

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

Introduced: 1/26/79  
Referred: Resources,  
Finance and Judiciary

1 IN THE SENATE

BY FAHRENKAMP

2 SENATE BILL NO. 76

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 and miners have had  
13 their livelihood destroyed, a destruction not justified by a compelling  
14 public interest. The legislature, as representatives of a free people, finds  
15 such action intolerable and intends to seek redress through both the courts  
16 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  
28 December 1, 1978, under authority of 16 U.S.C. sec. 431; or

29 (B) have subsisted through subsistence hunting or fishing

1 entirely or partly on lands declared to be national monuments by  
2 Presidential proclamations 4611 - 4627, issued December 1, 1978, under  
3 authority of 16 U.S.C. sec. 431;

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

10 (3) make a written request to the department for the payment of  
11 reasonable legal fees incurred in defending against the charge or in appeal-  
12 ing the conviction, or both. The department may establish a schedule of  
13 reasonable legal fees for the defense or appeal.

14 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
15 070(c).

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