

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILE 8672
2150 SCOMM 80: HOUSE SPEC. COMM. MILITARY & VET. AFFAIRS, 1991-92

To: **Chairman Ivan M. Ivan**
House Special Committee on Military and Veterans Affairs

From: **Johnny T. Hawk, President & Chief Executive Officer**
Callista Corporation

Date: **February 21, 1992**

Subject: **House Joint Resolution 68**

I am speaking for House Joint Resolution 68, which I feel is long overdue. It is good that the Alaska Legislature is recognizing the contributions of Alaska Natives who have served this great country of ours at a great sacrifice.

I believe this country should reward those who served their country in time of need rather than penalize them. Alaska Natives historically have proven themselves to be very patriotic and their record speaks for itself.

Some may say that those involved were wards of the government itself, so had the opportunity to participate in the Native Allotment Program. If they hold that belief, how many United States Department of the Interior personnel were willing to go to the front lines and enroll them? This holds true for those military personnel that were assigned to the four corners of the world at that time as well.

It is only fair that the State of Alaska urge the United States to open a window of opportunity for those affected to participate in a program beneficial to all eligible. This is a good time to do this because I have spoken to our Congressional Delegation personnel and they informed me that the Department of the Interior is reviewing land allotment applications at this time. Thus, now is the time to make this request on behalf of Alaska Native Veterans.

I thank you, Mr. Chairman and members of the Committee, on behalf of the many Native Veterans from the Callista Region for this and for the opportunity extended to us. It is very much appreciated.

cc: United States Veterans Affairs, Washington DC
Honorable Manual J. Lujan, Jr., Secretary of the Interior
Honorable Dan Quayle, Vice President of the United States
Ranking Members of U.S. House of Representatives and U.S. Senate
Honorable Robert C. Byrd, President Pro Tempore, U.S. Senate
Honorable Thomas S. Foley, Speaker, U.S. House of Representatives
Honorable Ted Stevens, U.S. Senator
Honorable Frank Murkowski, U.S. Senator
Honorable Don Young, U.S. House of Representatives

RESOLUTION # 079

AMEND 1971 ANSCA/ANILCA LANDS CLAIM ACT

WHEREAS, Alaska Native allotments were closed during the Vietnam Era, having a closing date for filings of December 18, 1971; and

WHEREAS, because of the action of Congress during the Vietnam Era, many Native Alaskans participated in the Vietnam conflict; and

WHEREAS, those Native Alaskan Vietnam veterans were not notified, nor were aware of the Native Allotment issue while it happened; and

WHEREAS, these Native Alaskan Vietnam veterans were discriminated against by the actions of Congress in not being able to exercise their normal rights as free citizens to file entitlement applications during the Vietnam conflict; and

WHEREAS, many Vietnam veterans were eighteen years of age prior to induction and military service; and

WHEREAS, all Vietnam veterans served their country at the will of Congress and are entitled to any benefits that they normally would have received if not obstructed and/or informed because of this action; therefore

BE IT RESOLVED, by the Veterans of Foreign Wars of the United States, Department of Alaska, that the 1971 ANSCA/ANILCA Land Claims Act be amended to allow eligible Alaskan Native veterans a grace period of eighteen months from date of enactment to file entitlement applications.

Submitted by: John Guinn

Sponsored by: VFW Post 10041, Bethel - endorsed at General Membership meeting.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE IVAN

NAME: LEO LAND
TITLE:
ADDRESS: BOX 122
CITY: HAINES ZIP: 99827
PHONE: N/R-
BILL NO: HJR 68
SUBJECT: REOPEN ALLOTMENTS FOR NATIVE VETERANS
MESSAGE: I HAVE TWO SONS, ONE VIETNAM VETERAN, ONE GERMANY VETERAN, WHO WERE
NEVER WARNED TO FILE FOR THEIR NATIVE ALLOTMENTS, BEFORE DECEMBER 18, 1971.
THERE ARE SOME WHO WILL OPPOSE THIS BECAUSE THEY THINK THEY HAVE TOO MUCH
ALREADY. PUT THIS RESOLUTION ON THE FAST TRACK, PLEASE. IT COSTS US NOTHING
SO WHY NOT.

POMID: 12090419
DATE: 92/02/21
TIME: 09:04:19
LIONAME: SITKA LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	DAVIDSON	CRAFT
B.DAVIS	C.DAVIS	DUNCAN
DONLEY	ELLIS	ELIASON
FINKELSTEIN	FOSTER	FISCHER
GONZALES	GRUENBERG	FRANK
GRUSSENDORF	HANLEY	HALFORD
HUDSON	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	ULMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE IVAN

NAME: CHICK GREENE
TITLE: NW ARCTIC BOROUGH MAYOR
ADDRESS: P.O. BOX 1110
CITY: KOTZEBUE ALASKA
PHONE: 442-2500
BILL NO: HJR 68
SUBJECT: REOPEN ALLOTMENTS FOR NATIVE VETERANS
MESSAGE: SUPPORT URGING CONGRESS TO REOPEN THE NATIVE ALLOTMENTS PROCESS F
THE BENEFIT OF NATIVE MILITARY VETRANS.

POMID: 10145012
DATE: 92/03/13
TIME: 14:50:12
LIONAME: KOTZEBUE INFORMATION OFFICE

COPIES: REPRESENTATIVES

CARNEY
DAVIDSON
FINKELSTEIN
HUDSON
LEMAN
LINCOLN
MOYER
ZAWACKI
DONLEY
ELLIS
GRUENBERG
GRUSSENDORF
MARTIN
TAYLOR

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE IVAN

NAME: DAN SNYDER JR.
TITLE: VIETNAM VET
ADDRESS: P.O. BOX 226
CITY: KOTZEBUE ALASKA
PHONE: 442-3513

ZIP: 99752

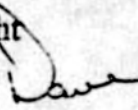
BILL NO: HJR 68
SUBJECT: REOPEN ALLOTMENTS FOR NATIVE VETERANS
MESSAGE: I AM IN SUPPORT OF SEEING HJR 68 (MLV) PASSED AND SENT TO THE CONGR
FOR THEIR CONSIDERATION. BEING A NATIVE & VIETNAM VETERAN I WAS NEVER MADE A
OF ALLOTMENT PROCESS AND BECAME AWARE AFTER DISCHARGE & DEADLINE.
REOPENING THIS PROCESS FOR VETERANS WOULD SHOW THAT THE U.S. APPRECIATES THOSE
THAT SERVE.

POMID: 10142213
DATE: 92/03/13
TIME: 14:22:13
LIONAME: KOTZEBUE INFORMATION OFFICE

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
ANCHORAGE AND STATEWIDE OFFICE
1016 WEST SIXTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 276-6282

MEMORANDUM

To: Rebecca Wright

From: Dave Fleurant 

Re: Victor Karmun

Date: October 17, 1988

Please forward the attached copies to Victor Karmun. The articles and letters address the issue of Vietnam era veterans and Native allotment claims. Also, please let him know that Mindy Gallagher, Realty Officer for the Tanana Chiefs Conference in Fairbanks, has been inquiring into this issue. Victor may want to contact Mindy (452-8251) for information and/or support.

Thank you.

FRANK H. MURKOWSKI
ALASKA

COMMITTEES:
VETERANS' AFFAIRS (RANKING MEMBER)
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS
INDIAN AFFAIRS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510
(202) 224-8685

December 16, 1987

ANCHORAGE
U.S. FEDERAL BUILDING
701 C STREET, BOX 1, 99513
(907) 271-3738

FAIRBANKS
U.S. FEDERAL BUILDING
101 12TH AVENUE, BOX 7, 99701
(907) 456-0233

JUNEAU
U.S. FEDERAL BUILDING
BOX 1847, 99802
(907) 586-7400

Mr. Victor Karmun
P.O. Box 343
Kotzebue, Alaska 99752

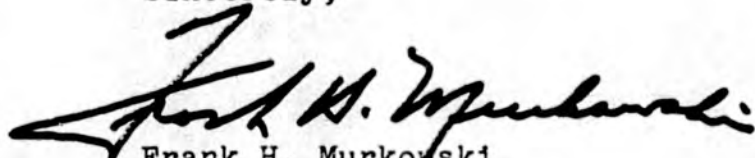
Dear Victor:

Thank you for your continued interest regarding reopening the Native Allotment Act for Alaska Native Veterans. I appreciate your arguments in support of such legislation.

As you know, the 1906 Native Allotment Act was repealed by the Alaska Native Claims Settlement Act. Additionally, the Alaska National Interest Lands Conservation Act established a mechanism to approve all pending Native allotment applications. Thus, the Native Allotment Act would have to be reenacted to allow Native Alaska Veterans the chance to submit applications. Because of the extensive legislative action taken with regard to Alaska Native allotments thus far, I would not expect legislation to reestablish the program to meet with much success during this Congress.

At this point, I am not inclined to introduce legislation on this issue given the many Alaska lands issues currently facing the Congress. Victor, if you feel that you are entitled to an allotment but are finding your dealings with the appropriate agencies difficult, please feel free to contact me and provide the details of your situation. I will be happy to help in any way I can.

Sincerely,



Frank H. Murkowski
United States Senator

July 27, 1987

Miles Pierce
Alaska Senior Vice Commander
7414 Pamela Place
Anchorage, Alaska 99504

Dear Mr. Pierce,

I appreciate your consideration of my concerns regarding Native servicemen who have been deprived of the opportunity to obtain Native lands during and following military tenure.

To review my personal experience with this issue we need to return to when I was stationed in the U.S. Navy out of San Diego, California. While there I attempted to register with my Native corporation, NANA Regional Corporation, and register for land claims. I went to the Indian Center offices in San Diego where staff from the Bureau of Indian Affairs, Bureau of Land Management and state personnel were employed. It was explained that because I was in government service and thus a ward of the government, I would not qualify for land under the Alaska Native Claims Settlement Act (ANCSA). Several other Native individuals serving in the Navy and Marines were in the office at the time and shared my surprise with this policy. We had no prior knowledge of this, took it to be fact and as a result I ceased pursuing land until last year.

In 1986 when U.S. Senator Frank Murkowski visited Kotzebue I spoke with one of his aides and explained the details of my and other Native's predicaments. I was instructed to submit a memorandum explaining the circumstances and that cases "might" be considered on an individual basis.

Native Veterans, no matter where they were at the time of passage of ANSCA, should not be deprived of its inherent rights. Agreements made between the U.S. government and Natives should not be confused with or exclude Natives who were serving our government at the time of such agreements.

In particular, Vietnam veterans should not be subject to this policy. We sacrificed time, energy and effort for our country. When experiencing further personal losses, it becomes easy to conclude that our efforts may have been for naught.

I trust you will pursue this in my behalf and in behalf of other Native veterans who are adversely effected.

Sincerely,

Victor R. Karmun

Victor R. Karmun
CM VFW Post 8839
Box 343
Kotzebue, Alaska 99752
907-442-2799

WK - 442-3799

A RESOLUTION PERTAINING TO THE ALASKA NATIVE VIETNAM VETERANS ALLOTMENT AS
PER THE 1971 ANSCA LAND CLAIMS ACT.

WHEREAS NATIVE ALLOTMENTS WERE CLOSED DURING THE VIETNAM ERA

WHEREAS ALASKA NATIVES WERE IN VIETNAM DURING THE NATIVE ALLOTMENT PROCESS

WHEREAS VIETNAM VETERANS IN VIETNAM WERE 18 PRIOR TO INDUCTION AND
MILITARY SERVICE

WHEREAS THOSE VIETNAM VETERANS WERE NOT NOTIFIED ABOUT THE NATIVE
ALLOTMENT ISSUE WHILE IT HAPPENED.

THEREFORE POST 9890 SEEKS SUPPORT OF THIS RESOLUTION FOR FURTHER
DOCUMENTATION TO CONGRESS FOR THE 1991 AMENDMENTS OF THE ANSCA/ANILCA.

PASSED THIS 20 DAY OF JUNE 1986

ADJUTANT N. A. Glen

POST COMMANDER

Arnold Brown

FILE



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Enrollment Coordinating Office
Pouch 7-1971
Anchorage, Alaska 99510

IN REPLY REFER TO
10 269 42502
NW AK ASSOC
KOTZEBUE

02/08/73

VICTOR RAY KARMUN
NAVY WEAPONS SCHOOL
MIRAMAR CA 92145

DEAR HEAD OF HOUSEHOLD,

WE HAVE RECEIVED YOUR APPLICATION FOR ENROLLMENT UNDER THE ALASKAN NATIVE CLAIMS SETTLEMENT ACT OF DECEMBER 18, 1971 FOR THE FOLLOWING NAMED PERSONS. IF MEMBERS OF YOUR FAMILY HAVE REGISTERED TO A DIFFERENT VILLAGE, THEY WILL BE LISTED ON A SEPARATE LETTER. IF ANY OF THE INFORMATION PRINTED BELOW IS NOT CORRECT PLEASE SEND US THE CORRECT INFORMATION NOW.

NAME	SOC SEC NO.	RELATION	BIRTHDATE
----	-----	-----	-----
KARMUN VICTOR RAY	574-10-7035	HEAD	03/12/193

A DECISION AS TO APPROVAL OF ENROLLMENT WILL BE MADE ON THE BASIS OF INFORMATION CONTAINED IN THE APPLICATION AND SUPPLEMENTAL EVIDENCE. YOU WILL BE NOTIFIED IN WRITING BY THIS OFFICE AS TO WHETHER OR NOT YOUR APPLICATION IS APPROVED.

PLEASE KEEP THIS OFFICE INFORMED, BY MAIL, OF ANY CHANGE IN YOUR MAILING ADDRESS. ALSO, PLEASE HELP US BY TELLING YOUR RELATIVES, FRIENDS, AND NEIGHBORS WHO ARE ALASKA NATIVES ABOUT THE NEED TO APPLY FOR ENROLLMENT BY MARCH 30, 1973. THANK YOU.

SINCERELY YOURS,

/S/ JOHN HOPE
NATIVE ENROLLMENT COORDINATOR

RECEIVED JAN 22 1991

NOTHING EVER CAME FROM
THIS.

I ATTENDED THE MEETING
HERE IN KOTZEBUE AND
NEVER HEARD FROM THEM
AGAIN

RECEIVED JAN 22 1991

I CONTACTED HIS STAFF
AGAIN THIS IS AS FAR AS IT
WENT.

I NEVER HEARD FROM THEM
AGAIN

Victor R Karmun

ALASKA NATIVE REVIEW COMMISSION

429 "D" STREET, SUITE 304
ANCHORAGE, ALASKA 99501

(907) 279-1522

March 13, 1984

Mr. Victor Karmun
Box 16
Kotzebue, AK 99752

Dear Mr. Karmun:

Thank you for your call today. The problems related to vets and ANCSA are the kind of thing that would best be raised at a village meeting of the Commission. These meetings are now being scheduled and will take place over the next 10 to 12 months. There will be one in your area so I do hope you will come.

The village meetings for the Nana Region are being planned by Eileen MacLean and Mary Kancewick of the Commission staff. I will have them keep you advised of our plans.

Thanks for your call.

Yours very truly,



Don J. Gamble
Commission Coordinator

DJG:ti

cc: Mary Kancewick
Eileen MacLean

Victor R. Karmun
Box 343
Kotzebue, Alaska 99752

Congressman Don Young
2331 Rayburn House Office Bldg
Washington, D.C. 20515

Attn: Rick Agnew, Interior Committee Counsel

Dear Congressman Young,

I am writing in regards to the allotment application process denied to Alaska Natives enlisted in the military service when the "Alaska Native Claims Settlement Act" (ANCSA) was passed. I am enclosing correspondence with regard to this (enclosure 1) and would appreciate it if your office would assist me with this problem.

Congressman Young, Alaska Natives who were in the military service when ANCSA was passed should not have been denied the opportunity to apply for a native allotment. I have served twenty very productive years in the U.S. Navy with every intention of returning to Alaska. Since retiring from the U.S. Navy I have resided in Kotzebue, built a permanent home and plan to reside in Kotzebue for many years. However, I would like the opportunity to apply for a native allotment in the areas my family have been subsistence hunting and fishing for generations. As an active hunter and fisherman, Congressman Young, I am sure you can understand how important the opportunity to apply and receive a native allotment for subsistence purposes is to me. I would deeply appreciate any assistance your office could provide.

I realize that the legislative process in amending ANCSA to provide Alaska Native veterans an opportunity to apply for native allotments would be lengthy and possibly unproductive. However, I would like to inquire on an alternative administrative process through The Department of Interior. The new Secretary of Interior, Manuel Lujan, could recommend administrative changes to ANCSA initiated by the Alaska Congressional delegation in Washington, D.C. to ensure that Alaska Native veterans, such as myself, are allowed our respective rights under ANCSA in applying for a native allotment. This would avoid an extensive legislative process of trying to get yet another amendment to ANCSA passed through Congress. I am aware of the many important Alaska lands issues you and Senators Stevens and Murkowski are considering; however, I cannot stress the frustration and disappointment of many Alaska Native veterans who have returned to Alaska to permanently reside; yet have no native allotment assigned for subsistence use.

Subsistence hunting and fishing is important to me and have been an important factor of my life. However, I cannot believe I would be denied, and continually so, the process of applying for a native allotment because I was classified a ward of the government during my years in the U.S. Navy! Congressman Young, I would appreciate your help with this very important process in correcting this injustice to Alaska Native veterans. Should you have any questions, you may reach me at 907-442-3799 (w) or 907-442-2799 (h).

Thank you for your assistance

With my kind regards,

Sincerely,

Victor R. Karmann

Victor R. Karmann

ALASKA
COMMITTEES:
VETERANS' AFFAIRS (RANKING MEMBER)
ENERGY AND NATURAL RESOURCES
FOREIGN RELATIONS
INDIAN AFFAIRS
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510
(202) 224-8888

701 L STREET, BOX 1, 99713
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FAIRBANKS
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101 12TH AVENUE, BOX 7, 99701
(907) 466-0233
JUNEAU
U.S. FEDERAL BUILDING
BOX 1847, 99802
(907) 586-7400

15 March 1988

Mr. Victor Karmun
P. O. Box 343
Kotzebue, Alaska 99752

Dear Victor:

At your convience, would you please call me. My hours are
9 A.M. to 2 P.M. - also - please call collect.

Sincerely,



Marcia Kozie
Special Staff Assistant
Fairbanks

(907) 271-4104

April 21, 1967

Bruce Heston
SR Box 249
Kenny Lake, Alaska 99573

Dear Mr. Heston:

Reference our recent conversation concerning Vietnam veterans filing for Native allotments. Research reveals that you, as a veteran, are not the first to feel left out of the opportunity to acquire a Native allotment. First, some background information:

The Alaska Native Allotment Act, enacted May 17, 1906 and amended on August 2, 1956, authorizes the Secretary of Interior to allot not to exceed 160 acres of vacant, unappropriated and unreserved non-mineral land to Alaska Indians, Eskimos, and Aleuts. Section 18 of the Alaska Native Claims Settlement Act (ANCSA) repealed the 1906 Act.

The Bureau of Indian Affairs (BIA) has been historically understaffed in Alaska, particularly in the Real Property programs. BIA field people usually consisted of school teachers, many of whom were not knowledgeable of land programs. As a result, not a great number of Natives were made aware that they could have applied for Native allotments. This is evidenced by the fact that only 51 applications were filed between 1906 and 1960. The advent of ANCSA generated another 1929 applications from 1961-1971.

Alaska Legal Services Corporation (ALSC), contracted legal counsel for BIA Native allotment and land issues, has been involved in the earlier veterans' questions concerning opportunities to acquire Native allotments. It is ALSC's opinion, and I agree, that the best approach would be for you to amass a voting block and utilizing that strength, ask our congressional delegation to sponsor a special act on your behalf. You may find an unsympathetic audience as the 1991 issues, Native corporation- and state-selected lands is what currently holds public interest.

Enclosed are copies of news articles from the Bristol Bay Times, Anchorage Times and Tundra Times, stating thoughts nearly identical to your's. These articles may be helpful to you as leads in where you can pick up this issue.

Pursuant your request, enclosed is an Alaska Native Allotment Application and Evidence of Occupancy. If you complete this form it should be returned to this office. While it is not my position to discourage you from submitting an application for Native allotment, I must say that your efforts may be futile.

Also enclosed is a package from our most recent sale. If you are interested in any particular parcel, you may contact Rose Brady, Realty Specialist who handles sales.

I hope this information is helpful to you. I am sorry I cannot be more encouraging. Please contact me if you have further questions.

Sincerely,

Barbara A. Booher
Allotment Coordinator

Enclosures (3)

cc: Dave Fleurant, ALSC

cc: Reading File
Specialist's File

BBOGHEK:ap April 21, 1987 Bruce Heaton 1

6/2/87
04-21-87

RECEIVED JAN 18 1991

Wassilie Kameroff
PO Box 47
Lower Kalskag, AK 99626

January 15, 1991

Ida Hildabrand
Alaska Native Foundation
PO Box 100278
Anchorage, AK 99510

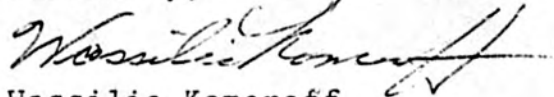
RE: Missed out on Native Allotment because of
Military Service.

Dear Miss Hildabrand:

I have two people from Lower Kalskag: Crim Evan
and myself Wassilie Kameroff. We were in the
military service in 1971.

Thank you for your help.

Sincerely,


Wassilie Kameroff

REC
3-9-81

Roy Peratrovich, Superintendent
Anchorage Agency, P. O. Box 120
Anchorage, Alaska 99501
April 19, 1971

Ruralcap Development
David Stone, Regional Director
Box 256
Kotzebue, Alaska 99752

Dear Mr. Stone:

The Native Allotment Application of Frank A. McCafferty is herewith returned.

Mr. McCafferty can not file application while he is in the Navy. Use and occupancy of the land must be by the applicant and must be substantially continuous up to the present time.

When he is once again home using the land, we can then certify and file an application for him.

Very truly yours,

(Mrs.) Dolores N. Roullier
Realty Specialist

DNR:ds

[1 - 0199]

July 28, 1986

/FIRST/ /LAST/
/BUILDING/
/STREET/
Washington, D.C /ZIP/

Dear /TITLE/ /LAST/,

Attached you will find a resolution submitted by Veterans of Foreign Wars Post 9890 of Barrow, Alaska.

On July 12, 1986, the Department of Alaska, Veterans of Foreign Wars Council of Administration voted unanimously to support this resolution asking for an amendment which would allow eligible Native Alaskan Veterans a grace period in which to file entitlement applications.

We respectfully submit this resolution for your consideration and sincerely implore you to go on record in support of the Alaskan Native Veteran.

Very truly yours,

Randell Kruse
State Commander

RK:GK:dj

A RESOLUTION PERTAINING TO AMEND 1991 LEGISLATION WITH ALASKA NATIVE VIETNAM ERA ALLOTMENT ISSUE

WHEREAS, ALL ALASKA NATIVE VIETNAM ERA VETERANS ^{WERE} ~~WE~~ 18 YEARS OF AGE AND,

WHEREAS, ALASKA NATIVE VIETNAM ERA VETERANS WERE ~~WE~~ ELIGIBLE TO APPLY FOR NATIVE ALLOTMENT AND,

WHEREAS, CONGRESS AND US PREMATURELY CLOSED THE APPLICATION PERIOD TO QUALIFIED NATIVES WHO SERVED IN THE ARMED FORCES DURING THE DRAFT PERIOD AND,

WHEREAS, THOSE VETERANS HAD RIGHTS PRIOR TO THE STATEHOOD OF ALASKA AND,

WHEREAS, NATIVES YOUNGER HAVE RECEIVED NATIVE ALLOTMENTS AND,

WHEREAS, VETERANS HAVE PREFERENCE RIGHTS IN STATEHOOD ACT OF ALASKA AND,

WHEREAS, TIME IS OF ESSENCE TO AMEND ANCSA/ANILCA AND 1991 CONGRESSIONAL LEGISLATION WITH ALASKA NATIVE VIETNAM ERA VETERANS RIGHTS FOR EQUAL PRIVILEGES WITH OTHER ALASKA NATIVES UNDER THE ACT.

NOW THEREFORE BE IT RESOLVED THAT _____ SUPPORTS THE AMENDMENT OF THE 1991 LEGISLATION WITH ALASKA NATIVE VIETNAM ERA VETERANS REINSTATED,

BE IT FURTHER RESOLVED THAT ALASKA NATIVE VIETNAM ERA VETERANS BE EXTENDED PRIVILEGE TO APPLY FOR NATIVE ALLOTMENTS

FURTHER RESOLVED THAT ENROLLMENT AND OTHER PRIVILEGES BE REINSTATED TO QUALIFY THOSE VETERANS FOR ANCSA/ANILCA and 1991 LEGILATION.

Arnold Brower
P.

...going, guys.

On to the Pribilofs where residents are fighting to establish an economic base to counter the pullout of federal subsidies and programs.

St. Paul had gotten money for a harbor but St. George, which has a very thriving fishing industry, did not. At the very time that a fishing processing facility was opened the Alaska Legislature inexplicably didn't add funds to build a boat harbor.

Then came Gov. Bill Sheffield who transferred money from a mainly recreational harbor project on Latouche Island in Prince William Sound to give it to a working project in the Pribilofs.

More good news.

Then we hear that Sheffield wants to talk about Native Sovereignty rights and issues. We are a little reserved on this one because we fear that the talk may be that the Natives have none but we applaud the fact that a dialog may begin.

And in Venetie, a judge has ruled that a subsistence hunter could possess a caribou out of the state-dictated hunting season.

There are those who fear that the greater issue may not be well served by this decision and we share in those concerns but we also cannot ignore the individual case and express our relief that this case was decided in the defendant's favor.

So, we have no scorching editorial this week.

It was a week to feel good about the state of things while taking a rest from the very heavy matters of the world.



Help veterans on allotments

To the Editor:

Attention Alaska Native Veterans of Vietnam Era.

With respect to the Alaska Native Vietnam Veterans who did not apply for Native Allotments: I have been pursuing this issue for quite some time. I first wrote letters and applied for my allotment in 1974-75.

B.L.M. officials said, it's CLOSED! Sorry. I told them my situation/reason, but they said, sorry it's CLOSED.

I thought of a lawsuit but lack the funds. Slowly, I've gained support of local officials and they wrote letters to

the Alaska Delegation for me (Vietnam Veteran). Here is the basis of the appeal — because a lot of us were 18-19 years old when we graduated and had to get in Military Service in 1967-1968 till 1971-1972.

During that time was the final period of filing for Native Allotments. When we got home, a lot of us had not finished our education beyond high school and had to pursue it.

So we never were brought up to date on these vital issues and I believe we have at least achieved that right like everyone else.

After all, some younger than I have filed and are receiving their allotments.

I am soliciting other Alaska Native Vietnam Veterans' names so we may expedite this application and be counted as Alaska Natives in our rights.

Sincerely,

Arnold Brower Jr.
V.F.W. Post Commander
P.O. Box 402
Barrow, AK 99723

I wish to applaud the Alaska Delegation and the Local Government, Village Corporation in the North Slope.

Upgrade whaling equipment

To the Editor, Greetings:

And to the Eskimo subsistence whalers and to the Eskimo Whaling Commission. This letter is in reference to whalers and to the whales themselves.

Consider: each harpoon should have an electronic locator device built within each harpoon. This way the location of those whales struck but still on the run could be monitored as to the whale's whereabouts at all times.

This triangulation of electronic beeps underneath the water and ice, to know where the whale is, would enhance optimum retrieval of the set

whale quotas. Perhaps the use of a strong "knock-out" drug would also ensure maximum "landings" should a whale be wounded.

Modern technology should be used to aid in the location

of, and for the retrieval of whales.

Thank you for reading these considerations.

Sincerely,

Owen Francis Eben

Northern Tales

Winter of the Northern darkness,
Of
Northern Dipper is North Star,
Northern spring open,
Northern life with your,
Northern light to bring
Northern Summer and
Midnight Sun.

Northern light never let yourself
too low in midnight sun,
Northern dipper so bright in sky,
Of the
North in cold clear night,
The north star of
Northern darkness, in
Northern Life.

Andrew Kagak
Lompoc, California

V.F.W.



VETERANS OF FOREIGN WARS OF THE U.S.

Robert V. Lindsey Post No. 10041

P.O. Box 301

Bethel, Alaska 99559

(907) 543-2241

March 16, 1988

Tony Principi, Minority Chief
Committee of Veterans Affairs
SR 414
Washington, D.C. 20510

Dear Mr. Principi:

In reference to the telephone conversation I had with you yesterday morning, I am including a Resolution passed by our VFW Post 10041 concerning the violated rights of Alaskan Native Vietnam Veterans that were deprived of filing under the ANSCA Land Claims act of 1971.

Because their rights as free citizens were taken away by Congress, many Alaskan Native Vietnam Veterans were discriminated against by Congress in not being able to participate in those benefits that they would have normally received.

Because of this action, there exists the possibility of a law suit against the action of Congress and/or their reluctance to correct a massive wrong that they have inflicted against those Alaskan Native Vietnam Veterans.

Has this been put on a back burner because of the feeling that it is a "Native" issue? The whole Alaska Native Land Claims Act of 1971 is a "Native" issue. Whether the Vet was an Alaskan Native or a native Alaskan, he did heed the call of his country and served her well. But because of this service to promote and guard freedom, Congress also deprived the Alaskan Native Vietnam Veteran from participating in the land allotment entitlements provided for under the ANSCA Land Claims Act of 1971.

It is our duty to correct this wrong.

Attached is VFW Post 10041 Resolution that directs that the 1971 ANSCA/ANILCA Land Claims Act be amended to allow eligible Alaskan Native Veterans a grace period of eighteen months from the date of enactment to file entitlement applications.

cc. Gary Kurpius, Dept. Adjutant
Hon. Senator Frank Murkowski
Earl Jones, Dept. Political Action
✓ Victor Karmun, Kotzebue
Burton Rexfield, Barrow
Jack Shields, VETS FORUM
Earl Stock, Com. in Chief
files

Sincerely,

A handwritten signature in dark ink, appearing to read "John P. Guinn", is written over the word "Sincerely,".

John P. Guinn
Post Commander, Post 10041
Bethel, Alaska

VETERANS OF FOREIGN WARS OF THE UNITED STATES

V.F.W.



VETERANS OF FOREIGN WARS OF THE U.S.

Robert V. Lindsey Post No. 10041

P.O. Box 301

Bethel, Alaska 99559

(907) 543-2241

A RESOLUTION OF THE VETERANS OF FOREIGN WARS
POST NO. 10041, BETHEL, ALASKA

RESOLUTION NO. 88-01

ENTITLED: A RESOLUTION OF VFW POST 10041 ASKING CONGRESS TO AMEND THE 1971 ANSCA/ANILCA LAND CLAIMS ACT TO ALLOW NATIVE ALASKAN VETERANS A GRACE PERIOD OF EIGHTEEN MONTHS FROM DATE OF ENACTMENT TO FILE ENTITLEMENT APPLICATIONS.

WHEREAS: Alaskan Native allotments were closed during the Vietnam Era, having a closing date for filings of December 15, 1971; and

WHEREAS: Because of the action of Congress during the Vietnam Era, many Native Alaskans participated in the Vietnam conflict; and

WHEREAS: Those Native Alaskan Vietnam Veterans were not notified, nor were aware of the Native Allotment issue while it happened; and

WHEREAS: These Native Alaskan Vietnam Veterans were discriminated against by the actions of Congress in not being able to exercise their normal rights as free citizens to file entitlement applications during the Vietnam conflict; and

WHEREAS: Many Vietnam veterans were eighteen years of age prior to induction and military service; and

WHEREAS: All Vietnam Veterans served their country at the will of Congress and are entitled to any benefits that they normally would have received if not obstructed and/or informed because of this action.

March 15, 1988

NOW THEREFORE BE IT RESOLVED BY THE MEMBERSHIP OF VFW POST 10041, BETHEL, ALASKA, THAT THE 1971 ANSCA/ANILCA LAND CLAIMS ACT BE AMENDED TO ALLOW ELIGIBLE ALASKAN NATIVE VETERANS A GRACE PERIOD OF EIGHTEEN MONTHS FROM DATE OF ENACTMENT TO FILE ENTITLEMENT APPLICATIONS.

PASSED THIS 15TH DAY OF MARCH, 1988, BY A VOTE OF 20 YAYES AND 0 NAYS.

attest:

Michael A. Whalin
Post Adjutant

Michael A. Whalin

John P. Guinn
John P. Guinn
Post Commander, VFW Post 10041
Bethel, Alaska

VETERANS OF FOREIGN WARS OF THE UNITED STATES

VETERANS OF FOREIGN WARS POST 9890 PO.BOX 947 BARROW, ALASKA 99723

JUNE 25, 1986

VETERANS OF FOREIGN WARS
DEPT OF ALASKA
P.O. BOX 102320
ANCHORAGE, ALASKA 99510
Telephone: 907-276-8213

COMRADE COMMANDER RANDALL KRUSE,

COMMANDER KRUSE, IT IS MY PRIVILEGE TO WRITE YOU THIS LETTER. THE ISSUE IS VIETNAM VETERANS ALLOTMENT. IN 1971 CONGRESS PASSED THE ALASKA NATIVE LAND CLAIMS ACT. PART OF THIS ACT ENTAILED A DEC. 18, 1971 CLOSURE DATE FOR NATIVE ALLOTMENT FILING'S. SOME ALASKA VETERANS WERE 18 YEARS OF AGE WHICH WAS DETERMINED TO BE THE APPLICABLE AGE TO FILE FOR AN ALLOTMENT, PRIOR TO INDUCTION AND FILING DATE CLOSED ON THE 18TH OF DECEMBER, 1971. THERE WAS NO PROVISION TO NOTIFY THOSE ELIGIBLE VETERANS AND NO PERIOD OF GRACE TO FILE WHILE WE WERE OVERSEAS. THE ALASKA 1991 ISSUE IS NOW GOING BACK TO CONGRESS FOR AMENDMENTS AND WE SEEK THAT GRACE PERIOD FOR THE ALASKA VIETNAM VETERANS SO THAT THE ACT WOULD BEST REPRESENT ALL ELIGIBLE NATIVE ALASKANS. WE CANNOT QUALIFY FOR THOSE LOAN BENEFITS WHICH THE STATE SPONSORS THRU STATE LEGISLATION FOR THE KOREAN CONFLICT AND THE ASIATIC PACIFIC THEATERS HOWEVER, WE REQUEST SUPPORT THRU PROPER CHANNELS OF VETERANS' AFFAIRS. YOUR SUPPORT CERTAINLY WOULD HAVE A TREMENDOUS INFLUENCE IN ENCOURAGING OTHER VETERANS ORGANIZATION TO SUPPORT ALASKA VIETNAM VETERANS.

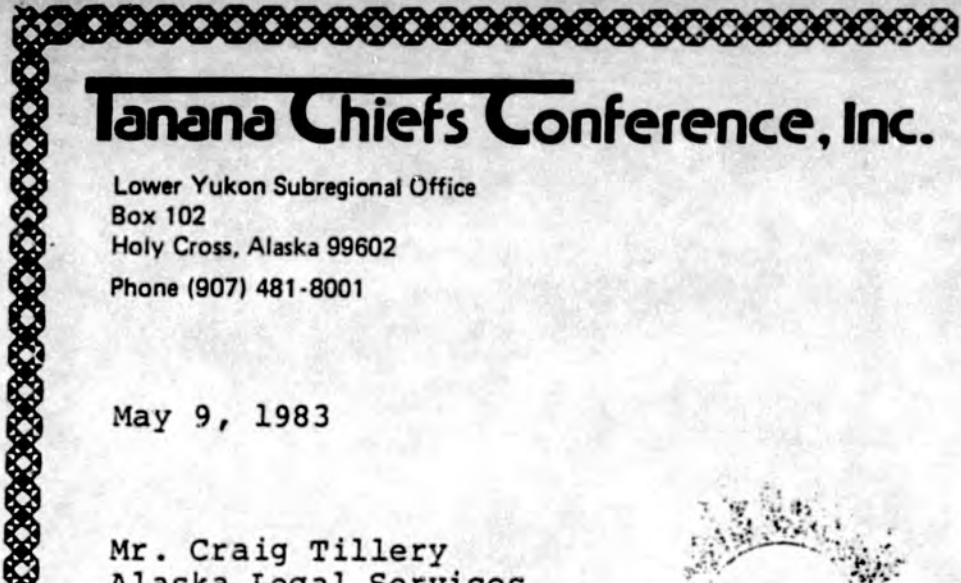
ALASKA SHOULD PARTAKE IN SOLIDIFYING THE FUTURE BENEFITS OF AMERICAN VETERANS, WE OWE IT TO OUR COUNTRY TO DO SOMETHING FOR ALASKA AND FUTURE VETERANS. AFTER ALL MILITARY PERSONEL SHOULD NOT BE CONCERNED ABOUT THEIR BENEFITS DIMINISHING WHILE SERVING THEIR COUNTRY. WE RESPECTFULLY SUBMIT THE ATTACHED RESOLUTION FOR YOUR CONSIDERATION AT THE NEXT MEETING AS TIME IS OF ESSENCE.

ARNOLD BROWER JR

Arnold Brower Jr.
POST COMMANDER POST 9890

DATE *June 25 1986*

POST ADJUTANT *Not Given*



Tanana Chiefs Conference, Inc.

Lower Yukon Subregional Office
Box 102
Holy Cross, Alaska 99602
Phone (907) 481-8001

MAY 13 1983

ALSC

May 9, 1983

Mr. Craig Tillery
Alaska Legal Services
615 H Street, Suite 101
Anchorage, Alaska 99501

Dear Mr. Tillery:

I'm checking into the possibility of starting a class action suit on behalf of Alaska Natives who were deprived of the chance to apply for a Native Allotment because they'd been drafted or joined the military services, and were out of Alaska when applications were being gathered. I think this class could involve a significant number of people who missed an opportunity to claim their land through no fault of their own. Please let me know your opinion of the feasibility of such a suit. Thank you.

Sincerely yours,


Calvin Chase
Realty Assistant

January 10, 1984

Mr. Paul Johnson
Bureau of Land Management
Alaska State Office
701 C Street, Box 13.
Anchorage, Alaska 99513

Dear Mr. Johnson:

Reference is made to the Native allotment article published in the Daily News, January 4, 1984, concerning an out-of-court settlement between the Native applicants and the federal government for the Fannie Barr case. The article states that those that applied will be given another opportunity to acquire their land pursuant to the 1906 Native Allotment Act.

I would like to take this opportunity to comment on the out-of-court settlement between the Native applicants and the federal government. First of all, I wish to serve notice to your office as well as the Bureau of Indian Affairs, that there are other Alaska Natives affected by the settlement that were totally left out of the land grants pursuant to the 1906 Native Allotment Act.

Secondly, I want to emphasize the fact that I am an Alaskan Veteran who believes that the out-of-court settlement should include all Alaskan Native Veterans as part of the settlement and give us the opportunity to apply for land pursuant to the 1906 Native Allotment Act. I, and possibly other concerned Alaskan Native Veterans, feel that we should be entitled to a Native allotment pursuant to the 1906 Native Allotment Act.

As a concerned Alaskan Native and an Alaskan Native Veteran, I felt compelled to write this letter to the federal government on behalf of other veterans who have individually approached me and expressed their concerns and desire to apply for a Native allotment. However, I wish to emphasize that I have pondered on this subject based on my own approach to what I felt was unconstitutional and unjust. Please bear with me and allow me to elaborate further on my own arguments.

Mr. Paul Johnson
January 10, 1984
Page 2

First of all, I want to emphasize that I believe I have an equitable argument to apply for a Native allotment pursuant to the Act, even though the deadline for applying for one has lapsed. My main argument stems from the fact that I was not provided constructive notice about the Native allotment program before I was removed from the State of Alaska to serve in the military. I firmly believe that my opportunity and right to apply for a Native allotment was taken away inadvertently by one branch of the federal government, this being the Department of the Defense.

During the time, the Bureau of Indian Affairs and those sub-contracted to assist Alaskan Natives to fill out their applications, I was within the State and strongly feel that I was eligible for the Native allotment program. I can reasonably argue that I was not provided constructive notice as a possible Native allotment applicant. Furthermore, being removed from the State before the December 18, 1971 deadline, consequently severed my right and opportunity to file and apply for a Native allotment. In addition, I recognize that I am not the only veteran that suffered the consequences because other veterans have approached me and there are possibly many more veterans who feel as I do. I firmly believe that all Alaskan Native Veterans have an equitable and justifiable argument to claim and apply for a Native allotment and should be provided due consideration.

Finally, if the Federal Government through the Bureau of Indian Affairs and Bureau of Land Management do not recognize and acknowledge this appeal, then I will have to seek other alternatives of gaining statewide recognition. I have taken the liberty to distribute copies of my letter to affected and interested agencies that may be willing to provide me with legal and technical assistance. Furthermore, I anticipate some reluctance from both Bureau offices, so I have made definite plans to broadcast my appeal through the media and newspapers to seek some support from all Alaskan Native Veterans, statewide.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Felix P. Hess

Felix P. Hess
Alaskan Native Veteran
503 East 6th Avenue
Anchorage, Alaska 99501

Mr. Paul Johnson
January 10, 1984
Page 3

cc Nelson N. Angapak
Executive Vice President
Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

Alaska Senator Ted Stevens
127 Russell
Senate Office Building
Washington, D.C. 20510

Alaska Senator Frank Murkowski
2104 Dirksen
Senate Office Building
Washington, D.C. 20510

Alaska Congressman Don Young
2331 Rayburn
House Office Building
Washington, D.C. 20515

United Veterans of Alaska
3605 Artic Boulevard
P.O. Box #II
Anchorage, Alaska 99503

Veterans Action Committee, Chairman
Municipality of Anchorage
Pouch 6-650
Anchorage, Alaska 99502-0650

Arnold Brower, Jr.
VFW Post Commander
P.O. Box 402
Barrow, Alaska 99723

Alaska Legal Services Corporation
615 H Street, Suite 100
Anchorage, Alaska 99501

Jake Lestenkoff
Area Director
Bureau of Indian Affairs
Juneau Area Office
P.O. Box 3-8000
Juneau, Alaska 99802

September 24, 1985

Senator Ted Stevens
United States Senate
Committee on Appropriations
Washington, D.C. 20510

Reference is made to your letter dated September 9, 1985 that included a response from the Department of Interior. To my dismay, I received an unfavorable response and please allow me to elaborate on some consequential problems I have with the response from the Interior Department.

It is ironic that the Department of Interior convey a negative tone regarding a major discrepancy which I still believe should be taken into consideration. Since my association with land and resource management, I have often contemplated the main function and the purpose of the Department of Interior's role in Alaska. I believe that if it was not for the Native Alaskan land claims and resources associated with the land, the Department of Interior would not even be in existence in Alaska. You and I know that the very existence of the Department in Alaska is to maintain the status quo in all land related functions and to promulgate the laws and related regulations in all land related issues.

In reference to the Department's response, I would like to take this opportunity to elaborate on two issues which I cannot accept. First, the Interior's response states that military personnel were provided adequate communication channels to Alaska by mail or telephone. I would argue that we had inadequate communication channels by mail or telephone because no one from the Bureau of Indian Affairs made a concerted effort to contact all military personnel about the native allotment program. I must emphasize that as a consequence, many Native veterans' opportunity to file for a native allotment was severed because we were not provided constructive notice by the Bureau of Indian Affairs and their contractees.

RECEIVED JAN 3 1986

Secondly, the Interior's response also states that military members were provided legal assistance through the services to assist them in the application process. Here again, I would argue that I was not provided any legal assistance from or through the military services even if such assistance was available. Concurrently, this discrepancy further emphasizes my first argument because the Bureau of Indian Affairs did not provide military personnel with constructive notice about the native allotment program. I know you may be thinking that this is a isolated case but you must ask yourself, "How many other Alaska Native veterans' fit this same category?"

As an American citizen, proud of his country and its Constitution, I believe that every individual and human being has rights and should be provided with due process of law. To negate this fundamental fact would be unconstitutional. That is what is currently happening Senator, the U.S. Supreme Court has traveled its journey in history books and has reached its final chapter. It seems that when a decision is handed down by the the U.S. Supreme Court, it has to rely on the merits of the U.S. Constitution. This transition is more prevalent today as we in Alaska are dealing with laws and regulations supported by our Congressional delegates in Washington, D.C.

I know for a fact, as a prominent and powerful Senator, you can be very influential in protecting the Constitutional rights of your constituents in Alaska, including Alaska Native veterans'. Even I recognize this hierarchy status symbol you presently hold, sometimes i begin to ask myself, "Did I vote for a man that is fair and does everything he can to protect and ensure the Constitutional rights of his fellow constituents in Alaska?" Consequently, your last campaign indicated that you are controlled and bought by big momopolies because of your position and ultimately your influence. A majority of your last campaigns financial support came from outside Alaska, especially from large monopolies.

Since the enactment of the Alaska Native Claims Settlement Act, many open-ended flaws of the Act have been remedied through Congress. The Federal Government through various agencies controls some 225 million acres of land in Alaska, of which 80 million acres is controlled by various conservation system units pursuant to ANILCA. Since the inception of ANCSA, we have become private landowners through the ANCSA corporate structure. As private landowners we can work closely with the agencies responsible for a particular conservation system unit and initiate land management responsibilities cooperatively. I totally disagree with the Department's position concerning their significant policy problems. You must recognize that the problem is not only the Interior's problem but that it affects all lands subject to the Statehood Act of 1959, 1971 ANCSA Law and subsequently ANILCA of 1980. Policy guidelines and subsequent regulations have proven that these and many problems can be remedied as evidenced by amendments upon amendments and revised statutes, laws and regulations promulgated by Congress.

If I cannot convince you about the urgency of this native allotment discrepancy that cannot be remedied, then the only recourse I have is to examine the possibility of filing a class-action suit against the department of Interior. In my judgment, I believe, this to be the only way to ensure that every Alaska Native veteran be provided an opportunity to file for a native allotment. Then and only then will the Department of Interior have policy problems because major problems at the moment have dissipated and another tidal wave will land on their desks.

Before closing, I would like to share with you an elder women's response about your political affluence. Her statement was received by many listening to her concerning what a candidate does to get elected. She stated that when you campaign in Alaska you solicit votes from all Alaskan Natives and once you are elected, you are never heard from again. I take this very seriously because she recognizes politics as it exists today. I regret that this is not favorable but that many Native Alaskans are beginning to realize the power of politics and ultimately, we have entered into a political dilemma that affects our very existence.

Every piece of legislation handled in Congress either directly or indirectly affects us and to negate this fact, is the ultimate extinction of Alaska Native cultures and lifestyles.

I am hoping that as an influential and powerful Senator, you can seek remedies in insuring all Alaska Native veterans' have an opportunity to exercise their right of land ownership pursuant to the 1906 Native Allotment Act, even though it was revoked through ANCSA. I am still determined to seek statewide support from other affected Native veterans' and in doing so, will convey the negative tone from the Department of Interior.

Thank you for responding and giving me this opportunity to respond accordingly. Take the best of care and don't forget about your Alaskan constituents.

Sincerely yours,

Felix P. Hess

Felix P. Hess

TED STEVENS, ALASKA
LOWELL P. WICKER, JR., CONNECTICUT
JAMES A. MCCLURE, IDAHO
PAUL LAXALT, NEVADA
JAKE GARN, UTAH
THAD COCHRAN, MISSISSIPPI
MARK ANDREWS, NORTH DAKOTA
JAMES ABENOR, SOUTH DAKOTA
ROBERT W. KASTER, JR., WISCONSIN
ALFONSE M. D'AMATO, NEW YORK
MACK MATTINGLY, GEORGIA
WARREN RUDMAN, NEW HAMPSHIRE
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO

JOHN C. STENNIS, MISSISSIPPI
ROBERT C. BYRD, WEST VIRGINIA
WILLIAM PROXMIRE, WISCONSIN
DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, SOUTH CAROLINA
LAWTON CHILES, FLORIDA
J. BENNETT JOHNSTON, LOUISIANA
QUENTIN N. BURDICK, NORTH DAKOTA
PATRICK J. LEAHY, VERMONT
JIM SASSER, TENNESSEE
DENNIS DECONCINI, ARIZONA
DALE BUMPERS, ARKANSAS
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA

J. KEITH KENNEDY, STAFF DIRECTOR
FRANCIS J. SULLIVAN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510

September 9, 1985

Felix P. Hess
P.O. Box 01
Nunapitchuk, Alaska 99641

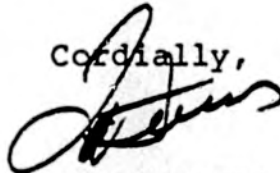
Dear Felix:

Enclosed is the reply from the Department of the Interior regarding our inquiry into the possibility of reopening the Native allotment program.

The Interior Department's opposition makes it virtually impossible to reopen the Native allotment program legislatively in Alaska. Sorry that Interior's response is not more favorable.

With best wishes,

Cordially,



TED STEVENS

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 19 1985

Honorable Ted Stevens
United States Senate
Washington, D.C. 20510

Dear Senator Stevens:

This is in response to your letter of June 21, 1985, concerning your constituent, Mr. Felix P. Hess. The issue discussed is the possibility of reopening the Native allotment program to Native veterans. You asked for an evaluation of the merits of reopening this program and whether there would be Departmental support for such action.

I have reviewed the issues brought forth by Mr. Hess and the policy questions that this reopening proposal would have on other potential allotment applicants and final title in Alaska. This review leads to the conclusion that the Department would not support such a reopening.

Mr. Hess provides two arguments for changing the law: lack of constructive notice of the allotment program and absence from the State during an application solicitation effort by the Bureau of Indian Affairs (BIA).

During the period between the enactment of the Native Allotment Act of 1906 and the avalanche of applications in late 1971, approximately 2,000 applications had been filed. These numbers are in spite of the complexity of the filing process, language barriers, and cultural preferences for community rather than individual land ownership. While the later solicitation efforts of the BIA were also effective in gaining applications (another 7,400), this does not negate the existence and real role that allotments had played in the State for years.

A larger class of individuals must be considered in viewing the out-of-State absence issue. Many individuals may have been absent from Alaska at the time of the filing deadline for a variety of reasons, including public service, personal advancement, or illness. In this context, military members may have had some advantages as compared to the other out-of-State parties on getting information and preparing applications. In 1970, military members had adequate communication channels to Alaska by mail and telephone. Military members also had legal assistance through the services to assist them in the application process.

Since 1971, major transfers of land to the State and to Native corporations have occurred, and a new title issue would present significant policy problems. To reopen transferred lands to new application would unsettle title once again in Alaska for all parties.

I have enclosed a copy of a response from the Bureau of Land Management, Alaska State Office, to another inquiry from Mr. Hess on this topic. This is provided for informational background.

Sincerely,

/s/ James E. Cason

Assistant Secretary - Land and
Acting Minerals Management

Enclosure

cc: ES-8 OCL(4) DUS/Horn(w/incoming) ES-IS & PR SOL LM(2)
LLM: 311:OF 311:RF 311:Faithful 311:Hold 310(2) DRF
State Director, Alaska (965)(w/incoming)
IA-Eric Wilson

LLM:311:R.Faithful:rmp:343-6511:7/25/85: Id. 0056C Control # ES-13803

April 9, 1985

Senator Frank Murkowski
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

First of all, on behalf of the 60,000 veterans in Alaska, I would like take this opportunity to congratulate you as the newly appointed Chairman of the Veterans' Committee. I am optimistic that as Chairman of the Veterans' Committee, your dedication and influence in veterans' affairs will greatly enhance the status of veterans' in Alaska and the continental United States.

I was very fortunate to have had the opportunity to meet Marsha Jones, one of your dedicated staff during the recent Alaska Federation of Natives Special 1991 March Convention. In my brief meeting with her, she recommended that I write to you concerning a land allotment issue I am pursuing as an Alaska Native veteran. Bear with me and allow me to elaborate in what I believe to be an inconsistent bureau policy by the Bureau of Indian Affairs and the Bureau of Land Management.

In my opinion, there exists some irregularities regarding the implementation of the 1906 Native Allotment Act. Although I realize the deadline for filing for a native allotment has lapsed since the enactment of the Alaska Native Claims Settlement Act, I feel that an injustice on behalf of Alaska Native veterans' was instigated by the Bureau of Indian Affairs and the Bureau of Land Management. I have developed possibly two valid arguments which I feel should be considered by the Bureau of Indian Affairs and the Bureau of Land Management.

My first argument is based on the fact that I was not provided constructive notice about the native allotment program by the Bureau of Indian Affairs and its contractees. My review of the basic requirements for filing for a native allotment indicated that I was eligible for a native allotment pursuant to the 1906 Native Allotment Act. I was residing in the State of Alaska prior to the December 18, 1971 deadline, but consequently was unaware of the native allotment program. My opportunity to file for a native allotment was severed because I was not provided constructive notice about the native allotment program by the Bureau of Indian Affairs and the Bureau of Land Management should take this into consideration.

Secondly, I strongly feel that my opportunity to file for a native allotment was severed when another branch of the federal government inadvertantly removed me from the state to serve in the military. I was inducted into the military during the most critical time when the Bureau of Indian Affairs and its contractees processed approximately 8,000 native allotment applications during a nineteen month period. I sincerely believe that many Alaska Native veterans' feel as I do regarding this dilemma because many of us returned to our respective communities only to realize that we were omitted from the native allotment program based on our absence.

I strongly feel that every eligible Alaskan Native that met the requirements should have been given the opportunity to file for a native allotment, especially the Alaska Native veterans' that were not present in Alaska during the nineteen month period when the Bureau of Indian Affairs and its contractees processed approximately 8,000 native allotment applications. Omitting eligible Alaskan Native veterans' from the native allotment program is unjustified and some possible remedies to this inconsistency should be considered by the Bureau of Indian Affairs and the Bureau of Land Management.

Enclosed you will find a copy of my letter to the Bureau of Land Management and their response regarding my efforts to apply for a native allotment. Their response indicates their unwillingness to consider my arguments and that is the main reason I am writing to you to shed some light in what I feel is a discrepancy that can only be resolved in the halls of Congress. As Chairman of the Veterans' Committee, I am petitioning you on behalf of other Alaska Native veterans' to seek remedies and grant us the opportunity to file for a native allotment. In essence, what I am seeking is concurrence from our delegates in Washington, D.C. on this issue and would appreciate a response from you and your fellow Senator and Congressman.

As soon as I receive some positive response from our Congressional delegates, I plan to seek statewide support from Alaskan Native veterans' and encourage them to contact me so that I can evaluate how many Alaskan Natives are affected by this discrepancy.

Your interest and concern on this issue would be greatly appreciated and I will be patiently waiting for your response. Take the best of care in whatever you do for your constituents back in Alaska and may the good Lord be with you and your family.

Sincerely yours,

Felix P. Hess

Felix P. Hess

encl: letter to BLM and their response

cc: Senator Ted Stevens
United States Senate
Washington, D.C. 20510

Congressman Don Young
U.S. House of Representatives
Washington, D.C. 20510



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

2561 (965)

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

IN REPLY REFER TO

RECEIVED JAN 31 1984

JAN 31 1984

Mr. Felix P. Hess
Alaskan Native Veteran
503 East Sixth Avenue
Anchorage, Alaska 99501

Dear Mr. Hess:

In reply to your letter of January 10, 1984, please be advised that there are no legal provisions for you to now file a Native allotment application. At this time, your only recourse is to go to Congress for relief.

The Native Allotment Act was passed by Congress May 17, 1906, and not repealed until December 18, 1971, almost 65 years later. In anticipation of a settlement of Native Rights, the Bureau of Indian Affairs (BIA) made a concentrated effort to publish in the papers and post in villages information about the allotment act. This happened for quite some time before the Act was repealed. The Alaska Native Claims Settlement Act provided for a savings clause of all applications already filed.

The Fannie Barr settlement concerned applicants who had actually filed before December 18, 1971, but the applications were lost by a contractor of BIA (Ruralcap).

I am sorry, Mr. Hess, that nothing can be done for you at this level of government.

Sincerely,

Paul O. Johnson
Chief, Native Allotment Section

January 27, 1984

Editor, Tundra Times
P.O. Box 104480
Anchorage, Alaska 99510-4480

ALASKA NATIVE VETERANS

This is an open letter to all Alaskan Native Veterans, who without question and dedication served in one of Armed Forces for the United States Government.

I am an Alaskan Native Veteran attempting to seek Statewide support from all affected veterans. I have written a formal appeal to the Federal Government through the Offices of the Bureau of Indian Affairs and the Bureau of Land Management in attempting to apply for a Native allotment pursuant to the 1906 Native Allotment Act.

In my appeal, I tried to envision and emphasize the consequences suffered by all Alaskan Native Veterans throughout Alaska. My argument emphasizes the fact that I was not provided constructive notice about the Native allotment program even though I was an eligible Alaska Native, during the time the Bureau of Indian Affairs and its contracted helpers were assisting Alaskan Natives fill out applications for a Native allotment. Furthermore, my opportunity and right to file for a Native allotment was severed by another branch of the federal government, because I was removed from the State to serve in the military. If I was not removed from the State before the December 18, 1971 deadline and provided constructive notice, I would have applied properly and legally along with my peers who have applied.

I strongly feel that we were unduly subjugated to be omitted from the Native allotment program merely because we were inadvertently removed from the State and not provided constructive notice by the Bureau of Indian Affairs or its contractees. This to me proves that our right and opportunity to file for a Native allotment should be recognized and given due consideration.

Editor, Tundra Times
January 27, 1984
Page 2

Your support and comments would be greatly appreciated and together we can justify our claim for land pursuant to the 1906 Native Allotment Act. Please write to me so that I can determine how many other Alaska Native Veterans are affected. Work phone (907) 279-5516.

Sincerely,

Felix P. Hess

Felix P. Hess
Alaskan Native Veteran
503 East 6th Avenue
Anchorage, Alaska 99501

Native veterans seek land claim

by A.J. McClanahan
Times Writer

6/9/83

Fifteen Alaska native armed forces veterans who served in Vietnam during the late 1960s and early 1970s have asked for help from Alaska Legal Services Corp., charging that because of their overseas service they missed the chance to participate in a native land allotment program.

The ranks of native veterans who feel disenfranchised may be as high as 100, said a Bureau of Indian Affairs spokesman. Most government and native legal officials contacted say the claims have little chance of being granted, but add that, at the very least, the veterans deserve sympathy on moral grounds.

The agency that administers the program, however, says there is no basis for the veterans' complaints. Bureau of Land Management spokesman George Gurr said Tuesday, "A person had from 1906 to 1971 to file. When you give people 60 years to file, nobody can say 'I didn't have a chance.'"

One veteran who feels he didn't get a fair shake is Larry Ring, who was out of Alaska during 1969-71, serving with the Navy in Vietnam.

Ring's claim is based on the



LARRY RING
Feels 'discouraged'

1906 Native Allotment Act, which allowed individual natives to get restricted title to parcels of up to 160 acres of land which were traditionally used for hunting, fishing, trapping or homesites.

That act was repealed by the Alaska Native Claims Settlement Act; no applications for allot-

ments were allowed after December 1971.

Ring, now 32, said he was unaware of the allotment program before he left, and when he returned he didn't learn about it until it was too late.

"I just let it go," he said.

But Ring, who has been unemployed for the last 16 months, said he decided recently that something should be done about his case because he wants the land. He said he can't afford to hire an attorney, so he turned to Alaska Legal Services Corp. The agency, however, declined to take his case.

"We think there is no legal argument or a very weak legal argument," attorney Fred Eyerly said, explaining that about 15 native veterans have contacted Alaska Legal Services with similar requests. "Legally they may not have much of a claim, but morally they do."

Charles Bunch, Bureau of Indian Affairs real estate officer, said the number of native veterans who missed getting allotments could be as many as 100. He thinks they have a moral argument, because so few people knew about allotments until a couple of years before the application period ended.

"The problem is that up until

the 1930s or '40s there were no BIA people in Alaska to tell people this program existed," he said. Few natives knew about it until a statewide drive led by Rural Alaska Community Action Program was undertaken in the late 1960s to get natives to apply, he explained. Some 7,500 did, and most of those applications are still being processed by the BLM.

Bunch said natives who were in Vietnam during the drive don't have a legal argument.

"It's the law. The law was on the books, and people are supposed to know the law. But that's a dream world. People don't really know the law," he said.

Joseph Baldwin, a Federal Aviation Administration engineer, also is a native veteran. He served in the Army from 1966-67 and 1968-69. He has researched the possibility of filing a late application but has concluded it is not possible.

He thinks Ring should work with veterans groups to try and seek congressional action of the issue.

Ring, meanwhile, said he is getting pretty discouraged about the whole issue.

"It makes me feel about that big," he said, holding his thumb and forefinger an inch apart. "You do all these good things for the government and you don't get anything."

State backs lease incentives

Times Washington Bureau

Washington — The state of Alaska Wednesday came out squarely against legislation that would remove incentives for the state, local entities or universities to lease, rather than buy, buildings and equipment.

In a statement submitted to the House Ways and Means Com-

nanced many facilities constructed and owned by taxable entities, but leased by the state or other political subdivisions. These include 11 facilities in cities throughout Alaska, including Anchorage, Juneau, Akutan, Valdez and Dillingham. The amounts financed have ranged from \$250,000 to \$7.2 million, Sheffield said.

in Fairbanks and Juneau.

The bill, sponsored by Rep. J.J. Pickle, D-Tex., is aimed at curbing the spiraling federal deficit. Treasury Department officials endorsed the measure at Wednesday's hearing. Use of the leasing arrangements has grown rapidly due to new incentives and liberalized depreciation rules granted to business in the 1981

Now

guidance over Natives.³⁷ The Senate investigating committee concurred when advising that responsibility for Native welfare should be assumed by government agents.³⁸ The Emmons report on Alaska conditions discussed the American Fur Company's perpetuation of a paternal system of employing Native hunters and fishermen and looking after their welfare—which also kept them thoroughly dependent.³⁹

Eskimos were in want of schools, hospitals, rigid enforcement of liquor laws and realistic game laws but particularly needed "a system of careful supervision, instruction and advice to lead them toward self-support."⁴⁰ *In re Sah Quah*⁴¹ said the Natives were "practically in a state of pupilage... similar to that of a ward to a guardian," and the 1906 General Land Office Report said it was the "plain duty which our government owes to them as guardian" to aid Natives in every possible manner to develop.⁴² These official declarations tend to establish the origins of the U. S. government's relationship to Alaska Natives in a context separate and distinct from the land-related trust responsibilities subsequently embodied in the 1906 Alaska Native Allotment Act. In that respect, the history leading up to the enactment of the allotment act tends to confirm that by the beginning of the twentieth century the federal government equated the status of Alaska Natives with that of Native Americans generally.

B. Substantive Provisions of the Native Allotment Act = 1906,

The operative section of the 1906 act provides that:

The Secretary of the Interior is hereby authorized and empowered, in his discretion and under such rules as he may prescribe, to allot not to exceed one hundred and sixty acres of nonmineral land in the district of Alaska to any Indian or Eskimo of full or mixed blood who resides in and is a Native of said district, and who is head of a family or twenty-one years of age, and the land so allotted shall be deemed the homestead of the allottee and his heirs in perpetuity, and *shall be inalienable and nontaxable until otherwise provided by Congress*. Any person qualified for an allotment as aforesaid shall have the preference right to secure by allotment the nonmineral land occupied by him not exceeding 160 acres (emphasis added).⁴³

Compared to the General Allotment Act, the 1906 Alaska Act makes qualification appear simple. To obtain a preference right to a maximum of 160 acres of nonmineral land the applicant had only to 1) reside in Alaska, 2) be an Alaska Native, 3) be 21 or head of a family, and 4) meet whatever incidental requirements the secretary might lawfully prescribe. Upon Department of the Interior approval, the applicant and his heirs received a perpetual "homestead"; however, the land could not be alienated or taxed until otherwise provided by Congress.

Tundra Times - 4/20/85

Help veterans on allotments

To the Editor:

Attention Alaska Native Veterans of Vietnam Era.

With respect to the Alaska Native Vietnam Veterans who did not apply for Native Allotments: I have been pursuing this issue for quite some time. I first wrote letters and applied for my allotment in 1974-75.

B.L.M. officials said, it's CLOSED! Sorry..I told them my situation/reason, but they said, sorry it's CLOSED.

I thought of a lawsuit but lack the funds. Slowly, I've gained support of local officials and they wrote letters to

the Alaska Delegation for me (Vietnam Veteran). Here is the basis of the appeal - because a lot of us were 18-19 years old when we graduated and had to get in Military Service in 1967-1968 till 1971-1972.

During that time was the final period of filing for Native Allotments. When we got home, a lot of us had not finished our education beyond high school and had to pursue it.

So we never were brought up to date on these vital issues and I believe we have at least achieved that right like everyone else.

After all, some younger than I have filed and are receiving their allotments.

I am soliciting other Alaska Native Vietnam Veterans' names so we may expedite this application and be counted as Alaska Natives in our rights.

Sincerely,

Arnold Brower Jr.
V.F.W. Post Commander
P.O. Box 402
Barrow, AK 99723

I wish to applaud the Alaska Delegation and the Local Government, Village Corporation in the North Slope.

Alaska native armed veterans who served in during the late 1960s have asked for Alaska Legal Services arguing that because of service they deserve a chance to participate

6/9/83



ments were allowed after December 1971. Ring, now 32, said he was unaware of the allotment program before he left, and when he returned he didn't learn about it until it was too late. "I just let it go," he said. But Ring, who has been unemployed for the last 16 months, said he recently that

the 1930s or '40s there were no BIA people in Alaska to tell people this program existed," he said. Few natives knew about it until a statewide drive led by Rural Alaska Community Action Program was undertaken in the late 1960s to get natives to apply, he explained. Some 7,500 did, and most of those applications are still being processed by the BLM.

Native veterans seek land claim

Istol Bay Times

Dillingham

Mayor seeks help for too-late allotment applicants

Togiak Mayor Emma Ayojiak-Carlos is collecting names of Alaska Natives who were eligible for 160-acre allotments prior to 1971, but who never received or applied for the land.

Thirty-five Togiak residents have signed up so far, Carlos said, but she hopes to receive more before taking the list to Alaska Legal Services Corporation (ALSC).

"Individuals who were late filers, uninformed, misinformed, unadvised, uneducated or persons who were simply ignored and those that were away in high school, away from the state, in Vietnam at the time, these are the people I want to hear from," she said.

Carlos said the names will be forwarded to the ALSC in hopes of receiving some legal redress for Natives who were eligible for the land allotment prior to 1971, when passage of the Alaska Native Claims Settlement Act ended the allotment program.

A similar effort on behalf of Native Vietnam veterans is being spearheaded by Felix Hess of Nunapitchuk. Carlos said she hopes to coordinate her efforts with Hess' and perhaps file a class action suit such as was recently settled between Native fishermen and the state Limited Entry Commission.

ALSC in Dillingham has collected more than 860 names of Natives who believe they may be eligible for limited entry fishing permits, according to staff attorney Sidney Watson. Another 300 late permit applications are still being processed and those that meet the criteria outlined in the settlement will be forwarded to the commission for review, probably by July, Watson said.

ALSC Allotment Program Coordinator Dave Fleurant in Anchorage said he has discussed the allotment issue with Carlos, and indicated his office would check the names submitted to see if those listed might have been eligible or if their applications are still being processed by the BLM.

Asked if he thought there might be grounds for a class action suit on behalf of those who did not apply, Fleurant said, "That's possible."

An alternative might be a political approach, he added.

Carlos said that Natives who believe they have been wrongfully denied a land allotment are asked to call 493-5820 during regular business hours, or write Box 99, Togiak, AK 99678. Name, address, birthdate and Social Security numbers are requested.

08.08

SCOMM



Official Business

Alaska State Legislature

SENATE

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

SENATE

Letter of Intent

CSSB 98 (FIN)

An Act relating to eligibility for
permanent fund dividends of certain individuals

It is the intent of the Legislature that the Commissioner construe Section One in narrow terms employing the provisions of this section only when situations arise which truly threaten national security.

It is not the intention of the Legislature that Section One be used to enable military personnel to receive the benefits of this measure if they are involved in routine or relatively minor military service.

It is further the intent of the Legislature that Section Two be liberally construed so as to address unanticipated situations that could result from a war of longer duration.

It is not the Legislature's intention to deny any qualified individual from receiving a dividend as a result of military service during a time of National Military Emergency. The Legislature urges the Commissioner to give wide latitude in carrying out the provisions of Section Two and recognizes it may want to consider expanding the provisions of this section if the situation in the Persian Gulf war requires.

Adopted by Senate: 3/11/91

FISCAL NOTE

No. 2STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL N

Bill Version: CSSB 98(FIN)(S) Publish Date: 3/7/91Revision Date: March 6, 1991
Title: An Act relating to PFDs for
Alaskans on Military Duty
Sponsor: SHULTZ, Frank, Adams et al
Requestor: _____Agency Affected: Revenue
BRU: Permanent Fund Dividend Division
Components: Permanent Fund Dividend
Division
COMPONENT SERIAL NO. 9 8 1

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
OPERATING						
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-
LANDS & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

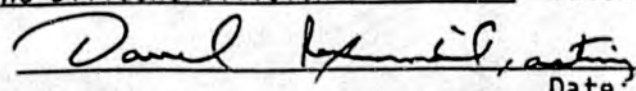
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (PFD)	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: -0-

ANALYSIS: See attached.

Prepared By: Thomas C. Williams
Division: Permanent Fund Dividend DivisionPhone: 465-2323Date: March 6, 1991Approved by Commissioner: 
Agency: RevenueDate: 3/6/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

page 1 of 2

ALASKA DEPARTMENT OF REVENUE
PERMANENT FUND DIVIDEND DIVISION
ANALYSIS

ANALYSIS OF THE EFFECT OF CS SB 98 (FIN) ON THE SIZE OF THE 1991 PFD
As of March 6, 1991

If Operations Desert Shield and Storm had not occurred, there would likely have been some members of the military who would not have complied with the two-year return rule, either by choice or otherwise. Consequently, those individuals would not have qualified for a 1991 dividend. Depending upon the actual number of those individuals, each Alaskan's dividend might have increased by a relatively small amount.

However, Operations Desert Shield and Storm did occur, impairing the ability of Alaskan military personnel to return home. Consequently, it is virtually impossible to distinguish between:

- a. Those individuals who would not have met the two-year return requirement if Operations Desert Shield and Storm had not occurred; and
- b. Those that were prevented from returning home because of Operations Desert Shield and Storm.

Consequently, we cannot determine how much each Alaskan's dividend would have increased if Operations Desert Shield and Storm had not occurred.

More importantly, because Section 2(a) only allows the 1991 waiver of the two-year return rule to those individuals who were also eligible for a 1990 dividend, this legislation will not in itself result in an increase in the number of eligible military members, spouses or dependents.

7-LS0570S

Cook

3/26/91

HOUSE CS FOR CS FOR SENATE BILL NO. 98 (MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered:

Referred:

Sponsor(s): SENATORS SHULTZ, Frank, Adams, Sturgulewski, Uehling, Rodey, Menard, Collins, Duncan, Jones, Fischer, Halford, Zharoff

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility for permanent fund dividends of certain individuals; and
2 providing for an effective date."

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

4 * Section 1. AS 43.23.005 is amended by adding a new subsection to read:

5 (f) In a time of national military emergency, the commissioner may waive the
6 requirement of (a)(3) of this section for an individual absent from the state while serving in the
7 military forces of the United States, or for the spouse and dependents of that individual.

8 * Sec. 2. AS 43.23.015(b) is amended to read:

9 (b) The department shall prescribe and furnish an application form for claiming a
10 permanent fund dividend. The application must contain a statement of eligibility and a
11 certification of residency in substantially the following form:

12 I certify that

13 () I am a state resident on the date of this application, I have been a state resident for
14 at least 24 months immediately preceding April 1 of the current dividend year, and I have

1 been physically present in the State of Alaska in accordance with AS 43.23.005(a)(3)
2 or that requirement has been waived under AS 43.23.005(f) [AT SOME TIME
3 DURING THE PERIOD BEGINNING JULY 1 TWO YEARS BEFORE THE DATE OF
4 APPLICATION AND ENDING ON THE DATE OF THIS APPLICATION]; or

5 () (name), the individual on whose behalf I am applying, is a state resident on the date
6 of this application, has been a state resident for at least 24 months immediately preceding
7 April 1 of the current dividend year, and has been physically present in the State of
8 Alaska in accordance with AS 43.23.005(a)(3) or that requirement has been waived
9 under AS 43.23.005(f) [AT SOME TIME DURING THE PERIOD BEGINNING JULY
10 1 TWO YEARS BEFORE THE DATE OF APPLICATION AND ENDING ON THE
11 DATE OF THIS APPLICATION].

12 I understand that a false claim of eligibility to obtain a permanent fund dividend for
13 myself or for another is a criminal offense, that if convicted I will forfeit future dividends,
14 and that I must repay all dividends that have been paid to me. I understand that if I
15 wilfully misrepresent, exercise gross negligence, or recklessly disregard a material fact
16 regarding my eligibility for a permanent fund dividend I will forfeit the dividend, be
17 subject to a civil fine of up to \$5,000, and lose my eligibility for the next five dividends.
18 I understand that these penalties are in addition to any criminal penalties imposed.

19 _____
20 (signature of individual,
21 parent, guardian, or other
22 authorized representative)

23 * Sec. 3. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding
24 AS 43.23.005(a)(3),

25 (1) an individual absent from the state while serving in the military forces of the United
26 States is eligible to receive a 1991 permanent fund dividend if the commissioner of revenue determines
27 that the individual qualified for the 1990 dividend and is otherwise qualified for the 1991 dividend;

28 (2) the spouse or dependent of an individual described in (1) of this subsection is eligible
29 to receive a 1991 permanent fund dividend if the spouse or dependent qualified for a 1990 dividend and
30 is otherwise qualified for the 1991 dividend.

31 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the

1 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of
2 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the
3 individual. An individual stationed in the Persian Gulf war zone at any time during April 1, 1991
4 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application
5 period if no application was submitted on the individual's behalf during the 1991 application period and
6 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner
7 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

8 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving
9 in the military forces of the United States and stationed in the Persian Gulf war zone at any time during
10 January 1, 1991, through June 30, 1991, and if the individual qualified for a 1990 permanent fund
11 dividend, the personal representative of the individual's estate may apply for the 1991 dividend on behalf
12 of the individual's estate at any time during the 1991 or 1992 dividend application period.

13 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish
14 an application form for claiming a dividend under this section. The department shall adopt regulations
15 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department
16 may require to determine eligibility, including evidence of the applicant's or deceased individual's
17 assignment to the Persian Gulf war zone during the 1991 application period.

18 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

WORK DRAFT

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WORK DRAFT

7-LS0570P

Cook

3/23/91

Rep. Evan

HOUSE CS FOR CS FOR SENATE BILL NO. 98 (MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered:

Referred:

Sponsor(s): SENATORS SHULTZ, Frank, Adams, Sturgulewski, Uehling, Rodey, Menard, Collins, Duncan, Jones, Fischer, Halford, Zharoff

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to eligibility for permanent fund dividends of certain individuals, and to
2 a temporary grant program; and providing for an effective date."

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

4 * Section 1. AS 43.23.005 is amended by adding a new subsection to read:

5 (f) In a time of national military emergency, the commissioner may waive the
6 requirement of (a)(3) of this section for an individual absent from the state while serving in the
7 military forces of the United States, or for the spouse and dependents of that individual.

8 * Sec. 2. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding
9 AS 43.23.005(a)(3), an individual absent from the state while serving in the military forces of the United
10 States, or a spouse or dependent of that individual, is eligible to receive a 1991 permanent fund dividend
11 if the commissioner of revenue determines that the individual, spouse, or dependent is otherwise
12 qualified and was qualified to receive a dividend for 1990.

13 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the
14 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of

1 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the
2 individual. An individual stationed in the Persian Gulf war zone at any time during April 1, 1991,
3 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application
4 period if no application was submitted on the individual's behalf during the 1991 application period and
5 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner
6 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

7 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving
8 in the military forces of the United States and stationed in the Persian Gulf war zone at any time during
9 April 1, 1991, through June 30, 1991, the personal representative of the individual's estate may apply
10 for the 1991 permanent fund dividend on behalf of the individual's estate at any time during the 1991
11 or 1992 permanent fund dividend application period.

12 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish
13 an application form for claiming a dividend under this section. The department shall adopt regulations
14 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department
15 may require to determine eligibility, including evidence of the applicant's or deceased individual's
16 assignment to the Persian Gulf war zone during the 1991 application period.

17 * Sec. 3. GRANTS FOR THE ESTATES OF CERTAIN INDIVIDUALS. (a) The Department of
18 Revenue shall pay a grant equal to the 1991 permanent fund dividend to the estate of an individual who
19 was

20 (1) killed while serving in the military forces of the United States in the Persian Gulf war
21 zone at any time during January 1, 1991, through March 31, 1991; and

22 (2) qualified to receive a 1990 permanent fund dividend and would have been qualified
23 for a 1991 permanent fund dividend if the individual had not been killed.

24 (b) The personal representative of an individual's estate may apply for a grant under this section
25 at any time during the 1991 or 1992 permanent fund dividend application period. The department shall
26 prescribe and furnish an application form.

27 * Sec. 4. Sections 2 and 3 of this Act takes effect immediately under AS 01.10.070(c).

28 * Sec. 5. Section 1 of this Act takes effect January 1, 1992.

7-LS0570M ✓
Cook
3/20/91

HOUSE CS FOR CS FOR SENATE BILL NO. 98 (MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered:

Referred:

Sponsor(s): SENATORS SHULTZ, Frank, Adams, Sturgulewski, Uehling, Rodey, Menard, Collins, Duncan, Jones, Fischer, Halford, Zharoff

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to eligibility for permanent fund dividends of certain individuals; and
2 providing for an effective date."**

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

4 * Section 1. AS 43.23.005 is amended by adding a new subsection to read:

**5 (f) In a time of national military emergency, the commissioner may waive the
6 requirement of (a)(3) of this section for an individual absent from the state while serving in the
7 military forces of the United States, or for the spouse and dependents of that individual.**

**8 * Sec. 2. PERMANENT FUND DIVIDENDS FOR CERTAIN INDIVIDUALS. (a) Notwithstanding
9 AS 43.23.005(a)(3), an individual absent from the state while serving in the military forces of the United
10 States, or a spouse or dependent of that individual, is eligible to receive a 1991 permanent fund dividend
11 if the commissioner of revenue determines that the individual, spouse, or dependent is otherwise
12 qualified and was qualified to receive a dividend for 1990.**

**13 (b) Notwithstanding AS 43.23.015(c), an individual absent from the state while serving in the
14 military forces of the United States and stationed in the Persian Gulf war zone may execute a power of**

1 attorney authorizing another person to apply for the 1991 permanent fund dividend on behalf of the
2 individual. An individual stationed in the Persian Gulf war zone at any time during April 1, 1991
3 through June 30, 1991, may apply for a 1991 permanent fund dividend during the 1992 application
4 period if no application was submitted on the individual's behalf during the 1991 application period and
5 the individual otherwise qualifies for a 1991 dividend. The dividend shall be paid in the same manner
6 as prior year dividends under AS 43.23.025(a)(1)(C) and 43.23.055(3) and (7).

7 (c) Notwithstanding AS 43.23.005(a) and 43.23.015(c), if an individual was killed while serving
8 in the military forces of the United States and stationed in the Persian Gulf war zone at any time during
9 January 1, 1991 through June 30, 1991, the personal representative of the individual's estate may apply
10 for the 1991 permanent fund dividend on behalf of the individual's estate at any time during the 1991
11 or 1992 permanent fund dividend application period.

12 (d) Notwithstanding AS 43.23.015(b), the Department of Revenue shall prescribe and furnish
13 an application form for claiming a dividend under this section. The department shall adopt regulations
14 defining the limits of the Persian Gulf war zone and prescribing any additional evidence the department
15 may require to determine eligibility, including evidence of the applicant's or deceased individual's
16 assignment to the Persian Gulf war zone during the 1991 application period.

17 * Sec. 3. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

18 * Sec. 4. Section 1 of this Act takes effect January 1, 1992.

SCOMM

80:21

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SJR 6

Revision Date: _____ Department Affected: Department of Law
 Title: "...Constitution of the United States BRU: Prosecution
prohibiting desecration of the flag..." Component: Criminal Justice Litigation
 Sponsor: Senator Zharoff
 Requestor: Senate Judiciary **COMPONENT SERIAL NO.**

		8	9
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 4, 1991
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 4, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SJR 6

Senate Joint Resolution No. 6 calls upon the Congress of the United States to propose an amendment to the United States Constitution that would empower the Congress and the legislatures of the several states to prohibit the physical desecration of the Flag of the United States. SJR 6, which is a communication from the Alaska State Legislature to the Congress of the United States, will not have a fiscal impact on the Department of Law.

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gruenberg
Rep. M.W. Miller



P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4527

Special Committee on Military & Veterans Affairs

SUMMARY OF SENATE JOINT RESOLUTION 6

Senate Joint Resolution requests that Congress propose an amendment to the U.S. Constitution that would prohibit the physical desecration of the Flag of the United States.



MAR 28 '91 13:04 LEG. AFFAIRS - WASILLA

Alaska State Legislature

Please enter into the record my testimony to the Senate Finance Committee
committee name

committee on SJR 6 , dated 28 March 1991
bill/subject

The American Legion Auxiliary is the worlds largest patriotic-service organization, one million members strong. By now, you must all be aware of the stand that the American Legion, American Legion Auxiliary and Sons of the American Legion have made in regard to the desecration of our Flag.

There are certainly enough other ways for one to display "freedom of expression" without desecrating Old Glory and the country it stands for. The hippies, yuppies, (or whatever they now call themselves) have the freedom (in this country) to "love it or leave it"!

This flag desecration issue has been bounced around long enough, and since it gained nationwide attention, we have been involved in yet another war.

I testify support of SJR 6 on behalf of the 2,958 members of the American Legion Auxiliary, Department of Alaska.

Millie McManus, National Western Division Americanism Chairman
National Executive Committeeman-Dept. of Alaska

Signed: Millie McManus

Testifier

American Legion Auxiliary

Representing (Optional)

HC 34 Box 2662, Wasilla, AK 99687

Address

(Bus) 376-2611 (Hm) 892-6319

Phone No.

**AMERICAN
LEGION** RECEIVED MAR 5 1991
**SOUTHEASTERN
DISTRICT
36TH CONVENTION
RESOLUTIONS**



HELD IN SITKA, ALASKA

FEBRUARY 7, 8 & 9, 1991

Resolution No. 91-03

In support of SJR 6

WHEREAS, the flag of the United States has been descreated many times; and,

WHEREAS, there is no constitutional protection for said flag;

NOW THEREFORE BE IT RESOLVED, that the American Legion strongly urges swift passage of SJR 6, which will provide for an amendment to the U.S. Constitution to prohibit the descreation of the U.S. flag.

AND BE IT FURTHER RESOLVED, that each post make its position known to the State Legislature, immediately.

THE FLAG AMENDMENT

Mr. DOLE. Mr. President, earlier this week, the Supreme Court heard oral argument on the constitutionality of the so-called Flag Protection Act of 1989.

Within 6 weeks or so, the Supreme Court will settle—once and for all—the question of whether the flag statute passes, or flunks, the constitutionality test.

I've predicted that the Supreme Court will affirm the two lower court opinions striking down the statute. Obviously, I am not a mindreader, and I could be dead wrong on this one.

But what the critics can't dispute is the simple fact that the American people still—to this day—stand four-square behind a constitutional amendment to protect Old Glory from desecration.

Last Friday, the American Legion officially released the results of a Gallup poll testing the opinions of Americans on the flag-burning issue. And the results show that Old Glory—as well as the constitutional amendment—have won with landslide numbers.

According to the poll, an overwhelming 72 percent of the American people "disagree that burning the flag should be protected under the free speech guarantee of the first amendment;" 71 percent favor "a narrow constitutional amendment that would allow Federal and State governments to make flag-burning illegal," just like the amendment that the Senate considered last year.

And 73 percent of the American people do not "believe that a constitutional amendment would place our freedom of speech in jeopardy," while only 25 percent think it would.

So despite what you may hear or read in the media, the commitment of the American people to a constitutional amendment remains as strong as ever—almost a full year after the Texas versus Johnson decision. And this commitment will grow even stronger if, and when, the Supreme Court finally strikes down the so-called Flag Protection Act.

I commend the American Legion for its unrelenting work on behalf of the constitutional amendment. And I commend the legion for bringing the poll results to the attention of their elected representatives in Congress.

Mr. President, I ask unanimous consent that the text of the American Legion poll results be printed in the RECORD at this point.

There being no objection, the results were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,

Washington, DC, May 11, 1990

DEAR SENATOR: Although it has been almost a year since the Supreme Court's controversial decision, 72 percent of the American public still believes that burning the American flag should not be a protected form of free speech as guaranteed by the Constitution's First Amendment. As a reinforcement of that belief, 71 percent of Americans favor a narrowly-drawn constitutional amendment to make flag burning illegal, and 73 percent are convinced that such an amendment would not jeopardize their freedom of speech.

These are only three findings of a recent Gallup poll clearly showing that most Americans are still enraged over the whole matter of flag burning. In fact, 57 percent of them stated their intention to vote for or against elected officials because of where they stand on the issue. These are not "soft" opinions or attitudes because it was also found that only 15 percent of the poll participants expressed any uncertainty in stating their positions.

The American Legion is convinced that this poll, conducted April 11 through May 2, is a clear indicator of public opinion. We see it as proof that Americans have considered carefully all sides of the issue, they have made up their minds, and they are demanding that flag burners be dealt with as law-breakers.

A more detailed presentation of the Gallup poll results is enclosed for your review.

Sincerely,

MILES S. EPLING,
National Commander.

GALLUP POLL RESULTS ON AMERICANS' OPINIONS ON THE FLAG-BURNING ISSUE

Statistics just released to The American Legion by The Gallup Organization, Inc. show that a significant majority of Americans support a constitutional amendment to protect the United States Flag. The poll, which was conducted from April 11 through May 2, and has a "maximum standard-error rate of 2.7 percent at the 95 percent level of confidence," reported that 71 percent favor a narrowly drawn constitutional amendment; 73 percent do not believe such an amendment would jeopardize their freedom of speech; and 57 percent would vote for or against an elected official because of his position on this issue.

The questions asked and the responses, by percentage, follow.

1. Do you agree that burning the American flag should be protected under the free speech guarantee of the First Amendment or do you disagree that burning the flag should be protected under the free speech guarantee of the First Amendment?

Agree, 25 percent; disagree, 72 percent; no opinion, 2 percent.

2. On May 14th the Supreme Court is going to hear final arguments on the Flag Protection Act of 1989, the law which was written to make flag burning a crime. If the Supreme Court finds the Act to be unconstitutional would you favor or oppose a narrow constitutional amendment that would allow federal and state governments to make flag burning illegal?

Favor, 71 percent; oppose, 25 percent; no opinion, 3 percent.

3. Do you believe that a constitutional amendment outlawing flag burning would place your freedom of speech in jeopardy?

Yes, 25 percent; No, 73 percent; do not know, 2 percent.

4. How strong is your opinion on the flag burning issue? On a 1 to 5 scale where 1 means you completely made up your mind on your position on the issue and 5 means you're unsure of your position on the issue, where would you rate yourself regarding the flag burning issue?

(1) Unsure of position, 3 percent; (2) 10 percent; (3) 9 percent; (4) 16 percent; completely made up mind, 68 percent.

5. Please tell me yes or no if you would likely to participate in the following activities as a result of your position on the flag burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes, 53 percent; No, 44 percent; do not know, 3 percent.

B. Sign a petition that supported your position?

Yes, 86 percent; No, 13 percent.

C. Vote for or against an elected official because of his position on the issue?

Yes, 57 percent; No, 40 percent; do not know, 3 percent.

D. Do volunteer work for a group that supported your position?

Yes, 44 percent; No, 54 percent; do not know, 2 percent.

E. Write a letter to an elected official stating your position on the issue?

Yes, 65 percent; No, 34 percent.

FOR RELEASE MONDAY, MAY 14, 1990

**GALLUP POLL RESULTS ON
AMERICANS' OPINIONS ON THE
FLAG-BURNING ISSUE**

Statistics just released to The American Legion by The Gallup Organization, Inc. show that a significant majority of Americans support a constitutional amendment to protect the United States Flag. The poll, which was conducted from April 11 through May 2, and has a "maximum standard-error rate of 2.7% at the 95% level of confidence," reported that 71% favor a narrowly drawn constitutional amendment; 73% do not believe such an amendment would jeopardize their freedom of speech; and 57% would vote for or against an elected official because of his position on this issue.

The questions asked and the responses, by percentage, follow.

1. Do you agree that burning the American flag should be protected under the free speech guarantee of the First Amendment, or do you disagree that burning the flag should be protected under the free speech guarantee of the First Amendment?

Agree	25%
Disagree	72%
No Opinion	2%

2. On May 14th the Supreme Court is going to hear final arguments on the Flag Protection Act of 1989, the law which was written to make flag burning a crime. If the Supreme Court finds the Act to be unconstitutional would you favor or oppose a narrow constitutional amendment that would allow federal and state governments to make flag burning illegal?

Favor	71%
Oppose	26%
No Opinion	3%

3. Do you believe that a constitutional amendment outlawing flag burning would place your freedom of speech in jeopardy?

Yes	25%
No	73%
Don't Know	2%

4. How strong is your opinion on the flag burning issue? On a 1 to 5 scale where 5 means you completely made up your mind on your position on the issue and 1 means you're unsure of your position on the issue, where would you rate yourself regarding the flag burning issue?

1	Unsure of position	3%
2		3%
3		9%
4		16%
5	Completely made up mind	68%

5. Please tell me yes or no if you would be likely to participate in the following activities as a result of your position on the flag burning issue. Would you be likely to:

A. Donate to a group that supported your position?

Yes	53%
No	44%
Don't Know	3%

B. Sign a petition that supported your position?

Yes	86%
No	13%

C. Vote for or against an elected official because of his position on the issue?

Yes	57%
No	40%
Don't Know	3%

D. Do volunteer work for a group that supported your position?

Yes	44%
No	54%
Don't Know	2%

E. Write a letter to an elected official stating your position on the issue?

Yes	65%
No	34%

For more information, please contact The American Legion, Public Relations Division. Lew Wood - 317-635-8411 or John Hanson - 202-861-2700.

SCOMM

80:22

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSIONBILL NO. SJR9Revision Date: March 19, 1991Title: State Veterans HomeSponsor: Senator KerttulaRequestor: Senator RodeyDepartment Affected: AdministrationBRU: Division of Pioneers' BenefitsComponent: Pioneers' Homes

COMPONENT SERIAL NO.

4	5		
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	45.0	545.0	1,828.5	1,828.5	1,828.5	1,828.5
TRAVEL	3.0	5.0	15.0	3.0	3.0	3.0
CONTRACTUAL	0	245.0	857.0	857.0	857.0	900.0
SUPPLIES	0	25.0	129.0	129.0	129.0	140.0
EQUIPMENT	0	0	0	10.0	10.0	15.0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	2.0	10.0	10.0	10.0	10.0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	48.0	822.0	2,839.5	2,837.5	2,837.5	2,896.5

CAPITAL	10,720.0	100.0	0	0	0	0
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REVENUE from Feds and Vets	6,968.0	100.0	690.3	690.3	690.3	690.3
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FUNDING: (Thousands of Dollars)

GENERAL FUND	3,800.0	822.0	2,149.2	2,147.2	2,147.2	2,206.2
FEDERAL FUNDS	6,968.0	45.0	322.7	322.7	322.7	322.7
OTHER per diem from Vets	0	55.0	367.7	367.7	367.7	367.7
TOTAL	10,768.0	1,022.0	2,839.5	2,837.5	2,837.5	2,896.5

POSITIONS:

FULL-TIME	1	1	32	32	32	32
PART-TIME	0	25	9	9	9	9
TEMPORARY	0	0	5	5	5	5

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached

Prepared by: Barbara Bathony
Division: Pioneers' BenefitsPhone: 465-4400Date: March 19, 1991Approved by Commissioner: Millett Keller
Agency: AdministrationDate: 3/20/91Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Fiscal Note
SJR9
February 21, 1991

This fiscal note is calculated on the basis of duplicating the Juneau Pioneers' Home on Palmer property donated to the New Veterans Home as in-kind. Planned are 32 nursing beds, 20 domiciliary and 2 infirmary beds. Coordination of planning and implementation of services to be provided by the Division of Pioneers' Benefits.

FY92

OPERATING

Personal Services	\$ 45,000	Administrative Assistant I position located in central office
Travel	3,000	
Total State Operating	\$ 48,000	

CAPITAL

Capital: Land acquisition 0

Construction, equipment and furniture:

Juneau PH 1986/87	Vet. Home 1992/93 3% annual increase
-------------------	---

\$8,543,000

437,000

\$8,980,000

\$10,720,000

State share of Construction at 35% = \$3,752,000

The above estimates includes site preparation, consulting fees, demolition of existing structure on property, legal assistance for titles, 1% for art, DOT/PF construction administration fees. No changes in Health Care codes are included. The increase in construction cost of about 3% per year is based on information received from a Juneau Architect.

No CON (Certificate of Need) is anticipated.

FY93

OPERATING

Cost estimates are based on preparation of home for occupancy on April 1, 1993. Personal services costs are based on staggered hiring from January 1, 1993 and staggered admissions as of April 1, 1993.

Personal Services	\$ 45,000	Administrative Assistant I located in Central Office
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Start up costs for opening date of Vet Home between April 1 and July 1, 1993.

Personal Services	\$500,000	25 ppt from 3-6 months, staggered.
Travel	5,000	
Contractual	245,000	
Supplies	25,000	
Grants	<u>2,000</u>	

Total State Operating	\$822,000
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REVENUES	100,000	Based on staggered admission during a three month period
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CAPITAL	100,000	Covers specialized orthopedic, handicapped mobility, medical equipment, specialized beds etc, which are dependent upon the Physical and medical needs of the residents. Includes set up of preventive maintenance program for medical and other equipment. Includes computerized medical records system, not included in the Juneau PH costs.
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Total Net State Funding	\$822,000
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FY94

OPERATING

Personal Services	\$ 48,500	Located in Central Office
Personal Services	1,780,000	State Vet Home based on Juneau Pioneers; Home FY 92 budget, a copy of the staffing is attached: 31 FT, 9 PT, 5 non-perm/temporary.
Travel	15,000	Includes travel by CO staff to the Vet Home and staff moving costs
Contractual	857,000	Includes management and labor of food service under contract, not as State labor as in Palmer Pioneers' Home
Supplies	129,000	
Equipment	0	
Land and Structure	0	
Grants, Claims	<u>10,000</u>	
Total State Operating	\$2,839,500	
Total Net State Operating	\$2,149,160	

For Comparison -

Juneau Pioneers' Home:	<u>FY 90</u> <u>Authorized</u>	<u>FY 92</u> <u>Proposed</u>
Personal Services	\$1,534,810	\$1,779,900
Travel	4,000	1,800
Contractual	815,800	857,400
Supplies	129,900	102,100
Equipment	12,000	0
Land & Structure	0	0
Grants, Claims	6,000	6,000
Miscellaneous	<u>0</u>	<u>0</u>
Total	\$2,502,510	\$2,747,200

The above is based on the authorized budget from 1990 and proposed budget for 1992, for the Juneau Pioneers' Home.

REVENUES

Federal Revenue	\$256,960	32 nursing residents at \$22/day
	65,700	20 domiciliary residents at \$9/day
Total Federal Revenue	\$322,660	Based on 52 beds occupied by veterans qualified for federal reimbursement
State Revenue	\$245,760	32 nursing beds at \$640 month
	121,920	20 domiciliary beds at \$508/month
Total State Revenue	\$367,680	
Total Revenue	\$690,340	Based on the assumption that approximately 80% of the possible revenue can be collected from the veterans due to inability to pay and for room vacancies due to discharges.

CAPITAL 0

Positions from FY94 to FY97

32 FT, 9 PT, 5 non perms (temp)

d\wp\misc\sjr9rev

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: SJR-9(S) Publish Date: 2/22/91

Revision Date: _____ Department Affected: Administration
 Title: State Veterans Home BRU: Division of Pioneer Benefits
 Sponsor: Sen. Kerttula Component: _____
 Requestor: Sen. Rodey (State Affairs) COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
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REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.) SJR-9 is one of three measures designed to qualify and establish a State Veteran's Home in Alaska which would include federal funding. SB-44, enabling legislation and SB-45, an appropriation measure complete the three-bill package.

Prepared By: Senate State Affairs Committee Phone: 465-4522
 Division: Alaska Legislature Date: 2-21-91
 Approved by: Senator Rodey *Robert Rodey* Chair, State Affairs Committee
 Agency: _____ Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



Official Business

Alaska State Legislature

SENATE

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

MEMORANDUM

TO: Rep. Ivan, Chair
House Committee on
Military & Veterans

SUBJ: SJR 9 --
Veterans Homes

FROM: Senator Kerttula

DATE: March 19, 1991

I appreciate your consideration of Senate Joint Resolution 9, relating to state veterans' homes. SJR 9 would urge the federal government to give a high priority to Alaska's application for funds to establish and maintain a state veterans' home.

Alaska has the highest per capita number of veterans in the nation, with between 65,000 and 75,000 resident veterans out of a population of 551,000. In addition, many of the military stationed in Anchorage, Fairbanks and the Aleutians will retire in Alaska, adding to our number of resident veterans. Yet, although their need is great, elderly and disabled veterans have no place to go in Alaska when they need nursing care or assistance in living.

Currently, the VA will typically pay no more than 90 days of care for veterans in private nursing homes in Alaska, and an average of 12 Alaskan veterans who need nursing care are sent to outside veterans' homes each year. There are also large numbers of veterans who seek beds every night in homeless shelters in Anchorage.

State veterans' homes are medium to large facilities which have domiciliary, infirmary, and nursing care beds. At this time, there are 63 homes in 38 states, with two more homes under construction. Admission requirements vary from state to state

with up to 25 percent of the occupants allowed to be nonveterans. Residency requirements also vary from state to state.

The federal government pays up to 65 percent of construction costs of veterans' homes. They also assist with operational costs by paying a per diem rate which varies according to the type of care provided. The current per diem rate is approximately \$22.00 per day for nursing care and \$9.00 per day for domiciliary care.

SCOMM

80:23

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSIONBILL NO. SJR-51Revision Date: _____
Title: Honoring General Colin L.
PowellDepartment Affected: NA

BRU: _____

Component: _____

Sponsor: State AffairsRequestor: Senator Rodey

COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0					

CAPITAL	0					
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Senate State Affairs CommitteeDivision: Alaska State LegislaturePhone: 465-4522Date: March 2, 1992Approved by: Senator PAT RODEY, ChairAgency: Senate State Affairs CommitteeDate: 3/2/92

Patrick M. Rodey
Senator

Alaska State Legislature



Senate

3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

SPONSOR STATEMENT

SENATE JOINT RESOLUTION 51

In honor of the visit to Alaska of General Colin L. Powell, Chairman of the Joint Chiefs of Staff of the United States armed forces, it is appropriate that the legislature extend a special welcome by virtue of this Resolution.

General Powell is scheduled to be in the state in mid-April by invitation of the Fairbanks Chamber of Commerce. He will tour several military facilities while in Alaska.

Among highlights in a distinguished career, General Powell directed Operation Desert Storm last year in the Middle East. Credited with spectacularly low allied casualty figures, he and his staff enjoy a reputation of deep concern for the professional well-being of the men and women under their command.

Having the chairman of the joint chiefs visit Alaska is a great honor for our state. General Powell is only the second to do so. Alaska has grown in defensive strategic importance given the recent democratic changes throughout the world, and his visit underscores that importance.

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gonzales
Rep. Gruenberg
Rep. M.W. Miller
Rep. Parnell



State Capitol
Juneau, Alaska 99801-1182
(907) 465-4527

Special Committee on Military & Veterans Affairs

SUMMARY OF SENATE JOINT RESOLUTION 51

Committee Substitute for Senate Joint Resolution 51 (State Affaris) amended is to honor Joint Chiefs of Staff Chairman, General Colin L. Powell, on the occasion of his visit to Alaska in April. The resolution has a zero fiscal note.

7-LS2119J
Chenoweth
3/19/92

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 51 (MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

**Offered:
Referred:**

Sponsor(s): SENATE STATE AFFAIRS COMMITTEE

A RESOLUTION

1 Honoring General Colin L. Powell on the occasion of his visit to Alaska.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS the chairman of the Joint Chiefs of Staff of the United States military services
4 personifies the highest standards of American men and women in uniform; and

5 WHEREAS the chairman of the Joint Chiefs of Staff carries the considerable weight of authority
6 and responsibility for the development and employment of our nation's professional military forces; and

7 WHEREAS General Colin L. Powell, Chairman, Joint Chiefs of Staff, has served in this capacity
8 with conspicuous success during a time of external threat and armed challenge to the United States; and

9 WHEREAS General Powell directed an unprecedented deployment of American and allied
10 personnel and military armaments to the Middle East in 1991 to protect vital national interests and the
11 sovereignty of nations; and

12 WHEREAS General Powell, under whose direction American military forces experienced
13 spectacularly low casualties, has never lost sight of the fraternal and social well-being of men and
14 women in military service; and

15 WHEREAS the mission of Alaska military forces in a rapidly changing world is recognized as
16 more important than ever by recent fiscal decisions increasing military presence in the state;