

HB

229

Alaska House of Representatives

Richard Foster
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During Session
State Capitol Rm. 410
Juneau, AK 99801-1182
907-465-3789
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Majority Whip

MEMORANDUM

To: Senator Gene Therriault, Chair
Senate State Affairs
From: Representative Richard Foster
Date: April 25, 2005

Re: Scheduling HB 229

I respectfully request that the Senate State Affairs committee schedule House Bill 229 "An Act relating to the reinstatement of Native corporations; and providing for an effective date" as soon as practical.

If you have question please contact Paul in my office extension 3789

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House Bill 229

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

Sponsor's Statement

This legislation has been introduced at the request of one of the Regional Native Corporations within our District. Corporations have been involuntarily dissolved by the commissioner under AS 10.06.633 and failed to apply for reinstatement during the grace period established in statute.

This legislation provides a one-time window during which Native Village Corporations who have been dissolved can apply for reinstatement.

The legislation is needed because these corporations were established under the Alaska land claims settlement and legally own village corporation assets. A new corporation could be created but it would not have the same legal standing as the original corporations nor legally own those assets.

The Final provision of the bill allows a Village Native Corporation's board of directors to legally change the corporation's name, if another corporation has taken the previously used name.

This Legislation will apply to Caswell Native Association (date not known), Savoonga Native Corporation (should have reinstated by 12/31/03), Arviq Incorporated (should have reinstated by 2/25/04), and Oscarville Native Corporation (should have reinstated by 2/25/04)

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

Representative Richard Foster

Talking Points

- Legislation provides a one-time window during which Native village corporation who have been involuntarily dissolved can apply for reinstatement.
- These Corporations need to be reinstated because they hold the assets that were granted to Native village incorporation under the Alaska land claims settlement.
- A newly created corporation would not automatically hold those same assets even if it had the same name as the original corporation.

Possible Side Issues

- Every two years a \$100 fee and a report listing the corporate officers are required by the State.
- A request for reinstatement can be made during the next two years. A penalty of 37.5 is added to the \$100. At the end of this two-year period the corporation is involuntarily dissolved.
- To be reinstated the corporation would have to pay the two required \$100 fees and two penalty fees, i.e. \$275
- The approximate cost for issuing the certificate of incorporation is \$61 so there is a slight positive fiscal impact but not enough to warrant anything but a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 229
 (j) Publish Date: _____

Revision Date/Time (Note if correction):
 Title Reinstatement of Native Corporations

Dept. Affected: Commerce
 RDU Occupational Licensing (117)
 Component Occupational Licensing

Sponsor Foster, Hawker
 Requester House Community & Regional Affairs

Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation reinstates certain Native corporations that have been involuntarily dissolved under AS10.06.633(e), provided they apply on or before December 31, 2006. New funds are not required to implement the provisions of this bill.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by: Edgar Blatchford, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone (907) 465-2144
 Date/Time 3/30/05 4:59 PM
 Date 3/30/2005