cultural group, to the small and relatively culturally homogeneous communities of the bush. Compared to tribes in the lower forty-eight states, Alaskan tribes are relatively small, but the Alaskan experience with small tribes is by no means unique within the United States (see Figure 2 below). Of the 205 tribes in the lower forty-eight states with fewer than 1,000 members, 91 are in California, where small rancherias vastly outnumber traditional reservations. Another 56 are in Arizona, Nevada, Oklahoma, and Washington.

## Appendix C: Home Rule as a Native Self-Governance Option

---

Alaska's constitution establishes a policy of maximizing local self-government.<sup>133</sup> This also is the goal the Native peoples of Alaska have for themselves. As shown in this report, Native communities have pursued different paths toward this goal of self-government, many participating in the state system; others staying outside it. Home rule for rural Native communities is a largely unexplored self-governance option. Implementing home rule in most Native communities would require some changes in home rule requirements, but in general, anything the state can do to facilitate the development of self-governing institutions will benefit not only Alaska's Natives but the state's overall system of governance and would come closer to realizing the state's constitutionally expressed self-governance objective.

The second class city status of many Native villages in Alaska does not carry with it any significant measure of local autonomy and control. Under this status, city governance and operations are carried out in accordance with state general law, with no leeway for adaptation to traditional values or local circumstances. The main benefits of this status have come from higher state revenue sharing payments and greater access to other state assistance programs than are possible for unincorporated areas. However, the state constitution provides the means to create local governments that could be far more adaptable and appropriate for rural Alaska than the existing municipal system.

Alaska's home rule provision is the most extensive in the United States. It provides that "a home rule borough or city may exercise all legislative powers not prohibited by law or by charter."<sup>134</sup> Exercising "legislative powers" essentially means that a home rule jurisdiction can have any powers that the Alaska state leg-

---

<sup>133</sup> Constitution of the State of Alaska, Article X, Section 1.

<sup>134</sup> Constitution of the State of Alaska, Article X, Section 11.

islature has, subject only to limitations of the state constitution, state statutes, and the municipality's own charter. The legislature has enumerated a number of specific limits on home rule organization and powers, but beyond these, the community itself can determine how to design its own government.<sup>135</sup>

Under current law, first class cities and communities with a permanent population of over 400 people can attain home rule by an affirmative vote of the people and their adoption of a charter.<sup>136</sup> However, there is no particular reason to retain these classification and size constraints on this particular form of self-government. The constitution allows home rule to be extended to other classes of cities.<sup>137</sup> It would take only an act of the legislature to allow other communities in Alaska to adopt home rule charters.

Making home rule available to rural communities would be a significant step toward more effective local government. This is especially the case where Natives constitute a clear majority of the population and can expect continued control of the local government, and where tribal institutions and village corporations work together. Instead of having to follow everything that is spelled out in general law, as is now required in second class cities, a home rule community would be able to design its own government to meet its own needs, circumstances, and objectives. Along with the ability to create a more appropriate municipal governance structure, home rule could provide tools for the effective exercise of law enforcement and other police powers, management of land and resources, protection of subsistence habitat and environmental quality, and for carrying out other public responsibilities.

To accomplish some of these objectives, home rule city boundaries would need to include sufficient land, water, and subsistence resources to protect the community and its ways of making a living, and the state would need to remove existing statutory obstacles to effective local control and adaptation to local ways of self-governing. Finally, the state would need to abide by the constitutional directive that "A liberal construction shall be given to the powers of local government units."<sup>138</sup>

---

<sup>135</sup> The North Slope Borough provides an excellent example of the freedom that exists for a home rule municipality or borough to mold its own governance structure, take advantage of resource opportunities, and serve its population in ways appropriate to local goals, needs, and circumstances. Although not all areas have similar resources available to them, descriptions of the Northwest Arctic and Yakutat boroughs in Section IV of this report (see above) demonstrate the flexibility of the home rule tool.

<sup>136</sup> There currently are 20 home rule municipalities in Alaska, ranging in size from Nenana (population 450) to Anchorage (population 255,000).

<sup>137</sup> Constitution of the State of Alaska, Article X, Section 10.

<sup>138</sup> Constitution of the State of Alaska, Article X, Section 1.

## Appendix D: A Legal Analysis of the Venetie Decision

Heather Kendall-Miller of the Native American Rights Fund wrote the following memorandum for the Alaska Federation of Natives. She argued *State of Alaska, et al. v. Native Village of Venetie Tribal Government, et al.* for the Village of Venetie before the U.S. Supreme Court. This memorandum describes the decision of the Supreme Court and its implications for Native Alaska.

## **Sectional for CSSHB 16**

22-LS0210\J

Updated: February 16, 2001

Section 1 and 22: Includes "home rule community" in the definition of "municipality".

Section 2: Defines "city" to mean a home rule community, home rule city, or general law city incorporated under the laws of the State of Alaska.

Section 3: Allows reclassification of a home rule community to a home rule city.

Section 4: Allows "charter approval" and "reclassification" to be considered together if a home rule community petitions to reclassify to a home rule city.

Section 5: Allows the standards for incorporation of a second class city to also apply to a home rule community.

Section 6: Allows for home rule communities to be considered in proposals for Municipal incorporation. Paragraph (13) allows for a home rule community to propose a charter.

Section 7: Allows a first class city or a second class city to adopt a charter and become a home rule city and a second class city to adopt a charter and become a home rule community.

Section 8: In an incorporation, merger, or consolidation election a municipality may adopt a charter and become a home rule community or a home rule borough.

Section 9: Includes "home rule communities" and "home rule" boroughs in the description of what petitioners must include to propose organization.

Section 10 and 21: Allows for local preference for name selection for the council and/or the mayor.

Section 11: Requires the department to prepare a model charter for a home rule community.

Section 12 and 14: Allows a home rule community a choice of either an audit or a annual income and expenditure statement.

Section 13: Equates home rule communities with second class city in the description of powers of eminent domain.

Section 15 and 17: Allows the power to provide for planning and platting as a charter option.

Section 16: Equates home rule communities with second class cities in prohibiting establishment of a public school system.

Section 18 and 19: Equates home rule communities with second class cities in option to tax and the related requirements.

Section 20: Includes home rule communities in definition of city.

Section 23: Adds the definition of a home rule city to exclude a home rule community.

Section 24: Requires and describes a CONFORMING BILL to be passed before HB 16 becomes law.

Section 25 and 26: Sets the effective date to be triggered upon passage of the conforming bill.