

Original sponsor: Parr, Anderson,
Barnes, et al

Offered: 3/12/79
Referred: Rules

Funding Information
General Fund \$500,000
Other Funds -0-
\$500,000

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 65 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Law; and providing for an effective date."

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

9 * Section 1. (a) The legislature finds that the President of the United
10 States has acted arbitrarily and beyond the intent of law by using the Anti-
11 quities Act to close some 56,000,000 acres of Alaska land to public use. As
12 a result of the President's action many trappers, hunters, miners, and others
13 have had their livelihood destroyed, a destruction not justified by a compel-
14 ling public interest. The legislature, as representatives of a free people,
15 finds such action intolerable and intends to seek redress through both the
16 courts and the Congress.

17 (b) The average citizen lacks the resources to oppose the massive power
18 of the federal government. The legislature finds it appropriate to assist
19 Alaskan citizens in resisting arbitrary action by the federal executive by
20 paying for legal assistance to those whose livelihoods have been taken away.

21 * Sec. 2. The sum of \$500,000 is appropriated from the general fund to
22 the Department of Law for the purpose of paying reasonable legal defense fees
23 for trial and appellate level legal representation for persons who

24 (1) for at least three years before December 1, 1978,

25 (A) have earned at least one-half of their annual income as a
26 direct result of activities conducted on lands declared to be national
27 monuments by Presidential proclamations 4611 - 4627, issued December 1,
28 1978, under authority of 16 U.S.C. sec. 431, or have required access
29 through the lands to conduct the activities; or

1 (B) have subsisted through subsistence hunting or fishing
2 entirely or partly on lands declared to be national monuments by Presi-
3 dential proclamations 4611 - 4627, issued December 1, 1978, under autho-
4 rity of 16 U.S.C. sec. 431, or have required access through the lands to
5 conduct the activities;

6 (2) are detained under a charge of, formally charged with, or
7 convicted of a crime under 16 U.S.C. secs. 431 - 433 or a rule or regulation
8 issued under 16 U.S.C. secs. 431 - 433 on lands declared to be national
9 monuments by Presidential proclamations 4611 - 4627, issued December 1, 1978,
10 under authority of 16 U.S.C. sec. 431, as a result of the continuation of
11 those activities described in (1) of this section;

12 (3) are not charged with any offense against the state of Alaska
13 alleged to have arisen from the same event or facts which gave rise to the
14 alleged federal violation;

15 (4) are not eligible for any other state or federal assistance
16 which would pay for the legal fees; and

17 (5) make a written request to the department for the payment of
18 reasonable legal fees incurred in defending against the charge or in appeal-
19 ing the conviction, or both; the department may establish a schedule of
20 reasonable legal fees for the defense or appeal.

21 * Sec. 3. The unexpended and unobligated portion of this appropriation
22 lapses into the general fund June 30, 1980.

23 * Sec. 4. If any part of this Act is held unconstitutional, the entire
24 Act is void, and the unexpended portion of the funds appropriated by this Act
25 lapses into the general fund.

26 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).