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4169

SENATE FINANCE COMMITTEE REPORT

DATE: 3/15/90

FURTHER:

DATE TURNED INTO OFFICE: 3/21/90

The Finance Committee considered

SB 469

"An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

and recommended:

- | | |
|---|---|
| <input type="checkbox"/> replace with _____ CS _____ | <input type="checkbox"/> same title |
| <input type="checkbox"/> or adopt _____ CS _____ | <input type="checkbox"/> new title |
| | <input type="checkbox"/> technical title change (HB only) |
| <input type="checkbox"/> attached amendment(s) | |
| <input type="checkbox"/> _____ letter of intent adopted | |

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:
 fiscal note(s) _____

zero fiscal note(s) DFEG 3/12/90

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

OTHER RECOMMENDATIONS:

[Signature] - No Rec

[Signature] (No Rec)

1. [Signature] DO PASS 2. _____

co-Chairs Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: 3/12/90
 Title: Obstruction or hindrance of lawful hunting, fishing, or trapping
 Sponsor: Senator Frank
 Requestor: _____

Agency Affected: Fish and Game
 BRU: Wildlife Conservation
 Components: Wildlife Conservation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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)

No FY 90 impact.

Prepared by: Bruce Dinneford

Phone: 465-4190

Division: Wildlife Conservation

Date: 3/12/90

Approved by Commissioner: *[Signature]*

Date: 3/12/90

Agency: _____

Distribution (by preparer):

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 469	SPONSOR Senator Frank
SHORT TITLE OF BILL Obstruction or hindrance of lawful hunting, fishing, or trapping			
DEPARTMENT POSITION Support			
PREPARED BY Bruce Dinneford	DATE 3/12/90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3/12/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunters
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SB 469 would prohibit the harassment of persons legally engaged in hunting fishing, or trapping, and by inference, the disturbance of equipment used in hunting, fishing, and trapping. Similar legislation was vetoed by Governor Sheffield in 1983 and 1984, and in 1986 and 1988 further attempts failed to pass both bodies of the Legislature.

ANALYSIS OF BILL/PROGRAM EFFECTS

This legislation would have no fiscal impact on the Division of Wildlife Conservation. With the increased activity of anti-trapping and hunting advocates in Alaska, this law could be helpful in protecting the privileges of those legally pursuing consumptive use of wildlife resources. 35 other states have such laws.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BY SEN. FRANK, Kelly, Fahrenkamp

1 IN THE SENATE

2

SENATE BILL NO. 469

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the obstruction or hindrance of
7 lawful hunting, fishing, or trapping."

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

9 * Section 1. AS 16.05 is amended by adding new sections to read:

10 Sec. 16.05.790. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,
11 FISHING, OR TRAPPING. (a) Except as provided in (e) of this section,
12 a person may not intentionally obstruct or hinder another person's
13 lawful hunting, fishing, or trapping.

14 (b) For purposes of (a) of this section, "lawful" means

15 (1) in compliance with this title, regulations adopted
16 under this title, and applicable federal statutes and regulations; and

17 (2) with the permission of the private landowner if the
18 hunting, fishing, or trapping occurs on private land.

19 (c) A peace officer who has probable cause to believe that a
20 person has violated this section may arrest or cite the person or
21 order the person to desist.

22 (d) In a prosecution under this section, it is an affirmative
23 defense that the person was lawfully entitled to obstruct or hinder
24 the hunting, fishing, or trapping.

25 (e) This section does not apply to a commercial fisherman while
26 engaged in a customary practice recognized in the commercial fishing
27 industry.

28 (f) A person who violates this section is guilty of a misdemean-
29 or and is punishable by a fine of not more than \$500 or imprisonment

1 for not more than 30 days, or both.

2 Sec. 16.05.791. CIVIL REMEDIES. (a) A person aggrieved by
3 conduct or threatened conduct in violation of AS 16.05.790 may peti-
4 tion a superior court to enjoin the respondent from engaging in the
5 conduct.

6 (b) A person aggrieved by a violation of AS 16.05.790 is en-
7 titled to recover general damages and special damages, including
8 license and permit fees, travel costs, guide-outfitting fees, costs
9 for special equipment and supplies, and other related expenses.

10 (c) A court may award punitive damages in addition to the dam-
11 ages set out in (b) of this section.

STEVE FRANK
DISTRICT 8
SEAT A

119 N. Cushman, Rm. 212
Fairbanks, Alaska 99701

White in Juneau
P.O. Box A
Juneau, Alaska 99801
(907) 453-5709

Capitol Room 314

Alaska State Legislature



Senate

MEMBER
Finance Committee
Resources Committee
Legislative Council
Special Committee on Banking &
Economic Development

VICE-CHAIR
Community & Regional
Affairs Committee

TO: Senate Finance Committee Members

FROM: Senator Steve Frank

RE: SB 469 - Obstruction or hindrance of lawful
hunting, fishing or trapping

DATE: March 21, 1990

Senate Bill 469 would prohibit the intentional obstruction or hindrance of lawful hunting, fishing or trapping - commonly known as hunter harassment.

Harassment by anti-hunting organizations and individuals occurs frequently in the lower 48 and Canada. Currently 37 states have enacted laws prohibiting hunter harassment.

As was anticipated in the early 1980's, harassment is becoming a serious problem here in Alaska as well. This past October the 1989 Subsistence Conference, sponsored by the Rural Alaska Community Action Program (Rural CAP) and the Alaska Federation of Natives, focused on hunter harassment as a threat to subsistence hunting activities. A specific incident occurring on the Pribilof Islands during fur seal harvests was cited as an example of harassment that threatens a way of life for many Alaskans and should not be allowed to continue.

Similar bills have been introduced several times in the Legislature since 1983. Two of those bills were approved by both the House and Senate in 1983 and 1984 but were vetoed; however, concerns and problems raised in past years have been adequately addressed by the legislation before you.

I encourage the committee to take positive action in protecting the valued and traditional activities of hunting, fishing and trapping in Alaska by supporting Senate Bill 469. Thank you for your consideration.



ALASKA OUTDOOR COUNCIL, INC.

3780 MCGINNIS DEL JUNEAU AK 99801
(907) 789-3450

P.O. Box 34097
Juneau, Ak. 99803

MEMORANDUM

DATE: March 13, 1990
TO: Senator Steve Frank
FROM: Ed Grasser, Director Legislative Affairs
RE: SB 469 Hunter Harassment

The Alaska Outdoor Council has continually supported the passage of legislation which will protect individuals engaged in lawful harvesting of fish and wildlife from undue harassment by those persons who believe such practices should be banned.

There are increasing incidents of unprovoked attacks by individuals opposed to the harvest of wildlife nationwide. These types of activities were not in evidence here in Alaska until recently; therefore, past efforts to protect an individual's legal harvest activities were denied by Governor Sheffield, who vetoed two different pieces of legislation which would have accomplished this vital goal.

This past year, Native peoples in remote areas of Alaska were harassed during their attempts to harvest marine mammals which they depend upon for a livelihood. These types of activities will no doubt increase as individuals opposed to the harvest of wildlife become bolder in their attempts to physically harass or prevent legal harvests from taking place.

The problems posed by the increasingly blatant attempts of anti-hunters for lawful outdoorsmen will continue to grow if we do nothing. We feel SB 469 is a step in the right direction to protect the rights of persons legally engaged in wildlife harvests. In our opinion it will go a long way toward solving any future potential conflicts between user groups and will help protect America's outdoor heritage.

ESKIMO WALRUS COMMISSION
P.O. Box 948
Nome, Alaska 99762

March 13, 1990

Senator Steve Frank
P.O. Box V
Juneau, AK 99811

FAX # 463-3378

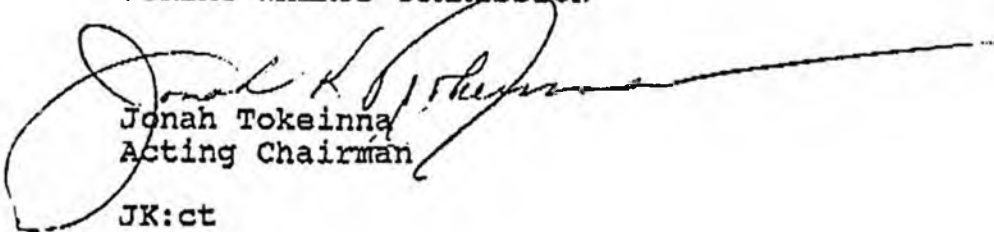
Dear Senator Frank:

The Eskimo Walrus Commission is supporting Senate Bill 469
for adoption by the State Legislature.

We believe that adopting this Senate Bill would not
infringe on those people that have a legitimate right to hunt,
trap and fish.

Sincerely,

ESKIMO WALRUS COMMISSION



Jonah Tokeinna
Acting Chairman

JK:ct



1989 Subsistence Conference Summary



"Subsistence Is Survival"



Photo by David Hardenbergh

Co-Sponsored by the Alaska Federation of Natives, Inc.
and the Rural Alaska Community Action Program, Inc.

October 16-17, 1989
Egan Convention Center, Anchorage

1989 Subsistence Conference

Migratory Birds in Western Alaska

The topic of migratory birds was the focus of the next speaker, Jack U. Williams, Sr. of Mekoryuk. Chuck Hunt interpreted for him. As Mr. Williams was growing up, there were very many ducks and geese. He never heard of waterfowl sport hunting at that time, nor were there shotguns. They used bows and arrows when hunting waterfowl.

The Waterfowl Conservation Commission, chaired by Mr. Williams, originated in 1984. The main purpose of the WCC is to work with the USFWS and others to help people in the villages of the Y-K Delta deal with the issue of waterfowl population declines.

Animal Rights Groups Threaten Subsistence Lifestyles

The panel on "Threats to Our Way of Life - The Animal Rights Agenda" was next. Larry Mercurieff, Commissioner of the Alaska Department of Commerce and Economic Development, and Dave Monture of Indigenous Survival International in Canada were the speakers.

Mr. Mercurieff showed a video depicting animal right, protectionists harassing Natives on the Pribilof Islands, because of their use of fur seals for subsistence. His focus was on strategies and tactics used by the animal rights groups, their effect on aboriginal people, and what can be done about it. "What happened in the Pribilofs are exactly the same things that will be focused on throughout Alaska, throughout the entire Northern Hemisphere, and throughout the whole world," due to the activities of the animal rights groups.

Dave Monture described Indigenous Survival International as an organization born in 1984 as a direct result of the Dené people in Canada's Northwest Territories becoming very concerned about a new wave of a "colonial attitude from the South." -- people organizing with tremendous resources in a manner which would prove to be a great threat to Dene plans for self-determination and land claim settlements in the Northwest Territories.

"We're not dealing with people with the same sense of ethics or fairness, but we're dealing with people with a new zeal, a new religion for urban Western man," Monture said. ISI-Canada has joined with the British Museum to produce "The Living Arctic," a highly successful major exhibition in London, England designed to educate the public on aboriginal lifestyles.

In Conclusion

The afternoon session commenced with workshops on "Marine Mammals," "Title VIII of ANILCA," and the "Animal Rights Movement." The facilitators of these sessions reported back to the general assembly following the workshops.

The Animal Rights Movement workshop participants first viewed a film on strategies and the lack of ethics in the animal rights community, specifically in the Native seal campaign. It was concluded that animal rights groups pose a life-threatening situation to our people, not only in their methods of fire-bombs, but in actual cases of teenagers committing suicide in communities where seal subsistence is being cut off, thereby drastically altering traditional lifestyles.

The Marine Mammals workshop addressed the five species of seals in Alaska, sea otter, walrus, beluga whale, and polar bear. The participants learned that there are 900,000 fur seals today, and the population may have leveled off. The Fish & Wildlife program on walrus includes a management plan for walrus, monitoring populations, monitoring harvest, and habitat protection.

The Alaska Sea Otter Commission was formed in 1988. The Commission is very concerned about a proposed rule by the Fish & Wildlife Service to restrict cottage industry practices involving sea otter by Alaska Natives. The Commission has recently initiated a Memorandum of Agreement with FWS which, along with a Management Plan, would address problems FWS is trying to answer in its proposed rule.



Photos by David Hardenbergh

Dave Monture of ISI-Canada (left) led a workshop on the threats that animal rights groups are posing to subsistence lifestyles. RurAL CAP attorney Eric Smith (below) explaining how villages can write their own fish and game regulations.

