

HB

82

HOUSE COMMITTEE REPORT

(9)

Date referred 1/30/87

FURTHER REFERRALS: Judiciary

DATE: _____

The Resources Committee has considered HB 82

"An Act relating to certain reports and records concerning game animals."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Dick Schultz
Chairman

Cliff Davidson no rec
Jan G. ... no rec

Chairman's signature

 Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____
 Revision Date: 1/30/87
 Title: An Act relating to certain reports and records concerning game animals.
 Sponsor: game animals.
 Requestor: Shultz
 House Resources

Bill Version: HB 82
 Publish Date: 1/30/87

Agency Affected: ADF&G
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks
 Division: Commissioner's Office

Phone: 465-4100
 Date: 4/23/87

Approved by Commissioner: Steven Remington
 Agency: _____

Date: 4/23/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Representative Dick Shultz

Alaska State House of Representatives

P.O. Box V • Juneau, Alaska 99811 • (907) 465-4940

Home: P.O. Box 487 • Tok, Alaska 99780



Member
House Resources Committee

MEMORANDUM

April 23, 1987

TO: ALL LEGISLATORS

FROM: DICK SHULTZ *DS*

RE: HB 82

The purpose of this legislation is to protect personal information provided to the state on hunting and trapping documents.

The rationale is the same used to keep commercial fish tickets confidential and is based on our fundamental rights of privacy especially as it applies to our livelihood.

In 1986 Governor Sheffield vetoed this legislation on the basis that it was not needed. Within just a few months of his veto animal protectionists groups, via the courts, forced the Department of Fish and Game to release personal information from trapping records for distribution for their use.

I point this out to demonstrate the need for a clarification in law to protect personal information on hunting and fishing documents.

I urge your support in protecting the private information trappers and hunters continue to provide in good faith to the state. Good wildlife management would be very difficult without these records.

* Anti-Hunting Group Seeking Names of New Jersey Trappers



Rodger Iverson, chairman of the Coalition of New Jersey Sportsmen

Having campaigned successfully to ban the steel leghold trap in New Jersey, the antis now are apparently taking aim at the trappers themselves.

An attorney for Friends of Animals and the Humane Society of the United States has asked the New Jersey Division of Fish and Game for a list of persons who have been licensed to trap in New Jersey.

The New Jersey attorney general's office has instructed the division to make the names and addresses available.

Attorney General Irwin Kimmelman informed the antis in mid-January that the only listing of licensed trappers available is for 1984. He said the division does have license stubs or receipts available from the 1980 to 1984 period and that these may be inspected at the Clinton office. The 1985 stubs have not

yet been audited and won't be available until mid-1986. The ban went into effect last October.

The Coalition of New Jersey Sportsmen does not want any of these names and addresses released. Their attorney, James Seeley, of Bridgeton, has asked the Appellate Court in Salem County to stay the release of the list. That same court is scheduled to take up a number of issues involved in the trapping ban in a case set to begin on May 19.

Rodger Iverson, chairman of the coalition, said the antis already are harassing trappers and sportsmen and that there is no reason for them to have the list. They claim they need it for the court case.

"There is no logical reason for them to have that list," Iverson insisted. "If they're simply concerned about the elimination of the trap, that can clearly be accomplished without abolishing the trapper himself.

"Having been harassed myself, I know it can become rather upsetting. I'm concerned it could lead to some kind of altercation."

Iverson is also very concerned about the precedent the release of the trapping list could set.

"Will they next want a list of all licensed hunters in the state? What about gun owners?" he asked.

Iverson and other sportsmen worry about the list being distributed to members of anti-trapping organizations so that trappers can be placed under surveillance—as some apparently have been in the past.

Although no one is questioning that the use of the steel leghold trap has been banned in New Jersey, some very important issues remain to be decided in the May case in Salem County. Among the questions to be considered are:

- May trappers keep their steel leghold traps? (The law passed by the New Jersey Legislature bans even the possession of leghold traps but provides no compensation for their confiscation.)

- Can the state ban the interstate transportation of leghold traps? (The law seeks to make it illegal to even drive through the state with a leghold trap in a vehicle.)

- Is the padded-jaw, soft-catch trap a viable alternative to the steel leghold trap?

A New Jersey court earlier ruled that trappers may keep their traps until the courts reach a final decision in the case.

One fact that has emerged during the legal debates is the connection between banning traps and banning guns.

The New Jersey attorney general's office has argued that traps can be banned without compensation and has cited gun bans to support its case.

After mentioning a number of court cases, a brief filed by the attorney general's office declared, "Similarly, in the instant case the Legislature has, in the exercise of its police power, banned the use of the steel-jawed leghold trap. As a means to accomplish that end, it has banned possession of the trap itself.

"If it is constitutional to take away without compensation the right to possess firearms which had previously

been lawfully acquired, to save human life, then, in the legitimate exercise of police power it is constitutional to take away, without compensation, the right to possess leghold traps, to save animals from a cruel and barbarous fate."

Iverson pointed out, "So as some of us previously thought, the confiscation of leghold traps can involve firearms. Indeed, there is a direct intention to involve firearms."

He urged other sportsmen to rally to the support of the trappers.

"It's time that people get involved. The precedent of confiscation, the precedent of names and addresses being distributed—these are things that threaten all sportsmen.

"The hunters, the trappers and the fishermen have to stand together because we're really all in the same boat. If we don't stand together, we're all going to be on the endangered species list."

Another threat to New Jersey trappers and sportsmen is the tremendous expense of fighting the antis in the Legislature and, now in the courts.

Iverson estimated that \$33,000 already had been spent and that another \$10,000 would be needed just to bring in the expert witnesses for the May trial.

He urged sportsmen to send their contributions to the Sportsmen's Defense Fund, Coalition of New Jersey Sportsmen, c/o Irwin, Post and Rosen, 65 Livingston Avenue, Roseland, N.J. 07068.

"United we can beat the antis. Divided, we're all going to lose. The trappers just happen to be in the greatest danger right now," Iverson concluded.