

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8846 SENATE COMMUNITY & REGIONAL AFFAIRS

Put the brakes on HB 251

This letter is a wholehearted plea to stop House Bill 251 from becoming law. This bill is being pushed by CIRI management, and it just passed the state House.

This bill attempts to:

1) Increase the percentage of shareholder signatures from 10 percent to 25 percent to call a special meeting.

2) Place restrictions and penalties on board members who stray from executive council policy and directions.

It contains other language to subdue Native membership interaction and say-so.

As it is now, only a very small percentage of Natives benefit from ANSCA, and these people are our corporation managers/leaders and their immediate families. Some of the top managers are millionaires, while many shareholders (true Natives) live in poverty conditions.

These present managers are, in my opinion, selfish, greedy and care very little about the Native people overall.

— Mike O'Neill
CIRI shareholder

House Bill 251

An act to hamstring Native shareholders

House Bill 251 — an act relating to Native corporations — should be permanently parked on a railroad spur.

As written, the revised bill would be unduly onerous for Native shareholders and would provide protection to Native-corporation boards of directors that isn't extended to non-Native boards.

Critics of the original bill succeeded in removing some harsh provisions. But even with these deletions, House Bill 251, now in the Senate, is still not worthy of passage.

One provision of the current bill would unnecessarily raise the bar for Native shareholders to call a special meeting. State law now allows for such meetings if signatures are gathered from shareholders who own 10 percent of stock. HB 251 would raise that level to 15 or 25 percent, depending on the number of shareholders.

That is not fair.

When it comes to special meetings, shareholders of Native corporations should not be treated any differently than other shareholders governed by state statutes who only need 10 percent to act.

HB 251, sponsored by Rep. Carl Moses, unfairly exempts Native corporation boards from rules designed to empower shareholders. The bill says if board members are elected by staggered terms, they can't be prematurely removed without cause from office at a special or regular meeting.

The amendment protects only Native corporation boards from a fair recall process outlined in state law. It is not the state's job to specially insulate Native corporation boards from shareholders.

The bill also requires that a written notice or petition and accompanying material be filed with the affected corporation "before a person solicits support." If this amendment is needed at all, why not require petitioners to file with the state? And why not require the same stipulation of the corporation, not just the shareholders?

Questions of corporate management are best settled by shareholders, not legislators. Native corporation shareholders deserve to be treated like shareholders of other Alaska corporations, with the authority and ability to hold management

Shareholders fighting HB 251

One Native corporation stands alone in backing the wishes of its shareholders. Kikiktagruk Inupiat Corp. donated a substantial amount of the money needed when its shareholders were raising funds to obtain representation in Juneau.

Recently, shareholders formed a coalition and selected Mr. Emil Notti to lobby against HB 251. Alaska Native shareholders from Kikiktagruk Inupiat, NANA, Doyon, Sealaska, North Slope, AHTNA, Bering Strait, Calista, Ninilchik, CIRI, KNA, Sea Lion, Tikikguuk, Klawoc and Salamatof united to fight against a bill they consider racist and discriminating.

Shareholders are upset with powerful leaders paying exorbitant amounts of our corporate assets for lobbyists, attorneys and others to silence us.

Shareholders feel HB 251 is simply a special interest bill introduced by CEOs to silence those who wish to voice opinions. Interaction between shareholders and their corporations is healthy and should be encouraged, not discouraged.

Under some Native corporate structures, shareholders can't change bylaws or effectively defeat corporate management slates. All resolutions are advisory and do not allow shareholders to change corporate structure, alter bylaws and articles of incorporation, or simply approve them.

The only recourse open to shareholders is recall and/or petitions, which are merely advisory and serve only to notify corporations of shareholder concerns.

HB 251 should have been brought before *all* Natives before introduction. Except for the corporate leaders, we have not found a shareholder anywhere who supports this bill.

— *Ruth C. Ferguson-Schaeffer*

CONCERNED NATIVE SHAREHOLDERS

Seasolik, Alaska

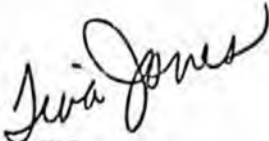
NATIVE SHAREHOLDER TUNDRA TELEGRAM

Putrid Legislative Procedures

For Immediate Release

Sunday, May 07, 1995

[Contact: Tina Jones]
[NANA/KIC Shareholder, Seasolik]



907-426-2175- (wk)

Criminal Political Diversionary Tactics aimed at railroading through *special interest issues* that are contrary to the majority of the citizens it affects.

Legislators are violating shareholders rights to address controversial Bills in the villages of Kivalina, Pt. Hope and Barrow. While they are all out on the ice whaling, Legislators rush Bills through that the citizens of these towns would oppose.

"This is not the first time", we were told yesterday by Beverly Hugo of Barrow, "They do this to us all the time. We would like to fight HB251, but we do not have the time right now. We have three (3) whales to cut up. Everyone is needed out on the ice. It will just have to wait until we are done. The whales are our survival."

Lets ensure that THIS WILL BE THE LAST TIME they pull a stunt like this. One way to counteract this would be for ALL shareholders to inform each other. If you know of Bill(s) that will adversely affect us, make sure to write letters and fax them to the editors of every newspaper in the state of Alaska. Hold your Representatives and Senators accountable for their actions.

Some have severe conflicts of interest. They are being pressured by CEO's to pass HB251, one Senator works for a corporation every summer. Planning to retire soon, he would loose the insurance of getting his job if he did anything but vote for the bill. In these instances, they should abstain from voting.

Anchorage Daily News May 07, 1995

ANCSA shareholders ignored

I have just learned that Carl Moses has proposed a bill (HB 251) that would make it even more difficult for Alaska Native shareholders to make their leaders more responsive to their needs and wishes.

Not only is this proposed legislation particularly unfair to shareholders of ANCSA corporations, it also violates our state Constitution, which specifically prohibits the legislature from enacting laws that only affect one racial or ethnic group.

ANCSA corporations currently have more power and political influence than Congress envisioned when it enacted ANCSA. There are no laws limiting ANCSA corporations from spending our corporate funds to ensure that their board members and officers remain in power.

They can, and have, hired numerous attorneys to file lawsuits against their shareholders who oppose their personal pecuniary interests.

I am certain that readers are aware of the awesome influence ANCSA corporations have exerted in getting "friendly" politicians elected in this state. As you might imagine, these corporate wishes seldom reflect the needs of Native shareholders.

— Frank Peratrovich

CONCERNED NATIVE SHAREHOLDERS
Kiana, Ak 99752

Native Shareholder Alert

HB251 Goes Before Senate

For Immediate Release

Sunday, May 07, 1995

[Contact: Laura Jackson]
NANA Shareholder, Kiana



907-426-9161 - (wk)

The concern of Native Shareholders is heightened. HB 251 recently passed the Alaska House. Against the concerted effort of Alaskan Native Shareholders. Corporate Leaders and Politicians have pushed the Bill through the House and into the Senate. Concerned Alaska Citizens and Native Shareholders are alarmed by HB251's passage by the House in such a short period of time. This Bill serves only to strengthen the control Native Corporate Leaders have over Shareholder activities. Severely limiting Shareholder rights and abilities to protect themselves from the actions of unscrupulous Corporate Leaders. This Bill only affects the operations of Native Corporations within Alaska. Raising Shareholder concerns of political bias against Native Corporations by State Government. Concerned Alaska Citizens and Native Shareholders should promptly voice their opinions on HB251. Go to your local Legislative Information office and fill out a public opinion message and send it to all State Senators and the Governor. Anyone who has already written, if you have not sent your petitions, letters etc. directly to the Senators and Governor, please do so, we have been told that the Senators have not received any. **WE DO NOT WANT TO LEAVE THE CONCEPTION THAT THERE IS NO OPPOSITION TO HB251.**

CONCERNED NATIVE SHAREHOLDERS

Kotzebue, Alaska

NATIVE SHAREHOLDER REALITY CHECK

Who really benefits from HB251

For Immediate Release

Sunday, May 07, 1995

[Contact: Abraham Snyder]
[NANA/KIC Shareholder, Kotzebue]

907-442-2921- (hm)

Over the past month, through news editorials, shareholders began to contact each other about HB251.

Ultimately natives learned, after contacting each other, that they had to use corporate tactics and lobbyist to try to defeat the bill because petitions did not work to stop a Bill they regard as narrow minded and bigoted.

Natives use assertive interaction as an attempt to bring positive reconstruction to our Corporations which were established in 1971. In 1995, we want participation available to all other corporations under Alaska State Law. HB251 places restrictions geared only to Native Corporations.

CEO's introduced HB251 to silence shareholders who wish to voice their opinions. Natives of all corporations should have been given the opportunity to review the Bill before it was enacted.

Shareholders believe Native issues should be addressed by Natives and Legislative action should stop immediately. Especially because we are already bound by laws & restrictions under the guidance of Banking & Securities.

Shareholders are restricted by Management and Board Members Control, however, Shareholders represent more votes then Corporate leaders. More over I perceive legislators as failing to remember who elected them into office in the first place!

Abraham Snyder



SEALASKA CORPORATION PROXY

Solicited by the Board of Directors for the Annual Meeting of Shareholders - October 7, 1995

The undersigned hereby constitutes and appoints Jim Edenso, Marlene Johnson, Albert Kookesh, Alan L. Williams, and Rosita Worl, a majority of them, or any one of them acting in the absence of others, and in accordance with Sealaska's bylaws, with the full power of substitution, the true and lawful attorneys and proxies of the undersigned, to attend the Annual Meeting of Shareholders of Sealaska Corporation to be held in the Wrangell Community Center in Wrangell, Alaska on Saturday, October 7, 1995, at 10:00 a.m., Alaska Standard Time, and any adjournment thereof, and to vote all of the shares of the Corporation which the undersigned could vote, with all the powers the undersigned would possess if personally present at such meeting, all as described in the Notice of Meeting and Proxy Statement, both dated August 14, 1995, receipt of which is hereby acknowledged. *In their discretion, if this proxy is signed, and if no specific direction is given, this proxy will be voted for the election of the Board of Directors' nominees for directors and upon such other matters as may properly come before the meeting.*

• VOTE FOR NO MORE THAN A TOTAL OF FOUR NOMINEES

• YOU HAVE FOUR (4) VOTES FOR EVERY SHARE YOU OWN

• CHECK BOX 1, 2 or QUORUM ONLY. As a Sealaska shareholder you have the option to make the following choices on your Proxy:

1. VOTE DISCRETIONARY. Your votes will be voted for candidates on the Board of Directors' slate. The nominees listed below will be elected for three-year terms ending 1998. The Corporation will distribute your votes among its slate at the discretion of the proxyholders appointed above.

2. VOTE DIRECTED. If you wish to direct specific numbers of votes to specific nominees, either within the Board of Directors' slate or among the listed independent nominees, write the number of votes you wish to give to each nominee next to that nominee's name. If any of the following nominees withdraws or for good cause will not serve, his or her directed votes shall not be redirected to any other candidate. These directed votes will remain with each named nominee or write-in candidate for whom such directed votes were cast.

QUORUM ONLY. If you wish to withhold authority to vote for any nominee your proxy will be counted for quorum purposes only. If you check this box, no nominee will receive any of your votes, unless you have also checked the discretionary voting box or cast directed votes for one or more nominees; in that case, the Inspector of Elections and Voting will assume that you intended to vote for those nominees indicated. If you check this box do not fill in any other boxes, but please remember to sign the other side of this proxy.

BOARD OF DIRECTORS' NOMINEES

The Board of Directors endorses the following slate of nominees. You may vote for these nominees using either discretionary voting by checking box 1 or by directed voting below. *Note: If you checked the "VOTE DISCRETIONARY" box above, you should not write in the number of votes.*

Nominee	Number of Directed Votes
Patrick M. Anderson	_____
Joseph Deinmert, Jr.	_____
Clarence Jackson, Sr.	_____
Carlton R. Smith	_____

Independent Nominees

The following nominees are independent candidates; they are not endorsed by the Board of Directors. Vote directed only.

Nominee	Number of Directed Votes
Glenn Dailey	_____
Thomas G. (Tommy) Dalton	_____
Patrick Gardner	_____
Mary E. Guthrie	_____
Jackie Milonich Guzalek	_____
Carroll J. Hamley	_____
Jack D. Hanke	_____
Joan Marie Mantei	_____
William M. Micklin	_____
Richard J. Rinehart, Jr.	_____
John E. Walker/Mounts	_____

1 SHAREHOLDER RESOLUTION: "LEFTOUTS"

RESOLVED, that the Articles of Incorporation shall be amended as stated in the Proxy Statement to provide for the issuance of 100 shares of common stock to eligible individuals who qualified for enrollment to Sealaska Corporation on December 18, 1971, but who did not enroll at that time.

- A "Yes" vote is in favor of the amendment.
- A "No" vote is against the amendment.

YES NO

The board recommends a "YES" vote for the amendment. If this proxy is validly signed and dated and neither of the above options is marked, the proxy will be voted "Yes," for the resolution.

2 SHAREHOLDER RESOLUTION: REMOVAL OF BOARD

RESOLVED, that the entire board of directors of the corporation shall be removed.

- A "Yes" vote is in favor of removal.
- A "No" vote is against removal.

YES NO

The board recommends a "NO" vote against the resolution. If this proxy is validly signed and dated and neither of the above options is marked, the proxy will be voted "No," against removal.

IMPORTANT - PLEASE COMPLETE OTHER SIDE

PLEASE FIRST COMPLETE OTHER SIDE

3 **ADVISORY RESOLUTION: DISCRETIONARY VOTING**
RESOLVED, that Bylaw Section 3.3.14 be amended to provide for discretionary voting for independent nominees whose names appear on the corporation's proxy, and who are not affiliated with any slate of candidates.

- A "Yes" vote is in favor of the amendment.
- A "No" vote is against the amendment.

YES NO

The board recommends a "NO" vote against the amendment. If this proxy is validly signed and dated and neither of the above options is marked, the proxy will be voted "No," against the resolution. This resolution is advisory.

4 **ADVISORY RESOLUTION: BINDING VOTE BYLAW**
RESOLVED, to amend Bylaw Section 2.13.5 to provide that resolutions not submitted by the board of directors shall be binding unless the resolution concerns matters which can only be voted upon by the board of directors.

- A "Yes" vote is in favor of the amendment.
- A "No" vote is against the amendment.

YES NO

The board recommends a "NO" vote against the amendment. If this proxy is validly signed and dated and neither of the above options is marked, the proxy will be voted "No," against the resolution. This resolution is advisory.

5 **ADVISORY RESOLUTION: INCREASE BOARD TO 18 MEMBERS**
RESOLVED, to amend Bylaw Section 3.1 to provide that the business, affairs and property of the corporation shall be managed by a board of directors composed of eighteen (18) members."

- A "Yes" vote is in favor of the amendment.
- A "No" vote is against the amendment.

YES NO

The board recommends a "NO" vote against the amendment. If this proxy is validly signed and dated and neither of the above options is marked, the proxy will be voted "No," against the resolution. This resolution is advisory.

6 **ADVISORY RESOLUTION: HOMESITE DISTRIBUTION**
RESOLVED, that Sealaska Corporation make a homesite distribution pursuant to 43 USC 1620(f).

- A "Yes" vote is in favor of the resolution.
- A "No" vote is against the resolution.

YES NO

The board recommends a "NO" vote against the resolution. If this proxy is validly signed and dated and neither of the above options is marked, the proxy will be voted "No," against to this resolution. This resolution is advisory.



SEALASKA CORPORATION PROXY

My telephone number:
 Enrollment number:
 Shares:

Signature _____ Dated _____, 1995

As custodian for _____
(Minor's name if applicable)

Witnesses are necessary only when a shareholder signs by marking "X." In such case, two witnesses must sign below.

(Witness, if necessary)

(Witness, if necessary)

Please sign exactly as your name appears above. When signing as custodian for a minor, executor, administrator, attorney, trustee or guardian, please give full title as such. For instance, if your name appears as "John H. Jones, Sr.," please sign "John H. Jones, Sr.," or if your name appears as "John H. Jones, Sr., as custodian for Harold Jones," sign "John H. Jones, Sr., as custodian for Harold Jones."

1995 SEALASKA CORPORATION PROXY

Alaskan State Legislators:

Happy New Year. We would like to welcome your return to Juneau and thank you for your insightful sense of justice and concern over 1995's HB251 "An Act relating to the meetings, shareholder proposals, and removal of directors of Native corporations."

The confrontation is difficult for those wishing that issues going to a vote be thoroughly perceived. Legislators willing to truthfully understand issues make the struggle for justice and survival less intense where large portions of the Native way of life are being forced into extinction through indirect methods.

There was no documentation that the corporations communicated their interest in the bill to the shareholders. HB251 was not only about dissident shareholders, but would have disallowed any voice effectiveness for all Alaskan Natives in the state - this the bill did not come right out and state, nor was it's true implications told to shareholders anywhere else.

The long-term effects of the bill were extremely difficult to convey to legislators in the short amount of time provided through lobbyists granted a minimum

amount of hearings on a 'fast track.' Few would stop to listen to the issues. The bill was ultimately brought to a stop due to the kindness and generosity of one Senator in the position to act on his understanding of the significant detrimental effects of HB251 in the lives of Alaskan Native people: Senator John Torgerson.

This bill left the feeling of hard core betrayal in the Native people last year - a turning tide because many younger generation shareholders have more modern education. The strength of the younger Natives willing to help the elder Natives contest issues that may be in conflict with their real and immediate needs in present day America is often the only channel the Native elder have to address their pressing issues in the face of the near-extinction of their cultures.

Voices of shareholders need to be continually heard because the Native corporations have not accomplished the more apparent goals laid out in 1971's ANCSA: Land to subsist on and funds to continually carry on for generation-to-generation active traditional Native heritage - the wish of every one of Alaska's old Alaskan Native people. This was perceived as ANCSA's true intent,

as told to each of them in 1971.

The Sealaska Corporation shareholders have never been openly invited by the corporation to subsist on the land, and they have seen less and less of their traditional foods on their dinner tables - this is a situation ubiquitous throughout the state. A large percent of the timber is simply cut down and sold away, leaving only water and fishing to be subsisted on should Sealaska openly make subsistence land available to the Natives collectively - something that should have happened 25 years ago.

There is no way to thank those involved enough for a vote or informed concern that ultimately protected the helpless Native elderly in their ability to make decisions within the Native corporation structure -- already extremely difficult and riddled with complex procedures -- all which have caused them to be able to accomplish very little (if anything).

What you have done for all Alaskan Natives, by taking a well-informed look into the issues behind this bill, is prevent them from living under deleterious hardships for following years to come. For your efforts you have our genuine thank you.

Special Thanks To

**1996
Alaskan State Legislature**

*Senator John Torgerson
Senator Robin Taylor
Representative Alan Austerman
Representative Tom Brice
Representative Kay Brown
Representative Kim Elton
Representative Dave Finkelstein
Representative Ben Grussendorf
Representative Gene Kubina
Representative Jerry Mackie
Representative Terry Martin
Representative Beverly Masek
Representative Mike Navarre
Representative Scott Ogan
Representative Caren Robinson
Representative Ed Willis*

***Alaskan Natives Welcome
And Thank You***



*And all those who have
helped in any way.*

***For More Information Contact:
Box 34711
Juneau, Alaska 99803-4711
(907) 586-3506***

All Questions Welcome

September 9, 1995

Senator John Torgerson
145 Main Street Loop, Suite 226
Kenai, AK 99611

*file
#2257*

Dear Senator John Torgerson:

I want to thank you for the generous time you took to talk with me here in Juneau. I have done nothing but feel better ever since. I was having a real hard time when that bill's destiny was more uncertain to me. Because of the older Alaskan Natives, I would think and think about it, and in a very troubled way stir over it.

I remember that you said you might put something into the letters to the editor before you scheduled a hearing in the coming months. I told you I had the Southeastern newspapers' addresses and that I would send that to you. These little towns have a lot of Natives in them, but don't always get the benefits of knowing first hand news. I thought it might prove helpful to you so wanted to send it to you. I will wait to hear when you plan to schedule a hearing so I can try and get some good testimony from the people in the area into the hearings.

I hope that you are doing good and not working too hard. I know that your job has got to be hard. I hear you may be going to D.C. late September to help lobby regarding opening ANWR. I hope your trip is a good one. If you are in the area and would like to go to lunch or talk again some time on the Native bill - please feel welcome to call.

I must thank you again for your kind gesture towards the Alaskan Natives, for in this, you have been kind to everyone. I will never forget your kindness, never. If you ever need any help in any area with anything, please, feel free to call or approach me. You are always welcome for I think of you warmly as my own friend.

I hope to hear from you.

Sincerely,

Joan Mantei

Joan Mantei
Box 34711
Juneau, AK 99803-4711
463-7126-w Tu-Fr 586-3506-h

SOUTHEASTERN ALASKA, AND A COUPLE NORTHERN, NEWSPAPERS

SITKA SENTINEL
112 BARRACKS
SITKA, AK 99835

SKAGWAY NEWS
BOX 1898
SKAGWAY, AK 99840

CHILKAT VALLEY NEWS
BOX 630
HAINES, AK 99827

ALASKA NATIVE FOUNDATION
BOX 100278
ANCHORAGE, AK 99510

PETERSBURG PILOT
BOX 930
PETERSBURG, AK 99833

NEWS-MINER - FAIRBANKS DAILY
200 N. CUSHMAN
FAIRBANKS, AK 99701

WRANGELL SENTINEL
BOX 798
WRANGELL, AK 99929

FAIRBANKS NEWS AGENCY
307 LADD AVENUE
FAIRBANKS, AK 99701

KETCHIKAN DAILY NEWS
BOX 7900
KETCHIKAN, AK 99901

PENNINSULA CLARION
BOX 3009
KENAI, AK 99611

ISLAND NEWS
BOX 19430
THORNE BAY, AK 99919

CAPITOL CITY WEEKLY
~~BOX~~ 8365 OLD DAIRY RD.
JUNEAU, AK 99801

ANCHORAGE DAILY NEWS
BOX 149001
ANCHORAGE, AK 99514-9001

THERE IS 2 FOR MASEK'S AREA:
WILLOW NEWS???
FRONTIER??? CALL DIRECTORY

JUNEAU EMPIRE
3100 CHANNEL DRIVE
JUNEAU, AK 99801

STATE ATTORNEY GENERAL
AMERICAN CIVIL LIBERTIES UNION
BOX 201844; ANCHORAGE, AK 99520

276-2258

465-2520
258-0288

AGENCIES, PHONES, & FAXES

(1995) This was already done

<u>AGENCY</u>	<u>PHONE</u>	<u>FAX</u>
ALASKA LEGISLATURE	465-4648	
DAVID CASE	276-5152	
LLOYD MILLER	258-6377	
ANCH. AK LEGAL SERVICES	276-6282	
AK NATIVE JUSTICE CENTER	265-5971	265-5990
INUIT CIRCUMPOLAR CONFERENCE	563-6917	562-0880
CALEB PUNGOWIYI (PRESIDENT) 3201 C STREET, STE. 608; ANCHORAGE, AK 99503		
WORLD COUNCIL ON INDIGENOUS PEOPLES		
SENATOR MURKOWSKI		202-224-5301
TED STEVENS		202-224-2354
LUCY FOR THE ABOVE (9TH FLOOR FEDERAL BUILDING)		586-7402
SUBCOMMITTEE ON INDIAN AFFAIRS (FEDERAL)		586-7400
RFVERLY MASEK	465-2679	465-4822
(Her Willow Legislative Information Office where she is now working is tele. 376-2679)/ you can get her town newspaper names this way, please forward them to me if you do.		
ED SHANGIN (PRESIDENT/VILLAGE)	345-9027	345-9017
NATIVE AMERICAN RIGHTS FOUNDATION	276-0680	
KLAWOCK HEENYA (NATIVE CORP.)	755-2270	755-2966
TBS/TNT	404-872-1647	404-827-1511
ATTN: HEADLINE NEWS DESK		
OTHER CNN AFFILIATES		
KIMO-ANCH.	561-1313	561-1377
KTUU-ANCH.	762-9202	563-3318
KJUD-JUNEAU	586-3145	463-3041
KTOO-JUNEAU	586-1670	586-2651
ASSOCIATED PRESS		
JUNEAU	586-1515	463-3949
ANCHORAGE	1-800-770-7549	274-2189
SEATTLE	206-682-1812	206-621-1948
WARREN WILEY (FATS) KINY/KSUP	463-5054 OR 586-1800	
SITKA SENTINEL	747-3219	474-8898
112 BARRACKS; SITKA, AK 99835		
CHILKAT VALLEY NEWS	766-2688	766-2689
BOX 630; HAINES, AK 99827		
PETERSBURG PILOT	772-9393	
BOX 930; PETERSBURG, AK 99833		
WRANGELL SENTINEL	874-2301	874-2303
BOX 798; WRANGELL, AK 99929		
KETCHIKAN DAILY NEWS	225-3157	225-1096
BOX 7900; KETCHIKAN, AK 99901		
ISLAND NEWS	828-3377	828-3151 OR 828-3351
BOX 19430; THORNE BAY, AK 99919		
ANCHORAGE DAILY NEWS	257-4200	258-2157
BOX 249001; ANCHORAGE, AK 99514-9001		
JUNEAU EMPIRE	586-3740	586-3028
3100 CHANNEL DRIVE; JUNEAU, AK 99801		
CORNERSTONE (HAINES)	766-3141	
SEATTLE POST INTELLIGENCER	206-464-2121	464-2261
SKAGWAY NEWS		
FAIRBANKS NEWS	456-6661	452-7917

HB251

Senator John Torgerson
Alaska Senate
145 Main Street Loop, Suite 226
Kenai, AK 99611

Senator Torgerson:

August 1, 1995

I am a shareholder of two ANCSA Corporations. I am writing in regard to **HB251(L&C)** This bill was passed by the House and will be voted on by the Senate in the 1996 Legislative session. HB251(L&C) violates the following US Constitutional Rights and US Federal Laws

1st VIOLATION: Page 3, line 14, 15, 16, 17,

"(o) A corporation that is organized under the act is not required to consider or submit to a vote of the shareholders a shareholder proposal that deals substantially with the same subject matter as a proposal that was submitted to a vote of the shareholders with the preceding year"

This Section of the Bill violates the US. Bill of Rights

No government in exercising powers of self-government shall.....**(1)** make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press **or the right of the people peaceably to assemble and to petition for a redress of grievances;**

2nd VIOLATION: Page 4, line 2, 3, 4,5, 6, 7, 8, 9, 10, 11, 12, 13, 14,

(e) If the administrator is informed that a person has engaged or is about to engage in an act or practice in violation of AS 10.06.960(m), AS45.55.139, or 45.55.160, and if the act or practice relates to a regular or special meeting of the shareholders of a Native corporation, the administrator shall.....

This section violates the 5th Amendment right to "DUE PROCESS" and ANSCA 7H CLAIMS ACT:

Prohibits any State or Territory under color of any statute, ordinance, regulation, custom or usage from treating ANCSA Shareholders differently than Non ANSCA shareholders.

If, the Senate passes this bill, they will have violated citizen's US constitutional rights and will be inviting a lawsuit at the State's Expense.

**The Code of the Laws of the United States of America
Title 42-The Public Health & Welfare**

Chapter 21. CIVIL RIGHTS

Section

§ 1983 Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

I'm confident that with this knowledge and verification from your legal council that you will see that this bill is rendered unconstitutional and will stop it from becoming law.

Sincerely;



Myrna Gardner
PO Box 256
Klawock, AK 99925
(907) 755-2265 wk
(907) 755-8800 fax

cc: Representative Jerry Mackie
Bruce M. Botelho, Attorney General, State of Alaska

May 30, 1995

Senator John Torgerson
145 Main Street Loop
Kenai, Alaska 99611

Re: House Bill (HB) 251

Dear Senator Torgerson:

On behalf of Kikiktagruk Inupiat Corporation (KIC), the Native village corporation of Kotzebue, I want to thank you for holding HB 251 in the Community and Regional Affairs Committee for further comment by the public.

In our view, public hearings are needed on HB 251 for additional comments from Native shareholders throughout Alaska. We would appreciate it greatly if you would consider holding such hearings before the next session of the Legislature, or at least before this bill is up for consideration again in the Community and Regional Affairs Committee that you chair.

Attached is a photocopy of a letter I wrote to Governor Knowles, which states KIC's position on this bill.

Thanks again for holding this bill, and allowing opportunity for further public comment.

Best regards,



Margaret Hansen,
Chair

cc: KIC Board of Directors

Attachment

The Honorable Senator Torgerson
State Capitol Building, Room 427
Juneau, AK 99801

Joan
Re: HB 251 - The Native Rights Bill

May 12, 1995

Honorable Senator Torgerson:

I know that this session has been filled with so many complex issues. I would like to write a letter to you, for you to take with you this summer when you study HB 251 for whatever will become of it next session. It is long, but I think that the overall picture is so complex sometimes, and there are so many parts to it, each having difficult angles to them, that I would like to help you to understand some of the intimate issues as they exist for the Alaskan Eskimos, Aleuts, and Indians in regards to how many petitions some have received, and the similarity in the issues that the Natives find themselves faced with as they come into the awareness of the promises of the Claims Act, and what it did and did not settle for them. Really, the Natives feel predominantly helpless at the stake of the corporations, being allowed very little input. For one, they really feel like they own those corporations, and a lot of that comes from the nature of the establishment of the corporations.

What really bothers me, is very credible studies have been done on shareholders of the 213 Native corporations, and a book called *Village Journey*, by former British Columbia Supreme Court Justice Thomas R. Berger, can help you to see the forlorned testimony and organized recommendations gathered during his journey to sixty-two Native communities in village Alaska. The Natives have become disillusioned due to the inevitable residue of frustration, suffering and disappointment of being stuck with the unpredictable consequences they are suffering at the hands of strict corporate boards, that really seem to have come to with hold information and the land from the Natives.

The land is of which I am concerned, because my grandmother was a full-blooded Native woman, Athabaskan-Tsimshian, and was raised in the wild with her grandmother, a full-blooded Zitz Zaow (Tsetsaut) Athabaskan woman, and the remnant souls of her tribe, but she acquired 100 'ghost' Native corporation village shares. Her village, did not receive any land, but she ended up with only 100 shares in the Regional Sealaska Corporation as I have too. She had no land, and Indian language was her first language. There was not even anyone to speak her Indian language with. These people had their identity and way of life took from them when the Claims Act passed, devastated, they had everything taken from them. In situations where they just wanted to visit their Indian lands, there wasn't even a way provided by the Regional corporation to get them there. To this day, my grandmother and our whole family have received no land, and our people are now near-extinct having nothing to hold them together anymore. When you read what I quote below, you will understand why the Native people are haunted by the Claims Act and the strict businesses the corporations have turned themselves into.

My great-great uncle lived in a time where he freely fished and subsisted off the land as his people had from times immemorial. One day, the government told him he had to obtain permission to fish and use the land. He didn't understand. Well, I have the Appendix to the legislation on the Native Land Claims Settlement that was in principle favorably received by the legislature, and I dropped a copy by your office with Sandi, your kind assistant. This states some cultural information under the section, *Property Rights--The Underlying Fact* (521, 522):

"The Alaska Natives possess valid legal claims to most of the land in Alaska, claims of enormous value . . . Some land, which the Native people have occupied since time immemorial, would be retained by them . . . The Indian Claims Commission Act was a praiseworthy, though belated, attempt to remedy injustices which never should have occurred . . . S. 835 recognizes that to the Natives, land is a most crucial aspect of a just settlement. "Take our land, take our

life", summarizes their attitude . . . They would retain, therefore, only about 17 percent of the land to which they validly assert aboriginal title . . . the bill . . . would provide land upon which those Natives who wish to do so might continue to some degree their traditional way of life . . . The longstanding legal principle on Indian land is that Native title includes *all* of the rights to the land involved, not merely the right to use of the surface for subsistence . . . It must never be forgotten that Alaska is the homeland of the Native people . . . Racial equality is not promoted by depriving Indians, Eskimos, and Aleuts of title to their lands. That would leave them segregated but landless, with no resources. Meanwhile, others, without payment, would succeed to what was once the Natives'. Land is the foundation of culture . . . The Natives of Alaska, the rightful owners of its land, are entitled to better treatment than to be deprived of practically all of their land, and of their culture, upon the excuse that such deprivation is required in order to prevent enforced separation of the races."

In the Alaska Native Claims Settlement Act itself (Public Law 92-203 92nd Congress, H. R. 10367 12/18/71), it states in Section 2.(c):

"no provision of this Act shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State or Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska . . ." and goes on to say in Section 7.(h)(1):

"Except as otherwise provided in paragraph (2) of this subsection, stock issued pursuant to subsection (g) shall carry a right . . . and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska . . ."

I am wondering if HB 251 is in fact amending a Congressional order to better the welfare of the Natives, to be unduly restrictive to them. I believe Congress wanted them to be treated fairly, not held hostage by a corporation board. Now, I use the word hostage because of my understanding of the strange provisions within the bill itself, and also because my job was just contacted by Robert Loescher, Sealaska Corporation's Vice-President, in which he stated that I had been at the Capitol during my working hours. Mr. Loescher made this contact a couple days after the Juneau Empire printed that Mr. Knowles did not like HB 251 because of unachievable provisions in it. HB 251 has specific extractions from Sealaska Corporation's HB 501 introduced last year by Representative William Williams. I explained to my boss that I had not been at the Capitol during my working hours. My boss confronted me Tuesday, May 9th, and inquired to this effect. I told him that I work only four days a week (and I do) and that I had been on annual leave all last week (and I was). I had seen Bob Loescher at the Capitol in the earlier stages of HB 251, and Sam Kito, Sealaska Corporation's Chief Lobbyist. But, I have not seen Bob in quite awhile, but I have seen Sam at the Capitol a lot. I believe that I was kind of being stalked, and our honesty began to be resented, thus the attempt to use my boss to stumble me took place. I also wonder at the sincerity of those introducing the bill. I sent the attached letter to Bob Loescher certified mail May 10, 1995, and a copy to Sam Kito.

People simply want their land and their Native way of life to survive, their culture. The corporations tell us things like, "Can you imagine giving land to 16,000 Natives?" Sealaska Corporation has 15,812 Natives, and they were given enough land for the Natives to live on and have subsistence, and an economic base too, but the corporation never did their job administering that settlement under the guise of the kind intentions Congress spoke of. There was a lot publicized on the Natives themselves getting land around the time of the Claims Act, and I have not met even one that did not believe they were to receive land for subsistence and for the Native way of life. There is no land for us for subsistence, anywhere. In Sealaska Corporation, they are just selling the trees and holding the land away from us.

So, they say they are having frivolous and repetitive petitions, and HB 251 is their answer. I disagree. The Native people are experiencing a breaking down of their familial and

cultural fiber, and only a little over 9,000 vote out of Sealaska's 15,812 Natives. It is impossible for us to change the board's direction when it takes, according to State Law, half of the total 15,812 shareholders + 1 to force change, while most continue to vote discretionary because they do not understand. That is 7,906 needed for any change. The requirement ideally should be an achievable amount of half plus one of those that voted at the last meeting, but it is not.

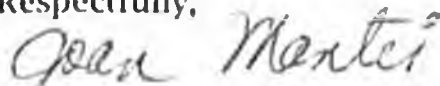
There should be a way devised for two-way communication, instead of only the corporation board managements getting some restrictions placed on upset shareholders that are frustrated with the un-hearing corporation. Any restrictions the corporation managements put on the Natives, serves to stir more resentment, and the Natives take these restrictions as harsh segregated treatment - a stealing of their Claims Act, which they were after re-obtaining in the first place. The land is gone for them, the managements took it. There is no relationship between the corporations and the Natives. The Natives also cannot force their say in decisions in the corporation due to the cumbersome impossible laws that exist for them to steer it, and Sealaska Corporation refuses to send full-honest questionnaires to each and every shareholder in the election packets, which allows them to participate in the decisions of the corporation. I have the original bylaws of the corporation, and the version used today. You wouldn't recognize the first version, but was I allowed to change these? Never have been. Why do they fight criticism instead of willingly acting out of kindness and goodness, with the promises of the Claims Act? I believe it is money and power. Sealaska seems to have turned into a political institution only - I can't believe how out of touch they are with the Natives, and they seem to even claim we are in the minority when we want the things of the Claims Act. It blows me away.

Senator Torgerson, I would like to help you to try and devise a two-way working solution, and not just severe restrictions upon the Natives like HB 251 provided. I am available during the session break any time you would like to call me even before it ends if you wanted, and I really want to help. I will keep on trying to hear models of how a fair-minded, kind, two-way communication and resolution process can be devised for the 70,000 Natives and I will ask around for sincere ideas. But, there is so much lost faith, dissatisfaction, and disillusionment with the corporations that it is difficult. Even the children that knew the languages have been forced to forget them with no institutions to keep the language perpetuating. The Native people are angry, they are tired of watching their old die without the promises of the Claims Act. Their culture is dying, and so are their people without common land to hold them together in tribal life. My own grandmother's tribe is now truly near-extinct. She was the oldest living member when she passed away in 1993. These people are oppressed, tired out by years under the un-hearing managements.

Please let me know some of the things that you think of to do. I am really interested in helping, staying involved, building on ideas, and in hearing your good ideas and your plans. I will make myself available to you at all times, and evening times are best for me to talk with you after you leave town when the session ends. I am at 586-3506, and I welcome you to call me. Thank you for taking a look into the bill, and not rushing and oppressing us as the Labor and Commerce Committee did to us. I have never been through anything so horrifying, and so terrible. They had me crying at night pretty hard. It was so bad, it really broke my heart. It changed my relationship to Sealaska Corporation forever.

I am sorry this is so long, I felt a more personal look might help you with your investigation. I hope that I have been of some help to you.

Respectfully,



Joan Mantei, Sealaska Shareholder

Box 34711
Juneau, AK 99803-4711
907-586-3506-h/463-7351-w

Re: HB 251 - Relating To Native Corporation Shareholders Coming Your Way

May 11, 1995

Dear Senate Community & Regional Affairs Committee &
Senate Rules Committee:

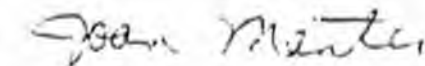
I was given some APOC committee member donation records without asking for them, but nonetheless, I am concerned about what will take place in a situation where the Senate may vote on this bill. It was a bad experience what just took place regarding the House of Representatives, in that they rushed this bill so that no one could explain to them in a way they would absorb and understand the severeness of the provisions. We were excluded from the Labor & Commerce Committee meeting, that amended and decided to pass the bill out of committee, and that was the only committee allowing public input. It had been tabled on a Monday, and on Wednesday, L&CC passed the bill out. There were many of the Representatives that would not listen to the issues at all. Representative Jerry Sanders stated that the Natives just did not have the votes of the House, so he wasn't going to vote for the Natives just to make everyone angry when it wasn't going to do any good for him to vote for the Natives.

The money from the Claims Act was to be for them, and used for them and not legislation to single them out or put restrictions upon them, and I consulted with Larry Carroll, of Bankings & Securities on ANCSA Section 6(b) and how it relates to the law now. Mr. Carroll stated that stands as law now where ANCSA states that "None of the funds paid or distributed pursuant to this section to any of the Regional and Village Corporations established pursuant to this Act shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing and distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than twelve months, or both."

This is such a sensitive issue, and when I reviewed the APOC records of \$23,000.00 in donations the Native corporation Cook Inlet Region, Inc. had given to those decision makers at the Capitol in just 1994 (attached), I realized there may have been another outside reason the House of Representatives would not hear our issues. Republican House and Senate members were given \$1,000.00 donations, with democrats given \$250.00 donations. According to APOC records, Sealaska Corporation and Klukwan, Inc., always sistered donations in equal amounts to each person they wanted to which already held office, or was headed there. HB 501 was a longer version of 251 last year, and there were many donations flooded by these corps into those in Capitol offices then too.

I would like to officially request you to be fair to the 70,000 Alaskan Natives in spite of the overwhelming amounts of money given by Sealaska Corporation, Cook Inlet Region, Inc. (CIRI), and Klukwan. Now Bob Loescher of Sealaska Corporation, and their chief lobbyist, Sam Kito, along with Bill Thomas, Klukwan, Inc., board member, all attended the hearings on HB 251 (and of course Roy Hundorf of CIRI with their chief lobbyist, Ashley Reed). I seen very poor Natives testifying to the effects of lost culture, loss of their people and Indian lands, speaking of depression suffered due to the Claims Act, and then I seen some very rich individuals, those listed above, appearing to want to take away the rights of the less fortunate, those without the resources or political force these corporate leaders held in magnum. I am not happy with this situation and ask that you use caution when stepping out to take a part in removing the rights of a minority group and granting favors to those in control of corporate assets, that were designed to benefit the poor economic position the Natives were and are in.

Copies of APOC records attached



Joan Mantei
Box 34711
Juneau, AK 99803-4711
586-3506-h 463-7351-w

cc: Alaska Civil Liberties Union
Alaska Native Foundation
Native American Rights Foundation

Basically Ciri donated to pass the bill to death

THE FOLLOWING DATA IS ON FORMS FILED WITH THE ALASKA PUBLIC OFFICES COMMISSION, ANCHORAGE, ALASKA. THIS IS PUBLIC INFORMATION.

POTLATCH PAC (CIRI)
EXPENDITURES AND INCOME FOR 1994

DATE	TO/FROM	CK NO.	EXPENSE	INCOME
4/8/94	JIM KUBITZ-MAYOR	238	\$250	
4/15/94	CIRI			\$10,000
5/9/94	MYSTROM-MAYOR	239	500	
6/27/94	JIM CAMPBELL	259	1,000	
6/27/94	KNOWLES-GOV	260	500	
7/20/94	RICHARD FOSTER	261	250	
7/20/94	IVAN IVAN	262	250	
8/8/94	STATE OF AK - FINE	263	10	
8/17/94	EILEEN MACLEAN	264	250	
8/23/94	PETE KOTT	265	250	
8/31/94	LARRY BAKER	266	1,000	
8/31/94	MIKE NAVARRE	267	500	
9/9/94	PEAK OILFIELD SERVICES (CIRI)			\$10,000
9/9/94	CONSTRUCTION MACHINERY INC. (CIRI)			5,000
9/15/94	GAIL PHILLIPS	268	1,000	
9/15/94	GARY DAVIS	269	1,000	
9/21/94	AMA PAC (AK MINERS ASSN)	270	100	
9/21/94	SENATE REPUBLICAN LEADERSHIP COUNCIL	271	2,500	
9/21/94	AL VEZEY	272	1,000	
9/29/94	TIM KELLY	273	1,000	
9/30/94	MIKE NAVARRE	274	250	
9/30/94	SUZANNE LITTLE	275	200	
9/30/94	MIKE MILLER - LT GOV	276	1,000	
10/10/94	CAPT COOK HOTEL-FUNDRAISER BEV MASEK	277	491.62	
10/11/94	LYDA GREEN	278	500	
10/12/94	MACKIE - HOUSE	279	500	
10/13/94	DRUE PEARCE	280	500	
10/13/94	DRUE PEARCE	281	500	
10/13/94	CYNTHIA TOOHEY	282	250	
10/13/94	ROKEBURG	283	250	
10/13/94	RICHARD FOSTER	284	250	
10/14/94	EILEEN MACLEAN	285	500	
10/14/94	TONY KNOWLES	286	500	
10/20/94	GEORGIANNA LINCOLN	287	500	
10/25/94	ELDON MULDER	288	500	
10/26/94	FRAN ULMER - LT GOV	289	1,000	
10/26/94	RAMONA BARNES	290	1,000	
10/26/94	PAT RODEY	291	500	
10/26/94	JIM DUNCAN	292	250	
11/3/94	DALE WUNDERLICH	293	200	
11/9/94	ALAN AUSTERMAN	294	500	
11/9/94	ROBIN TAYLOR	295	500	
11/22/94	ROKEBURG - HOUSE	296	250	
11/22/94	ROKEBURG	297	250	
11/30/94	STATE OF ALASKA - FINE	298	300	
12/1/94	JUDY SALO	299	250	
12/16/94	FRED ZHAROFF	300	250	
12/30/94	RICK HALFORD	301	250	

23,551.62

Confidential

May 9, 1995

*This is a type
of a stalking -*

Robert Loescher, Vice President
Sealaska Corporation
One Sealaska Plaza, Suite 400
Juneau, AK 99801

Dear Mr. Loescher:

Today, I was approached by my boss, and asked about the hours of my involvement at the Capitol Building, as a matter of an inquiry made on your part. I will respond directly to you as to whether I had been at the capitol during working hours. I began my employment at Tlingit & Haida on January 11, 1995. I was a bit embarrassed by your probe to my new boss, in that I am a responsible 33 year old, and have begun a new job. I was very honest with Mr. Thomas, and cordially voiced my concerns over the vice president of our Native corporation contacting my place of employment, as a matter of being a shareholder.

To further avoid having to entreat the kindness of Mr. Thomas, I felt that it would be better if I documented the situation for you directly.

I work four days a week. I was on annual leave all last week. I will try and state my position as kindly as I can, having a history of knowing you through the landless office. I have always been grateful for what has taken place regarding the landless. I must however tell you, that everything I am about is above board, and HB 251 has my entire family upset, and I feel something of a more cruel nature is going on behind this bill. It has caused my friends, my family, and I great anguish. I do not see any provisions, whatsoever, being made for the old, the poor, those not politically powerful, affluent, or having the opportunities. I have experienced quite a bit of personal anguish over the treatment all Alaskan Eskimos, Aleuts, and Indians are receiving in this bill. It changed my perception of our Native corporation forever. My aunt, Sharon Kristovich, could not believe that this could even take place. She laughed, 'They can't do that.' I told her, 'But, they are.' She then repeated herself, as though the confidence of her intelligence would take care of everything. There is a feeling that this bill is so highly discriminative towards a race of people, that it just cannot be so.

Our children that did speak our Indian languages, have been forced to forget them, having no institutions for the languages to survive. The cultural aspects of Alaskan Natives have largely been absolutely left behind. HB 251 prevents our old from accomplishing the dreams of ANCSA, and likewise the generation after them. It is not simply a 'money' bill, it is a cultural barricade for those that hold onto the promises of ANCSA.

It is not my understanding that I have done anything destructive, nor that anyone has a right to make me feel uncomfortable where I work. I have come forward with a clean heart, and I am a very open person - if I am required to pay cost for that, then so be

TONY KNOWLES, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF BANKING, SECURITIES AND CORPORATIONS

P.O. BOX 11600
JUNEAU, ALASKA 99811-0807
Banking & Securities (907) 465-2521
Corporation Section (907) 465-2530

TELEPHONE (907) 463-2161
TDD: (907) 465-5437

May 9, 1995

VIA FAX
586-8970

Ms. Joan Mantei
c/o Project Head Start
Juneau, AK 99801

Dear Ms. Mantei:

This will acknowledge receipt of your May 4, 1995 correspondence which requests the answer to certain specific questions relative to the proxy process under the house passed committee substitute for House Bill 251, and the current law.

As you are aware, I have already asked that the department's official position paper on the CS for HB 251, which recently passed the house, be forwarded to you.

I will attempt to answer the specific questions that you have posed in your correspondence in hopes that this will help clarify the matter for you.

Your first question was, "Has any board or director ever been recalled in the history of the Alaska Native Corporations existence under corporate code?" Please be advised that to the best of our knowledge, no recall effort has been successful. It is, of course, possible that a recall undertaken in a smaller village corporation that does not report to this office may have been successful and we are simply not aware of it.

Your second question requests a short form itemization as to the process that Alaska Natives must follow to recall a board member assuming that CS for HB 251 is enacted by the legislature. I have enclosed, herewith, a copy of Alaska Statutes 10.06.463 which discusses court removal for cause and is self explanatory.

Your next question seeks clarification as to who will determine whether there is merit cause as described by the parties. The court will make a determination based on the facts before it.

As to the question concerning definitions of recklessness or theft, I believe that these terms are probably somewhere described in the criminal or civil code, but I am not sure as to the application with respect to AS 10.06.463 other than common case law.

Your next question asks how long do we have to wait on the Superior Court rulings in order to remove a board member or not. This will be determined

Ms. Joan Mantei

-2-

May 2, 2008

by the court after hearing the evidence. If the evidence is very persuasive and the alleged acts are very egregious, the court may well act decisively.

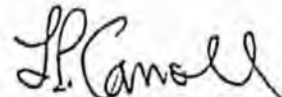
Yet Superior Court ruling criteria does not fit the native's land & cultural pursuit needs. (The promises of ANCSA)

You should be aware that all disputes arising out of Title 10.06 governing business corporations are subject to private rights of action. This division would not be involved in any dispute resolution or complaint arising from requirements found in Title 10.06 of the proposed legislation.

Finally, you asked whether or not a petition in process, or existing prior to the enactment of CS for HB 251, would be valid. The answer is the existing law would dictate and as the existing law provides for the petition process, then such petition would be valid if it meets the conditions of the existing code.

I hope that the information provided herein is responsive to your needs and that you will not hesitate the department if we may offer any further information or assistance.

Yours very truly,



Lawrence P. Carroll
Senior Securities Examiner

LPC/cw212.bsc
050595c



KIKIKTAGRUK INUPIAT CORPORATION 373A Second Avenue • P.O. Box 1050 • Kotzebue, Alaska
(907) 442-3165 • Fax (907) 442-2165

FAX COVER SHEET
FAX:907-442-2165

OF PAGES 2

TO : Sen Torjman ATTN: Mary
FAX # : 465-4779
FROM : Willie Goodwin DATE: 5/11/95

RECEIVED
MAY 11 1995
Ans'd
TIME: _____

THIS IS A:

MESSAGE:

- FAX LETTER
- QUOTE REQUEST
- PURCHASE ORDER
- COPY
- CONFIRMATION
- ADD'L INFO CONCERNING

FYI

ACTION REQUIRED:

- CALL ME UPON RECEIPT OF FAX
- FAX YOUR REPLY
- ENTER THIS ORDER
- CALL IF YOU HAVE ANY QUESTIONS
- NO RESPONSE REQUIRED

TIMETABLE:

REPLY:

- URGENT/RUSH
- ASAP
- TODAY
- THIS WEEK
- BY _____

**CSHB 251 (L&C)
TABLE OF CORPORATE VARIANCES**

**ALASKA CORPORATION CODE
AS 10.06**

SUBJECT	ANCSA CORPORATIONS	ALL OTHER CORPORATIONS
Number of shareholders required to petition for a special meeting.	500 or more shareholders 15% Less than 500 shareholders 25%	10%
Amount of time required to secure signatures and present petitions.	180 days	NO TIME LIMIT
Prefile petition & material with corporation.	Prefile, with corporation, petition and all materials to be used in a solicitation	NO FILING OF ANY KIND REQUIRED
Provisions of <u>AS 10.06.460</u> (1) Removal of directors. (2) Inclusion of recall resolution at annual meeting	(1) Shareholders could <u>NOT</u> remove directors without a finding of CAUSE (2) Shareholder could <u>NOT</u> submit a recall resolution to be considered at the annual meeting. <u>(It is the position of the department that these provisions are excessive and must be eliminated.)</u>	(1) DIRECTORS CAN BE REMOVED WITHOUT CAUSE (2) A shareholder can submit a recall resolution to be considered at the annual meeting.
Limit on subject matter to be submitted to a vote.	Corporation is not required to consider a subject that has been submitted to a vote within the preceding year.	NO LIMITATION
Another major difference with ANCSA stock but not part of CSHB 251		
Character of shareholder's stock.	ANCSA stock is inalienable and can not be sold, pledged, or otherwise encumbered.	NO STATUTORY RESTRICTIONS

Prepared by the DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT May 10, 1995

MAY-10-1995 17:38

P.02

Dear Legislator,

John Ferguson

May 10th, 1995

I can only state how disappointed I am that you would pass such an oppressive bill, HB 251 is against the shareholders of the 13 ANCSA regional corporations. It's been further observed that there is a deliberate effort to conceal from the people of district #37 and every other district the ownership share the residents of each district have as citizens in the 1959 Alaska Statehood Compact! This would mean more for our original inhabitants outside of what was obtained within the 1867-1972 ANCSA ACT! It is "more" of what is already there's. Why has there been no solicitation or opportunity to comment or take part in any of the due-process that was to be afforded all natives in district #37 by their representatives Eileen MacLean and Al Adams? People born in district #37 which is the north and northwest arctic coastline primarily with Inupiat Eskimos, have not had the opportunity to voice their opinion or express their desired will on where the 90% revenue base share off "all" federal lands in Alaska, why? Where has it gone? Why can't the people here be allowed to comment?

When my sign at Ipalook Elementary on 2/24/95 stated what it did I was the only one reminding people that this lawful entitlement was there! It's been preserved for over 36 years..... yet, is now under direct "attack" as others "outside" the State of Alaska's borders are laying claim to it. This is the most pressing unfinished business of all Alaskan natives, to include those born in this State between 1959-1995! Isn't anyone going to speak for the children? Or those between the ages of 36 and 1 year old? Why should the people of district #37 lose their (2nd portion) birthright-inheritance "claim" set up for all Alaska's residents from 1867-1959! This most definitely included the Eskimo peoples of this region and all original inhabitants of the new State!

Admitted or not.... I wrote both Rep. Eileen MacLean, Mayor Don Long and the ASRC board about this matter of great wealth owned also by the people here. The "reaction" was clear! House Bill #251 was passed making it more difficult for ASRC shareholders to question "or" bring into account any of the "few" ANCSA boards into account to their shareholders. This was because of my ad and letters. The people were asking about their (2nd portion) birthright-inheritance claim! It belongs to you and has been safe for 36 years until recently. "Theft" of this 90% provision is just about complete. Native Alaskans in others regions and election districts of the State also haven't been able to voice their will or desire at all! Just like the Inupiat of "Utkeagvik" have not been able to find out more from their corporations, participate in due-process, have a comment period or input. Isn't anyone going to ask why?

After watching this for over 17 years, I can tell you it is "theft"! The federal government wants instead of 10%, "all" 90% that belongs to the people. How come the people of district #37 (NSB) have not been allowed to have a say with what in part belongs to them? Why is it being manipulated away from them so quickly?

Mayor Long was written on 3/20/95 Z205 183 307 yet he came out with a very shameful report on 4/14/95 as President of the Alaska Municipal League and had it printed in the North Slope Sentinel and Arctic Sounder. He did nothing but complain and bring back "feelings". He offered no solutions just embarrassment to the people of Barrow before all other cities and boroughs of the State why? Rep representative Eileen MacLean did the same shameful thing in her article dated 4/6/95 in the Arctic Sounder. I've enclosed both articles.... It appears to almost be the same "scriptwriter" and perhaps was? Both Don Long and Eileen P. Maclean do nothing to inform the people of ASRC, district #37, NWAB, NSB and the City of Barrow of their ownership in this 90% why? At the same time they complain about revenue and attempt to "distract" the people that want answers! The City of Barrow was incorporated in 1959 as one of the State's "first" cities! According to the law the people here have a second portion birthright inheritance claim to the State. The Alaska Statehood Act inclusive of the 1959 Alaska Statehood Compact, which was a "covenant" entitled the people to a "90%" share of the revenue base off all federal lands in Alaska known as P.L. 85-508, (72 Stat. 339) (1958). Even after 36 years this "still" belongs to you but must simply be claimed before the "theft" of it is complete. It is yours by law! Those born here should especially have a say but have not been permitted..... why does our representatives "over-look" these things and not inform their constituents who are entitled to these benefits and provisions? On 3/2/95 in the Arctic Sounder Gov Knowles stated: "And one of those ways certainly might be an income tax." Now why are the people in district #37 going to be taxed after the specific provisions for these governmental expenses have already been addressed? Why is the people's revenue base being "thefed" in exchange for a "tax" without any due process thanks to Al Adams, Eileen P. MacLean, Don Long and the ASRC Board? Please claim your portion now! There's no mistake this 90% is being "thefed" from you. The thing is they thought you wouldn't notice, they thought you'd think you were entitled to anymore, they frankly thought they could theft from you in secretly without someone "alerting" you! Time is of the essence now more than ever because of HB 251! "Defend your children's claim!" They own apart of this 90% and have for 36 years! Since 1959's Alaska Statehood Compact, this is apart of your families "covenant". ASRC and ANCSA boards are negotiating the shares away to the federal government and will not allow the young natives born between 1959-1995 to comment, "or" those native peoples within district #37 which are much older subjecting them to a tax and loss of 2nd birthright "claim".

Shareholders getting sheared

In the March 5 Daily News, Martha Upicksoun Feenstra spoke about "Alaska Natives don't need hush money." In the column she mentions CIRI but not Arctic Slope Regional Corporation, in which she happens to be a shareholder.

ASRC received "almost \$167 million from the NOL sales" (newsletter, Febru-

ary 1995). This would give me pause to wonder what their actually NOLs were. And under whose directorship they occurred. If I were on the board of directors, it would give me pause to wonder just how good the advice was that I was receiving from paid consultants. Yet, it is my understanding that very few, perhaps none, of the directors of these multimillion-dollar Native corporations have degrees in accounting, business or investment. Correction requested.

And now Rep. Eileen MacLean, (who just happens to be on the board of directors of ASRC), is co-sponsoring HB 251, to make it more difficult for shareholders to express their dissatisfaction. I looked into the possible charge of conflict of interest. As long as the person, Ms. MacLean in this case, has made it known that she is on the board of directors of a corporation affected by any legislation she is involved with, it isn't considered to be a "conflict of interest." How convenient! You shareholders in ASRC need to take notice.

There's an old, supposedly Jewish, saying that goes, "And the Lord made the

sheep to be sheared." All you shareholders say "baaa."

Bert Maupin

Average Daily News 5/3/95
... trust them with budget?

Republican legislators have little regard for rural Natives' welfare

It's a sad week in the legislature when Republicans are slashing rural programs and then joking about the high poverty rate among Alaska's Natives. Sad, but not surprising.

A representative from North

Pole's glib remark that indigenous (Native) people tend to be indigent (poor) made the House Judiciary Committee members laugh. It may have seemed harmless to urban Republican legislators who have good incomes financed by public dollars. But that laughter echoes beyond the walls of the Capitol. It haunts people who live in villages suffering from economic malnutrition, and it stands as a sorry testament to the lack of concern expressed in the budget recommendations emerging from the Republican leadership.

Let's face it. This is shaping up as a Legislature that is willing to hammer rural Alaska in the same casual manner as one member from the House Judiciary Committee's play on words. Whether it's the education foundation formula or social service programs or staffing of state offices, rural cuts are easy to justify. State programs in the Bush are necessarily more costly and they serve fewer

people. When the squeeze is on, programs that are expensive per capita seem like the logical ones to dump. Conveniently, the per capita approach works in favor of urban interests every time.

Never mind that those indigenous people out there "tend to be indigent," as a representative from North Pole said with a smile. When nearly 50 percent of the state's Native people live in poverty, there's a powerful reason to spend more or concentrate the state's resources on rural problems. It's called common decency.

That kind of decency seems to be in short supply here in the Capitol building. The Republican leadership may not applaud the notion that Natives are more than three times as likely to live in poverty as non-Natives. But by their words and their deeds, they're obviously a whole lot more likely to laugh it off than if it were their people suffering.

Rep. Eileen Pangeo MacLean

The Arctic Rounder 4/6/95 page 13
This article by the above indigenous activity
as the "attacks" but considers the 1995



Letter to the Editor

NORTH SLOPE SENTINEL, BARRROW, AK
(Underlined: NTA) 4/14/95

State implicated in local unrest over municipal tax hikes

Dear Editor
It is critical for communities to recognize the role that state government plays in increasing local taxes. It is likely that up to half of the property tax mill rate in many communities can be traced to state cuts to local government programs since 1986.

Since 1986, the state has cut the Municipal Assistance and Revenue Sharing Programs (the two main programs for sharing state oil revenues with municipalities) over 55% or about \$76 million. The negative impact of cuts to this program alone has been the equivalent of an increase of 2.0 to 6.0 mills of property tax in our communities.

Many businesses in Alaska are concerned over the steady rise in local taxes. Businesses are reluctant to locate or expand in a community with unstable taxes. More cuts to Municipal Assistance and Revenue Sharing and other traditional municipal aid programs, such as schools, are bad for business and bad for communities.

While cuts in Municipal Assistance and Revenue Sharing have had the effect of raising taxes in larger cities, the cuts have had a more devastating impact on smaller municipalities that lack a significant local tax base. This year five municipalities petitioned the legislature for the right to dissolve as cities. According to the state's Local Boundary Commission, many

more municipalities are in the process of considering dissolution. When a city dissolves, the state is obligated to step in and pay the cost of providing basic services to residents.

The state has also passed on significant new service costs to municipalities through budget pressure or administrative requirements to accept responsibility for state services and programs that were previously state responsibilities. Every state department has participated in this process to increase municipal responsibility for state road maintenance, environmental protection, prosecution of criminals, public health, inspections of food establishments, etc., without reimbursement. These new programs and services, in many cases,

have significantly increased the number of municipal employees and increased upward pressure on municipal tax rates.

As President of the Alaska Municipal League, a statewide organization representing cities and boroughs, I feel that it is time for our communities to speak with one voice in opposing further cuts to municipal aid programs. While we all need to work on making state and local government more efficient, local communities can no longer stand by and let state government balance its budget on the backs of local taxpayers. In fact, cutting municipal aid programs is not cutting the state budget, it is raising your taxes.

Sincerely, Donald Long,
President, Alaska Municipal League

Masek plea on ANILCA goes down



MASEK

JUNEAU—Voice breaking and with tears in her eyes, Rep. Beverly Masek peeled off her traditional Athabaskan moose-skin dress and let it drop to the House floor. Beneath the dress was a Western-style skirt and blouse.

"I am an Alaskan, and I am a Native and I am an American," Masek said April 13.

A few minutes later, the freshman lawmaker saw her first piece of legislation voted down—a controversial resolution urging Congress to eliminate from the Alaska National Interest Lands Conservation Act the rural priority for subsistence hunting and fishing.

Masek grew up in Anvik but now lives in Willow. The former Iditarod musher is the Legislature's only Republican Native. Although she's among a handful of Natives in the GOP-led House majority, she's the only Native lawmaker who has sided with sport hunting and fishing groups in Alaska's bitter feud over subsistence.

For that, she has been scorned by her people and criticized by her own family.

Sport hunting and fishing groups have attacked ANILCA as discriminatory. But many Alaska Natives believe the federal law is one of the strongest protectors of their indigenous cultures.

Masek calls it a "destructive tornado . . . dividing the state into cultural zones."

She said she supports the subsistence lifestyle, but added, "I don't believe we should continue to think that we can go back to the past. We are in 1995."

Since introducing her resolution last month, Masek has faced a flood of criticism from across the Bush.

"All over my district, they've asked me what's wrong with her," said Sen. Al Adams, a Kotzebue Democrat. "What she's doing is wrong."

Masek said even her own brother showed up at a committee hearing last month to testify against her resolution.

"It saddens me to see that my own people think I'm a traitor to my culture," Masek said during her floor speech. "I'm devastated about that."

But Masek's symbolic disrobing drew even more ire from fellow Natives.

"That's what our people have been doing for years—taking off this, taking off that, not living the way that we want to live," said Rep. Bill Williams, D-Saxman.

"Help us put back our clothes. Help us put back our feelings."



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"That's what our people have been doing for years—taking off this, taking off that, not living the way that we want to live," said Rep. Bill Williams, D-Saxman. "Help us put back our clothes. Help us put back our feelings."

HB251

Senator John Torgerson.
Room 427.
State Capitol, Juneau.

Hal Engelstad.

May 8 1995.

PO Box 873931.

Wasilla, Ak. 99687.

Ph. (907) 376-5976.

Dear John and Sandy:

Regarding the POLITICAL donations to the Senators, I am sending you both a fax copy of a portion of the Alaska Claims Settlement Act.

Sealaska Corporation has breached that portion of the Settlement Act by donating to the Knowles election campaign as of 1994, and again to Moses, Maclean, Williams and whosoever else, 1995. The same goes for Cook Inlet Corporation.

Also, as of 3 days ago, May 5th, I spoke with Sealaskas' corporate secretary, Ms. Maxine Richert, begging a means to GET OUT of the corporation, (Sealaska) to which she, (Richert) explained, "there is NO legal way I could do this without willing or gifting my shares of stock to another".

In the past, Sealaska has amended the by-laws to where the shareholder is completely in the dark as to what goes on, what is legal. The 'blood' Alaskan native is no more than an ENTITY for political purposes. But when they take away the constitutional and civil rights of whomever the hell we are, I think 'things' ARE out of hand, as HB 251 truly indicates.

HB 251 'stinks to HIGH HEAVENS'. I wish people can see that.

Thank you John and Sandy.

Yours truly.

Hal Engelstad
Hal Engelstad.

RECEIVED
MAY 08 1995
Ans'd.....

§ 6

ALASKA NATIVE CLAIMS SETTLEMENT ACT

§ 6

ALASKA NATIVE FUND

SEC. 6. (a) There is hereby established in the United States Treasury an Alaska Native Fund into which the following moneys shall be deposited:

(1) \$462,500,000 from the general fund of the Treasury, which are authorized to be appropriated according to the following schedule:

(A) \$12,500,000 during the fiscal year in which this Act becomes effective;

(B) \$50,000,000 during the second fiscal year;

(C) \$70,000,000 during each of the third, fourth, and fifth fiscal years;

(D) \$40,000,000 during the period beginning July 1, 1976, and ending September 30, 1976; and

(E) \$30,000,000 during each of the next five fiscal years, for transfer to the Alaska Native Fund in the fourth quarter of each fiscal year.

(2) Four percent interest per annum, which is authorized to be appropriated, on any amount authorized to be appropriated by this paragraph that is not appropriated within six months after the fiscal year in which payable.

(3) \$500,000,000 pursuant to the revenue sharing provisions of section 9.

(b) None of the funds paid or distributed pursuant to this section to any of the Regional and Village Corporations established pursuant to this Act shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing and distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than twelve months, or both.

(c) After completion of the roll prepared pursuant to section 5, all money in the Fund, except money reserved as provided in section 20 for the payment of attorney and other fees, shall be distributed at the end of each three months of the fiscal year among the Regional Corporations organized pursuant to section 7 on the basis of the relative numbers of Natives enrolled in each region. The share of a Regional Corporation that has not been organized shall be retained in the Fund until the Regional Corporation is organized. (Amended April 21 1976, P.L. 94-273 § 38, 90 Stat. 380)

Editor's notes. — Act of January 2, 1976, Pub. L. No. 94-204, § 5, 89 Stat. 1147, provides: "For purposes of the first section of the Act of February 12, 1928 (45 Stat. 1164), as amended, and the first section of the Act of June 24, 1938 (52 Stat. 1037), the Alaska Native Fund shall,

pending distributions under section 6(c) of the Settlement Act, be considered to consist of funds held in trust by the Government of the United States for the benefit of Indian tribes: Provided, That nothing in this section shall be construed to create or terminate any trust relationship be-

SIDE ONE

not established, he shall be enrolled as provided in subsection (b). His election shall apply to all dependent members of his household who are less than eighteen years of age, but shall not affect the enrollment of anyone else.

NOTES TO DECISIONS

- I. General Consideration.
- II. Disenrollment.

I. GENERAL CONSIDERATION.

The congressional intent is to distribute funds only to those who qualify under the act. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

And Secretary's actions must be in conformity with this intent. — See *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

Congressional intent on issue of Secretary's power after roll is certified. — See *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977). Applied in *Leut Corp. v. Arctic Slope Regional Corp.*, 417 F. Supp. 900 (D. Alas. 1976).

II. DISENROLLMENT.

Secretary has power to disenroll. — The Secretary of the Interior has the power to disenroll natives included on the roll he was required to prepare by December 17, 1973, and to disenroll applicants who were given an additional year to enroll by the 1976 amendments to the act. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

The Secretary has the same power to disenroll persons enrolled by the regional solicitor acting on behalf of the Secretary as he has over the persons and rolls prepared by himself. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

The power to disenroll is mandated by the congressional intent of purity of the rolls. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

Disenrollment to affect monetary distributions. — The assumption from the amendments to the act in 1976, which specifically stated that disenrollment was to have no effect on land entitlements, is that disenrollment was to affect monetary distributions. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

And such effect is retroactive. — Absent some other factor the disenrollment is to have a retroactive effect on "monetary benefits." *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

Regulation protecting monetary distributions is nullity. — The passage of the 1976 amendments protecting only land distributions from the effects of disenrollment evidences a congressional intent to allow past monetary distributions to be affected by disenrollment. Thus, regulation promulgated by the Secretary extending similar protection to monetary distributions is contrary to the intent of the act and is a nullity. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

Regulations prescribing disenrollment procedure are constitutional. — The regulations prescribing the procedure for disenrollment, 43 CFR 4.1000 et seq., do not violate the due process clause of the Constitution. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

And does not violate mandate to make awards "with certainty". — While it is true that Congress expressed the desire to make awards under the act "with certainty," the disenrollment procedure does not violate that mandate. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

Problems with procedure involving removal of names for fraud in independent court action. — See *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

Regional corporations may withhold payments required under § 7 (j) of the act to those shareholders who the Secretary has indicated may be subject to disenrollment. *Sealaska Corp. v. Roberts*, 428 F. Supp. 1254 (D. Alas. 1977).

SIDE 2



Public Law 92-203
92nd Congress, H. R. 10367
December 18, 1971

An Act

95 STAT. 688

To provide for the settlement of certain land claims of Alaska Natives, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Alaska Native Claims Settlement Act".

Alaska Native
Claims Settlement
Act.

DECLARATION OF POLICY

SEC. 2. Congress finds and declares that—

(a) there is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims;

(b) the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property, without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship, and without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska;

(c) no provision of this Act shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska; the Secretary is authorized and directed, together with other appropriate agencies of the United States Government, to make a study of all Federal programs primarily designed to benefit Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within three years of the date of enactment of this Act;

(d) no provision of this Act shall constitute a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organizations, or any tribe, band, or identifiable group of American Indians;

(e) no provision of this Act shall effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of title 10 of the United States Code except as specifically provided in this Act;

70A Stat. 457;
76 Stat. 904.

(f) no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, nor to grant implied consent to Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act; and

(g) no provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska. For this purpose only, the terms "Indian reservation" and "trust or restricted Indian-owned land areas" in Public Law 89-136, the Public Works and Economic Development Act of 1965, as amended, shall be interpreted to include lands granted to Natives under this Act as long as such lands remain in the ownership of the Native villages or the Regional Corporations.

73 Stat. 552.
42 USC 3121
note.

December 18, 1971

Pub. Law 92-203

85 STAT. 692

Any dispute over the boundaries of a region or regions shall be resolved by a board of arbitrators consisting of one person selected by each of the Native associations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators. such additional person or persons to be selected by the arbitrators selected by the Native associations involved.

Boundary Disputes, Arbitration.

(b) The Secretary may, on request made within one year of the date of enactment of this Act, by representative and responsible leaders of the Native associations listed in subsection (a), merge two or more of the twelve regions: *Provided*, That the twelve regions may not be reduced to less than seven, and there may be no fewer than seven Regional Corporations.

Region mergers.

(c) If a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 3(c), to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, the Secretary shall establish such a region for the benefit of the Natives who elected to be enrolled therein, and they may establish a Regional Corporation pursuant to this Act.

Enrollment.

Thirteenth region.

(d) Five incorporators within each region, named by the Native association in the region, shall incorporate under the laws of Alaska a Regional Corporation to conduct business for profit, which shall be eligible for the benefits of this Act so long as it is organized and functions in accordance with this Act. The articles of incorporation shall include provisions necessary to carry out the terms of this Act.

Incorporation.

(e) The original articles of incorporation and bylaws shall be approved by the Secretary before they are filed, and they shall be submitted for approval within eighteen months after the date of enactment of this Act. The articles of incorporation may not be amended during the Regional Corporation's first five years without the approval of the Secretary. The Secretary may withhold approval under this section, if in his judgment inequities among Native individuals or groups of Native individuals would be created.

Management.

(f) The management of the Regional Corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders over the age of eighteen. The number, terms and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the Regional Corporation.

(g) The Regional Corporation shall be authorized to issue such number of shares of common stock, divided into such classes of shares as may be specified in the articles of incorporation to reflect the provisions of this Act, as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 5.

Stock, issuance.

(h) (1) Except as otherwise provided in paragraph (2) of this subsection, stock issued pursuant to subsection (g) shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the Regional Corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska, except that for a period of twenty years after the date of enactment of this Act the stock, inchoate rights thereto, and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated: *Provided*, That such limitation shall not apply to transfers of stock pursuant to a court decree of separation, divorce or child support.

Stockholders' rights.

U.S. Department of the Interior

The Act - the bill is a Congressional amendment.

85 STAT. 691

(C) \$70,000,000 during each of the third, fourth, and fifth fiscal years;

(D) \$40,000,000 during the sixth fiscal year; and

(E) \$30,000,000 during each of the next five fiscal years.

(2) Four percent interest per annum, which is authorized to be appropriated, on any amount authorized to be appropriated by this paragraph that is not appropriated within six months after the fiscal year in which payable.

(3) \$300,000,000 pursuant to the revenue sharing provisions of section 9.

Fund expenditures for propaganda or political campaigns, prohibition. Penalty.

(b) None of the funds paid or distributed pursuant to this section to any of the Regional and Village Corporations established pursuant to this Act shall be expended, donated, or otherwise used for the purpose of carrying on propaganda, or intervening in (including the publishing and distributing of statements) any political campaign on behalf of any candidate for public office. Any person who willfully violates the foregoing provision shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than twelve months, or both.

Distribution.

(c) After completion of the roll prepared pursuant to section 3, all money in the Fund, except money reserved as provided in section 20 for the payment of attorney and other fees, shall be distributed at the end of each three months of the fiscal year among the Regional Corporations organized pursuant to section 7 on the basis of the relative numbers of Natives enrolled in each region. The share of a Regional Corporation that has not been organized shall be retained in the Fund until the Regional Corporation is organized.

REGIONAL CORPORATIONS

SEC. 7. (a) For purposes of this Act, the State of Alaska shall be divided by the Secretary within one year after the date of enactment of this Act into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions shall approximate the areas covered by the operations of the following existing Native associations:

- (1) Arctic Slope Native Association (Barrow, Point Hope);
- (2) Bering Straits Association (Seward Peninsula, Unalakleet, Saint Lawrence Island);
- (3) Northwest Alaska Native Association (Kotzebue);
- (4) Association of Village Council Presidents (southwest coast, all villages in the Bethel area, including all villages on the Lower Yukon River and the Lower Kuskokwim River);
- (5) Tanana Chiefs' Conference (Koyukuk, Middle and Upper Yukon Rivers, Upper Kuskokwim, Tanana River);
- (6) Cook Inlet Association (Kenai, Tyonek, Eklutna, Iliamna);
- (7) Bristol Bay Native Association (Dillingham, Upper Alaska Peninsula);
- (8) Aleut League (Aleutian Islands, Pribilof Islands and that part of the Alaska Peninsula which is in the Aleut League);
- (9) Chugach Native Association (Cordova, Tatitlek, Port Graham, English Bay, Valdez, and Seward);
- (10) Tlingit-Haida Central Council (southeastern Alaska, including Metlakatla);
- (11) Kodiak Area Native Association (all villages on and around Kodiak Island); and
- (12) Copper River Native Association (Copper Center, Glennallen, Chitina, Mentasta).

APPENDIX

(Under authority previously granted, the following statements and communications were ordered printed:)

A FAIR SETTLEMENT OF THE ALASKA NATIVE LAND CLAIMS; THE KEY ELEMENTS PROPERTY RIGHTS—THE UNDERLYING FACT

The Alaska Natives possess valid legal claims to most of the land in Alaska, claims of enormous value. A legislative settlement with them is, therefore, not a "gift" to the Natives, to be judged by standards of charity or paternalism. Rather, it is a real estate transaction. Some land, which the Native people have occupied since time immemorial, would be retained by them. Their rights in the balance, almost all of the land in Alaska would be purchased by the United States so that some can be available to the State of Alaska to fulfill the Statehood Act land grants, some can be made available to others under federal public land laws, and some retained by the United States, free and clear of the Natives' claims.

It has always been the law of the United States, announced as long ago as 1823 by Chief Justice Marshall, that the aboriginal inhabitants "were the rightful occupants of the soil, with a legal as well as just claim to retain possession of it." *Johnson v. McIntosh*, 8 Wheat. 543. These property rights, called "Indian title" or "aboriginal title", are, under our laws, valid and protected by the sovereign against all third parties, until and unless extinguished by the sovereign. *Tee-Hit-Ton Indians v. United States*, 348 U.S. 272 (1955). Third parties holding land subject to Native rights may be forced to account to the Native owners. *United States v. Santa Fe Pacific R.R.*, 314 U.S. 339 (1941). The power to extinguish includes the power to do so by force. *Santa Fe*, 314 U.S. at 347. However, such has never been the policy of the United States. *Tee-Hit-Ton Indians*, 348 U.S. at 273. Congress, by the Northwest Ordinance of 1787, declared "consent" to be the basis upon which land held under Indian title was to be acquired. 1 Stat. 50, 52.

Until 1871, Indian lands were acquired by the United States by agreements with the Natives, solemnized as treaties. Thereafter, such acquisitions were made pursuant to congressional enactment, but always the announced policy of our government has been acquisition by consent, never by fiat or confiscation.

Because the United States did not always, in practice, live up to these high ideals, Congress, in 1946, established the Indian Claims Commission to redetermine compensation where Native peoples had, prior thereto, been deprived of their lands by the government upon less than fair and honorable terms. The Indian Claims Commission Act was a praiseworthy, though belated, attempt to remedy injustices which never should have occurred.

Alaska is no exception to the national policy. When the United States acquired what is now Alaska from Russia in 1867, for \$7,200,000, Native title was not extinguished; the treaty left such matters to U.S. law. 15 Stat. 539. From 1884 on, Congress has repeatedly protected Native land rights in Alaska against interference by others. See e.g., Act of May 17, 1884, § 8, 23 Stat. 24, 26; Act of June 9, 1900, § 27, 31 Stat. 321, 330; Statehood Act of July 7, 1958, 72 Stat. 339, as amended, 73 Stat. 171.

The Supreme Court in 1962 (*Mellakalla v. Egan*, 369 U.S. 45, and *Kake v. Egan*, 369 U.S. 60) held that the 1958 Statehood Act preserved the status quo with respect to land claimed under Indian title. In 1969, in a decision which the Supreme Court declined to review (*Alaska v. Udall*, 420 F. 2d 938), the Ninth Circuit United States Court of Appeals refused to hold that lands held by Native title could be selected by the State of Alaska in fulfillment of the Statehood Act land grants.

Unlike the situation of the Indians of the lower 48 states, the United States has not yet, by and large, made a land rights settlement with the Natives of Alaska. The land claims, until settled, stand in the way of federal land grants to the State and to third parties. The time to make the settlement is now because

without it neither the Natives, the State, the United States, nor for that matter, the oil companies who seek to develop North Slope oil, can be assured of the stability of title which each requires.

The question is whether the settlement will be made as a property transaction recognizing that the Natives have valid legal property rights and that they are entitled to fair compensation for lands to which Native title is to be extinguished. Otherwise, the legislation would be an act of confiscation. It would leave in its wake an inevitable residue of frustration, suffering and disappointment, with unpredictable consequences, until at some future date this wrong too might be in part righted, perhaps by creation of another Indian Claims Commission for the Alaska Natives. For time and again, our nation's history demonstrates that nothing is really settled until it is settled right. How much simpler and just to do the job right the first time so that there will be no further grounds for complaint.

What is involved is a decision as to how much land the Natives are to relinquish and what they are to be paid for the relinquished lands, rather than how much land and money they are to be given out of an alleged governmental generosity. Generosity is, of course, a relevant consideration but only within the context of the Natives' clear legal rights. "Legality" itself is meaningless unless it reflects fundamental fairness, adherence to settled doctrine, and satisfaction of reasonable expectations created by past policy.

S. 835, embodying the settlement proposals of the Alaska Federation of Natives, is clearly based on the foregoing fundamentals.

LAND

S. 835 recognizes that to the Natives, land is a most crucial aspect of a just settlement. "Take our land, take our life", summarizes their attitude.

The Natives would give up their claims to all but 60 million acres as to which their title would be confirmed. They would retain, therefore, only about 17 percent of the land to which they validly assert aboriginal title.

Why 60 million acres? The Federal Field Committee has attested to the fact that measured on a subsistence basis, 60 million acres is the minimum needed today, assuming that the Natives could select those lands having the greatest subsistence resources. However, for a number of reasons, it will not be possible to select the 60 million acres having the greatest subsistence potential. Even so, the bill with the 60 million-acre feature, would provide land upon which those Natives who wish to do so might continue to some degree their traditional way of life. Sixty million acres would, at the same time, leave the Natives with property which can—as it should—serve as an economic opportunity base. The Natives are willing to settle for far less than the amount of land to which they could judicially establish Native title in the interests of a legislative settlement now rather than having to go through long, drawn-out litigation. Taking these factors into consideration, 60 million acres is a reasonable compromise.

But it is essential that the Natives retain fee simple title to the 60 million acres, sub-surface as well as surface. The longstanding legal principle on Indian land is that Native title includes *all* of the rights to the land involved, not merely the right to use of the surface for subsistence.

The 60 million acres to be retained in the Native would be selected by allotting four townships to each Native village, accounting in the aggregate for about, 20 million acres, and by selection, principally by the regional Native corporations, of the remaining 40 million acres from among lands historically used and occupied.

There have been some suggestions that a 60-million acre settlement is too large because it would perpetuate racially oriented areas. Whether the Alaska Natives will own 17 percent of what was theirs does not present a choice between segregation and integration. It must never be forgotten that Alaska is the homeland of the Native people. To recognize their legitimate claims to only 17 percent of what was once their entire domain does not segregate them. Racial equality is not promoted by depriving Indians, Eskimos and Aleuts of title to their lands. That would leave them segregated but landless, with no resources. Meanwhile, others, without payment, would succeed to what was once the Natives'.

Land is the foundation of culture, and landownership is a basic principle of our society. That is why it is accorded supreme protection by our laws. The Natives of Alaska, the rightful owners of its land, are entitled to better treatment than to be deprived of practically all of their land, and of their culture, upon the excuse that such deprivation is required in order to prevent enforced separation of the races. Without land and without resources, the Natives of Alaska, in the remote areas of the state where their villages are located, will still remain the dominant popula-

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and property of the Indians shall never be taken away from them without their consent" and that "their property, rights, and liberty . . . shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress."

Judicial recognition of Indian possessory rights was first announced in 1823 in *Johnson v. M'Intosh*, when Chief Justice Marshall defined the status of the original inhabitants as "the rightful occupants of the soil, with legal as well as just claim to retain possession of it."

Nine years later, in the famous case of *Worcester v. Georgia*, the Supreme Court further stated that, under the Indian Trade and Intercourse Laws, the Indian communities have territorial boundaries and have a right to all the lands within those boundaries, which is not only acknowledged but guaranteed by the United States.

This consistent policy of respect for Indian rights of occupancy continues in the 20th Century and is summarized in the 1941 Supreme Court case of *United States v. Sante Fe Pacific R.R. Co.*: "Unquestionably it has been the policy of the Federal Government from the beginning to respect the Indian right of occupancy, which could only be interfered with or determined by the United States."

In *Tee-Hit-Ton Indians v. United States*, which involved lands in Alaska, the Supreme Court again acknowledged that it has been "the policy of the Congress, continued throughout our history, to extinguish Indian title through negotiation rather than by force," and that the Indians had a "right of occupancy which the sovereign grants and protects against intrusion by third parties." It further held that Congress must act in order for Indian title to be compensable as against the United States.

In addition to the protection afforded by general Federal legislation and Supreme Court decisions, the possessory rights of Alaska Natives have been the subject of specific legislative protection from the time of "Seward's Folly"—most notably in the 1884 Organic Act, the Act of June 6, 1900, and the Alaska Statehood Act of 1958.

In 1902, the United States Court of Appeals for the Ninth Circuit held, in *Heckman v. Sutter*, that the Organic Act established possessory rights which would ground a suit against encroachment by third parties, stating that:

"Congress saw proper to protect by its act of 1884 the possession and use by these Indians and other persons of any and all lands in Alaska against intrusion by third persons, and so far has never deemed it wise to otherwise provide."

Continuing the policy of earlier years, Congress recently excepted lands occupied by Indians from the tideland grants to the territory of Alaska under the Act of September 7, 1957.

Thus, aboriginal title in Alaska has been accorded the safeguard of special legislation in addition to the protection generally applicable to Native rights of occupancy throughout the United States. The legal basis of the claims here asserted is beyond question.

THE ALASKA PIPELINE AND NATIVE RIGHTS

A consortium of seven oil companies, Alyeska Pipeline Service Company, proposes to construct an 800-mile pipeline to carry crude oil from the rich Arctic Slope fields on the Beaufort Sea south to the all-weather port of Valdez on Prince William Sound.

The stakes are enormous. The cost of the pipeline is estimated to be \$1 billion. It is reported that the Arctic Slope oil strike of 1968 has been "conservatively" valued at \$60 billion. The Atlantic Richfield Oil Company, on lands at Prudhoe Bay that were expropriated from the Natives by the State of Alaska, has already identified reserves estimated at 3 billion barrels, with a net profit per barrel estimated to range from 60 cents to \$1.00. And this is just the beginning.

Alaska Native leaders assert that their land rights, which have been held in abeyance since the purchase of Alaska from Russia in 1867, must be settled by Congress before the Department of Interior grants a pipeline right-of-way over lands they claim. The New York Times comments in an editorial: "It seems inconceivable, either in law or simple justice, that the project would be launched until the Native claims to the land are fully and satisfactorily settled."

If the construction of the pipeline becomes a matter of national defense emergency, Native leaders propose that President Nixon exercise his legal authority to withdraw from the public domain lands along the pipeline route for the benefit of the Natives, permitting them to lease the right-of-way to the oil companies.

Proponents of the pipeline are no longer eager to test the rights of the Natives

We are engaged in marine transportation to and from Alaska and also are prospecting there for minerals. Those activities would be directly and harmfully affected by the Senate Bill.

An expeditious and equitable settlement of the Alaska native land claims is indeed essential to the growth and progress of the State. However, legislation for that purpose need not include provisions halting mineral exploration so vital to the economy of Alaska as well as the entire nation. The proposed five-year land freeze would be extremely damaging to companies embarking on mineral exploration ventures, whether small or large.

Secondly, the proposed competitive leasing of mining rights in Alaska would permanently discourage the development of mineral resources as well as discriminate against the small miner. Such provisions constitute a fundamental change in the Mineral Leasing Act and would frustrate the development of natural resources based upon the traditional incentives under which the mining industry has progressed throughout the United States.

Your positive action in support of those important matters is respectfully requested.

Sincerely,

LOWELL S. DILLINGHAM.

THE IZAAK WALTON LEAGUE OF AMERICA,
Glenview, Ill., May 10, 1971.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are gravely concerned about the terms of settlement of the Alaska Native Claims. We find our membership drawn between sense of fairness and justice toward the natives and what in the long run would be in the best interest of the Nation, the State of Alaska and the natives themselves. We doubt that a really sound program for settlement can be developed, that includes granting of substantial land areas, without first having developed a comprehensive land use plan for the entire State.

Such a development plan, based on natural resource opportunities and human resource requirements, could be blocked out in major elements within a couple of years and provide strong and workable guidelines for retention and protection of wildlife refuges, parks, forests, wilderness areas, and for state lands of similar purposes. It could determine in rough the transportation and communication network, the logical power generation and distribution grid. It could classify major watersheds and rivers for eventual highest use for fisheries, power, agriculture and municipal and industrial consumption. It could provide criteria for zoning out development on flood plains and other high hazard areas. It could point out areas which will be principally valuable for communities, agriculture, industry or mining. Moreover, it would give the State of Alaska better criteria for the selection of its allotment of lands and the natives their allotments whatever the amount. It would in the overall help keep Alaskans from the ill-considered, piecemeal decisions which characterized development of the lower 48, and which your land use planning legislation would belatedly hope to correct.

The settlement might call for a cash payment of whatever size over whatever period Congress determines; conveyance to each native village of adjacent acreage not to exceed 3 times the present acreage occupied, and a continued moratorium on further land selections by the State or by the natives (if Congress approves allotment of further acreage) until the comprehensive land use plan for Alaska has been approved by Congress. The moratorium should apply as well to any and all other types of land entry.

In the overall, the land use planning process should speed up rather than delay final settlement of the native claims and final selection of its lands by the State.

Respectfully yours,

J. W. PENFOLD,
Conservation Director.

extent of the whole settlement should not have an adverse impact on the State's revenues beyond that produced by an up to 20 million acre concession of selection rights on a proximity basis as provided according to the formula of S. 35. Secondly, that the United States contribute an appropriate share to the settlement.

Some mechanism should be provided in the Act, perhaps through the Native Claims commission, or the Land Use Planning Commission, to take care of the need for adjustment in particular circumstances where the situation of T.A. lands creates hardship on one party or another.

The first type of circumstances which activate a State policy objection is the denomination for these purposes as "Native villages," towns, cities or villages which are not, at the present state of historical development, primarily Native in character. The same circumstance is worthy of consideration by the Congress as to federal domain.

For instance, the City of Kenai is non-native in population, and its economy is integrated into the cash economy of the State, as is the surrounding territory. The City of Nome was settled by gold miners and although through migration it has acquired a majority of Eskimo population, it is culturally mixed and urban in character. It is difficult to assess the precise effect of conveying all the vacant land in and around such city to a corporation controlled by a racially defined minority within it, but it may have the effect of dividing the City more than it unites it, working to the long term disadvantage of both elements in the population.

Another problem situation occurs where a native village is in close proximity to an urbanized area and the effect of the transfer may be to stunt the growth of that city or urbanized area through depriving it of access to lands for normal expansion.

In both cases, the option may be more desirable of giving the Native claimants the beneficial interest in the lands so they may receive the value of the land after cost of sale, but allow for conservation or disposition under State or State-federal management.

Perhaps the complexity and variety of the situations before the Congress can be illustrated by touching on the circumstances of each of the villages listed by Alaska Legal Services Corp., in its brief filed with the Committee.

(a) Kenai: as already mentioned, this is predominately a white community and has been for some years. The lands around it are primarily desirable as home and recreation sites or common park and recreation lands. Kenai is situated in a comparatively densely populated area of Alaska.

(b) Ninilchik: While census data are not immediately available, the majority of the population of the township is almost surely non-Native. Ninilchik is a neighboring community to Kenai and the use pattern for open lands is similar to that around Kenai. As with Kenai, the transfer of T.A. or vacant lands well beyond the township would be required to give a full township of lands to the claimants.

(c) Seldovia: Primarily a mixed or non-Native community of fishermen with good access to the populated areas of Alaska. The lands around it are primarily attractive as park and recreation lands for the general public. It might be noted that contrary to the suggestion of one of the other witnesses, the State by no means selects lands exclusively for their commercial value. The State has a major program of selection for development for State park and recreation purposes. It is unlikely that Native selections will give significant recognition to such public purposes, nor should they be expected to.

(d) South Naknek: No apparent problem.

(e) Ouzinkie and Port Lyons: It would appear to be feasible to transfer T.A. lands in the immediate township but if grants are to be allowed in adjoining lands to the aggregate extent of two or more townships of actual land, these communities would be acquiring land in the residential growth areas of the City of Kodiak.

(f) English Bay and Port Graham: Neighbors to Seldovia. It would be a shame to see large areas of the land mass of this part of the Kenai Peninsula go into private hands.

(g) Eklutna: A very small village, possibly under 25 persons at the present time, close to Anchorage on the northeasterly side. The grant of T.A. lands within the township would not present any insurmountable problems. However, if a large proximity land grant were made it would pick up some highly urbanized, non-contiguous lands.

(h) Mentasta and Dot Lake: No insurmountable problems if existing entries are recognized.

(i) Manley Hot Springs: Is predominantly a non-native community historically and at present.

law. It is not a predominantly native community today.

(k) Tanacross: In the process of being moved to a new site. Problems should be overcome.

(l) Lake Minchumena: No major problems.

(m) Klukwan: This is an existing reservation, the extent of which is not recognized in the brief filed by Alaska Legal Services. There are limited T.A. lands which have not been previously disposed of. It should be recognized that this area is a prime recreation area in the Haines vicinity.

To reiterate, where the form of settlement provides for the grant of lands in and around existing communities which are not really Native villages today, there should be flexibility to allow the transfer of beneficial interests only.

IV. The Committee requested our estimate on the timetable for payout of the 2% overriding royalty (fourteen to sixteen percent of total royalty) and 2% of rentals and bonuses to \$500,000,000.

Our calculation is as follows:

Year:	Thousands
1970.....	(1)
1971.....	(1)
1972.....	\$600
1973.....	700
1974.....	8,200
1975.....	19,400
1976.....	23,500
1977.....	25,000
1978.....	26,800
1979.....	35,100
1980.....	41,300
1981.....	48,100
1982.....	54,800
1983.....	54,800
1984.....	58,000
1985.....	58,000
1986.....	58,000
Aggregate.....	512,300

¹ Negligible.

V. The Committee requested a list of members of the Alaska State Legislature who are personally entitled to a direct share in the proceeds of a claims settlement. Our estimate is as follows:

Senate names (2 out of 20)

The Honorable Raymond C. Christiansen.
The Honorable Willie Hensley.

House names (8 out of 40)

The Honorable Chuck Degnan.
The Honorable Frank R. Ferguson.
The Honorable Martin B. Moore.
The Honorable Carl E. Moses.
The Honorable Edward F. Naughton.
The Honorable Frank Peratrovich.

VI. Attached are the two bills which I have had introduced on behalf of my administration regarding the preservation of Indian village lands, pending further action on Native claims by the Congress and recognizing individual rights of occupancy. Since the same result has been secured on a preliminary basis by my executive order, passage of these bills by the Legislature was not requested this year. In addition, adoption now would be premature. It is my intention that the precise form of the legislation should conform to the congressional pattern which is yet certain. In principle, this legislation was favorably received by the State Legislature.

With these matters our testimony is concluded. In the event that the Committee or its individual members or its counsel would like any further elucidation of our views on these or related matters, I would be glad to oblige at any time.

Sincerely,

WILLIAM A. EGAN,
Governor.

May 7, 1995

William Hensley, Commissioner
State of Alaska Bankings & Securities
Corporations Division
Juneau, Alaska 99811

Governor Knowles (personally please)
3rd Floor Capitol
Juneau, AK 99801

Re: House Bill 251 - The Native Rights Bill

Dear Commissioner Hensley and Governor Knowles:

I was glad to see Mr. Hensley's letter to the editor in the Juneau Empire. The last paragraph of it, stating that Commissioner Hensley was not in support of provisions that silenced any dissent, is of concern to me, and why I write to you here. Section 1(n) does not seem to be the only place the bill silences dissent, and since you are Commissioner, I thought maybe you could help.

There is a 180-day (6 month) petition provision being proposed for all Eskimos, Aleuts, and Indians. It is within this time frame, for someone where they belong to some place extremely large like Sealaska Corporation with its 15,812 Native shareholders, must come up with approximately \$10,000.00 to \$15,000.00 to petition the group, and then bear the burden of mailing 15,812 proxies out, as required by state law. It is a very difficult process for the serious and concerned petitioner in the larger corporations as the law stands for them now.

I was on the Native panel that Labor and Commerce Committee Chairman, Pete Kott, chose to represent the position of shareholder Natives. Unfortunately, Mr. Kott excluded us from the testimony on his amendments he said we would be willing to give the opportunity for, only to pass the bill out at a final committee hearing, denying us our, and Representative Beverly Masek her, rights to input and presence. We were in the halls everyday, he know of Ms. Masek's and our deep interest and intent to protect the 70,000 Eskimos, Aleuts, and Indians, yet he disregarded this for their own passage in our absence - and our work as a Native panel was by no means complete.

When I was allowed input, for two work sessions, I had listened to the two days of Native testimony from around the state. Only one person supported the bill in the two days of testimony, it was a Bering Straits board member. I used the tapes of the testimony in an effort to give good presentation for the Natives as a Native panel member, since they would not be allowed to speak for themselves, and ultimately they were not allowed a voice through Mr. Kott's excluding us from the full circle of the process. This is serious to have done to the Native people, in that it was the only committee that would have contact with the public until the chaotic vote of the House. I have never seen such an uninformed group - the House of Representatives had many questions on the bill, and they showed a non-intimate knowledge of the Claims Act, and the people's lives they were about to change. I am very disappointed with the unethical process that just took place for the Natives.

It was my responsibility to get a feel for the needs of the Alaskan Natives, and one group stated they had begun a petition in September 1994, and had about 6,000 Sealaska shareholder signatures, but not enough money. They had about \$3,511.00 at the time I asked them for the amount of funds they had (3/95). I explained the situation for Mr. Kott, that there was a group of Natives that had been petitioning for eight months, *regularly* doing Native dances, dinners and flea markets of Native crafts, but still did not have enough money. I told him that 180 days was deadening the Native voice. Mr. Kott explained that if they couldn't do it in eight months, they were never going to do it. I told him they needed at least 12 months, and he couldn't make a law deadening the Native voice just because they were a "poorer" people. The 180 days has stuck.

I feel that not enough investigation has taken place regarding the Natives, and what this legislation will do to them. Remember, that in many of the villages, there is no economy, or real income at all, what is the recourse for such situations in village Alaska?

Those in the remote village locations want changes too, but do they have a way before them for achievable action? This bill presents unachievable feats for the Natives, and it does not appear to be just Section 1(n). I am really worried, and have fought a hard and emotionally draining battle with 251. Having such a short notice to its introduction, none of the Eskimos, Aleuts, or Indians had the opportunities to impact the bill. More investigation is warranted.

Ashley Reed, CIRI's lobbyist, stopped Emil Notti in the halls at the capitol a day or so ago. He said to Emil that this bill was 'going' no matter what, that the governor would let it pass without signing off on it, so that his name would not be associated with endorsing the bill. Sam Kito was also not happy to see Mr. Notti at the capitol, and stated to Mr. Notti that this bill was all about money. Mr. Notti told me that he replied to the effect that, "if you think that it is, you are grossly mistaken about your shareholders." I have to agree. I have fought for my grandmother since she was alive. She passed away a little over a year ago. Indian language was her first language, yet she was so separated from her Indian life, that she didn't have anyone to talk her Indian language with, and she received 100 shares in a 'ghost village.'

Ketchikan did not get an Indian village. I don't remember the Claims Act stating that it would completely cut off Natives from their Indian way of life, but that is what it did to her. She was a very old woman, raised in the Indian way of life. She didn't deserve what was forced on her through a mere controversial moment in time. Louis Williams is 100 years old next year. She lives kitty corner to the Imperial Bar at number 301 Gastineau Apartments. She cannot speak English and also has 200 ghost shares in a village (Haines did not get an Indian village). I have cried many times over the devastation these people have been forced to live in. My grandmother grieved to the end of her life.

Our people that strive for their cultural needs get hurt by this legislation. Money does not take precedence over culture, but that is what this bill is doing. It is preventing us from fighting for our culture, our old, those not affluent or politically powerful.

Our people in remote villages are trying to do what they can. The following shareholders from corporations helped to get Mr. Notti down here for two days: Kikiktagruk Inupiat, NANA, Doyon, Sealaska, North Slope, AHTNA, Bering Strait, Calista, Ninilchik, CIRI, Kotzebue Native Association, Sea Lion, Tikikguuk, Klawock, and Salamatof. All united to fight against the bill. We aren't simply at the disposal of board managements, but we exist in a united Indian/Native spirit, and are a force to be consulted with in matters that affect our rights and our futures. I feel that someone obviously thought we were passive enough to let 251 freely devastate our existence - and this gross misinterpretation of Indian people needs to be stopped by these board managements.

While there is many problems with the Native corporations and administering subsistence land or cultural survival - what can we do? Taking away the rights of all 70,000 Eskimos, Aleuts, and Indians is just not the answer. Can you please try to understand us and that there are other parts of this bill that deaden the Native voice completely also? I hope to hear from you soon, as the bill is pushing on in the Senate - and most horrific, if it stops in its tracks due to the short amount of time left for the session, it will be pushed even harder next year when it comes back. It was already pushed too hard for us this time. I hope that the two corporations, and especially Sealaska Corporation, were not using the kind intentions Mr. Knowles has showed to the Natives, to hurt the very Natives he wishes to extend kindness to and to help. The Alaskan Natives are really disillusioned by this legislation and the government at this time. Please work to thoroughly understand us and what each part of the bill does to us.

Sincerely,

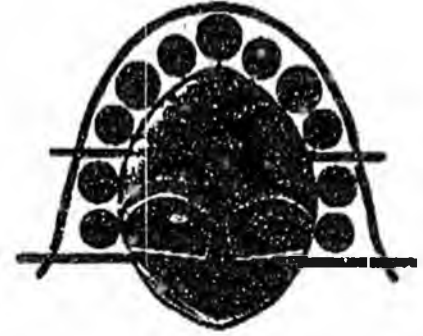
Joan Mantei

Joan Mantei - Sealaska Shareholder/Landless
Box 34711
Juneau, AK 99803-4711

I too am a member of a 'ghost village.'
(907) 586-3506-h 463-7351 8-4:30 Tue-Fri

file #B251

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Natives Of Kodiak, Inc.

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Company: _____

Fax: 465-4779

From: Anthony Drabek

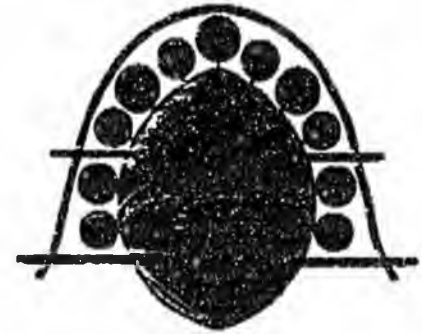
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215 Mission Road, Suite 201, Kodiak, Alaska 99615 • (907) 486-3606 • fax (907) 486-2745



May 5, 1995

Natives Of Kodiak, Inc.

Drue Pearce
President of Senate
State Capitol
Juneau, Alaska 99801

We have again reviewed House Bill 251 as amended. As a general matter, this legislation appears to violate the provisions of the Alaska Native Claims Settlement Act ("ANCSA") by singling out Native corporation shareholders to be treated differently from other Alaska corporations. Section 7 (h) of ANCSA provides that, subject to certain exceptions, stock issued by a Regional Corporation "shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska...." It also appears that House Bill 251 may violate the 1983 Civil Rights Act by treating various groups differently along ethnic lines. Section 1 amending AS 10.06.960 by adding a new Subsection (l) gives Native shareholders less protection than other shareholders of Alaska Business Corporations even though Native shareholders cannot sell their stock and leave the corporation. What is particularly upsetting is that the larger corporations which originally sought the proposed changes including a 25% rule have accepted a reduction to 15%, but smaller corporations which have not been heard from are still kept at 25%.

New Subsection (m) increases the reporting requirements for Native shareholders. Subsection (m) also is poorly drafted in that it raises the question about the ability of a shareholder to use additional or new information if that material is not available and filed at the time of the original filing, since the language seems to require that all solicitation materials must be filed with the original notice.

Subsection (n) proposes to eliminate AS 10.06.460 as it applies to Native corporations. This ends the ability of Native corporation shareholders to remove a director without cause and without going to court. Almost all corporation codes, whether Alaska or otherwise, have provisions which allow directors to be removed with cause by shareholder vote. Under Alaska statutes the specific causes for removal are very restricted. This change would mean that shareholders must use attorneys and the court system rather than self help to change directors. Again, in most corporations a shareholder can sell their stock if they are uncomfortable with management and wish to make a new investment.

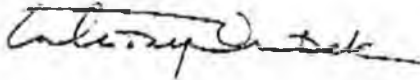
Drue Pearce
May 5, 1995
Page 2

New Subsection (o) and Section 2 amending AS 45.55.590 involve concepts which may have some merit. However, if they have merit, they should apply to all Alaska business corporations and not just to Native corporations. Finally, the amendment in Section 2 already is the practice and law. As a result there is some concern as to the necessity of codifying it.

In summary, this appears to be an attempt to pass a law which may not be valid either under ANCSA or the Civil Rights Act of 1983. It may also be unconstitutional under the Equal Protection Clause of the U.S. and the Alaska Constitutions. It takes away rights of only Native corporation shareholders.

Sincerely,

NATIVES OF KODIAK, INC.



Anthony Drabek
President and CEO

cc: Senator John Torgerson, Chairman
Senator Randy Phillips, Vice Chair
Senator Tim Kelly
Senator Hoffman
Senator Fred Zharoff
Representative Alan Austerman

*Copies to: [unclear]
John Ferguson*

COMMUNICATION
P.O. BOX 1050
KOTZEBUE, ALASKA 99752
Phone (907) 442-3165, Fax (907) 442-2165

FAX COVER SHEET

TOTAL # OF PAGES WITH COVER SHEET 3

TO : Cominco
FAX # : 426-2117
FROM : Mike O'Connor

ATTN: Ruth Schaeffer
DATE: 5/8/95 TIME: 8:25 AM

- THIS IS A:**
- FAX LETTER
 - QUOTE REQUEST
 - PURCHASE ORDER
 - COPY
 - CONFIRMATION
 - ADD'L INFO CONCERNING

MESSAGE:

ACTION REQUIRED:

- CALL ME UPON RECEIPT OF FAX
- FAX YOUR REPLY
- ENTER THIS ORDER
- CALL IF YOU HAVE ANY QUESTIONS
- NO RESPONSE REQUIRED

- TIMETABLE:**
- URGENT/RUSH
 - ASAP
 - TODAY
 - THIS WEEK
 - BY _____

REPLY:

586-2660

*Please note: I am staying @ the Barrinoff rm 805
I would appreciate it if I could meet with you
re: HB251. Thank you for your consideration.*

Ruth C. Ferguson-Schaeffer

KIKIKTAGRUK INUPIAT CORPORATION 373A Second Avenue • P.O. Box 1050 • Kotzebue, Alaska 9
(907) 442-3165 • Fax (907) 442-2165

May 5, 1995

The Honorable Governor, Tony Knowles
State of Alaska
P.O. Box 110001-0001
Juneau, Alaska 99811
Fax: (907) 465-3532

FAXED 5/5/95

Re: House Bill (HB) 251

Dear Governor Knowles:

I was delighted to read in today's *Anchorage Daily News* that you have reservations about HB 251.

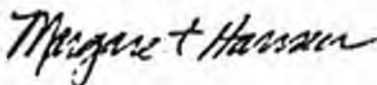
Kikiktagruk Inupiat Corporation (KIC) is the village corporation of Kotzebue. KIC's Board of Directors believes the right of shareholders to petition their corporations to hold special meetings, and their right to remove directors, should not be diluted, which HB 251 will do if passed.

We particularly do not like the fact that Alaska Native corporation shareholders will have to adhere to stricter procedures and rules than shareholders of other Alaska corporations, if HB 251 passes. As directors, we know our responsibility is to the shareholders (owners). This bill seeks to unduly restrict shareholders from addressing issues with the board and management, which is like trying to exclude the owners from having a say in their company.

In our view, HB 251 is special interest legislation intended to benefit directors and management of a few Native corporations at the expense of shareholders of all Native corporations. We urge that you use the power of your position as Governor to persuade members of the Senate to eliminate any provisions from HB 251 that would further restrict the rights of Native shareholders, or veto this legislation altogether.

Thank you for your attention to this matter.

Best regards,



Margaret Hansen,
KIC Chair

cc: KIC Board of Directors



KIKIKTAGRUK INUPIAT CORPORATION 373A Second Avenue • P.O. Box 1050 • Kotzebue, Alaska 9
(907) 442-3165 • Fax (907) 442-2165

May 5, 1995

Dear KIC Shareholder:

Some shareholders of several Alaska Native corporations have joined forces in an effort to defeat House Bill 251, which passed in the Alaska State House, and is now up for consideration in the Alaska Senate. HB 251 is "An Act relating to meetings, shareholder proposals, and removal of directors of Native corporations." Generally, this bill establishes much stricter procedures and rules for shareholders to petition their corporations to hold special meetings. Further, shareholders will be prohibited from removing directors by a vote at special meetings. If passed, HB 251 will only allow shareholders to replace directors by vote when the directors' terms expire, or by taking legal action in the courts.

KIC's Board of Directors and some KIC shareholders have already sent Public Opinion Messages (POMs), through the Kotzebue Legislative Information Office, urging legislators to defeat the passage of this bill. KIC's Board believes the right of shareholders to petition their corporations to hold special meetings, and their right to remove directors, should not be diluted, which HB 251 will do if passed.

If you would like to send a POM, we urge you to contact the nearest Legislative Information Office to you. In Kotzebue, the Legislative Information Office phone number is 442-3880 (they do accept collect calls). You will be provided assistance with faxing your POM at no cost to you. Also, since the Alaska Senate will be voting on this matter in the very near future, it is very important that you send your POM as soon as possible.

Thank you for your attention to this matter.

Best regards,

Margaret Hansen,
KIC Chair

ATTENTION: EDITORIAL April 8, 1995**Subject: HB251**

HB251 affects the rights of 75,000 Alaska Natives. Shareholders and Village Corporations were not informed of HB251. State Statutes concerning Non-Native Corporations require 10% of signatures on petitions and no time restrictions. HB251 places natives in a unique and discriminatory situation requiring 25% signatures and ninety day time limits. Special meetings and resolutions are the only avenues available to allow Shareholder participation. Corporations are not required to consider or submit to vote a resolution or proposal. HB251 suspends a resolution, dealing with the same subject matter, from being reintroduced for two years. Mr. Moses' summary states, "substantially same subject matter." What does this mean? What is the definition of this? Who decides? Corporate leaders or police power? Shareholders who speak out will be liable for perjury, fines and jail sentences. Careful reading of the Bill leads one to believe penalties will be established if an individual fails to gather required signatures. Extremely powerful Corporate leaders who introduce a Bill of this magnitude create a "Chilling Affect" on Shareholders. With HB251 no reasonable Native Shareholder will ever raise his voice in protest again. Legislators (Mr. Moses and Eileen Maclean) should be concerned about protecting all shareholder's rights to participate and be informed. The Bill is exactly the opposite of what Mr. Moses states. Native Corporations are under going a situation similar to the European Enlightenment and Emergence. Dissident groups (voices of the people) are an important part of the emergence. Native Shareholders simply cannot sell their shares and walk away like other Corporations. If ANSCA is a test, let the emergence happen! Alaskan Natives call legislators! Write letters! Testify orally! Halt this Bill Protect your rights.

Bobbie Oskolkoff

Bobbie Oskolkoff
907-283-7748

Please print my phone number

This editorial should be printed as soon as possible as the Legislative work shop is Monday and the Last oral testimony is Wednesday of this week! The next step is the Senatel

Sending 17 pages total

RECEIVED
MAY 07 1995
Ans'd.....



SHAREHOLDERS FOR CIRI'S FUTURE
205 E. Dimond Blvd., #326
Anchorage, AK 99515
(907) 349-1546



May 5, 1995

Dear Senator Halford:

RE: HB 251: A Bill to implement stricter standards for Alaska Natives only.

THIS BILL NEEDS TO BE STOPPED! For the last several years shareholders learned that there are no protections for our concerns and issues. Our Corporation President informed us in 1986 that we were to present resolutions and petitions to get shareholders and administration working together. This bill will make that impossible.

Furthermore, we do not have access to funds/resources to present the shareholders views.

In conducting these petition drives we do not go lightly but purposefully and diligently. Remember this is all volunteer efforts. People have jobs, families and personal lives. We do not spend that much but we heard that CIRI spent \$250,000 against us regarding the Special Meeting of November 17, 1994.

We have been advised by Roy Hulendorf that all petitions and resolutions are **ADVISORY** to the Board. As a result, the board has the right to not vote and/or not adopt whatever we have petitioned for.

WE DIDN'T EVEN WANT A MEETING. WE WANTED A BALLOT SENT TO ALL SHAREHOLDERS. Let the shareholders read, vote and send it back to a third party with results to be presented to the board and the shareholders. The Corporation chose to spend the money and have a meeting.

To accomplish the special meeting took **LOTS** of educating, talking and explain to our elders--many of whom do not read English. The elders want verbal explanations---not writing. Many elders know how to sign their name. Some don't know how to print their name. But they understand English. For those few instances we have access to friends who can translate for us. We have been advised that when the CIRI proxy card comes in the mail they sign so that their names will be entered into door prize drawings (trips and cash). They sign the Board endorsed slates because of the prizes.

Look at the previous slates: we have 6 independent that made it on the board over these 22 years. Their campaign costs were not reimbursed. Yet the shareholders money pays for the incumbent Board slates.

We presently have several other major issues that we have unsuccessfully attempted to get an answer from our corporation. They are:

1. Our Annual corporate reports CONSOLIDATES all our assets into one line. Most specifically we have one line in our Balance Sheet for Natural Resources. This amount includes oil, gas, coal, gold, and timber.
2. Our income statements consolidate rental income- in and out of Alaska - construction income, etc. This income line is a consolidation of 26 subsidiaries. This is bad because CIRI has denied us access to the breakdown of the assets and income by subsidiary.

As we discussed today, it is our belief that the Regional Corporations will each probably give ONE MILLION DOLLARS to the Democratic Party. This will eliminate any checks and balances in the Houses. Furthermore, we would like to give it to our elders.

Our grassroots shareholders are waiting to see how each of the senators vote. We are sick and tired of the regional corporations speaking on our behalf and working against us, not with us. It is our intent to advise our shareholders through our statewide newsletter how every senator votes on this issue. Quite bluntly you support us and we'll support you. Please be advised that this letter is written and approved by Shareholders for CIRI's Future Ad Hoc Committee.

Sincerely,

Delice Alexander-Calcolo
Delice Alexander-Calcolo
Ad-Hoc Chairperson

Attachments : PAC Info.

" Silence Is Consent "

THE FOLLOWING DATA IS ON FORMS FILED WITH THE ALASKA PUBLIC OFFICES COMMISSION, ANCHORAGE, ALASKA. THIS IS PUBLIC INFORMATION.

POTLATCH PAC (CIRI)
EXPENDITURES AND INCOME FOR 1994

DATE	TO/FROM	CK NO.	EXPENSE	INCOME
4/8/94	JIM KUBITZ-MAYOR	238	\$250	
4/15/94	CIRI			\$10,000
5/9/94	MYSTROM-MAYOR	239	500	
6/27/94	JIM CAMPBELL	259	1,000	
6/27/94	KNOWLES-GOV	260	500	
7/20/94	RICHARD FOSTER	261	250	
7/20/94	IVAN IVAN	262	250	
8/8/94	STATE OF AK - FINE	263	10	
8/17/94	EILEEN MACLEAN	264	250	
8/23/94	PETE KOTT	265	250	
8/31/94	LARRY BAKER	266	1,000	
8/31/94	MIKE NAVARRE	267	500	
9/9/94	PEAK OILFIELD SERVICES (CIRI)			\$10,000
9/9/94	CONSTRUCTION MACHINERY INC. (CIRI)			5,000
9/15/94	GAIL PHILLIPS	268	1,000	
9/15/94	GARY DAVIS	269	1,000	
9/21/94	AMA PAC (AK MINERS ASSN)	270	100	
9/21/94	SENATE REPUBLICAN LEADERSHIP COUNCIL	271	2,500	
9/21/94	AL VEZEY	272	1,000	
9/29/94	TIM KELLY	273	1,000	
9/30/94	MIKE NAVARRE	274	250	
9/30/94	SUZANNE LITTLE	275	200	
9/30/94	MIKE MILLER - LT GOV	276	1,000	
10/10/94	CAPT COOK HOTEL-FUNDRAISER BEV HASEK	277	491.62	
10/11/94	LYDA GREEN	278	500	
10/12/94	HACKIE - HOUSE	279	500	
10/13/94	DRUE PEARCE	280	500	
10/13/94	DRUE PEARCE	281	500	
10/13/94	CYNTHIA TOOHEY	282	250	
10/13/94	ROKEBURG	283	250	
10/13/94	RICHARD FOSTER	284	250	
10/14/94	EILEEN MACLEAN	285	500	
10/14/94	TONY KNOWLES	286	500	
10/20/94	GEORGIANNA LINCOLN	287	500	
10/25/94	ELDON MULDER	288	500	
10/26/94	FRAN ULMER - LT GOV	289	1,000	
10/26/94	RAHONA BARNES	290	1,000	
10/26/94	PAT RODEY	291	500	
10/26/94	JIM DUNCAN	292	250	
11/3/94	DALE WUNDERLICH	293	200	
11/9/94	ALAN AUSTERMAN	294	500	
11/9/94	ROBIN TAYLOR	295	500	
11/22/94	ROKEBURG - HOUSE	296	250	
11/22/94	ROKEBURG	297	250	
11/30/94	STATE OF ALASKA - FINE	298	300	
12/1/94	JUDY SALO	299	250	
12/16/94	FRED ZHAROFF	300	250	
12/30/94	RICK HALFORD	301	250	
			23,551.62	

THE FOLLOWING DATA IS ON FORMS FILED WITH THE ALASKA PUBLIC OFFICES COMMISSION-ANCHORAGE, ALASKA. THIS IS PUBLIC INFORMATION.

POTLATCH PAC (CIRI)
EXPENDITURES AND INCOME FOR 1993

DATE	TO/FROM	CK NO.	EXPEN.	INCOME
2/10/93	EDDIE BURKE	222	\$200	
3/19/93	MARILYN HEIMAN	223	500	
9/15/93	CIRI			\$10,000
7/15/93	ST OF AK: FINE		25	
8/25/93	TIM KELLEY		500	
8/26/93	GAIL PHILLIPS	226	200	
9/21/93	DON GILLMAN	227	500	
9/22/93	DRUE PEARCE	228	500	
10/8/93	FRAN ULMER (LT. GOV)	240	250	
10/14/93	EILEEN MACLEAN	220	250	
10/22/93	RAMONA BARNES	230	1,000	
11/3/93	LARRY BAKER	231?	500	
11/4/93	HEATHER FLYNN	232	500	
11/30/93	CAMPBELL (GOV)	233	250	
12/2/93	JIM KUBITZ	236	250	
12/2/93	GARY DAVIS	241	250	
12/21/93	STEVE REIGER	242	500	
12/21/93	LARRY BAKER	243	500	
12/21/93	JOHNNY ELLIS	244	250	
12/21/93	JERRY MACKIE	246	250	
12/21/93	KAY BROWN	247	250	
12/21/93	JIM DUNCAN	248	250	
12/21/93	RICHARD FOSTER	249	250	
12/21/93	BRIAN PORTER	251	250	
12/21/93	AL VEZEY	252	250	
12/21/93	MIKE NAVARRE	253	200	
12/21/93	PETE KOTT	254	100	
12/21/93	BILL WILLIAMS	255	250	
12/21/93	JERRY SANDERS (CK NOT CASHED)	257	250	
12/21/93	GEORGIANNA LINCOLN	258	250	

EXPENDITURES AND INCOME FOR 1992
(These figures are on forms reported on and filed with APOC office-Anch)

DATE	TO/FROM	CK. NO.	EXPENSE	INCOME
1/6/92	JIM ZAWACKI	181	\$ 250	
1/7/92	DRUE PEARCE	182	500	
3/19/92	JAY KERTTULA	183	500	
5/7/92	PAT RODEY	184	1,000	
6/11/92	GEORGIANNA LINCOLN--VOID---	185	-- 250	VOID
6/24/92	ELDON MULDER	186	200	
7/7/92	RAMONA BARNES	187	200	
8/6/92	EILEEN MACLEAN	188	500	
8/12/92	LARRY BAKER	189	500	
9/3/92	ELEANOR OAKLEY	190	250	
9/8/92	CIRI			\$10,000
10/8/92	DRUE PEARCE	191	500	
10/8/92	JUDY SALO	192	250	
10/8/92	LARRY BAKER	193	500	
10/8/92	SUZANNE LITTLE	194	250	
10/8/92	JIM DUNCAN	195	250	
10/8/92	JOHNNY ELLIS	196	250	
10/8/92	TIM KELLY	197	500	
10/8/92	STEVE RIEGER	198	500	
10/8/92	AL ADAMS	199	500	
10/8/92	FRED ZHAROFF	200	500	
10/8/92	GEORGE JACKO	201	250	
10/8/92	GEORGIANNA LINCOLN	202	250	
10/8/92	ANDY MACK	203	100	
10/8/92	JOE GREEN	204	100	
10/8/92	NORMAN ROKEBERG	205	100	
10/8/92	BRIAN PORTER	206	250	
10/8/92	JERRY MACKIE	207	250	
10/8/92	FRAN ULMER	208	250	
10/8/92	BEN GRUSSENDORF	209	100	
10/8/92	MIKE NAVARRE	210	250	
10/8/92	KAY BROWN	211	250	
10/8/92	DAVID FINKELSTEIN	212	100	
10/8/92	EILEEN MACLEAN	213	250	
10/8/92	RICHARD FOSTER	214	100	
10/8/92	LYMAN HOFFMAN	215	250	
10/8/92	BUZZ HOFFMAN	216	250	
10/8/92	RAMONA BARNES	217	500	
10/8/92	ELDON MULDER	218	250	
10/8/92	SUSAN KERNES	219	250	

THE FOLLOWING DATA IS ON FORMS REQUIRED TO BE FILED WITH THE STATE OF ALASKA PUBLIC OFFICES COMMISSION, ANCHORAGE OFFICE.

CONTRIBUTIONS TO RAMONA BARNES

DATE	FROM	CHECK #	AMOUNT
10/20/93	POTLATCH PAC-CIRI	230	\$1,000
12/15/93	CARL MARRS, CIRI	7426	250
10/28/94	POTLATCH PAC-CIRI	290	1,000
11/2/94	ICE BLOC PAC	3142	250

CONTRIBUTIONS TO PETE KOTT

8/24/93	POTLATCH PAC-CIRI	254	\$ 250
12/21/94	POTLATCH PAC-CIRI	265	100

CONTRIBUTIONS TO CAMPBELL-MILLER

6/2/93	ROY HUHDORF	1606	\$ 500
6/3/93	LYDIA HAYES	241	400
6/3/93	CONSTRUCTION MACHINERY	1084	1,000
6/3/93	CARL MARRS	6770	500
10/11/93	CARL MARRS	CASH	100
10/11/93	GERALD BOOTH	237/293	300
11/3/93	EMILY MARRS	8650	500
11/30/93	POTLATCH	233	250
10/1/94	POTLATCH	276/	\$2,000
10/10/94	PARKER DRILLING CO.	3546/3547	2,000
10/27/94	ROY HUHDORF, PRES CIRI	2685	250
10/27/94	CARL MARRS, VP CIRI	7194	250
10/27/94	PATRICK MARRS, COMMUNICATIONS NORTH	561	500
10/28/94	GERRY BOOTH, VP CIRI		500

CONTRIBUTIONS TO FRAN ULMER

3/29/94	PARKER DRILLING	3381	\$ 250
	PARKER DRILLING/CIRI	2433	250
4/18/94	CONSTRUCTION MACHINERY INC. MS2022		1,000 CIRI Subsidiary
4/25/94	PEAK OILFIED SERVICES	03541	1,000 " "
6/24/94	CHARLES ANDERSON	5174	250 CIRI Board Member
6/27/94	POTLATCH PAC		1,000
6/28/94	CHARLENE HUHDORF	2441	500
6/28/94	CARL MARRS, VP CIRI	7145	500
6/28/94	KIRK MCGEE, VP CIRI	2349	300
6/28/94	JOHN MONFOR, VP CIRI	1865	250
6/28/94	GERALD BOOTH, VP CIRI	309	250




POTLATCH PAC

ARRIVED

April 7, 1994

APR 11 1995

APOC-ANCH
PM 

Greg Granquist
Research Analyst
Alaska Public Offices Commission
2221 East Northern Lights, Room 128
Anchorage, AK 99508-3598

Dear Mr. Granquist:

Potlatch PAC has had a change in its officers. The new officers, effective April 17, are:

Chair	Carl H. Mars
Treasurer	Barbara Donatelli
Deputy Treasurer	Pamela King
Other Principal Officer	Roy M. Huhndorf

The mailing address for all of Potlatch PAC's officers is PO Box 93330, Anchorage, AK 99509-3330; the telephone number is (907) 274-8638.

Sincerely,

POTLATCH PAC

Pamela King

Pamela King
Deputy Treasurer

pk/02/000.11

Enclosure

Paid for by Potlatch PAC • Carl H. Marrs, Chairman
CIP Building • 2525 "C" Street • P.O. Box 93330 • Anchorage, Alaska 99509-3330
(907) 274-8638 • Fax (907) 279-8836

MONETARY CONTRIBUTIONS - Schedule C

Check one: 30 DAY 7 DAY 10 DAY YEAR-END

Check one: PRIMARY GENERAL MUNICIPAL

PART 1. OVER \$100.00- Contributions received during this reporting period which have put the contributors over the \$100 Disclosure threshold are itemized below.

DATE	CHECK NUMBER	NAME AND ADDRESS CONTRIBUTOR	OCCUPATION EMPLOYER <small>(If self-employed list name and address of Business)</small>	AMOUNT THIS PERIOD	CUM. AMT. EACH CONTRIB.
1/9/95		Construction Machinery, Inc.	heavy equipment, machinery	5,000 -	

Part 2. TOTALS **SUB-TOTAL** 5000. -

1. CANDIDATE'S OWN MONEY: Money contributed by (+), repaid to (-), taken as income by (-), or transferred to an office allowance account (-) by the candidate during this reporting period.
Also enter interest earned on this line ----- \$ _____
2. \$100 OR LESS: Total funds received during this reporting period from contributors who have not yet contributed over \$100 to the campaign during the calendar year.
_____ Contributors gave a total of ----- \$ _____
3. OVER \$100: Total funds received during this reporting period from contributors who have cumulatively given the campaign over \$100 during the calendar year (Part 1 subtotal) ----- \$ _____
4. TOTAL MONETARY CONTRIBUTIONS THIS PERIOD (add lines 1, 2 and 3) ----- \$ 5000.
(enter this total on line _____ Column B, Subtotal Page)

MAR 15 1995

MAR 15 1995

PoHatch PAC
(NAME OF CANDIDATE OR GROUP)

APOC Form 1-53C (2/87)

PAID EXPENDITURES - Schedule F

Check one: 30 DAY 7 DAY 10 DAY YEAR-END
Check one: PRIMARY GENERAL MUNICIPAL

PART 1. PAID EXPENDITURES (Itemize): If payment has actually been made for goods or services, whether or not they have been received, the paid expenditure is itemized in Part 1 of this schedule. Do not itemize any payments which have been made for any accrued expenditures previously reported on Schedule G. However, enter on this schedule, Part 2 line 2, the total of accrued expenditures paid from Schedule G, Part 3, Line 2. Refunds are to be shown as a negative in brackets () and subtracted from other expenditures.

DATE	CHECK NO.	NAME AND ADDRESS OF PAYEE	PURPOSE OF EXPENDITURE	AMOUNT
11/5/95	302	Senate Republican Leadership Council	donation	\$500.00
11/3/95	303	"Republicans" House Majority Leadership	donation	1,000.00
1/31/95		National Bank of Alaska	bank fee	1.35
2/28/95	304	Wrench for Assembly	donation	100.00

PART 2. SUMMARY OF PAID EXPENDITURES **SUB-TOTAL** \$1,601.35

- 1. PAID EXPENDITURES THIS PERIOD (from Part 1 + any continuation sheets) \$ _____
- 2. PAID ACCRUED EXPENDITURES THIS PERIOD (from Line 2 or Part 3, Schedule G) \$ _____
- 3. TOTAL PAYMENTS THIS PERIOD (Enter this total on Line 5, Column B, Summary Page) \$ 1,601.35

MAR 10 1996

Attatch PAC
(NAME OF CANDIDATE OR GROUP)

Date: 04/13/95 ALASKA PUBLIC OFFICES COMMISSION Page: 1
94' Contributions over \$250 by Contributor
For Contributor: CONSTRUCTION MACHINERY

Contributor Recipient	SIC Contribution Date	Occupation/Bus Type Amount
CONSTRUCTION MACHINERY, INC. KEN GERANDALE	1600	HEAVY EQUIP. SA
FLYNN, HEATHER	02/24/94	1,000.00
FRANK COMMITTEE	09/02/94	1,000.00
MYSTROM, RICK	02/15/94	1,000.00
MYSTROM, RICK	04/11/94	1,000.00
POTLATCH PAC	09/07/94	5,000.00
**** SUBTOTAL ****		9,000.00

Please note: This is a CIR/ Subsidiary

DISCLAIMER: This report lists ONLY information found on FORM 15-5 (contributions over \$250 reported by individuals, organizations and businesses). It does NOT include contributions reported by political parties, political action groups (PACS), or other groups. This database contains information which staff has entered to date. Incomplete data entry may result in inaccurate or incomplete information. For a more complete picture of candidate activity, see candidate and group reports.

CIRI agrees to \$14,050 fine in committees dispute

By MARILEE ENGE
Daily News reporter

Cook Inlet Region Inc. has agreed to pay a \$14,050 fine to the Alaska Public Offices Commission to settle charges that the Nativia corporation's political action committee illegally funneled campaign contributions through another PAC. CIRI does not admit the allegation.

Commissioners today will

consider whether to accept the settlement.

APOC alleges that in October 1986, CIRI PAC gave \$1,600 to Citizens for Alaskan Progress, another CIRI-controlled political action committee, which used the money to contribute to two political candidates.

The commission's staff said that such a contribution is illegal because CIRI PAC and CAP are controlled by

the same shareholders. The contributions allegedly were excessive because CIRI PAC already had given to the two candidates, according to a report by APOC investigator Mike Huelsman.

The two committees failed to register as a group, made contributions in the name of another and made contributions in excess of \$1,000, all in violation of state law, the APOC charged.

CIRI PAC gave \$1,000 to Rep. Mike Navarre, D-Kenai, and \$1,000 to Sen. Pat Rodey, D-Anchorage, in 1986. On Oct. 15, CIRI PAC wrote a check for \$1,600 to Citizens for Alaskan Progress, which on the same day wrote checks for \$1,000 to Rodey and \$600 to Navarre.

As part of the agreement, CIRI will disband Citizens for Alaskan Progress.

APOC may fine 2 PACs

CIRI offer not good
enough, official says

By JOHN TETPON
Daily News reporter

A Native corporation whose political action committees are facing a substantial fine from the Alaska Public Offices Commission has offered to disband one PAC to make restitution for allegedly breaking campaign disclosure laws.

But the offer is not good enough, according to Mike Huelsman, a commission investigator.

"That's a positive step — one of many that is needed to resolve this matter," Huelsman said Friday.

He said the PACs created by the Cook Inlet Region Inc. — considered one committee disguised as separate entities — could be fined more than \$35,000. He could not say what other penalties might be sought because the investigation is not complete.

CIRIPAC and Citizens for Alaskan Progress — another CIRI-controlled PAC — are charged with breaking campaign disclosure laws by combining to give more than the allowable amount of money to two political candidates in 1986.

The commission is looking into allegations that CIRIPAC gave \$1,000 each to two political candidates, then had CAP contribute additional money.

According to the complaint,

CAP gave \$1,000 to the campaign of Sen. Pat Rodey, D-Anchorage, and \$600 to Rep. Mike Navarre, D-Kenai, after CIRIPAC made contributions to them during the 1986 election year.

Huelsman said CAP gave the money to the candidates when it had only \$5 in its bank account. A day later, he said, CAP received a check for \$1,600 from CIRIPAC to cover the contribution.

Under state law, a corporation that has two or more officers serving as officials in subsidiary companies cannot give more than \$1,000 to any one candidate.

Roy Huhndorf, president of Cook Inlet Region Inc., is the chairman of CIRIPAC. Huelsman said the same officers of CIRIPAC also control CAP, and the commission staff believes both are, in fact, only one political action committee. Neither Huhndorf nor the

officers of either PAC could be reached for comment.

Charles A. Dunnagan, the attorney for CAP, said in a September letter to the public offices commission that the committee is broke and he offered to dissolve it.

"I know of no better way of demonstrating our genuine concern or following through on our assertions that we will not willingly or knowingly condone violations of Alaska's campaign disclosure laws," said Dunnagan, a former commission member.

Citizens For Alaskan Progress was established by the Cook Inlet Housing Authority, a housing development organization that operates under the umbrella of the Cook Inlet Tribal Council. The council is the non-profit arm of Cook Inlet Region Inc.

CIRI is one of 13 Native regional corporations created under the Alaska Native Claims Settlement Act of 1971.



For help, call: 907-4178
For filing by FAX: 2-7018

Return to: Ak. Public Offices, Comm.
2221 E. Northern Lights Blvd, Rm 123
Anch., Ak. 99506

ARRIVED

1992 GROUP REGISTRATION

MAR 25 1992

IMPORTANT: File this form **BEFORE** spending funds for or against a candidate or ballot issue.

NAME OF GROUP:

ICE BLOC COMMITTEE

APOC-ANCH
3/24 (PM) HC

Note: The name of a group for or against a single candidate must include the candidate's name.

OFFICIAL MAILING ADDRESS:

c/o 1001 East Benson Blvd.
Anchorage, Alaska 99508
Attention: Hilda Woods



We mail forms and penalty accrual notices to your official address ONLY. Choose a convenient, reliable address as your official address. This may help to avoid filing problems and late fines.

1992 CAMPAIGN PLANS

Check the boxes that apply.



Our group plans to spend money campaigning in the:

- PRIMARY ELECTION ON AUGUST 25.
- GENERAL ELECTION ON NOVEMBER 3
- MUNICIPAL ELECTION (OCTOBER 6) in _____
(name of Municipality)
- SPECIAL or RUNOFF ELECTION (on _____) in _____
(circle one) (date) (name of Municipality)



Our group does not plan to campaign in 1992, but will collect or expend money to influence 1993 elections, pay debts or for administrative costs:

- YEAR-END RPT. required. *Note:* You must report even if you have only adminis. costs.



Our group will be disbanding during 1992. We have no plans to re-form, and will be closing out our checking account.

- DISBANDING *Note:* File a FINAL report within 10 days of close-out.

UPDATE APOC AS YOUR PLANS CHANGE: If you are active in an election and don't report to APOC, you may run up a large fine. Keep us updated so we can notify you when you miss a deadline. An informal note is all that's needed to amend this registration.



GROUP OFFICERS

- use additional sheets if necessary -

OFFICER	NAME	MAILING ADDRESS	HM./WK. PHONE
CHAIR:	William L Hensley	1001 E. Benson Blvd.	264-4100
TREASURER:	Sam Kito, Jr.	" " "	337-3116
DEPUTY TREASURER:	Roy Huhddorf	" " "	274-8638

OTHER PRINCIPAL OFFICERS:

Notes: The chair's name must appear in the "paid for by" on ads and other communications. AS 15.13.090. The treasurer must sign a report before it is certified. AS 15.13.060. Only treasurers and deputy treasurers may receive or spend campaign funds on an on-going basis. 2 AAC 50.334.

We have 1994 Expend +
Incomes!

(MOST RECENT +
LAST FILING in APOC files)

ALASKA PUBLIC OFFICES COMMISSION
Summary of Lobbying Activities by Employer or Client
January - December, 1994

Name of Client/Employer	Name of Lobbyist	Fee or Salary	Lobbyist Expenses	Client or Employer Expenses	Total
CITY OF ATKA	HICKEY, MARK	7500	0	0	7500
CITY OF BETHEL	MACKLIN, SHARON	25000	0	0	25000
CITY OF CORDOVA	URION, RICK	30000	0	0	30000
CITY OF CRAIG	CUADRA, ELIZABETH	0	0	0	0
CITY OF DILLINGHAM	REINWAND, JERRY	15000	0	0	15000
CITY OF HAINES	AK SERVICES, GROUP	10000	0	0	10000
CITY OF HOMER	GRAVO, MITCHELL	50000	0	0	50000
CITY OF KAKE	MARKLEY, LAWRENCE	5000	0	0	5000
CITY OF KENAI	REED, ASHLEY	24000	0	0	24000
CITY OF KING COVE	COTTEN, LAMAR	16500	3337	0	19837
CITY OF KING COVE	HICKEY, MARK	16500	0	0	16500
CITY OF KODIAK	KUBLEY, DON	32172	1832	128	34132
CITY OF KOTZEBUE	ROBERTSON, MONAGLE	24000	210	0	24210
CITY OF PILOT POINT	REINWAND, JERRY	4000	0	0	4000
CITY OF SAINT GEORGE	KITO, JR., SAM	20000	0	0	20000
CITY OF SAINT PAUL	GRUENING, CLARK	13692	71	0	13763
CITY OF SEWARD	DAWSON, V. KENT	70004	3747	430	74181
CITY OF SKAGWAY	AK SERVICES, GROUP	5000	0	0	5000
CITY OF UNALASKA	GILLESPIE, RAYMOND	64286	1722	9224	75232
CITY OF VALDEZ	TRUST, CONSULTANT	38550	2563	0	41113
CITY OF WHITTIER	GRAVO, MITCHELL	12500	0	724	13224
CITY OF WRANGELL	KUBLEY, DON	17500	1630	0	19130
COEUR d'ALENE MINES	GRUENING, CLARK	16000	0	0	16000
COMINCO ALASKA, INC.	DAWSON, V. KENT	36000	866	0	36866
COOK INLET REGION, INC.	MARRS, CARL	7500	8357	0	15857
COOK INLET REGION, INC.	REED, ASHLEY	48000	0	0	48000
COPPER RIVER SCHOOL DISTRICT	SACKETT, JOHN	40000	0	0	40000
COPPER VALLEY ELECTRIC ASSN	EVANS, ROBERT	40002	456	6442	46900
CORDOVA FISHERMEN UNITED	MCCUNE, JERRY	10050	0	0	10050

GOLDBELT'S
 SHAREHOLDERS FOR GIRL'S FUTURE
 ANCHORAGE, ALASKA
 (907) 563-7912

May 5, 1995

The Honorable Senator Rick Halford
 Juneau, Alaska

Dear Senator Halford:

This letter is to object to HB 251. We are the Alaska Natives in Anchorage who started the initial recall election against the Board of Directors for Goldbelt. The recall effort was started by a grassroots movement of shareholders and spread throughout the State of Alaska. The recall effort was because of a culmination of years of frustration of thwarted efforts on the then management's part of ignoring shareholder rights to even speak at the shareholders meetings. We have had several regional corporations who, in fact, have turned off the microphones on us when we speak so other shareholders would be kept in the dark as to what was actually occurring. Even today we are hearing from other corporations who want us to help them with their recall petitions. Since the introduction of HB251 shareholders throughout the State have been contacting us to request that this bill be tabled. We have heard from shareholders in Juneau, Kenai, Seattle, Barrow, Kodiak, Niniiluk, Eagle River, Fairbanks, Sitka, Bristol Bay, Koniag, Doyon - to name a few.

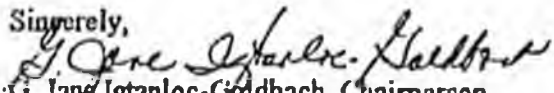
We are joining forces and intend to stick together because we all have one thing in common: WE DO NOT WANT THIS BILL PASSED!!!!

It is our belief that HB 251 is an additional effort on the behalf of the regional corporations to monopolize control of the corporation - not for the good of the shareholders - but to further monopolize control of the corporation. We have been advised by some shareholders that they are so disgusted with this bill that they would like for us to begin a process to liquidate the corporations. Their justification is "At least we will have some say as to how the monies are spent."

We are aware that last year a similar bill, HB 501, was introduced. On May 9, 1994 Paul Fuhs, the then Commissioner of Commerce and Economic Development, wrote to The Honorable Brian Porter commenting on such a bill. We have enclosed a copy of Commissioner Fuhs' letter for your consideration. We believe that his response succinctly expresses our viewpoints.

Quite frankly, the word among the shareholders is "You support us and we'll support you."

Sincerely,


 G. Jane Igtanloc-Goldbach, Chairperson,
 Shareholders for Goldbelt's Future - Anchorage

Corp. Code

*Porter
SC*

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442

May 9, 1994

The Honorable Brian S. Porter, Chairman
House Judiciary Committee
House of Representatives
State Capitol, Room 118
Juneau, AK 99801-1182

Dear Representative Porter:

Re: HB 501- "An Act Relating to Native Corporations;
and Providing for an Effective Date"

House Bill (HB) 501, before you for consideration, deals primarily with the fundamental rights of Alaska Native Shareholders to redress their corporations through the petition process.

The ability of Alaska Native Claims Settlement Act (ANCSA) shareholders to vote their stock and to petition for special meetings to address issues or grievances, real or imagined, is the essential, singular process available to shareholders. Unlike a shareholder in any other corporation, a Native Claims Settlement Act shareholder cannot simply dispose of his stock through sale if he or she is dissatisfied with the course or direction or policies of the corporation.

House Bill 501 imposes very strict standards and procedures on the entire petition process and, moreover, essentially puts the corporate officers and directors in charge of the venue. More often than not, these are the very same people who are the target of the petition or recall initiated by the shareholders. *FOX & chickens*

There is no question that the petition process can be disruptive to ANCSA and corporations. When the process is abused, it is not only an annoyance but can be costly as well. Since inception of ANCSA, there have been a number of petitions undertaken by shareholders seeking special meetings for a variety of purposes, some of which are advisory to the board, and others seeking partial or total recall of the boards. These latter recall efforts have not met with success in any instance given the majority of outstanding share requirements imposed by the existing statute. Nonetheless, a message was delivered by dissident shareholders that could not be ignored by management. The restrictive language proposed by HB 501 will tend to quiet the voice of dissent in ANCSA corporations and make the petition process difficult for shareholders to utilize.

Brian S. Porter

-2-

May 9, 1994

In situations arising out of disputes in proxy contests, we always attempt to take the role of the common shareholder in our arbitration and/or administrative process. Here, likewise, we attempt to posit the view of the common shareholder who will have to deal with the complexities of the proposed legislation. What we have here are significant (albeit well intentioned) hurdles that will make the petition process unusable for the most part. While the existing statutory scheme has resulted in some tumult, inconvenience, and expense to certain ANCSA entities who have been the focus of shareholder petitions, we submit that the process basically works and doesn't need fixing.

We would also point out that while ANCSA shareholders are different in the sense that their stock is for the most part inalienable, the corporations themselves are formed under Alaska law and the proposed legislation would further denigrate the uniformity of the Corporate Code as it applies to shareholder rights for all Alaska corporate entities. A dual standard would ensue resulting in more stringent rules for ANCSA shareholders who already lack the ability to simply sell their stock if they are dissatisfied a course of action which any other Alaska shareholder could utilize.

With respect to the specific questions you have asked, Item 1 be advised that the division believes that a ten percent requirement for the percentage required for director removal petitions is adequate and sufficient and should not be enlarged. Item 2 regarding the proposed procedures for shareholders petitions, we do not advise the amending of existing law and with respect to setting time limits for petitioners, be advised that no action can, in fact, take place until the petition is, in fact, filed with the corporation and the corporation is free to respond any shareholder action in the interim. So this is a no-harm, no-foul situation and I do not see that placing of these restrictive dates will benefit the information flow to shareholders. Item 3, bill seeks clarification that ten percent of the shareholders rather than a single shareholder can begin the petition process and, thereby, force a special meeting. By and large, it is an individual who initiates these processes and I do not believe that it is even enforceable to suggest that you have to have ten percent to even begin the process. Certainly one individual must start, at some point and some time, to gather these signatures and, here again, we do not feel that more restrictive language is appropriate.

While corporations have been inconvenienced, we hasten to point out that in no situation have shareholders successfully removed a board, although they have been able to impart their message. We would be willing to work with you on these issues.

Sincerely



Paul Fuhs
Commissioner

PF/ra035.bac
050994a

DATE: 5/6/95

TO: SENATORS

FROM: SHAREHOLDERS AGAINST HB 251
+
FRIENDS

Following is a petition against
HB 251. Shareholders for CIRI's Future
Committee member Mary Rastetter
has been collecting signatures.

Thank you for your time
& assistance in KILLING this BILL!

Delie Alexander-Calvete
AD HOC Chairperson, SFCF
(907) 349-1546



Doyon, Limited

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
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RECEIVED
MAY 03 1995

Ans'd.....

VIA TELEFAX

7 NB257

May 2, 1995

The Honorable John Torgerson
The State Senate
State Capitol, Room 427
Juneau, Alaska 99801-1182

RE: Funding for the Alaska Native Foundation's ANCSA 14(c) Program

Dear Senator Torgerson:

I am sending this letter to voice my concern about the elimination of funding for the Alaska Native Foundation's 14(c) program. The program has been funded through the Community and Regional Affairs Department since 1979.

Without funding, it is likely title to land in Alaska's villages will never be cleared. Businesses, churches, and individual land holders will not receive title, nor will local governments receive land for community or economic development. (Only 59 of 210 village corporations have completed their 14(c) obligations.)

Please reconsider funding the 14(c) program.

Sincerely,

Morris Thompson
President and C.E.O.



Official Business

COMMITTEES
Vice-Chairman, Transportation
Member
Labor & Commerce

Alaska State Legislature

Chairman - International Trade & Tourism

REPRESENTATIVE
BEVERLY MASEK

Willow
H C 89, Box 251
Willow, Alaska 99688
(907) 495-6812

State Capitol
Juneau, AK 99801-1182
(907) 465-2679

MEMORANDUM

TO: ALL HOUSE MEMBERS
FROM: REP. BEVERLY MASEK *BM*
DATE: MAY 2, 1995
RE: CSHB 251

I noticed in the bill packets there were some letters in support of CSHB 251.

Attached please find as Paul Harvey likes to put it, "The rest of the story".

In over ten hours of exhaustive testimony 95 % of those testifying were strongly opposed to this bill. Additionally 95% of the written material I have received has been in opposition to HB-251.

Since there was only one Committee of referral on this legislation I thought it would be important for those of you who might be relying on the information in the packets to realize how many people strongly oppose this legislation.

FAX 465-2294

Rep. Beverly Masek

3-27-95

HR 251
~~HR 251~~

Please have your office make copies for each committee member.

I'll be at the teleconference at 3:15 today. Sharon Kay 345-7844
Howard Rudolph 338-2507

NOTE - pg. 40 (h) (1) underlined.

NOTE - pg. 419 underlined it states 10%

Note pg 420 underlined

Note pg. 423 (c) Shareholder Petition - please note the underlined.

This section is where CIRIS lawyer Mark Kroloff was referring to bringing Alaska State Status in line with ANCSA. It was a very misleading statement. It only relates to issuance of stock, alienation of stock & amendments & resolutions relating to common stock. This section has no correlation whatsoever with shareholder petitioning for a special meeting, or a special meeting to recall the entire board.

19

December 18, 1971

Pub. Law 92-203

85 STAT. 692

Any dispute over the boundaries of a region or regions shall be resolved by a board of arbitrators consisting of one person selected by each of the Native associations involved, and an additional one or two persons, whichever is needed to make an odd number of arbitrators, such additional person or persons to be selected by the arbitrators selected by the Native associations involved.

Boundary dis-
putes, arbi-
tration.

(b) The Secretary may, on request made within one year of the date of enactment of this Act, by representative and responsible leaders of the Native associations listed in subsection (a), merge two or more of the twelve regions: *Provided*, That the twelve regions may not be reduced to less than seven, and there may be no fewer than seven Regional Corporations.

Region merge.

Limitation.

(c) If a majority of all eligible Natives eighteen years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 3(c), to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, the Secretary shall establish such a region for the benefit of the Natives who elected to be enrolled therein, and they may establish a Regional Corporation pursuant to this Act.

Thirteenth
region.

(d) Five incorporators within each region, named by the Native association in the region, shall incorporate under the laws of Alaska a Regional Corporation to conduct business for profit, which shall be eligible for the benefits of this Act so long as it is organized and functions in accordance with this Act. The articles of incorporation shall include provisions necessary to carry out the terms of this Act.

Incorporation.

(e) The original articles of incorporation and bylaws shall be approved by the Secretary before they are filed, and they shall be submitted for approval within eighteen months after the date of enactment of this Act. The articles of incorporation may not be amended during the Regional Corporation's first five years without the approval of the Secretary. The Secretary may withhold approval under this section if in his judgment inequities among Native individuals or groups of Native individuals would be created.

(f) The management of the Regional Corporation shall be vested in a board of directors, all of whom, with the exception of the initial board, shall be stockholders over the age of eighteen. The number, terms and method of election of members of the board of directors shall be fixed in the articles of incorporation or bylaws of the Regional Corporation.

Management.

(g) The Regional Corporation shall be authorized to issue such number of shares of common stock, divided into such classes of shares as may be specified in the articles of incorporation to reflect the provisions of this Act, as may be needed to issue one hundred shares of stock to each Native enrolled in the region pursuant to section 5.

Stock,
issuance.

(h) (1) Except as otherwise provided in paragraph (2) of this subsection, stock issued pursuant to subsection (g) shall carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to stockholders, shall permit the holder to receive dividends or other distributions from the Regional Corporation, and shall vest in the holder all rights of a stockholder in a business corporation organized under the laws of the State of Alaska, except that for a period of twenty years after the date of enactment of this Act the stock, inchoate rights thereto, and any dividends paid or distributions made with respect thereto may not be sold, pledged, subjected to a lien or judgment execution, assigned in present or future, or otherwise alienated: *Provided*, That such limitation shall not apply to transfers of stock pursuant to a court decree of separation, divorce or child support.

Stockholders'
rights.

← NOTE

THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL

PUBLIC LAW 100-241--FEB. 3, 1988

101 STAT. 1793

"(X) RIGHTS AND RESTRICTIONS.-(A) Except as otherwise expressly provided in this Act, Settlement Common Stock of a Regional Corporation shall--

"(i) carry a right to vote in elections for the board of directors and on such other questions as properly may be presented to shareholders;

"(ii) permit the holder to receive dividends or other distributions from the corporation; and

"(iii) vest in the holder all rights of a shareholder in a business corporation organized under the laws of the State."

* NOTE

"(B) Except as otherwise provided in this subsection, Settlement Common Stock, inchoate rights therein, and rights to dividends or distributions declared with respect thereto shall not be--

"(i) sold;

"(ii) pledged;

"(iii) subjected to a lien or judgment execution;

"(iv) assigned in present or future;

"(v) treated as an asset under--

"(I) title 11 of the United States Code or any successor statute,

"(II) any other insolvency or reorganization law, or

"(III) other laws generally affecting creditors' rights; or

"(vi) otherwise alienated.

"(C) Notwithstanding the restrictions set forth in subparagraph (B), Settlement Common Stock may be transferred to a Native or a descendant of a Native--

"(i) pursuant to a court decree of separation, divorce, or child support;

"(ii) by a holder who is a member of a professional organization, association, or board that limits his or her ability to practice his or her profession because he or she holds Settlement Common Stock; or

"(iii) as an inter vivos gift from a holder to his or her child, grandchild, great-grandchild, niece, or nephew.

"(D) TRANSFERENCE OF SETTLEMENT COMMON STOCK.-(A) Upon the death of a holder of Settlement Common Stock, ownership of such stock (unless conveyed in accordance with subsection (C)(B)(iii)) shall be transferred in accordance with the lawful will of such holder or pursuant to applicable laws of intestate succession. If the holder fails to dispose of his or her stock by will and has no heirs under applicable laws of intestate succession, the stock shall escheat to the issuing Regional Corporation and be canceled.

"(B) The issuing Regional Corporation shall have the right to purchase at fair value Settlement Common Stock transferred pursuant to applicable laws of intestate succession to a person not a Native or a descendant of a Native after the date of the enactment of the Alaska Native Claims Settlement Act Amendments of 1987 if--

"(i) the corporation--

"(I) amends its articles of incorporation to authorize such purchases; and

"(II) gives the person receiving such stock written notice of its intent to purchase within ninety days after the date that the corporation either determines the decedent's heirs in accordance with the laws of the State or receives notice that such heirs have been determined, whichever later occurs; and

PUBLIC LAW 100-241—FEB. 3, 1988

101 STAT. 1795

diate family who are Natives or descendants of Natives, the first right to purchase, on reasonable terms, the Replacement Common Stock of the shareholder prior to the sale or transfer of such stock (other than a transfer by will or intestate succession) to any other party, including a transfer in satisfaction of a lien, writ of attachment, judgment execution, pledge, or other encumbrance; and

(iii) any other term, restriction, limitation, or provision authorized by the laws of the State.

"(E) Replacement Common Stock shall not be subjected to a lien or judgment execution based upon any asserted or unasserted legal obligation of the original recipient arising prior to the issuance of such stock."

VILLAGE, URBAN, AND GROUP CORPORATIONS

Sec. 6. Subsection (c) of section 3 (48 U.S.C. 1607(c)) is amended to read as follows:

"(c) APPLICABILITY OF SECTION 7.—The provisions of subsections (a), (b), and (d) of section 7 shall apply in all respects to Village Corporations, Urban Corporations, and Group Corporations."

PROCEDURES FOR CONSIDERING AMENDMENTS AND RESOLUTIONS

Sec. 7. The Alaska Native Claims Settlement Act is further amended by adding the following new section:

"PROCEDURES FOR CONSIDERING AMENDMENTS AND RESOLUTIONS"

Sec. 28. (a) COVERAGE.—Notwithstanding any provision of the articles of incorporation and bylaws of a Native Corporation or of the laws of the State, except those related to proxy statements and solicitations that are not inconsistent with this section—

(1) an amendment to the articles of incorporation of a Native Corporation authorized by subsections (a) and (b) of section 7, subsection (d)(1)(B) of this section, or section 37;

(2) a resolution authorized by section 39(A)(1);

(3) a resolution to establish a Settlement Trust; or

(4) a resolution to convey all or substantially all of the assets of a Native Corporation to a Settlement Trust pursuant to section 39(A)(1);

shall be considered in accordance with the provisions of this section.

(b) BOARD PROCEDURES.—(1) An amendment or resolution described in subsection (a) may be approved by the board of directors of a Native Corporation in accordance with its bylaws. If the board approves the amendment or resolution, it shall direct that the amendment or resolution be submitted to a vote of the shareholders at the next annual meeting or at a special meeting of the board, at its discretion, scheduled such meeting. One or more such amendments or resolutions may be submitted to the shareholders and voted upon at one meeting.

(2)(A) A written notice (including a proxy statement if required under applicable law), setting forth the amendment or resolution approved pursuant to paragraph (1) (and, at the discretion of the board, a summary of the changes to be effected) together with any amendment or resolution submitted pursuant to subsection (a) and the statements described therein shall be sent, not less than fifty days nor more than sixty days prior to the meeting of the

NOTE →

shareholders, by first-class mail or hand-delivered to each shareholder of record entitled to vote at his or her address as it appears in the records of the Native Corporation. The corporation may also communicate with its shareholders at any time and in any manner authorized by the laws of the State.

"(B) The board of directors may, but shall not be required to, appraise or otherwise determine the value of—

Comments.

"(i) land conveyed to the corporation pursuant to section 140(X1) or any other land used as a cemetery;

"(ii) the surface estate of land that is both—

"(I) exempt from real estate taxation pursuant to section 507(X1XA) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 51 and following); and

"(II) used by the shareholders of the corporation for subsistence uses (as defined in section 503 of the Alaska National Interest Lands Conservation Act); or

"(iii) land or interest in land which the board of directors believes to be only of speculative value;

in connection with any communication made to the shareholders pursuant to this subsection.

"(C) If the board of directors determines, for quorum purposes or otherwise, that a previously ordered meeting must be postponed or adjourned, it may, by giving notice to the shareholders, set a new date for such meeting not more than forty-five days later than the original date without sending the shareholders a new written notice (or a new summary of changes to be effected). If the new date is more than forty-five days later than the original date, however, a new written notice (and a new summary of changes to be effected if such a summary was originally sent pursuant to subparagraph (A)), shall be sent or delivered to shareholders not less than thirty days nor more than forty-five days prior to the new date.

does not relate at all to petitioning for a special meeting, or a special meeting to recall the board.
25% ↘

"(d) ~~Subparagraph (1)(A) With respect to an amendment authorized by section 7(g)(X1)(E) or section 87(h) or an amendment authorizing the issuance of stock subject to the restrictions provided by section 7(g)(X2)(E)(III), the holders of shares representing at least 25 per centum of the total voting power of a Native Corporation may petition the board of directors to submit such amendment to a vote of the shareholders in accordance with the provisions of this section.~~

NOTE →

"(e) The requirements of the laws of the State relating to the solicitation of proxies shall govern solicitation of signatures for a petition described in subparagraph (A) except that the requirements of Federal law shall govern the solicitation of signatures for a petition that is to be submitted to a Native Corporation which at the time of such submission has listed a class of equity securities registered pursuant to the Securities Exchange Act of 1934. If a petition meets the applicable solicitation requirements and—

NOTE ←

"(i) the board agrees with such petition, the board shall submit the amendment and either the proponents' statement or its own statement in support of the amendment to the shareholders for a vote; or

"(ii) the board disagrees with the petition for any reason, the board shall submit the amendment and the proponents' statement to the shareholders for a vote and may, at its discretion, submit an opposing statement or an alternative amendment.

"(3) Paragraph (1) shall not apply to a Native Corporation that on or before the date one year after the date of enactment of the Alaska

PUBLIC LAW 100-241--FEB 3, 1988

101 STAT. 1797

Native Claims Settlement Act Amendments of 1987 elects application of section 37(d) in lieu of section 37(b). Until December 18, 1991, paragraph (1) shall not apply to a Native Corporation that elects application of section 37(c) in lieu of section 37(b), insofar as they are not inconsistent with this section, the laws of the State shall govern any shareholder right of action for Native Corporations.

NOTE

(d) Voting Standards.—(1) An amendment or resolution described in subsection (a) shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

- (A) a majority of the total voting power of the corporation, or
- (B) a level of the total voting power of the corporation greater than a majority (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.

(2) A Native Corporation in amending its articles of incorporation pursuant to section 7(c)(2) to authorize the issuance of a new class or series of stock may provide that a majority (or more than a majority) of the shares of such class or series must vote in favor of an amendment or resolution described in subsection (a) (other than an amendment authorized by section 37) in order for such amendment or resolution to be approved.

(e) Voting Power.—For the purposes of this section, the determination of total voting power of a Native Corporation shall include all outstanding shares of stock that carry voting rights except shares that are not permitted to vote on the amendment or resolution in question because of restrictions in the articles of incorporation of the corporation.”

DURATION OF ALIENABILITY RESTRICTIONS

SEC. 8. The Alaska Native Claims Settlement Act is further amended by adding the following new section after section 36:

DURATION OF ALIENABILITY RESTRICTIONS

“Sec. 37. (a) GENERAL RULE.—Alienability restrictions shall continue until terminated in accordance with the procedures established by this section. No such termination shall take effect until after December 18, 1991.

48 USC 1622

(b) Opt-Out Procedure.—(1)(A) A Native Corporation may amend its articles of incorporation to terminate alienability restrictions in accordance with this subsection. Only one amendment to terminate alienability restrictions shall be considered and voted on prior to December 18, 1991. Rejection of the amendment shall not preclude consideration prior to December 18, 1991, of subsequent amendments to terminate alienability restrictions.

(B) If an amendment to terminate alienability restrictions is considered, voted on, and rejected prior to December 18, 1991, then subsequent amendments to terminate alienability restrictions after December 18, 1991, shall be considered and voted on—

- (i) in the case of an amendment submitted by the board of directors of the corporation on its own motion, not earlier than five years after the rejection of the most recently rejected amendment to terminate restrictions; or

any provision of other Act is determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other provision of either Act."

SECURITIES LAWS EXEMPTION

Sec. 14 Section 28 (48 U.S.C. 1625) is amended to read as follows:

"SECURITIES LAWS EXEMPTION

"Sec. 28. (a) A Native Corporation shall be exempt from the provisions, as amended, of the Investment Company Act of 1940 (61 Stat. 729), the Securities Act of 1933 (43 Stat. 76), and the Securities Exchange Act of 1934 (48 Stat. 881) until the earlier of the day after—

"(1) the date on which the corporation issues shares of stock other than Settlement Common Stock in a transaction where—

"(A) the transaction or the shares are not otherwise exempt from Federal securities laws; and

"(B) the shares are issued to persons or entities other than—

"(i) individuals who held shares in the corporation on the date of the enactment of the Alaska Native Claims Settlement Act Amendments of 1987;

"(ii) Natives;

"(iii) descendants of Natives;

"(iv) individuals who have received shares of Settlement Common Stock by inheritance pursuant to section 7(h)(2);

"(v) Settlement Trusts; or

"(vi) entities established for the sole benefit of Natives or descendants of Natives; or

"(2) the date on which alienability restrictions are terminated; or

"(3) the date on which the corporation files a registration statement with the Securities and Exchange Commission pursuant to either the Securities Act of 1933 or the Securities Exchange Act of 1934.

"(b) No provision of this section shall be construed to require or imply that a Native Corporation shall, or shall not, be subject to provisions of the Acts listed in subsection (a) after any of the dates described in subsection (a).

"(c)(1) A Native Corporation that, but for this section, would be subject to the provisions of the Securities Exchange Act of 1934 shall annually prepare and transmit to its shareholders a report that contains substantially all the information required to be included in an annual report to shareholders by a corporation subject to that Act.

"(2) For purposes of determining the applicability of the registration requirements of the Securities Exchange Act of 1934 on or after the date described in subsection (a), holders of Settlement Common Stock shall be excluded from the calculation of the number of shareholders of record pursuant to section 19(g) of that Act.

"(d)(1) Notwithstanding any other provision of law, prior to January 1, 2001, the provisions of the Investment Company Act of 1940 shall not apply to any Native Corporation or any subsidiary of such corporation if such subsidiary is wholly owned (as that term is

defined in the Investment Company Act of 1940) by this corporation and the corporation owns at least 95 per centum of the equity of the subsidiary.

"(2) This Investment Company Act of 1940 shall not apply to any Settlement Trust.

"(3) If, but for this section, a Native Corporation would qualify as an Investment Company under the Investment Company Act of 1940, it shall be entitled to voluntarily register pursuant to such Act and any such corporation which so registers shall thereafter comply with the provisions of such Act."

ELIGIBILITY FOR NEEDS-BASED FEDERAL PROGRAMS; MINORITY STATUS

Sec. 16. Section 29 (42 U.S.C. 14020) is amended by adding the following new subsection:

"(c) In determining the eligibility of a household, an individual Native, or a dependent of a Native (as defined in section 29(i)) to—

"(1) participate in the Food Stamp Program,

"(2) receive aid, assistance, or benefits, based on need, under the Social Security Act, or

"(3) receive financial assistance or benefits, based on need, under any other Federal program or federally-assisted program, none of the following, received from a Native Corporation, shall be considered or taken into account as an asset or resource:

"(A) cash (including cash dividends on stock received from a Native Corporation) in the amount that it does not, in the aggregate, exceed \$2,000 per individual per annum;

"(B) stock (including stock owned or distributed by a Native Corporation) in dividends or distributions on stock;

"(C) a partnership interest;

"(D) land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and

"(E) an interest in a settlement trust.

"(d) Notwithstanding any other provision of law, Alaska Natives shall remain eligible for all Federal Indian programs on the same basis as other Native Americans.

"(e) For all purposes of Federal law, a Native Corporation shall be considered to be a corporation owned and controlled by Native and a minority business enterprise if the Settlement Common Stock of the corporation and other stock of the corporation held by holders of Settlement Common Stock; and by Native and descendants of Natives, represent the majority of both the total equity of the corporation and the total voting power of the corporation for the purposes of electing directors.

"(f) For all purposes of Federal law, direct and indirect subsidiary corporations, joint ventures, and partnerships of a Native Corporation qualifying pursuant to paragraph (e) shall be considered to be entities owned and controlled by Native and a minority business enterprise if the shares of stock or other units of ownership interest in any such entity held by such Native Corporation and by the holders of its Settlement Common Stock represent a majority of both—

"(A) the total equity of the subsidiary corporation, joint venture, or partnership; and

§ 46.65.130 TRADE AND COMMERCE § 46.65.160

Sec. 45.55.130. (Renumbered as AS 45.55.980.)

Sec. 46.65.138. Application to Alaska Native Claims Settlement Act corporations. The initial sale of stock of a corporation organized under Alaska law pursuant to 43 U.S.C. 1601 — 1699 (Alaska Native Claims Settlement Act) is not a sale of a security under AS 46.65.070 and 45.55.130-139. (3 h ch 70 SLA 1972)

Cross reference — For purpose of 43 U.S.C. 1601 in the Temporary and Special Act enacting this section, see § 1 of 1972 Act.

Sec. 45.55.139. Reports of corporations. A copy of all annual reports, proxies, consents or authorizations, proxy statements and other materials relating to proxy solicitations distributed, published or made available by any person to at least 100 Alaska resident shareholders of a corporation that has total assets exceeding \$1,000,000 and a class of equity security held of record by 501 or more persons and which is exempted from the registration requirements of AS 45.65.070 by AS 45.65.138, shall be filed with the administrator concurrently with its distribution to shareholders. (3 h ch 70 SLA 1977)

NOTES TO DECISIONS

Construction of common law prohibition of materially false and misleading statements — For same construction of common law prohibition of materially false and misleading statements in proxy solicitations, see Brown v. Word, 623 P.2d 261 (Alaska 91)

Sec. 45.55.140. (Renumbered as AS 45.55.900.)

Sec. 45.55.150. Filing of sales and advertising literature. The administrator may by regulation or order require the filing of a prospectus, pamphlet, circular, form letter, advertisement, or other sales literature, or advertising communication, distributed or intended for distribution to prospective investors, including clients or prospective clients of an investment adviser. (3 h ch 198 S. A 1959, as § 12 ch 106 SLA 1961; am 4 14 ch 96 SLA 1972)

Sec. 45.55.160. Misleading filings. A person may not, in a document filed with the administrator or in a proceeding under this chapter, make or cause to be made an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading. (3 301 ch 105 S. A 1969; am § 13 ch 50 SLA 1972)

§ 45.55.920

TRADE AND COMMERCE

§ 45.55.920

expenses shall be paid out of the funds of the administrator in the same manner as other disbursements made by the administrator. The amounts paid from the funds of the administrator are a lien upon all of the assets and property in this state of the issuer, broker-dealer, agent, or investment adviser and the amount may be recovered by the attorney general on behalf of the state.

(d) Failure of the issuer, broker-dealer, agent, or investment adviser to pay fees and expenses under this section is a willful violation of this chapter and the violation falls within the provisions of AS 45.55.060, 45.55.120, 45.55.920 and 45.55.200. It is in effect of M.L.A. 1972.

Revisor's Note — Formerly AS 45.55.188. Renumbered in 1994.

Sec. 45.55.920. Orders, injunctions, and civil penalties. (a) If it appears to the administrator that a person has engaged or is about to engage in an act or practice in violation of a provision of this chapter or regulation or order under this chapter, the administrator may

(1) in the public interest or for the protection of investors, issue an order

(A) directing the person to cease and desist from continuing the act or practice;

(B) directing the person, for a period not to exceed three years, to file the annual reports, proxies, consents or authorizations, proxy statements, or other materials relating to proxy solicitations required under AS 45.55.139 with the administrator for examination and review 10 working days before a distribution to shareholders; and

(C) voiding the proxies obtained by a person required to file under AS 45.55.139, including their future exercise or actions resulting from their past exercise, if the proxies were collected by means of an untrue or misleading statement prohibited under AS 45.55.160, or

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or regulation or order under this chapter, and upon a proper showing, the appropriate remedy must be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets; the court may not require the administrator to post a bond.

(b) The administrator may issue an order against an applicant, registered person, or other person who knowingly or intentionally violates this chapter or a regulation or order of the administrator under this chapter, imposing a civil penalty of not more than \$5,500 for a single violation, or not more than \$25,000 for multiple violations, in a single proceeding or a series of related proceedings.

(c) For violations not covered by (b) of this section, the administrator may issue an order against an applicant, registered person, or other person who violates this chapter or a regulation or order of the

administrator under this chapter, imposing a civil penalty of not more than \$600 for a single violation, or not more than \$5,000 for multiple violations, in a single proceeding or a series of related proceedings.

(d) Before issuing an order under (a)(1), (b), or (c) of this section, the administrator shall give reasonable notice of and an opportunity for a hearing. However, the administrator may issue a temporary order under (a)(1) of this section pending the hearing, which remains in effect until 10 days after the hearing is held and which becomes final if the person to whom notice is addressed does not request a hearing within 15 days after the receipt of notice. (AS 309 ch 196 SLA 1959; am § 1 ch 126 SLA 1969; am § 1 of 85 SLA 1981; am § 107 ch 18 SLA 1982; am § 2 ch 87 SLA 1989)

Reviser's notes. -- Formerly AS 45.55.200. Renumbered in 1991.

Sec. 45.55.925. Criminal penalties. In addition to the civil penalties assessed under AS 45.55.920, a person who willfully violates a provision of this chapter except AS 45.55.180, or who willfully violates a regulation or order under this chapter, or who willfully violates AS 45.55.160 knowing the statement made to be false or misleading in a material respect or the undertaking to be misleading by any material respect, upon conviction, is punishable by a fine of not more than \$5,000, or by imprisonment for not less than one year nor more than five years, or both. Upon conviction of an individual for a felony under this chapter, imprisonment for not less than one year is mandatory. However, an individual may not be imprisoned for the violation of a regulation or order if the individual proves that the individual had knowledge of the regulation or order. An indictment or information may not be returned under this chapter more than five years after the alleged violation.

(b) The administrator may refer the evidence that is available concerning violations of this chapter or a regulation or order under this chapter to the attorney general who may, with or without a referral, institute appropriate criminal proceedings under this chapter.

(c) Nothing in this chapter limits the power of the state to punish a person for conduct that constitutes a crime by statute or at common law. (AS 309 ch 196 SLA 1959; am § 1 ch 126 SLA 1969; am § 17 ch 17 SLA 1972; am § 3 ch 87 SLA 1989)

Reviser's notes. -- Formerly AS 45.55.210. Renumbered in 1991.

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FILED

DEC 02 1994

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Bayview, Inc. Alaska Native Village
Corporations, on behalf of all Alaska
Native Village Corporations similarly
situated, and Lewis Olsen, on behalf
of himself and others similarly situated,

Plaintiffs

vs.

AHTNA, INC., ARCTIC SLOPE REGIONAL
CORPORATION, SERING STRAITS REGIONAL
CORPORATION, CALISTA CORPORATION, CHUGACH
ALASKA CORPORATION, COOK INLET REGION,
KONIAG, INC., DOYON, LIMITED, SEALASKA
CORPORATION, THE ALEUT CORPORATION, and
ROY S. EWAN, JACOB ADAMS, JACK CARPENTER
PIO PARK, MICHAEL E. BROWN, ROY M.
HUHNDORF, FRANK PAGANO, MARK THOMPSON,
LEC BARLOW, and ALICE PETRIVELLI,
INDIVIDUALLY,

Defendants.

and,

BRISTOL BAY NATIVE CORPORATION, and
NANA REGIONAL CORPORATION, INC.

Nominal Defendants.

PLAINTIFFS' CLASS
ACTION COMPLAINT

TRIAL BY JURY
DEMANDED

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Filing Status
Filed 12/2/94
by [initials]*

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UNITED STATES DISTRICT COURT
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DISTRICT OF ALASKA

Bayview, Inc. Alaska Native Village)
Corporations, on behalf of all Alaska)
Native Village Corporations similarly)
situated, and Lewis Olsen, on behalf)
of himself and others similarly situated.)

Plaintiffs)

vs.)

AMTNA, INC., ARCTIC SLOPE REGIONAL)
CORPORATION, BERING STRAITS REGIONAL)
CORPORATION, CALISTA CORPORATION, CHUGACH)
ALASKA CORPORATION, COOK INLET REGION,)
KONIAG, INC., DOYON, LIMITED, SEALASKA)
CORPORATION, THE ALEUT CORPORATION, and)
ROY S. SWAN, JACOB ADAMS, JACK CARPENTER)
PIO PARK, MICHAEL E. BROWN, ROY M.)
HUHDORF, FRANK PAGANO, MARK THOMPSON,)
LEC BARLOW, and ALICE PETRIVICKI,)
INDIVIDUALLY.)

Defendants.)

and,)

BRISTOL BAY NATIVE CORPORATION, and)
NANA REGIONAL CORPORATION, INC.)

Nominal Defendants.)

PLAINTIFFS' CLASS
ACTION COMPLAINT

TRIAL BY JURY
DEMANDED

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Clerk's Office
File Room
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escrow until a final determination is made by the IRS. In addition Sealaska for the year ending March 31, 1992 recorded a receivable of \$12,743,000 representing principal and interest due under one of its NOL agreements.

45. Upon information and belief, it is estimated that the sale of NOL related subsurface revenues has amounted to hundreds of millions of dollars through July 1, 1993, and upon information and belief, this sum, by the date of this complaint, may exceed \$500,000,000.

Calista Corporation's Claim and Settlement

46. Upon information and belief, sometime in 1990 defendant Calista communicated with officials of defendants to claim that the proceeds from defendants' NOL sales (involving 5 7(i) assets) are required to be shared pursuant to ANSCA § 7(i) ("the Calista claim").

47. Upon information and belief, sometime in 1991 all defendants, except the Nominal Defendants, resolved to settle the Calista claim by entering into a "Mutual Assistance Agreement" ("MAA"). The MAA recited that the agreement would enable the regional corporations, except Nominal Defendants, to "fully and finally resolve any differences regarding the application of Section 7(1) and the Section 7(i) Settlement Agreement to the Proceeds of NOL Transactions, thereby avoiding the expense, uncertainty, and disruption of commercially valuable cooperative relationships within the native community associated with litigating the Calista claim."

Reel 46-49 and 61