

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 80 / 2

2542 SJ HB 128 - HB 195

2542

Society November/December, 1979

grams for prevention and treatment. Their paper is the first to address adolescent abuse from the standpoint of a combination of factors, involving parents, children and social stresses, and is intended to guide future work on the subject.

Teen-Age Prostitutes

Adolescent prostitution has been receiving a great deal of attention in Minnesota, and particularly in the Twin Cities area of Minneapolis-St. Paul. The area is notorious as the home of many young girls who are now working as prostitutes in New York City, Chicago, and California; so notorious that one section of New York with numerous adolescent prostitutes has become known as the "Minnesota Strip."

Based on 3 years of direct fieldwork, Michael Baizerman, Jacquelyn Thompson, Kimaka Stafford-White, and "An Old, Young Friend"—an 18-year-old woman with five years' experience in prostitution—have written of this problem in *Children Today*.

In the Twin Cities area, girls of all races are involved in prostitution; their ages range from 13 to 18. Some have a male pimp, others do not, and many make a transition from working independently to working for a pimp. Generally speaking, most of the young prostitutes work "the street"—both actual city blocks and other specific locations, such as shopping malls and the areas around some bars and after-hours clubs. Most sex acts take place in cars, although some girls use apartments and, more rarely, motel and hotel rooms.

Many of the girls practice birth control; pills, followed by the IUD, are the two most popular forms. Since girls may begin using the pill at an early age, they may be at risk of resultant medical complications. Use of the IUD could lead, through violence during the sex act, to such serious problems as perforation of the cervix. Condoms seem to be used less as a pregnancy prophylactic than as a preventive for venereal disease.

Many girls do not know much about venereal disease, and what information they do have seems to be obtained from "the street." Some learn from experience that one consequence might be scar tissue on the fallopian tubes, which could prevent pregnancy. Generally, pimps take care of the medical and health expenses of their girls.

Many pimps working in neighborhoods and the metropolitan area do not use hard drugs and do not allow their girls to use them—hard drug use raises the risk of arrest and the cost of the pimp's operation. Hard drugs also compete with a pimp for the girl's dependency. This is not to say that many girls do not have a history of drug use or that some girls may not be intentionally intro-

duced to drugs as a way to secure and control them. However, this latter pattern is more characteristic of interstate than of local patterns.

All of the pimps are male and most of the younger ones are black. Those who live in the neighborhood where the girls work—"popcorn" or "bubblegum" pimps, or "players"—are about 17, 18 and 19 years old, while those who come from outside the state are usually older, having moved up the "career ladder" from neighborhood pimp to small businessman. Black pimps tend to work on the street while white pimps, usually older, are more likely to be involved with more formally organized action such as call girls, saunas, and massage parlors.

In general, the younger pimps come from disadvantaged neighborhoods; they have relatively poor formal education, lack basic skills, and have few opportunities to obtain legitimate work. As a result, they are likely to be frustrated, angry, resentful, and unsure of themselves. They tend to use fear to control their girls and may attempt to hurt a girl or someone who tries to interfere with their operation. It is likely, however, that many of these young men will move out of pimping if other possibilities are found. Those who stay in it do so partly because there are few work opportunities. Most do not stay out of any great pathological or perverse need.

Older and more sophisticated pimps rarely use physical force on their women. Their method of control is psychological and emotional, with the goal of having the girls become totally dependent upon them.

The local buyers or Johns seem to be white men over 25 years of age, both married and single. We know that many have families of their own—and that some men ask for girls of their daughters' age.

Although a wide variety of sex acts are performed, most men seem to want oral sex or intercourse. The price varies according to the act and the time involved. For ordinary oral sex or intercourse, it is about \$25. Other factors—whether the girl works for a pimp, the location of the pick-up, the nature of the sex act, and whether or not there is a big convention in town—also influence the cost.

Most of the action seems to take place from lunchtime to late afternoon, and then later in the evening. These afternoon times fit well within typical male working schedules and allow married men the opportunity to be home in the evening and still engage in—and protect—their activities.

Business hours are also determined by the girls' schedules. Since they may also be students in junior and senior high school, the girls may choose to work only after school. Afternoon hours are convenient for girls who live at home and work at prostitution part time, without parental knowledge.

Jury deliberates pimp case

By JULIE ANNE GOLD

Star News-Recorder

The fate of Willie B. Bell, an Anchorage man accused of setting up three teenage girls in a case of prostitution, was being deliberated Wednesday night by a jury of 12 men and six women.

Closing arguments were brought an end Wednesday to the five-day trial in which the former teen-age prostitutes explained to the jury the details of working the streets of Anchorage to the jury.

Bell was arrested in May for allegedly forcing two of the girls, and attempting to force the third, to engage in prostitution. He was also indicted on a fourth charge of legally running a prostitution business.

If convicted, Bell, who has pleaded guilty to all the charges, could face up to 10 years in jail, according to the district attorney's office.

The case is the first time in many years the state has brought an alleged pimp to trial on felony charges, the district attorney's office said.

Prosecutor Martha Beckwith relied heavily Wednesday on the testimony of the teen-agers to prove the state's case against Bell.

Under oath the girls, ages 15, 16 and 17, pointed to the defendant — usually slouched in his chair — as their former pimp who often beat them and threaten to kill them for not making more money from "johns" or "dates."

Bell's lawyer, Peter Mysing, claimed Bell never agreed to be their pimp and that



they were free to leave him any time, but decided live with him while they — on their own — engaged in prostitution.

Mysing acknowledged Bell on occasion drove the girls downtown, accepted money from them and slapped them during "domestic" quarrels. However, he denied his client ever "induced or forced" them to be prostitutes.

In order to convict Bell on first-degree pimping charges, the state must prove he intended to cause or force the girls to engage in prostitution.

In an effort to discredit the girls'

testimony, Mysing requested Bell's testimony of driving one of the girls to the Big Timber motel for a "date."

The room cost \$17 and the girl received \$10, Mysing said. Bell would have to be an "extremely bad pimp" if he had set up the "meeting."

Beckwith defended the testimony of the girls. "She obviously went through the wringer to come in and testify candidly," Beckwith said, defending the veracity of one of the girls' statements.

That girl admitted under cross-examination to being a prostitute and living with several men for a few months at a time before agreeing to live and work for Bell in January.

"Ladies and gentlemen, ask yourselves why Mr. Bell was involved with these young girls, these juveniles," Beckwith said. "Why did he give them rides" downtown, wait for them and pick them up."

"If it were not like Tom like Mr. Bell, perhaps juveniles would not run to the street. Bell performed a function on that street," Beckwith claimed.

If the jury reaches a verdict Wednesday, one court source said, the results would be sealed and not made public until this morning.

My Pimp Saw My Sentence of 3 years

BY TERRY GARR
Daily Newsleader

A 30-year-old lover of five was sentenced to three years in prison Wednesday for running a prostitution ring of teenage boys.

While B. Bell, who has been in jail since he was arrested on January charges in May, is the first person to be convicted and sentenced to prison under a new law enacted last month, the provision of maximum sentence, juvenile parole officers said.

Superior Court Judge Milton Sorenson said he added one year to Bell's sentence because of testimony Wednesday by another jail inmate, William Smith. Smith told the court Bell Wednesday evening threatened to harm him and his daughter when Smith gave testimony unfavorable to Bell.

Bell denied making the threat.

Sorenson ordered Bell to prison during a hearing on Oct. 10 at County Court House at 10:30 a. m. with J. J. Tilling, who called his client's sentence "a disgrace in the law" and said Bell was a "hardy bastard."

If Sorenson gave him probation, Bell said the judge, "you'll never see me in another courtroom for anything."

Sorenson called the crimes for which Bell was convicted in October a "dirty business."

"The sentence has to serve as a deterrent" to Bell and others engaged in prostitution, he said.

Sorenson also said he was indignant heavily by oral testimony and evidence that the Bell used violence and the threat of violence to control the girls in his prostitution ring.

Prosecutors who started for Bell testified during the trial that Bell often beat them and threatened to kill them.

Sorenson said "the great misfortune of Vermont would not be placed in prostitution" unless threatened with violence, lured with the promise of marriage, or by other means of persuasion.

"Here, the powerful persuasion was threats of violence and on at least one occasion, the use of violence," he said.

Bell, who sat silently throughout most of Wednesday's testimony, spoke only to complain for probation and to complain the testimony of Smith, the inmate who claimed Bell had threatened him.

"I've been in jail," Bell said. "I learned my lesson in jail. I don't need to spend any more time in jail."

Smith, who was arrested here in December on an Arraignment, said he became friendly with Bell in jail after he was put out of jail. Smith accused Bell as being a pimp.

Smith, who at first refused to testify, was released under Sorenson's order, and Bell also threatened Smith's 14-year-old daughter unless Smith testified unfavorably.

Bell called his daughter, Smith or his mother.

"I said him was to come to court last night and tell the truth," Bell said.

Sorenson, however, said he believed that he could be persuaded to give to the sentence because of the threats.

"I don't see Bell needs to sit in jail and think about that. We've got to get to the point that we're not going to tolerate that kind of behavior," Sorenson said.

Sorenson gave Bell credit for the 30 days he had already spent in jail. Bell will be charged with the same crime as the other boys of his sentence.

ADN 10/10/50
Willie Bell convicted in teen-ager prostitute case

By JULIE ANNE GOLD
Daily News reporter

Willie H. Bell, accused as a Fourth Avenue pimp, was convicted of inducing a 14-year-old girl into a life of prostitution by a Superior Court jury Thursday.

The 29-year-old Bell faces up to 10 years for the first-degree felony charge.

In a complex reading of six separate verdicts, the jury found Bell innocent of forcing two other girls, ages 15 and 16, into prostitution, but guilty of promoting them to become prostitutes.

These lesser, third-degree charges carry possible prison sentences of up to a year and 90 days.

Delivering its sixth verdict in the

case, the jury found Bell guilty of managing and supervising a prostitution enterprise, other than in a place of prostitution. The felony offense holds a maximum sentence of five years in prison.

Bell, nervously looking around the nearly empty courtroom Thursday, buried his head in his hands after the clerk read the first "guilty" verdict.

"We plan to appeal," said Peter Mysing, Bell's attorney.

"All three ladies' testimony was damaging against Bell," Mysing said. "The issue was who was the jury going to believe."

Even though Bell admitted taking money that he knew came from prostitution from the 16-year-old, according to Mysing, Bell never "caused" or

"induced" the 14-year-old to become a prostitute.

However, the jury thought otherwise.

"There was definite evidence to support she was forced into prostitution," one juror said Thursday. "The photos showed she was beaten and bruised."

Prosecutor Martha Beckwith said the 14-year-old's testimony and a tape-recorded confrontation between Bell and the three girls probably were the most damaging evidence against Bell.

"He bent the truth bad," a juror identified by the state as belonging to the 14-year-old—said on the tape.

A series of color snapshots, passed from juror to juror, depicted the teen-ager with cuts and bruises on her face and arms.

However, the testimony of the older girls apparently did not convince the jury that Bell "forced" or "attempted to force" them into prostitution.

One of the girls, who admitted to being a prostitute before she met Bell, told the jury she was his lover for several months before his arrest.

"In her case, it was hard to tell what was a lovers' fight from a business fight," another juror said.

Another juror agreed, saying there was just not enough evidence for a first-degree conviction in connection with the two other girls.

But the jurors, gathered around Judge Milton Souter's third-floor jury room for the last time, all agreed there was plenty of evidence to convict Bell of the state's last charge—

pimping for the three girls.

"The facts showed he drove them around" Fourth Avenue, one juror said, and "then waited and picked them up."

Mysing called this conviction a "surplus charge." The only way his client could be convicted of inducing the 14-year-old to become a prostitute, Mysing said Thursday, would be by pimping for her.

If Bell is sentenced to both charges the state will be guilty of double jeopardy, Mysing claimed.

Beckwith disagreed, saying she "was pleased" with the verdicts.

It was the first time "in at least four or five years" the state has successfully prosecuted someone for street pimping, she said.

Anchorage Times 2/2/83

Prostitutes' survival — old but tricky business

"Oh, the Sisters of Mercy, they are not departed or gone."

— Leonard Cohen

by Krys Holmes
and Ellis E. Conklin
Times Writers

Under the neon lights of the Scandinavian Club, Denise, a 22-year-old hooker, stood alone Monday night.

After a deep yawn, she lit up a cigarette, licked the slush from her maroon leather boots and ambled down The Avenue.

Few people walked by her. And those who did didn't seem to notice. Denise is a Fourth Avenue fixture like the drunks and the hot chili at the Panhandle Cafe.

At \$50 a crack and several "tricks" a

night, Denise can make as much as \$600 to \$1,000 a week. All the money, however, goes to her pimp. And, as one police officer put it: "They all say they work alone, but there isn't one girl out there who doesn't have a pimp."

The pimp takes care of her room and board, clothing, and the modest accessories necessary to perform nightly in this ancient profession.

"Things are quiet now," she said. "They (police) made the big bust and there ain't nothing left for 'em, 'cept for me and couple of other girls."

"I think they want to get the streets clean for Fur Rondy," Denise said bitterly.

She quickened her pace, turned the

corner at Fourth and Barrow, and decided she "don't want to talk no more."

There aren't many prostitutes talking right now. After a crackdown last weekend, most of them are scared. Others are in hiding "until the heat cools down." And many of them are still in jail dressed in blue jumpsuits, waiting for their pimps to post bail.

In the past 72 hours, Anchorage police, dressed in street clothes, have made 54 arrests for loitering and solicitation. Some of the women were collared as many as three times during the weekend. Chief Brian Porter said he can't remember seeing that much jail activity in several years here.

During the weekend, Porter said, the

streets were thick with prostitutes, a competition among the women was fiercer. Some actually tried to stop traffic or climb into cars, Porter said. A police officer walking down the street discovered a prostitute with her "trick" having sex in the rear of a car. She got her \$50 for the deal — and was arrested on the spot. One local woman said her husband was propositioned as she walked to a restaurant in the Sunshine Mall.

There were no customers arrested, not a single pimp.

Police say many of the women now working the streets came from Canada, Hawaii and the West Coast. Some came for the money; some because Anchorage has the

See Trick, page 1

Trick

(Continued from page A-1)

been a part of the prostitutes' migration pattern between Honolulu, Seattle, San Francisco and Los Angeles.

And for others, it is the promise of making a bundle during the Fur Rendezvous celebration that begins next weekend, and the military's Brim Frost maneuvers, that bring some 60,000 potential customers to Alaska to play war games in the Interior and see the sights of Anchorage afterward.

Tim Casper, a veteran on the vice squad, said the number of prostitutes on The Avenue rises and falls in a pattern. "It's something you can really count on," he said. "In January, they're all over, and they'll be that way until we put the pressure on them."

The "pressure" starts when the public outcry rises above a tolerant grumble. Until then, police are encouraged to spend the taxpayers' money going after the less visible crimes: robberies, rapes and burglaries.

But prostitution takes its toll on Anchorage's streets. Customers are rolled. Men are robbed by the women they willingly pay for, as the girls try to make more money for their "men."

Of the 23 murders that occurred in Anchorage in 1982, three of them were directly related to prostitution, police say. In two of the homicides, it was the hooker who killed. In the third, a pimp shot a girl's customer.

Casper said 30 to 40 percent of all the robberies and at least 60 percent of the pickpocketing in Anchorage is related to prostitution and street people on Fourth Avenue.

"We could put a lot of man hours into trying to build a felony theft case against one guy, and get very poor results. Or we could use the same number of officers and drag a few of the prostitutes off the streets and clean it up for a while," he said.

"My theory is to arrest them on loitering charges, and enforce their (probation) restrictions. Let them know Anchorage isn't going to tolerate it. Maybe then they'll leave, and with them the pimps will go, and the crime will go, too."

Most of the women are charged with loitering for purposes of prostitution, a misdemeanor. Because state laws about prostitution are ambiguous, and because a woman will almost always say she works alone, men are seldom arrested, and rarely prosecuted.

In this business, men may pay the money, but the women pay the price.

Joanne Baker, 25, is six months pregnant. She was arrested for soliciting Sunday night. It was her second arrest for prostitution since

coming to Anchorage from Miami last year.

There were no extra beds at the Sixth Avenue Jail Sunday night; she slept on the floor.

Looking haggard as she gazed through the plexiglass window in the visitor's room, Joanne scratched her stringy blonde hair. Her blue eyes were watery and her arms were speckled with small red blotches. She didn't want to talk, especially to a reporter.

She said she turned to selling her body after she couldn't find work as a bar maid. Asked about the weekend sweep, Joanne said, "Police, they told us it was because of Fur Rondy. That's why. That's why they're hitting on us."

And "when she gets out on the streets again?" "Well, we'll just move to a different area. There's always a different area to go to," she replied.

However, Joanne isn't sure how she is going to make bail. She appeared panicky. She says she has no pimp to fork out the \$300. "I don't know how I'm going to get it. I don't know. I don't know. Maybe, I'll call a friend."

Joanne and 20 other women were arraigned Monday before District Court Judge John D. Mason. They sat in the courtroom chained together.

Most of them were given bail and a court date, with the provision that they no longer sell their wares in the downtown area between Third and Sixth, from D Street to Barrow.

But most of them will. And many will go to jail. For the second, third, even seventh and eighth times.

Scott Sidell, a municipal prosecutor, said he has seen the same faces and names over and over again. Their names and ages are usually phony. But those arrested are all too often teen-agers posing as adults. Girls, posing as women, selling off their childhood bit by bit in exchange for an allowance, or a home, for a man who says he loves them.

It's shortly before midnight and Veronica stood in the doorway of an adult book store. She pulled her rabbit fur coat tighter around her. Her eyes searched for a possible customer. But no one was around.

During a brief conversation, Veronica said she's not worried about the police clampdown on her livelihood. "We'll be tricking back out again. The cops do this a couple of times a year. No big deal."

Standing alone again later, she spotted a man wearing an Army fatigue jacket, walking slowly near the Elbow Room. She waited until he passed right in front of her before she said, "Hey, you want to party?"

Her breath formed a tiny white cloud as she spoke.

They walked quickly together, neither of them speaking.

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COMMITTEE REPORT

SENATE

FURTHER:

Date: 7/27/13

Mr. President:

The Committee on Subcommittee has had 10/13/13

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for 2950 (S. 1111) same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Section 1

Adds a new chapter stating the the commissioner shall classify and make available for homestead entry state land. The commissioner survey land and give notice of the designation and offering of land for homestead shall be given by the commissioner under AS 38.05.345.

Outlines privileges of an applicant to survey, occupy and improve the land. Requires applicant to stake land and file description with commissioner.

Outlines qualification for homestead entry applicants:

1. At least 18 years of age.
2. Pay a fee of \$5 per acre.
3. Comply with existing law.
4. Certify land has been staked.
5. Assume responsibility for land description accuracy.

Limits applicant permit acquisition at any one time and limits acquisition of a patent to not more than 160 acres.

Homestead may not be assigned, conveyed or transferred. There are three exceptions.

Entry permits may be revoked by commissioner for five reasons:

1. Substantial breach of permit conditions.
2. Unpermissible assignment, conveyance or transfer.
3. Failure of permit holder to submit plats.
4. Failure of permit holder to meet requirements under AS 38.09.050(a).
5. Failure to brush boundaries within prescribed time period.

Outlines criteria for patent issuance by commissioner:

1. Resides on land not less than 25 months within 5 years of permit issuance.
2. Completes an approved survey within two years of permit issuance.
3. Erects habitable, permanent dwelling within 3 years of permit issuance.
4. Brushes boundaries within 30 days after issuance of permit.

Land available for borough or city selection may be designated as homestead entry.

Definitions.

Section 2

Immediate effective date.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 130 Date on Bill: 24 March 1983
 Title: An act relating to homesteads
 Sponsor: Hebling
 Requestor: Resources Committee

1. Estimated fiscal effects on:

a. Expenditures

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-
b. Revenues:				
Revenue	-0-	-0-	-0-	-0-

2. Source of funds to offset fiscal impact of bill:

Existing program budget for land offering program.

3. Assumptions:

Given the anticipated high cost of implementing and administering this program, due to potential difficulties with adjudication and inspection of staking programs, the Department's other land offering programs will be reduced.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Ned Farguhar Phone: 465-2400
 Division: Commissioner's Office Date: 28 March 1983
 Approved by Commissioner: WMS D Arnold, Deputy Date: 28 March 1983
 Department: Natural Resources

5. Distribution:

Original to Legislative Finance
 Copy to OMB

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Senate

Committee on Resources

June 13, 1983

Memo

To: Senate Resource Committee Members

From: Senate Resources Committee Staff

Subject: Proposed CS for CSHB 130, Homesteads

Attached is a proposed CS which we will be considering today at 3:00pm. This bill contains several changes from the draft which was handed out on June 10. The additional changes are marked with an asterisk below.

The proposed Committee CS makes the following changes from the House CS:

- Would require DNR to provide lands classified for agriculture in addition to other lands made available for homestead entry. Ag lands could be larger parcels (up to 160 acres), would require a 25% clearing and preparation for cultivation in addition to the other "sweat equity" requirements, and under existing statute only ag rights patent would be issued.
- Would change the maximum acreage available for homestead staking for non-ag lands from 160 acres to 40 acres.
- Would give DNR latitude similar to current remote parcel statute to specify staking conditions, parcel spacing, acreage, etc.
- Applicants would be limited to one homestead per lifetime rather than 160 acres per lifetime as in House CS.
- The remote parcel program would be repealed and most of the relevant requirements and benefits rolled into the homestead program. Current remote parcel lessees would be protected and would also have the option of obtaining patent through sweat equity requirements of homestead program.
- Like remote parcel program homestead entry stakers would have the option of purchasing parcels at fair market value if they elect to within two years of staking and meet survey, brushing, and clearing requirements (ag only).
- * ---If land purchased within two years, patent would contain condition that land not be sold or subdivided within 5 years of patent.
- The time to complete a survey by entrymen could be administratively extended from two to three years if a good-faith effort to obtain a survey has been made.

- To facilitate individual surveys and avoid staking errors, DNR is required to monument no less than one mile from each homestead entry available for staking. The House bill only required exterior boundary monumentation.
- * ---Sections 2-6 were added to the draft CS to conform other sections in Title 38 to the repeal of the remote parcel program. Where applicable, references to remote parcels or to the statute sections were substituted with references to homesteads and its statute chapter.
- * ---Section 9 on page 8 was added to have the repeal of the remote parcel program and other statute references take effect July 1, 1984 rather than immediately with the homestead program. The purpose is to permit the DNR time to continue to offer remote parcel lands before the homestead program can be implemented.

AMENDMENT

One optional amendment is attached which would authorize the DNR to conduct a lottery to limit the number of stakers permitted to go out and stake in a certain area.

*Nothing
to go*

HOMESTEAD BILL SUMMARY

CSHB 130(Fin) am
(House-passed)

SCS CSHB 130(Resources)
(Senate Resources-passed)

Method of Disposal	Stake corners, flag boundaries, file by aliquot parts	Same, subject to DNR staking procedures, possible lottery to limit number of stakers
Parcel Size	2.5-160 acres, not to exceed 10% of area open	40 acres maximum for non-ag land 160 acres maximum for ag land
Fee	\$5/acre filing fee	Same
Survey	Required within 2 years	Required within 2 years, except that commissioner can extend a year with good-faith effort
Habitable Dwelling	Build within 3 years, or 4 years if substantially complete	Same
Reside on Land	Must reside 25 months within 5 years	Same
Clearing	Must brush boundaries within 90 days	Same. If ag land, must clear 25% and prepare for cultivation within 5 years
Nature of Patent	Surface estate patent after sweat equity requirements met.	Surface estate patent after sweat equity met, or after down payment within 2 years of staking if applicant opts for fair market value purchase. If purchased, can't sell or subdivide for 5 years. Ag rights only patent to ag lands.
Applicant Qualifications	Age 18, 1-year resident, Only patent to 160 acres in lifetime.	Age 18, 1-year resident, Only one homestead patent per lifetime.
Other Provisions	Disposals subject to local platting, subdivision requirements.	Same. Repeals remote parcel program effective July 1, 1984 and rolls in major provisions into homestead program

"HOMESTEAD GOALS"

APPLICABLE STATE LAND DISPOSAL PROGRAMS

Return to traditional,
pioneer way of land settle-
ment: psychological goals

State "homestead" law repealed in 1979 in favor of other similar disposal programs. Federal "homestead" lands withdrawn in 1973. Federal "homestead" law repealed in 1976 except for Alaska for 10 more years. BLM reopened Minchumina federal lands for homestead entry in 1982, other areas may be opened.

Cheap or Free Land

All state programs require a minimum of survey costs (\$1000-2000); Most require purchase at fair market value less up to 50% residency discount until April of 1983 (court struck).

Sweat Equity

Homesites. Construct dwelling in 5 years; Occupy land 35 mos. in 7 years; Reimburse state survey costs.

Disposal by Staking of Land

Remote Parcels.

Larger Acreage

Remote Parcels are maximum 40 acres; Ag auction or lottery sales 200-2000+ acres.

Lands Suitable for Agriculture

Auction or Lottery Sales of both large ag project lands and small ag land parcels.

FY-83 ORDER (D.O. 83-17)

Department of Natural Resources

Specific Disposal Targets

- Identify 67,000 net acres for FY-85
- Develop 67,000 net acres for FY-84
- Offer 60,000 net new acres in FY-83
- Return all previously offered projects to over-the-counter inventory in FY-83
- Minimum 15,000+ acres small Ag annually
- Target 7/1/85 for minimum over the counter:
 - A. Remote Parcel - 150,000 net stakable
 - B. Subdivision - 20,000 net acres
- Pursue Homestead Legislation

General Disposal Policies

- Improve Quality
- Emphasize Accessible Areas
- Remote Areas - Restricted to Community Expansion & Development Areas & Limited Recreation
- Encourage Capital Improvement Funding for Municipalities/State
- Pursue Inventory Replacement/Over-The-Counter Program
- Other Policies



DNR Land Disposal Programs

DISPOSAL PROGRAM	PARCEL SIZE	PRICE TO PURCHASER	TERMS	FREQUENCY OF PARTICIPATION	METHOD OF DETERMINING WINNER	OVER THE COUNTER	APPLICANT QUALIFICATIONS		ON SITE REQUIREMENTS FOR TITLE	
							AGE	AK. RESID.		
LOTTERY	ANY	APPRAISED FAIR MARKET VALUE	5% DEPOSIT, MAXIMUM 20 YEAR PAYOFF	1 PER 8 YEARS EXCEPT FOR SALE BY LOTTERY OF PLANNED AGR. PROJECTS	LOTTERY	APPLIES TO REMAINING PARCELS	18	1 YEAR	NONE	• LAND DISCOUNT APPLICABLE (EXCEPT FOR COMMERCIAL OR INDUSTRIAL PARCELS)
AUCTION SALE	ANY	BID PRICE (MINIMUM BID, APPRAISED VALUE)	5% DEPOSIT, 20 YEAR PAYOFF	1 PARCEL PER AUCTION	HIGH BID AT PUBLIC AUCTION	APPLIES TO REMAINING PARCELS	18	NONE	NONE	LAND DISCOUNT APPLICABLE (EXCEPT FOR COMMERCIAL OR INDUSTRIAL PARCELS)
HOMESITE	GENERALLY 5 ACRES OR LESS	SURVEY AND PLATTING COSTS ONLY	PAYMENTS SPECIFIED BY CONTRACT	1 IN A LIFE-TIME PER HOUSEHOLD	LOTTERY	APPLIES TO REMAINING PARCELS	18	3 YEARS IMMEDIATE PRIOR OR RESID W/ 20 YEARS CUMMUL	CONSTRUCT DWELLING WITHIN 5 YEARS, OCCUPY LAND 35 MONTHS IN 7 YEARS	ENTRY PERMIT NON ASSIGNABLE
REMOTE PARCEL	MAXIMUM 40 ACRES	APPRAISED FAIR MARKET VALUE AS OF DATE OF LEASE	LEASE: \$10 PER ACRE PURCHASE: 5% DOWN 20-YEAR PAYOFF	1 PER 8 YEARS	UNLIMITED: FIRST-COME, FIRST-SERVED BASIS		18	1 YEAR	STAKE CORNERS, BOUND LINES AND SURVEY PARCEL	<ul style="list-style-type: none"> • LEASE CANNOT BE ASSIGNED, CONVEYED OR OTHERWISE TRANSFERRED • LAND MAY NOT BE SOLD, LEASED CONVEYED OR SUBDIVIDED FOR 10 YEARS FROM DATE OF SALE CONTRACT • LAND DISCOUNT APPLICABLE
					LIMITED: DRAWING	APPLIES TO REMAINING ENTRIES				
LEASE	ANY	% OF APPRAISED VALUE OR HIGH BID	PAYMENTS SPECIFIED BY CONTRACT	1 PARCEL PER AUCTION	HIGH BID AT PUBLIC AUCTION	APPLIES TO REMAINING PARCELS	18	NONE	NONE	DEVELOPMENT PLAN FOR COMMERCIAL/INDUSTRIAL USE REQUIRED
AGRICULTURAL INTEREST	ANY	APPRAISED VALUE OR HIGH BID	SEE LOTTERY OR AUCTION TERMS	1 PER 8 YEARS	BY LOTTERY OR HIGH BID AT PUBLIC AUCTION	APPLIES TO LOTTERY. MAY APPLY TO AUCTION	18	1 YEAR	<ul style="list-style-type: none"> • A FARM DEVELOPMENT PLAN MAY BE REQUIRED • A FARM CONSERVATION PLAN IS REQUIRED 	<ul style="list-style-type: none"> • MAY REQUIRE PRE QUALIFICATION • RECEIVES AGR INTEREST ONLY • LAND DISCOUNT APPLICABLE

Southcentral District Office

Frontier Building, 10th Floor
3601 C Street
Pouch 7-005
Anchorage, Alaska 99510
(907) 276-2653

Mac-Su Area Office
Century Plaza, Suite 202
Mile .5 Knik Road
Pouch 4008
Wasilla, Alaska 99687
(907) 376-4595

Kenai Peninsula Area Office
Mile 92 Sterling Highway
P.O. Box 1130
Soldotna, Alaska 99669
(907) 262-4124

Southeastern District Office

Marine View Apartments, Room 407
230 S. Franklin Street
Juneau, Alaska 99801
(907) 465-3400

Haines Area Office
Gateway Building, 2nd Floor
P.O. Box 263
Haines, Alaska 99827
(907) 766-2120

Ketchikan Office
State Office Building, Room 205
P.O. Box 7438
Ketchikan, Alaska 99901
(907) 225-4181

Northcentral District Office

4420 Airport Way
Fairbanks, Alaska 99701
(907) 479-2243

Delta Area Office
Mile 267.5 Richardson Highway
P.O. Box 1149
Delta Junction, Alaska 99737
(907) 895-4226

• THIS CHART CONTAINS GENERAL REQUIREMENTS ONLY, IT DOES NOT LIST ALL CONDITIONS OR EXCEPTIONS. AS THE INFORMATION GIVEN HERE IS SUBJECT TO CHANGE AND MAY VARY IN SPECIFIC SALES, ALWAYS REVIEW THE CURRENT REQUIREMENTS AND PROCEDURES IN THE DISPOSAL BROCHURE THAT INCLUDES THE LAND YOU WISH TO PURCHASE.

THE APPLICANT MUST BE PRESENT AT THE ACTUAL DISPOSAL TO BE AWARDED PARCELS IN MOST LAND SALES. SEE THE SALES BROCHURE FOR EXCEPTIONS.

H

B

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9

COMMITTEE REPORT
SENATE

FURTHER:

3/7/83

Date: 3/7/83

Mr. President:

The Committee on JUDICIARY has had HS 170

Providing a penalty for violation of a law or regulation relating to fees and bookkeeping equipment

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

HB

157

COMMITTEE REPORT

SENATE

FURTHER:

Date: 4-22-53

Mr. President:

The Committee on LIBRARY has had 10

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 137 (S) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 157 Date on Bill: 2/4/83
 Title: An act to expand the right to petition for a local option election"
 Sponsor: Adams
 Requestor: House Community and Regional Affairs Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86	
Capital							
Operating							
Total				-0-	-0-	-0-	

b. Revenues:

Revenue							
---------	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions: The Division does not expect an upsurge of petitions for local option elections as a result of this legislation, as it appears that the end of the "Alcohol Project" by Alaska Legal Services has contributed to a decrease of petition activity.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: TPTThoma Phone: 4611
 Division: Elections Date: 2/23/83

Approved by Commissioner: _____ Date: _____
 Department: _____

5. Distribution:
 Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
615 "H" STREET, SUITE 100
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 272-0431

MEMORANDUM

TO: Persons Interested in the Current Status of Rural Communities With Respect to the State Title 4 Alcohol Local Option Law

FROM: Alaska Legal Services Corporation Alcohol Project

RE: Statewide Village Status Report

DATE: January 14, 1983

The ALSC Alcohol Project was funded by the State Office on Alcoholism and Drug Abuse ("SOADA") to provide statewide on-site community legal education and technical legal assistance on the state Title 4 alcohol local option law. During its existence, the ALSC Alcohol Project worked closely with rural communities throughout Alaska. The ALSC Alcohol Project has terminated.

Approximately 130 rural communities were visited and 50 other rural communities were assisted in some fashion. "Assistance" means a community either requested a petition form, cover letter, and memorandum explaining the law, or a legal opinion of their local village ordinance concerning alcohol control. This Statewide Village Status Report from the ALSC Alcohol Project is a final attempt to provide an adequate profile of individual rural community activity with respect to the state Title 4 alcohol local option law.

Presently, 74 alcohol local option elections have been held. Some communities have now held two elections, with differing results. The present tally is: 1 community has voted for a community liquor license, 51 communities have voted to forbid the sale and importation of alcoholic beverages, 10 communities have defeated the sale and importation option, 2 communities approved and 1 defeated the no sale option, and 1 community defeated the private liquor license option. Several more elections are presently scheduled and many other petitions are being circulated.

If you have any additional information or questions on specific communities, please contact Vivian Kortie at the Alcoholic Beverage Control Board, 201 East 9th Avenue, Anchorage, Alaska, 99501, or call (907) 277-8638.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results ₂ (yes/no ²)	Effective Dates	Notes
<u>ALEUTIAN/PRIBOY OF REGION</u>					
Atka (EV)	11/10/82	--	--	--	Petitions sent 10/10/82.
St. Paul (M)	5/10/82*	Ban Sale & Import (V)	47/141	--	ALOL ³ did not pass.
<u>ANCHORAGE/AHTNA REGION</u>					
Chitina (V)	3/03/82*	Ban Sale & Import (C)	--	--	Petition invalid 10/14/82
Copper Center (V)	3/27/82*	--	--	--	new petitions sent 12/23/
Mentasta (V)	10/05/82*	--	--	--	
<u>BRISTOL BAY REGION</u>					
Aleknagik (M)	4/08/82*	Ban Sale & Import (V)	26/23	--	Many questioned ballots; 1
Ekwok (M)	11/29/82	Ban Sale & Import (V)	20/03	7/1/82	majority vote.
Iliamna (V)	11/24/81*	Ban Sale (V)	35/24	--	Liquor license(s) revoked
Egegik (V)	11/10/82	Ban Sale & Import (C)	--	--	Election scheduled by DOE
Manokotak (M)	11/23/81*	Ban Sale & Import (C)	--	--	Petitions sent 1/13/83.
Newhalen (M)	11/02/82*	Ban Sale & Import (V)	6/22	--	ALOL ³ did not pass.
Portage Creek (V)	12/01/82*	Ban Sale (C)	--	--	Petitions sent 11/30/82.
Togiak (M)	11/24/81*	Ban Sale & Import (V)	93/23	6/1/82	
Twin Hills (V)	12/22/81*	Ban Sale & Import (C)	--	--	Election being considered.
Nondalton (M)	12/17/81*	--	--	--	
<u>FAIRBANKS/DOYCH REGION</u>					
Arctic Village (V)	7/23/81	Ban Sale & Import (C)	--	--	
Chalkyitsik (V)	7/15/82*	Ban Sale & Import (V)	21/02	8/1/82	

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results ₂ (yes/no ²)	Effective Dates	Notes
Dot Lake (V)	10/01/82*	Ban Sale (C)	--	--	
Eagle (V)	9/30/82*	--	--	--	
Fort Yukon (M)	12/01/81	Ban Sale & Import (C)	--	--	
Huslia (M)	3/02/82*	Ban Sale & Import (V)	40/53	12/1/82	Second election; changed vo
Kaltag (M)	11/11/82*	Ban Sale & Import (V)	50/27	1/3/83	Second election; same vote.
Mentasta (V)	10/05/82*	--	--	--	
Minto (V)	6/23/81*	--	--	--	
Northway (V)	9/29/82*	Ban Sale & Import (C)	--	--	
Nulato (M)	1/07/82	--	--	--	Petitions sent 1/7/82.
Ruby (M)	8/02/82	--	--	--	Petitions sent 8/2/82.
Stevens Village (V)	4/28/82*	Ban Sale & Import (C)	--	--	Petitions sent 4/28/82.
Tanacross (V)	9/28/82*	--	--	--	
Tanana (M)	9/23/82*	Community Liquor Store (V) '90/15		--	Applying for a liquor licen
Tetlin (V)	10/04/82*	Ban Sale & Import (V)	54/7	1/1/83	
<u>JUNEAU/SEALASKA REGION</u>					
Angoon (M)	4/06/82*	Ban Sale & Import (V)	72/94	--	ALOL ³ did not pass.
Hydaburg (M)	2/24/82*	Selected Liquor Lic. (V)	43/63	--	ALOL ³ did not pass.
Klavock (M)	10/26/82*	Community Liquor Store (C)	--	--	
Netlakatla (Reservation)	2/14/81*	--	--	--	ALOL ³ not applicable.
Thorne Bay (M)	12/01/82	Ban Sale (V)	--	--	Election improprieties; selected liquor license ap- plied for in January, 1983.
<u>KODIAK REGION</u>					
Larsen Bay (M)	7/19/82*	Ban Sale & Import (V)	17/38	--	ALOL ³ did not pass.
Old Harbor (M)	6/19/81*	--	--	--	Emergency ordinance to ban sale and import, 7/20/82.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results ² (yes/no)	Effective Dates	Notes
<u>KOTZEBUE/NAANA REGION</u>					
Ambler (M)	11/23/81*	Ban Sale & Import (V)	29/21	1/1/82	May schedule new election
Buckland (M)	10/02/81*	Ban Sale & Import (V)	52/06	6/1/82	No special election ordin
Deering (M)	11/24/81*	Ban Sale & Import (V)	32/24	6/1/82	
Kiana (M)	2/03/82*	Ban Sale & Import (V)	80/60	12/1/82	Second election -- same results.
Kivalina (M)	9/29/81*	Ban Sale & Import (V)	65/27	5/1/82	
Kobuk (M)	11/18/82*	--	--	--	Petitions sent 11/12/82.
Noatak (V)	6/10/82*	Ban Sale & Import (V)	69/53	1/1/83	
Noorvik (M)	5/29/81*	Ban Sale & Import (V)	95/46	5/1/82	
Selawik (M)	11/23/81*	Ban Sale & Import (V)	67/66	1/1/82	
Shungnak (M)	11/24/81*	Ban Sale & Import (V)	59/23	4/1/82	
<u>NOME/BERING STRAITS REGION</u>					
Diomede (M)	9/07/81*	Ban Sale & Import (V)	27/12	10/1/81	
Elim (M)	6/18/81*	Ban Sale & Import (V)	47/17	9/1/81	
Gambell (M)	7/22/81*	Ban Sale & Import (V)	79/10	9/1/81	
Golovin (M)	9/16/81*	Ban Sale & Import (V)	26/19	7/1/81	
Koyuk (M)	7/13/81*	Ban Sale & Import (V)	57/08	9/1/81	
St. Michael (M)	10/14/82*	Ban Sale & Import (V)	--	--	1/83 special election ordi nance enacted, new sale an importation petition being circulated; election conte plated.
Savoonga (M)	8/20/81*	Ban Sale & Import (V)	103/81	11/1/81	
Shaktolik (M)	9/14/81*	Ban Sale & Import (V)	30/23	11/1/81	
Shishmaref (M)	10/12/82*	Ban Sale & Import (V)	82/47	2/1/83	
Stebbins (M)	6/26/81*	Ban Sale & Import (V)	49/07	8/1/81	
Teller (M)	10/11/82*	--	--	--	
Unalakleet (M)	9/10/81*	--	--	--	

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results ² (yes/no ²)	Effective Dates	Notes
Wales (M)	7/05/81*	Ban Sale & Import (V)	29/21	9/1/81	
White Mountain (M)	7/16/81*	Ban Sale & Import (V)	29/16	4/1/82	Not officially recorded.
<u>NORTH SLOPE REGION</u>					
Anaktuvuk Pass (M)	11/11/81*	Ban Sale & Import (V)	76/11	1/1/83	
Point Hope (M)	9/15/81*	Ban Sale & Import (V)	62/39	8/1/82	
Point Lay (V)	2/09/82*	--	--	--	Within incorporated borough ALOL ³ not applicable.
Wainwright (M)	6/11/81*	Ban Sale & Import (V)	61/42	8/1/82	
<u>YUKON/KUSKOKWIM REGION</u>					
Akiachak (M)	2/02/82*	--	--	--	
Akiak (M)	2/02/82	Ban Sale & Import (V)	--	--	Election improprieties.
Akolmiut (M)	--	Ban Sale & Import (V)	106/35	10/1/81	Not assisted by ALSC.
Alakanuk (M)	3/25/82	Ban Sale & Import (V)	92/24	8/1/81	
Aniak (M)	7/22/82*	Ban Sale & Import (V)	42/129	--	ALOL ³ did not pass.
Atmautluak (M)	9/01/81*	Ban Sale & Import (V)	60/12	6/1/82	
Brevig Mission	8/26/82	--	--	--	Petitions sent 12/82.
Chefornak (M)	9/08/82*	Ban Sale & Import (V)	48/29	11/1/82	Second election.
Caevak (M)	--	Ban Sale & Import (V)	--	--	Election improprieties.
Chuathbaluk (M)	10/08/81*	Ban Sale & Import (C)	--	--	
Crooked Creek (V)	12/09/81*	--	--	--	
Eek (M)	10/19/81*	Ban Sale & Import (V)	90/15	12/1/82	
Emmonak (M)	9/03/81	Ban Sale & Import (V)	54/12	11/1/81	
Goodnews Bay (M)	4/21/82	--	--	--	
Grayling (M)	12/02/81	Ban Sale & Import (V)	34/34	--	ALOL ³ did not pass; needs majority.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results ₂ (yes/no ₂)	Effective Dates	Notes
Holy Cross (M)	7/10/81*	Ban Sale & Import (V)	50/60	--	Election results never cert
Hooper Bay (M)	10/28/82*	Ban Sale & Import (C)	--	--	Election planned for mid-February.
Kipnuk (V)	9/20/81*	Ban Sale & Import (V)	82/07	11/1/82	
Kongiganak (V)	9/17/81*	Ban Sale & Import (V)	50/09	8/1/82	
Kotlik (M)	3/09/81*	Ban Sale & Import (V)	63/15	10/1/81	
Kwethluk (M)	10/12/81*	Ban Sale & Import (V)	82/30	3/1/82	
Lime Village (V)	1/21/82*	--	--	--	
Lower Kalskag (M)	1/15/82*	Ban Sale & Import (C)	--	--	Petition died.
Marshall (M)	--	Ban Sale & Import (V)	42/16	8/1/81	Not assisted by ALSC.
Mekoryuk (M)	5/21/81*	Ban Sale & Import (V)	48/10	10/1/81	
Mountain Village (M)	5/21/81*	--	--	--	
Napakiak (M)	10/02/81*	Ban Sale & Import (V)	54/14	4/1/82	
Napaskiak (M)	9/08/82*	Ban Sale & Import (V)	55/04	12/1/82	
Newtok (M)	11/26/82	--	--	--	Petition received 11/26/82
Nightmute (M)	9/08/82*	Ban Sale (V)	39/03	1/1/83	Second election expected.
Nunapitchuk (EV)	7/10/81*	--	--	--	Using emergency ordinance.
Pilot Station (M)	7/10/81*	--	--	--	Using emergency ordinance.
Platinum (M)	--	Ban Sale & Import (V)	11/08	2/1/82	CRA ³ assisted with election
Quinhagak (M)	9/14/81*	Ban Sale & Import (V)	79/26	11/1/81	
Red Devil (V)	1/21/82	Ban Sale (V)	12/22	--	ALOL ³ did not pass.
St. Mary's (M)	9/01/81*	Ban Sale & Import (V)	63/48	10/1/81	
Seaman Bay (M)	11/09/81*	Ban Sale & Import (V)	57/10	1/1/82	
Shageluk (M)	6/22/82*	Ban Sale & Import (V)	--	--	ALOL ³ did not pass.

Village (Municipality or Village)	Petition Sent (ALSC Visit*)	Option Considered or Voted Upon	Election Results (yes/no ²)	Effective Dates	Notes
Sheldon Point (M)	9/03/81*	--	--	--	
Sleetmute (V)	8/10/82*	Ban Sale & Import (V)	23/20	8/1/82	
Stony River (V)	8/12/82*	--	--	--	
Tuksook Bay (M)	10/03/81*	Ban Sale & Import (V)	78/32	12/1/81	
Tuluksak (M)	9/09/82*	Ban Sale & Import (V)	61/16	11/1/82	
Tununak (M)	5/21/81*	Ban Sale & Import (V)	90/11	9/1/81	
Tuntutuliak (V)	12/01/81*	Ban Sale & Import (V)	47/20	9/1/82	
Upper Kalskag (M)	1/15/82*	--	--	--	

NOTE¹: The four option choices for municipalities (first and second-class and home rule cities) are:

1. Selected liquor license;
2. Community liquor license;
3. Banning the sale of alcoholic beverages;
4. Banning the sale and importation of alcoholic beverages.

Established villagers may choose option 1, 3, or 4.

NOTE²: For those villages which have chosen the option to ban sale and importation, a "yes" vote means that a voter wishes to stop the sale and importation of alcoholic beverages. A "no" vote means that a voter does not wish to stop the sale and importation of alcoholic beverages under the state alcohol local option law.

NOTE³: ALOL -- Alcohol Local Option Law.
 ALOE -- Alcohol Local Option Election.
 CRA -- Community and Regional Affairs; Division of Local Government Assistance.

NOTE⁴: As of May 18, 1982, the United States Department of Justice approved the Alaska State Title 4 alcohol local option law submission under Section 5 of the Voting Rights Act. The state of Alaska is a "Voting

Rights Act State," which means that when there is any "change in the standard practice or procedure" in voting, the state or other appropriate agency is required to obtain approval from the United States Department of Justice.

This approval means that the alcohol local option law elections already held by municipalities in the state of Alaska are valid. This approval also means that the established villages can hold alcohol local option law elections with the assistance of the Division of Elections.

This approval means that no objection under the Voting Rights Act can be raised with respect to the alcohol local option law elections held unless someone has actually been denied his or her right to vote, thus prejudicing the election.

NOTE⁵: After receiving encouragement from many rural Alaskan priests, religious organizations and residents, the Alaska House of Representatives and Senate passed a law, Senate Bill 765, dealing with the sacramental wine exception to the state Title 4 alcohol local option law.

The new law changed A.S. 04.11.496 (b), which is the law allowing communities to vote to prohibit the sale and importation of alcoholic beverages. The amendment of A.S. 04.11.496 (b) stated that if a majority of the people in a community vote to prohibit the sale and importation of alcoholic beverages, a person "may not knowingly send, transport, or bring an alcoholic beverage into the municipality or established village, unless the alcoholic beverage is sacramental wine to be used for bona fide religious purposes based on tenets or teachings of a church, is limited in quantity to the amount necessary for religious purposes, and is dispensed only for religious purposes by a person authorized by the church or religious body to dispense sacramental wine."

This language means that the only alcoholic beverages which can come legally into a community which has voted to stop sale and importation of alcoholic beverages is wine to be used only in a religious service. The wine is to be an amount to be used only in religious service. Only a priest or someone authorized by the priest can receive the wine and give it to people in a religious ceremony.

Alaska State Legislature

House of Representatives

Al Adams

Chairman

Committee on Finance



Official Business

May 18, 1983

WHILE IN SESSION

Fouch V

State Capitol

Juneau, Alaska 99811

(907) 465-3706

OUT OF SESSION

P.O. Box 333

Kotzebue, Alaska 99752

(907) 442-3320

1024 W. 6th

Anchorage, Alaska 99501

(907) 274-0615

MEMORANDUM

TO: Senate Judiciary Committee Members

FROM: Representative Al Adams *APA*
Prime Sponsor of HB 157

SUBJ: HB 157, An act to expand the right to
petition for a local option election

HB 157 clarifies language in the local option statute to enable unincorporated communities within an organized borough to conduct an election. Currently, communities within an organized borough cannot conduct an election unless they are separately incorporated because the power of legislation in such communities rests almost exclusively in the borough government.

In 1981, the legislature made a number of changes in Title 4 but unfortunately the status of such unincorporated communities was overlooked. Three communities -- Point Lay, Karluk and Tyonek -- wanted to hold a local option election last year but were advised by the Division of Elections that they could not. With passage of the new language contained in HB 157, these and similar communities will be able to conduct an election.

Additional information on the need for passage of this legislation is attached.

Thank you for your consideration of HB 157.

I. INTRODUCTION

On June 19, 1981, Governor Hammond signed Senate Bill 65, which cleared up difficulties with the 1980 Title 4 alcohol local option law, AS 04.11.490-04.11.506. Pursuant to the statute "municipalities" may conduct their own alcohol local option elections. "Established villages" may also request alcohol local option elections. These latter elections are conducted by the lieutenant governor.

Under the law, municipality is defined as "an incorporated city, an organized borough, or a unified municipality established under AS 29.68." AS 04.21.080(b)(11). A Municipality may hold a special election and vote upon one of the following four options:

1. Prohibition of the sale of alcoholic beverages. AS 04.11.490.
2. Community liquor license. AS 04.11.492.
3. Prohibition of the sale and importation of alcoholic beverages. AS 04.11.496.
4. Prohibition of the sale of alcoholic beverages except by selected licenses. AS 04.11.500.

An "established village" is defined under the statute as "an unincorporated area that

(A) is within the circumference of a circle described by drawing a five-mile radius around a post office station;

(B) has 25 or more permanent residents."

AS 04.11.030(b)(8). An established village may in a special election conducted for that purpose by the lieutenant governor, vote upon one of the following three options:

1. Prohibition of the sale of alcoholic beverages. AS 04.11.490.
2. Prohibition of the sale and importation of alcoholic beverages.

AS 04.11.496.

3. Prohibition of the sale of alcoholic beverages except by selected licenses. AS 04.11.500.

Alcohol abuse constitutes a very serious problem in Alaska. The state Title 4 alcohol local option law, AS 04.11.490-04.11.506, has allowed individual communities to deal with the problem on a local level and thus choose a legal remedy which fits the local problem. The results have been largely successful both as a means of controlling alcohol abuse and as an experiment in pure democracy. As of this writing, forty-one communities have held alcohol local option elections and ten more are currently waiting to hold them. Moreover, over twenty other communities have expressed interest in holding alcohol local option elections to the Alaska Legal Services Corporation Alcohol Project. Of the forty-one communities which have already voted, thirty-seven have voted to prohibit the sale and importation of alcoholic beverages.

II. THE PROBLEM

Simply put, the problem is that communities within organized boroughs cannot utilize the state Title 4 alcohol local option law unless separately incorporated because the power of legislation in those communities rests

with virtual exclusivity in the borough government. AS 04.11.080(b)(8) defines "established village" as "an unincorporated area." Since a borough is incorporated, a village lying within a borough cannot be an unincorporated area.

Boroughs exercise certain powers, such as operating a school system and planning, platting, and zoning on an areawide basis, both inside and outside cities within the borough boundaries. AS 29.33.010-29.33.290. Pursuant to AS 29.38.020, second-class boroughs exercise certain municipal powers in areas of the borough outside the cities. These include such things as regulating fireworks, providing water pollution control, constructing local roads, etc. Boroughs can also acquire other powers outside cities by an election of the voters outside cities.

AS 29.48.035 gives municipalities certain regulatory powers. AS 29.48.035(10) provides that a municipality may regulate "alcoholic beverages as provided by 4.15.070." AS 4.15.070 is now repealed but there is a cross-reference to 4.21.010 "for present provisions concerning municipal regulation." AS 4.21.010(a) allows a municipality to adopt ordinances governing barter, sale, consumption of alcoholic beverages as necessary for orderly selling of alcohol within the municipality. AS 4.21.010(b) allows a municipality to adopt an ordinance making sale or importation a misdemeanor after a valid election on the option to prohibit the sale and importation of alcoholic beverages has been held.

The above provisions of Title 29, along with the definition of established village in Title 4, suggest that power to regulate alcohol in a borough in the area outside the borough's cities is given to the borough.

Nonetheless, at least one village, Karluk, in the Kodiak Island Borough, has evinced a desire to hold a local option election and cannot under present law.

An organized borough generally contains more than one community and often contains several. At the time of this writing, no organized borough has yet held an alcohol local option election. The difficulties involved in a multi-community election of this sort are evident. Should a borough hold an alcohol local option election, a strong vote for prohibition in the outlying villages and municipalities could impose that measure upon communities with no desire or need to embrace so draconian a resolution. Conversely, a strong vote to maintain the privilege of buying and consuming alcohol in the larger communities could prevent other communities within the borough from taking effective action to deal with a chronic local problem.

A preferable arrangement would allow the voters of each community in an organized borough to decide for that community and that community alone how the state Title 4 alcohol local option law can best be used. Voters in a community will probably be better informed as to local conditions than they will be to borough-wide conditions. A better informed electorate will naturally make more intelligent decisions at the polls. More importantly, their decision will only affect local conditions and not conditions in other communities within the borough of which they are much less likely to be adequately informed.

III. THE SOLUTION

The proposed legislation will allow villages within organized boroughs to hold an alcohol local option election subject to the same conditions

imposed upon villages outside organized boroughs. The proposed legislation accomplishes this essentially by enlarging the definition of "established village" to include those villages lying within organized boroughs.

The proposed legislation is designed to enlarge the powers of villages within organized boroughs only as regards to their ability to hold local option elections. Section 2 of the proposed legislation expressly limits itself to those purposes. Alaska already has a well established and complex municipal code by which the respective powers of various types of communities are delegated. The proposed legislation will have only a strictly limited effect on the municipal code. It is designed and intended only to allow communities not separately incorporated which lie within organized boroughs to hold alcohol local option elections pursuant to AS 04.11.490-04.11.506. No other impact upon the respective powers of the state, organized boroughs, organized communities, or unorganized communities is foreseen or intended.

H B

1 6 3

COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

SENATE AMENDMENT

#1

By Halford

To: SCS SENATE BILL No. CSHB 163

To: _____ HOUSE BILL No. _____

PAGE: 1 LINE: 24 through

Page 2 Line 5 Delete

(Delete all of 16.05.926)

Money 2 obj. to

SENATE AMENDMENT

#2

By Halford

To: SCS SENATE BILL No. CSHB 163

To: _____ HOUSE BILL No. _____

Amend / withdrawn

PAGE: 1 LINE: 24 through

Page 2 Line 5 Delete

(Delete all of 16.05.926)

Page 2 Line 7 & Line 10

delete reference to 16.05.926

Amend / withdrawn

SENATE AMENDMENT

#3

By Resorbin & Fisher

To: _____ SENATE BILL No. SCS CS HB 163

To: _____ HOUSE BILL No. _____

PAGE:

LINE:

1

27

not offered

after "probable cause" insert

"by reason of ~~the~~ overt acts or preparations"

ATTACH TO
5/20/83
minutes

Although the harassment of hunters and other outdoorsmen has not been nearly as prevalent in Alaska as it has been in other states, notably in Arizona, New Jersey and others on the Eastern seaboard, I think we can expect it to increase here.

The fact that we haven't experienced much of the problem is due, I think, more to the remoteness of hunting areas of Alaska, and the high cost of coming to Alaska, than to any lack of desire on the part of anti-hunters to obstruct the taking of Alaskan wildlife.

However, it is that very remoteness and high cost, I believe, which gives additional impetus to this bill. Confrontations between hunters and anti-hunters would likely take place in extremely remote areas, where the potential for violence may be greater. And because the cost of hunting in Alaska generally runs high for many big game hunters, the frustration of having their hunt intentionally disrupted by anti-hunters would most likely be intensified.

As I said before, the incidence of hunter-harassment has been low to date in Alaska. But I don't think it would be realistic for us to think the problem will not increase. I think we can and should derail the problem while it is still small.

As you can see by the background information we have provided, harassment of sportsmen is, indeed, a concerted nationwide effort by anti-hunting organizations. I believe it is in the best interest of the people of Alaska to meet that challenge with the appropriate protections contained in CSHB 163, before a confrontation becomes a tragedy.

this Finally, I would like ~~the members~~⁴⁰⁰⁷ to bear in mind that ~~the~~ bill does not address only hunting, but fishing, camping, and trapping as well.

As the fishing pressure increases in some areas of the state, confrontations are likely to take place between the different user groups, and even between different gear groups, and some protections need to be in the law.

I think the Bristol Bay salmon negotiations over the past several years are a good case for application of this law. Some fishermen want to strike, while some would rather fish. This anti-harassment bill would give the ~~guy~~^{fisherman} who wants to fish some recourse if his nets were cut, or he was obstructed in some other way from pursuing his livelihood.

Trappers and their traplines are also coming under increased pressure as the state develops. ~~This specific issue is the subject of another measure on today's calendar, HCR 27.~~ Trappers should have some recourse if their traplines are disturbed.

In your support on this Bill,
I would ask that the members vote yes.

~~I do not~~

I personally discussed this Bill with Commissioner Colunward this morning and the Fish & Game Dept is very supportive of this ^{needed} piece of legislation.

STATE OF ALASKA

Bill Sheffield, Governor

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 465-4100

May 20, 1983

The Honorable Richard Shultz
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Shultz:

Your office has asked that we provide you with a comment on our position on HB 163.

We favor the protection of the interest and privileges of individuals legally engaged in hunting and fishing activities, believing that they should be allowed to pursue these important activities without being harassed.

Sincerely,



Don W. Collinsworth
Commissioner

CSHB 163 (Resources)

"An Act relating to harassment of persons engaged in hunting, fishing, or trapping."

SECTIONAL ANALYSIS

Section .925 would make it illegal to interfere with a person who is lawfully engaged in hunting, fishing or trapping; to disturb fish or game with the intent to interfere with their taking; or to enter or remain upon public or private land with intent to do one or the other of the above. A violation would be punishable by a fine of up to \$500 or 30 days in jail, or by both.

Section .926 mandates that a wildlife protection agent shall order a person to desist from a violation of section .925, if he has observed the violation, or has probable cause to believe the person has engaged in or intends to engage in such activities. The officer shall inform the violator of penalties applicable to failure to desist - a fine of up to \$1000 or 90 days in jail, or both.

Section .927 provides civil remedies allowing: a court injunction to stop the harassment; the aggrieved party to recover general damages for expenses rendered futile by the harassment; and the court to award punitive damages.

Background material for HB 163

British Columbia case

In response to several cases of harassment of hunters by anti-hunting groups in a Provincial Park in northern BC, the legislature last year passed the following statute:

Section 82 of BC Fish and Wildlife Act

"A person who interferes with or obstructs a person licensed or permitted to capture wildlife, or to hunt, fish, guide or trap while that person is lawfully so engaged, commits an offense."

Vancouver Aquarium case

Newspaper article from September 18, 1982.

Greenpeace harassed Sealand Pacific employees in their attempt to capture two killer whales for their aquarium. The aquarium has an annual attendance of 700,000 people. No action was taken to stop this hinderance of men doing their jobs because there was evidently no law to support their complaint. Killer whales can be better studied scientifically in the controlled environment of an aquarium, and only two were to be taken.

Virginia Deer Hunt case

Newspaper article from October 17, 1982

Conservationists are harassing Virginia zookeepers from conducting a two week hunt on their own fenced property. This hunt was approved by Virginia fish and game officials. The deer have overforaged the 5000 acre area and would die from starvation if the hunt was not held. While Greenpeace was committed to take every step necessary to stop the hunt, including harassment, biologists from the Humane Society of America claim the Greenpeace logic is reversed and just plain crazy.

TIPS FOR HUNT SABOTEURS

Fourteen million Americans will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against our wildlife. These legions, which are more numerous, and generally better equipped than the entire Nazi armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few hunters.

It is time for friends of animals to start organizing a defense that will serve to at least temper the wanton destruction. There are many ways that a friend of animals can become a forest partisan on behalf of our wildlife, and we offer here a few suggestions that range in effort, depending upon a person's abilities and commitment:

1. Deny the hunter the land to hunt on. Much hunting is done on private lands. To protect these animals, encourage your neighbors, especially those who own large tracts such as farms and ranches, to post their land and forbid hunting. Try to convince them that hunters invariably cause more damage to agriculture than the wild animals do.

2. Many areas have hunting restricted to a specified number of hunters who have special permits. Commonly, these permits allow the hunter to use a particular blind or hunt less common species, such as bear. Apply for these permits yourself. The permits are usually awarded by a simple lottery selection. If you're lucky, you'll win a permit and deny a hunter his kill.

3. Get into the woods yourself the day before the hunting season. If you're familiar with the most commonly hunted areas, try to drive wildlife away. A stroll through the forest with a nice loud radio and a dog on a leash, will serve to make wildlife more wary of humans. This is particularly important for younger animals that have not yet had the traumatizing experience of being hunted.

4. Certain substances, such as rotten eggs, when rubbed into hunting blinds, make these enclosures even more uncomfortable for the hunters. Uncomfortable hunters are irritable, and are also poorer shots. Plastering the floor of a hunting blind with cow dung is another good idea.

5. If you're familiar with wildlife habits in your neighborhood, try to encourage them to break these habits shortly before hunting season. For instance, many hunters like to stalk along deer tracks which are pretty well defined to a good woodsman. Placing deer repellent (available at many feed and hardware stores) along these tracks will encourage the deer to move away and leave the hunter with a route devoid of the species. If you want to save money, just scoop up a bag of human hair from a local barber shop and hang handfuls of it in little bags about two or three feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.

6. If there is much hunting with dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or deer.

7. Hunters frequently like to ambush their prey by setting out food and then hiding in blinds. Commonly, bushels of apples are set out a few days before hunting season to encourage deer to browse in this area. When hunting season comes, the hunter merely comes to the site, climbs into a blind, and waits for the deer to come to him. To disrupt this, there are two alternatives. First, remove all apple piles immediately on finding them during the days preceding hunting season. Second, if there are just too many apples to carry away, give them a good spraying with deer repellent and spread barber shop hair clippings all over the area.

8. Encourage your municipality to pass an ordinance that bans, in the interest of public safety, the use of all weapons within its limits. Rifles, shotguns, bows and arrows have been known to kill people too.

9. If you have a portable tape recorder, get a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season. It will make wildlife wary.

10. Try to develop strong anti-hunting sentiment in your community by writing letters to the editor of your local newspapers, meeting with neighbors, getting on talk shows. Creating public awareness of the problem is a vital point. Let your neighbors know that the law recognizes wildlife as belonging to all people, and they are not the exclusive property of hunters until after they have been murdered.

11. Work on a project to get your State to pass a law that would require all hunters to carry written permission from the landowners of the places they hunt. This further curbs the hunter's battlegrounds because many farmers are reluctant to sign permits that would allow people to hunt on their lands. Also, much land is owned by summer residents, corporations, etc. that are nearly impossible to get hold of.

12. Approach your Congressperson and Senators with demands that hunting and trapping be prohibited on national wildlife refuges and all public land.

13. If you have any old, stuffed animal toys, set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real. Better to have a hole in a cotton rabbit than a real one - and the noise of the gun going off might serve to scare away other wildlife.

14. We will be trying to put together a better activist's guide for next hunting season, so if you have any ideas or procedures you've found effective, please let us know. Mail them in to Bill Clark, Friends of Animals, 11 West 60th Street, New York, NY 10023.

Use your imagination. There are plenty of ways to frustrate the hunt, depending on your own abilities and enthusiasm. The main point here is to do something. By your work, you will be helping animals in two ways. First, you will be protecting them from the hunters and second, you will be letting the hunters know that friends of animals are in the woods. This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!

Friends
of Animals

David
H.

To → Jim Glass

1979 Won't Be Your Typical H

News Item... The Connecticut chapter of Friends of Animals is urging its supporters to "sabotage" gunners when the state's hunting season opens next month. Methods would include strolling through the woods with a loud radio, leaving deer repellent at likely places and spreading human hair to drive animals away.

At first glance, it sounded like inviting disaster. More than a few hunters accidentally get shot by other hunters every year, not to mention cows and horses. Some Connecticut Friend of Animals was a clinch to stop a bullet, and maybe not by accident.

NOPE, SAID Bill Clark, national vice-president of Friends of Animals from his New York City office. "We are discouraging any direct confrontation with hunters."

Instead, Clark said, the Friends will be in the woods *before* hunting season but not during it.

"Most killing of animals takes place on the first day of the season," Clark said. "It's the most successful



JIM
MONTGOMERY

day for hunters, by far, especially deer hunters. So we're telling our people to do what they're going to do the week before that first day.

"Primarily, we're hoping to disrupt ambushes. Many hunters will place a stack of apples along deer trails, for instance. Our people will split these up. Where blinds in trees are illegal, we are encouraging our people to tear down any they see in place.

"But basically, what we hope to do is make the animals wary by letting them know humans are in the area."

CLARK SAID he realized hunting is allowed by law, nor did he dis-

pute biologists' claims that up to 80% of game animals die each year, whether hunted or not.

"First of all," he said, "we do not believe animals should be shot and killed by anyone at any time, and we do not believe hunters are really concerned about wildlife, although they claim to be.

"Hunters claim they pay for preservation of animals through their license fees and the taxes on sporting goods. This isn't true. Taxes from the general public pay most of these costs, and hunters' money doesn't entirely go for preservation of animals.

"The 80% figure is a trap. We don't doubt the actual figures, but the 20% which would survive would be the best animals, the strongest animals, the ones best suited to reproduce. These animals are the No. 1 goal of hunters. If any percentage of the best animals are killed by hunters, it damages the species."

The vice-president even had an

Hunting Season In Connecticut

... for a personal point of puzzle: do the Friends intend to let fishing season, since it also is the pursuit and possible loss of small animals in their natural habitat?

...," Clark said. Why? "It isn't equal. We're not big enough. If you get into the morality involved, as we should if we had sufficient numbers. But from a biological standpoint, fishing causes less harm than hunting."

... CONNECTICUT effort isn't consistent along its lines.

... did the same thing last year in New York," Clark said. "We got a mixed response, hundreds of letters, was accused of being both a Communist and a Fascist. But perhaps some animals were saved."

... I have to respect Clark and the Friends for one thing. They believe in what they're doing. On the other hand, so (presumably) does the late Ronald Vadim Hayden, albeit not so. And so do hunters.

... In many ways, it is difficult to compare hunting.

There is the meat-on-the-table rationale. It has some validity, what with the market prices of beef, pork and chicken. It had more validity in pioneer days, though, and on a cost-per-pound basis (including license, travel, ammunition, etc.) a quail or venison or rabbit dinner is more expensive than store-bought sirloin.

There is the it's-legal-and-nobody's-business approach, which is true. Except, by definition, being friendly to animals must be the Friends of Animals' business.

There's the it-does-no-harm approach, which is also true. Remember the island experiment where rabbit hunting was allowed for several years, barred for several years, then allowed again. Result: virtually no difference in rabbit population.

There's the hunting-is-fun view. Again, true. Hunting is fun . . . to hunters. Personally, I cannot remember killing an animal (snakes, spiders and scorpions excluded) without feeling some regret. I suspect most hunters feel the

same. Death by gun in most cases is more merciful than the alternatives to an animal—starvation or freezing. But there is still the feeling of remorse.

So why do I hunt? For all the above reasons, and for others no one but a hunter understands. The Friends of Animals are trying to make a majority conform to their minority viewpoint. Name notwithstanding, it's none of their business if I or anyone else legally hunts.

Jim Montgomery is Enquirer Outdoors Editor.

This Week's Solunar Table

Date	A.M.		P.M.	
	Minor	Major	Minor	Major
Sept. 30	12:35	7:15	1:10	7:45
Oct. 1	1:25	8:10	2:00	8:40
2	2:20	9:00	2:55	9:30
3	3:10	9:50	3:45	10:20
4	4:05	10:40	4:35	11:10
5	4:50	11:35	5:25	11:55
6	5:45	—	6:15	12:35
7	6:45	1:00	7:15	1:35

Sabotaging the Shooting Crowd

Friends of Animals took to the field through the autumn and winter, bringing the fight to protect animals into the woodlands, marshes and meadows.

On one expedition to a state forest in Connecticut, an FoA team uncovered a variety of illegal hunting tricks—including a cache of apples used to “bait” deer—and destroyed them. Other tactics used by the FoA hunt saboteurs included:

- Destruction of tree stands and hunting blinds,
- Spreading animal repellent around heavily hunted areas.
- Setting up bogus targets to lure hunters into false shots,
- Playing tape recordings of wolf howls just before the opening of hunting season to instinctively sensitize wildlife to the presence of predators.

Hunters complained to the state fish and game commission that the FoA teams were wrecking their sport, but the bureaucrats had to admit that the FoA efforts were entirely legal and there was nothing that could be done.

On another operation, FoA blocked the last day of goose hunting season on Long Island Sound with a widely publicized sabotage. The publicity was so great that despite the day's warm and clear weather, all the goose blinds were empty for twenty miles around. The hunters apparently decided to give up their last blast of the season to avoid confrontations with the protectionist FoA saboteurs. Score one safe day for the geese. Lesson learned: Even the rumor of confrontation will make hunters balk and stay home.

Hunt sabotage precipitated a paranoia throughout the gunslinging fraternity that resulted in a blizzard of hate mail and nasty editorials in the hunters' favorite periodicals,

including Gun Week and Field & Stream. They ridiculed and mocked FoA and spent much effort in telling the world how ineffective the FoA hunt sabotage program was.

Either the hunters are unusually sensitive to being challenged on their own marshes or they're really sore at having lost the chance to kill a few animals. Either way, they're on the defensive.

Some of the season's sabotages received substantial media coverage. One effort even had two television crews and a squad of newspaper reporters trailing along, all of whom were welcomed because their presence tended to make the hunters in the area a little sheepish.

FoA encourages all its members and sympathizers to sabotage the sport hunter. One need not jump into the woods to shoo deer and rabbits away from the hunter's blinds in order to be a useful saboteur. One can also talk with neighbors and get them to post their land, press for local ordinances that prohibit the discharge of firearms within the borders of your community, write letters to the editor of local newspapers to let people know that wild animals belong to ALL citizens, and as a citizen, you're unwilling to see animals murdered by hunters who find a perverted interpretation of sport in butchering innocent animals.

Animal-Lover Amory Takes Aim at Hunting

The world is going to be a terrible place when the only thing left in it walks on two feet, said the man who is perhaps the world's most famous friend of living things that move with fins, wings, hoofs and paws.

Cleveland Amory, writer, television critic, activist and gadfly in his advocacy for animals, spoke Friday night at an environmentalists' banquet on the Chico State University campus. The talk marked the mid-point of the third annual Chautauqua.

Amory, president and founder of The Fund for Animals, entertained an audience of approximately 100 in Bell Memorial Union, with sharp wit and provocative anecdotes concerning cruelty to animals.

Never shy of controversy, Amory also illustrated by his comments during the evening why he is the scourge of organized gun groups and hunters, and why, for example, the hunting magazine *Shooting Times* once ran a cover headline saying, "Cleveland Amory, go soak your head!"

Saying he was accustomed to such reactions wherever he goes, Amory several times referred to a recent letter to the editor in *The Enterprise-Record* that called the Fund for Animals a fake charity that spends little of its income on animals.

Amory said the charge was false and that most of the organization's money is spent on lawsuits to protect animals, rather than salaries for its 23 paid employees.

In any case, Amory suggested, charities for animals are different than charities for people.

Quoting the president of the Chico chapter of the Fund for Animals, Laura Morrell, Amory said, "We can't send a \$20 bill to a dolphin."

Most of the letters written in opposition to his cause are sent by hunters and trappers, Amory said.

The letter, which appeared Tuesday in the E-R, was jointly authored by Norman Owens Sr. and Norman Owens Jr., both of Oroville.

Owens Jr. is the owner of Owen's Shooter's Shop, a gun store in Oroville.

Parodying the conservationist-based argument of deer hunters that they only "thin the herd" to prevent starvation of the animals, Amory said he intended to form a group called "Hunt the Hunters Hunt Club."

Hunters are a renewable resource, he said, and the club would shoot them for "their own good" because there "is nothing sadder than the sight of hunters out in the woods starving."

However, club members would be asked not to shoot hunters during mating season or while they were making out in parked cars, he said.

"There's no question of completely exterminating hunters," he said. "When the

numbers get so low, we'll start to breed them."

On a more serious side, Amory catalogued a number of what he called "abominations" against animals in the name of sport or for profit.

Amory said the worst thing he ever witnessed was the annual mass slaughter of baby seals in Canada, "where the mother seal is absolutely helpless as she watches her cubs being clubbed to death."

He also cited an event in Pennsylvania where 148 archers in full field camouflage dress turned out to kill six lame goats and sheep released in a wooded area. The event also called for a live turkey shoot with arrows, he said.

A lawsuit filed by the Fund for Animals interfered with the club's plans, however, and in what Amory called a landmark case established the principle of legal action to prevent probable cruelty to animals.

A Pennsylvania judge ruled two weeks ago that for each animal released during the event, a person must stand by with a gun to put the animal out of its misery after it was hit by an arrow, Amory said.

Amory was scheduled to speak again at 12:30 p.m. today in the City Plaza, preceding another Chautauqua event at Municipal Center, Fourth and Main streets; a 2 p.m. discussion of the proposed coal-fired power plant.

by JIM HAYNES



Cleveland Amory

Veterinarian Challenges Amory Chico, Calif. 10-19-78

Dear Editor—

In order that Mr. Amory has my credentials correct, I do not own a gun store, but am a practicing veterinarian, having spent three years at the University of Idaho, majoring in Wildlife Management. I do not hunt deer or elk, but do hunt pheasant and duck and also love to fish. I am an active member of the California Wildlife Federation, National and World Wildlife Federations, National Rifle Association, Bass Anglers Sportsman Society, Ducks Unlimited, The Wild Turkey Federation, California Waterfowl Association and The Canvasback Society. Locally, a small amount of time is devoted to volunteer work for the Bidwell Nature Center.

My taste buds enjoy wild fowl as well as domestic, my body the warmth of a feather-filled period on a cold day. Mr. Amory implies that because my family prefers to harvest some of their own fowl and fish (the latest ~~crimes~~ suggest that fishing also be eliminated) we are perverted. My ~~Indian~~ Indian friend in Minnesota would have a saying for Mr. Amory. It would state: "White man speak with fork's tongue!"

Under the guise of helping wildlife, Mr. Amory, is really trying to relieve his own personal frustrations against those who hunt and fish. He insinuates that those early morning hours spent in a duck blind or in the field with my son or daughter is contributing to the loss of our wildlife. With this same sound thinking, he says in his book that it may be necessary to eliminate firearms from all law abiding citizens (hunters or not), to save our wildlife. Shame on Mr. Amory! The American people will not be deceived in this manner, we already have more than enough government in our daily lives.

Sports Illustrated's latest issue contains an article by Virginia Kraft which tells of three South Dakota hunters who planted the state's first Chinese pheasants way back in 1908. Through proper management these initial birds have grown to a population which may approach 8-9 million birds this fall and have provided this state an economic return said to be in the billions. The National Wildlife Federation in its October issue points out there are now more elk, antelope, deer, fox, racoon, etc. than ever in

the history of our nation and the real threat to our wildlife is loss of habitat, not hunting.

What has Mr. Amory done to help our wildlife? He has, with his lawsuits against hunting, tied up millions of dollars which could have been used to purchase wetlands, woods, streams, and estuaries for our wildlife. It is all right for wildlife to die of disease, malnutrition or parasites but one can't harvest any of these animals! (Ten thousand ducks died of botulism here in California a few weeks ago.) He holds the Audubon Society, National Wildlife Federation, Ducks Unlimited, Sierra Club and virtually every other wildlife group up to ridicule because they fail to condemn hunting. These groups — recognizing the points of agreement that exists between hunters, fishermen, and nature lovers of all kinds — chose not to condemn hunting, but take a stand permitting a strong united front of mutual interest. Amory has placed their honor in question.

Mr. Amory says nothing of the many birds, rodents, pheasants, deer, etc. that are killed by jet engines or car tires as he travels the countryside, supposedly crusading for wildlife. The death toll from the automobile alone is staggering — many of these injured animals crawl into the woods. Is that nature's way? So you see, he is a murderer too, if that's how he wishes to phrase it — and a coward also, for the hunter or fisherman admits that the harvest of wildlife may be a part of the hunt.

In the final analysis it will be the bulldozer and that word "habitat" which determines the fate of our wildlife. The true hunter whose love and concern for wildlife has planted the Chinese ringneck pheasant in South Dakota, purchased habitat in Canada, U.S., Mexico and brought back the woodduck, whooping crane (still critical), bighorn sheep and others from low numbers. These same people along with others truly concerned with wildlife are now purchasing habitat and replanting the wild turkey and studying the king of ducks, the Canvasback, to find a replacement for the grass it needs to survive, but which is succumbing to pollution.

JAMES R. CLAESGENS D.V.M.
Chico, Calif.

WLFA Initiates Program to Combat Hunter Harassment

Hunter Harassment: Sabotage. The anti-hunting, anti-trapping, anti-fishing "animal rights" organizations have been waging a war on sportsmen in the field and on the water. Their aim is to torment sportsmen and drive game away to deny sportsmen the opportunity to hunt and trap.

The Wildlife Legislative Fund of America has initiated a program to fight anti-hunters bent on harassment of sportsmen.

Incidents of harassment have been increasing in recent years. The problem became so intense in Arizona as members of the Tucson-based Animal Defense Council were sabotaging the annual desert big-horn sheep hunt, that a law was passed to make premeditated harassment of hunters illegal.

In British Columbia's Spatsizi Preserve, hunters have been faced with violent harassment by members of the international animal rights organization, Greenpeace. Greenpeace members finally came head to head with hunting guides in British Columbia earlier this year. One of the anti-hunters reportedly fired a flare gun at a guide and violence erupted which sent the Greenpeace members to local hospitals for treatment of cuts and scrapes incurred in the fight.

Over the past few years in New Jersey, anti-hunters have regularly turned out at the Great Swamp wildlife area and other public hunting lands to harass hunters on the opening day of deer season. New Jersey officials are fearful the opening day fracas will one day erupt in violence similar to that which occurred in British Columbia.

In Connecticut, widespread trap and game theft have occurred and anti-hunters have taken to sawing partially through struts supporting deer hunters' tree stands. This tactic is not only bothersome, but endangers unsuspecting hunters who could easily be injured in falls from tree stands.

The WLFA is out to wage a counter-campaign against the anti-hunters. We plan to take our fight to the state legislatures and the courtrooms in our effort to make harassment of hunters, trappers and fishermen illegal.

The WLFA has drafted model legislation, which can be converted to the format used by any state, which makes harassment of hunters, trappers and fishermen illegal. The bill provides stiff penalties for violators and will be extremely beneficial in curtailing incidents of hunter harassment.

The courtroom may also provide the forum for the demise of the anti-hunters' harassment tactics. The WLFA is prepared to advise sportsmen on how to file suit against anyone who torments hunters.

Sportsmen need protection under the law from hunter harassment. Most forms of hunting are quite simple to disrupt. Waterfowl hunters are probably the most vulnerable. The Friends of Animals publishes a pamphlet entitled "Hints for Hunt



Saboteurs" which has been widely circulated. In time, this pamphlet and other instructions by anti-hunting organizations are expected to create even more headaches for hunters of waterfowl, deer, turkey, squirrel and virtually every other game animal.

If you are interested in working for passage of a hunter harassment law in your state, contact WLFA. We can get you started on the right track by giving you valuable tips on how to lobby for the bill's passage and may even be able to identify a legislator in your state who will introduce the bill.

New battles loom over right to hunt

By WILLIAM E. GEIST
The New York Times

NEPTUNE, N.J.—When Susan Russell strolls through the woods playing classical music on her tape player, the deer, muskrats and other wildlife of the forest run the other way. A muskrat may linger momentarily over a few notes of Chopin, but John Philip Sousa always sends them crashing through the brush.

Russell is one of tens of thousands of animal lovers who patrol the woods during hunting and trapping seasons, blaring everything from Sousa marches to recorded wolf howls in a nationwide campaign to set animals running for their lives before hunters arrive. She has found the hunter has

(See HUNTERS, page 8)

HUNTERS . . .

(Continued from page 1)

no more appreciation for her music than the muskrat.

A growing number of confrontations between hunters and these protectors of wildlife has led a New Jersey legislator to introduce a bill that would make it illegal to "interfere or attempt to interfere with the lawful hunting, pursuit, killing or taking of an animal, bird or freshwater fish." Violators would be fined.

The legislator, Assemblyman Joseph W. Chinnici, Republican of Bridgeton, himself a hunter, said his legislation was needed to protect both the hunters from harassment and the animal protectors from reprisals. Such legislation recently became law in Arizona and is under consideration in several other states in response to the growing militance of animal protectionists.

"There's a war going on," said Russell, a spokesman for Friends of Animals, a national organization with headquarters here and in New York that distributes "Tips for Hunt Saboteurs" to its 120,000 members. The tips range from lobbying for changes in the law with local, state and national officials to such guerrilla tactics as taking a female dog in heat into the field to turn the heads of male hunting dogs, and scattering rotten eggs and cow dung in duck blinds.

Russell sees nothing extreme in any of this.

"Wildlife belongs to everybody," she said. "We think it is audacious of hunters to say they can shoot animals but we cannot protect them."

But Chinnici has said, "If this isn't stopped immediately," "someone is going to get hurt."

Implicit in his warning, and those voiced by concerned hunters throughout the state, is that the side carrying tape players is at a distinct disadvantage in confrontations with those carrying rifles and shotguns.

Chinnici said he had received reports of "anti sportsmen's groups" blaring car horns and firing weapons to scare off game and in one instance even flying a helicopter over a hunting area.

His bill has been referred to the Assembly's Agriculture and Environment Committee, where four of the five committee members are co-sponsors. Both opponents and proponents believe the bill has substantial support in the Legislature.

Bob Busnardo, host of the weekly radio program "Sportsmen's Hot Line" on a Bridgeton station, said "these antis" (one of the more pleasant terms hunters use to describe those opposed to hunting) had disrupted his hunting excursions by playing radios, honking car horns, letting air out of tires and swerving their automobiles toward him as he stood on country roads.

"The confrontations have been verbal so far," he said, "but when you harass someone long enough and hard enough, eventually there are going to be serious problems."

Opponents charge that Chinnici's bill would infringe on their rights of speech and assembly.

"Whenever there is a protest of anything," said Russell, "whether it be civil rights or women's rights or whatever, there is the chance of confrontation. But someone cannot just do away with our right to speak out on things we disagree with. If they do, I believe that in good conscience we would have to continue to protest as we are now."

BACKGROUND IN SUPPORT OF HOUSE BILL 2291

During the past several years certain groups and individuals have appeared in hunting areas each fall with the expressed objective of disrupting a hunt. While their efforts were not notably successful, they did generate a lot of hostile reaction from hunters. Incidents of this kind have been increasing. They will likely produce a serious confrontation some day, and this situation poses a threat to the safety of all concerned, including state peace officers.

An example of this problem is the sheep hunt conducted annually in Unit 33, a portion of the Catalina Mountains near Tucson. What began a few years ago as a one-man protest against the hunt has recently drawn as many as 8-10 active participants who march through the area firing guns, blowing whistles and following hunters to frustrate their purpose of taking a sheep. Tempers run high; Arizona sheep hunting is often a once-in-a-lifetime experience which is the culmination of years of planning and can involve the expenditure of several thousand dollars. Someone is going to get injured if this interference continues.

The buffalo hunt conducted at Raymond Ranch near Flagstaff also has drawn protesters during past seasons. One year, a group of emotionally charged persons, apparently aroused by a television movie, actually threatened to stand in front of a buffalo herd in range of the gunners. The threat was not carried out but the hunt proceeded with assistance from a large contingent of DPS officers called in to keep the peace.

Now, one clear purpose of these demonstrators is attracting publicity to their cause. And though many of us deplore the irrationality we see in the anti-hunting crusade, we do not dispute the right of all persons to be heard. In fact, public forums abound where anti-hunting views can be expressed. Each year, for example, the buffalo and sheep seasons are discussed and then established in open, well publicized meetings of the Game and Fish Commission. The Commissioners themselves are citizens from all areas of the state who are readily accessible to anyone wanting to influence Game and Fish policy. For that matter, demonstrations could be conducted in the field without harassing others and would be appropriate.

The proposed legislation is designed only to prevent actual interference with hunters or disturbance of game in

public hunting areas. It will apply in certain, defined places where the Game and Fish Commission has found, after public hearing, that a hunt disruption is likely to occur. The law includes specific language excepting ranchers, miners and others on public lands who might inadvertently disturb a hunt. But it will allow the removal or arrest of demonstrators who do interfere, intentionally, with hunters. Moreover, such persons may be liable to the hunter for civil damages.

The law answers the problems experienced repeatedly on sheep and buffalo hunts. Should these incidents continue to happen, and recent history suggest that they will, the law can be used to preserve the peace before a serious incident does occur. But aside from the state's concern for order and safety, the law serves clear notice that the right of protest is not unlimited and that it ceases to exist when protesting citizens purposely interfere with the lawful activities of other citizens in a public place.

Publication

Arizona Game & Fish Department
3-31-81

Offered: 5/27/83
Referred: Rules

Original sponsor: Shultz

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 163 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to harassment of persons lawfully
7 engaged in hunting, fishing, camping, 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. 16.05.925. HARASSMENT OF PERSON LAWFULLY ENGAGED IN HUNT-
11 ING, FISHING, CAMPING, OR TRAPPING. ~~*(a)~~ A person may not knowingly
12 interfere with a person lawfully engaged in or attempting to lawfully
13 engage in sport hunting, subsistence hunting, commercial hunting,
14 sport fishing, subsistence fishing, camping, or trapping with the
15 intent of hindering or preventing the person's activity.

16 (b) A person may not knowingly disturb fish or game or the
17 habitat of fish or game with the intent of ^{HARASSING OR} hindering or preventing a
18 person lawfully engaged in or attempting to lawfully engage in sport
19 hunting, subsistence hunting, commercial hunting, sport fishing,
20 subsistence fishing, camping, or trapping.

21 (c) A person who violates this section is guilty of a mis-
22 demeanor punishable by a fine of not more than \$500 or by imprisonment
23 for not more than 30 days, or by both.

24 Sec. 16.05.926. ORDER TO DESIST. (a) An enforcement or inves-
25 tigative officer charged with enforcement of the fish and game laws of
26 the state shall order a person to desist from violation of AS 16.05.-
27 925 if the officer observes such conduct or has probable cause to
28 believe that the person has engaged in or intends to engage in such
29 conduct on specific premises. The officer shall inform the person of

1 the penalties set out in (b) of this section.

2 (b) A person who violates an order of an officer under (a) of
3 this section is guilty of a misdemeanor punishable by a fine of not
4 more than \$1,000 or imprisonment for not more than 90 days, or by
5 both.

6 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
7 conduct in violation of AS 16.05.925 or [AS 16.05.926 or] threatened
8 with such conduct may petition a superior court to enjoin the respon-
9 dent from engaging in such conduct.

10 (b) A person aggrieved by a violation of AS 16.05.925 or [AS 16.-
11 05.926] is entitled to recover general damages and special damages,
12 including license and permit fees, travel costs, guide fees, special
13 equipment and supplies, and other related expenses.

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

H B

195

COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on _____ has had _____

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

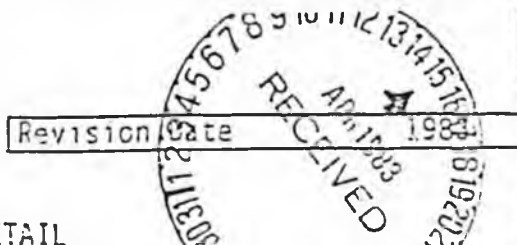
- do pass do not pass
- do pass with attached amendments(s) same title
- replace with CS for _____ new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

STATE OF ALASKA
FISCAL NOTE



Revision/Date _____ 1983

I. REQUEST

Bill/Resolution No.: CSHR 105 (JIN)
 Title: An Act Permitting Transfer Of...
 Sponsor: House Judiciary
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Security
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis: No Fiscal Impact Anticipated

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 4/14/83
 Approved by Commissioner: [Signature] Date: 4/14/83
 Department: Public Safety

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON


LABOR AND COMMERCE COMMITTEE, CHAIRMAN
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
FISHERIES SUB-COMMITTEE



P.O. BOX 143
SITKA, ALASKA 99835
FOUCH V
JUNEAU, ALASKA 99811
(907) 465-4916

MEMORANDUM

TO: Sen. Bill Ray, Chair
Senate Judiciary Committee

FROM: Sen. Dick Eliason 

DATE: May 5, 1983

RE: CSHB 195(Jud) --- "An Act permitting transfer of forfeited aircraft to the Alaska Wing, Civil Air Patrol."

As requested, I reviewed the above-referenced legislation and I am now reporting my findings to you.

CSHB 195(Jud), introduced by Rep. Mike Davis, would permit the transfer of forfeited aircraft to the Alaska Wing, Civil Air Patrol. The transfer would be made without cost to the Civil Air Patrol with the understanding that the aircraft would be used only for C.A.P. search and rescue, civil defense, and training purposes.

On May 4, Senators Bennett, Halford, and P. Fischer introduced similar legislation: SB 290. Conditions regulating the transfer of air craft as outlined in CSHB 195(Jud) is not addressed in SB 290.

Attachments

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG
COMMISSIONER

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

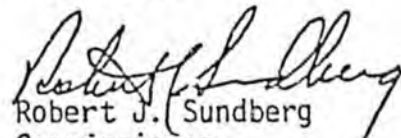
February 18, 1983

Representative Mike Davis
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Davis:

The Division of Fish and Wildlife Protection is the primary agency within the Department of Public Safety that becomes involved in the seizure and subsequent forfeiture of aircraft. Neither the Division nor I see any problem with HB 195.

Sincerely,


Robert J. Sundberg
Commissioner

MAR 2 1983

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

February 18, 1983

Representative John Ringstad
Chairman, House Resources Committee
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Representative Ringstad:

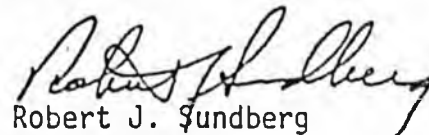
I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to the subsequent House Bill under proposal:

HB 195 - Neutral

This Bill should be carefully researched to insure Alaska constitutional provisions and procedures are not by-passed in the transfer of State property.

The majority of aircraft forfeited to the State are in the cub class, which may not be the appropriate plane for civil air patrol. Most aircraft that have been forfeited to the State in the past have needed extensive repair in order to be airworthy. This would require facilities or funds for putting an aircraft in an airworthy condition. The State should not be held liable for the condition of the aircraft at the time of transfer of ownership.

Sincerely,



Robert J. Sundberg
Commissioner

Alaska State Legislature

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(907) 274-2843
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JUNEAU, ALASKA 99811
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HOUSE MAJORITY WHIP

CHAIRMAN
STATE AFFAIRS

MEMBER
TRANSPORTATION
LEGISLATIVE COUNCIL

Representative Mitch Abood
HOUSE DISTRICT 11

MEMORANDUM

TO: Representative John Ringstad, Co-Chairman
Representative Richard Shultz, Co-Chairman
House Resources Committee

FROM: Representative Mitch Abood *Mitch*

DATE: March 1, 1983

RE: HB 195
"An Act permitting transfer of forfeited aircraft to the Alaska
Wing, Civil Air Patrol"

The Civil Air Patrol is providing a great service to the public in its search and rescue efforts, and the transfer of confiscated aircraft to the Civil Air Patrol would tremendously benefit this outstanding operation.

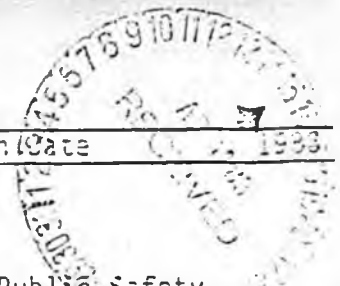
The Civil Air Patrol provides emergency search and rescue services to those individuals who wind up in trouble in the vast outlying areas of Alaska. Because of the age of the aircraft and the great number of hours the CAP spends on search and rescue efforts, it is imperative that the aircraft and equipment used in service be replaced periodically to insure the utmost in safety of the operations. The CAP is currently replacing its aircraft with funds of their own, and the process is quite lengthy in their efforts to procure new aircraft from Outside.

It is with this in mind that I highly recommend the passage of HB 195, "An Act permitting transfer of forfeited aircraft to the Alaska Wing, Civil Air Patrol".

cc: Representative Mike Davis

STATE OF ALASKA
FISCAL NOTE

Revision (Date) 4/14/93



I. REQUEST

Bill/Resolution No.: CSHR 195 (HND)
 Title: An Act Permitting Transfer Of....
 Sponsor: House Judiciary
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: FWP
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis: No Fiscal Impact Anticipated

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 4/14/93
 Approved by Commissioner: [Signature] Date: 4/14/93
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Bill No: House Bill 195 Date on Bill: 2/14/83
 Title: Transfer of Forfeited Aircraft to CAP
 Sponsor: Davis, Hurlbert, and McBride
 Requestor: Rep. Hurlbert

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			-0-	-0-	-0-	-0-		
Operating			-0-	-0-	-0-	-0-		
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No apparent fiscal impact.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: *R.L.R.* Richard L. Rountree Phone: 465-4601
 Division: Administrative Services Date: 2/16/83
 Approved by Commissioner: *E. G. Pagano* Major General Edward G. Pagano Date: 2/16/83
 Department: Military Affairs

Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

Bill No: HB 195

Date on Bill: 2/14/83

Title: an act permittino transfer of forfeited aircraft to the Alaska wing, CIVIL AIR MAR

Sponsor: Davis, Hurlbert & McBride

Requestor: HOUSE RESOURCES

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	0	0	0	0

b. Revenues:

	FY 83	FY 84	FY 85	FY 86
Revenue	0	0	0	0

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No fiscal impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Colonel Robert J. Stickles

Phone: 269-5532

Division: Fish & Wildlife Protection

Date: Feb. 10, 1983

Approved by Commissioner: *[Signature]*

Date: 2/26/83

Department: PUBLIC SAFETY

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

ALASKA STATE LEGISLATURE

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FAIRBANKS, ALASKA 99708

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
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CHAIRMAN
1983 INTERIOR DELEGATION

MEMBER
TRANSPORTATION
HEALTH, EDUCATION AND SOCIAL SERVICES
LABOR SUBCOMMITTEE
JOINT OIL AND GAS
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis
House District 19

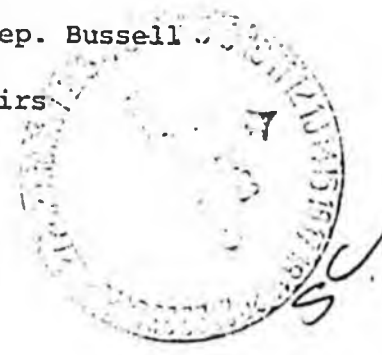
MEMORANDUM

To: Rep. McBride, Rep. Abood, Rep. Hurlbert, Rep. Bussell
Bob Head, Department of Administration
Dick Rountree, Department of Military Affairs

From: Rep. Mike Davis *Mike*

Date: April 8, 1983

Re: House Bill 195



Attached is a substitute version of House Bill 195 which will be brought up before the House Judiciary Committee on Friday, April 15. The purpose of this substitute is to further clarify the original legislative intent of HB 195.

(c) A person who, either by himself or with another, wilfully deprives a member of the National Guard or Naval Militia of his employment or prevents his being employed by himself or another, or obstructs or annoys the member of the National Guard or Naval Militia or his employer in respect of his trade, business or employment, because the member of the National Guard or Naval Militia is a member, or in any way dissuades any person from enlisting in the National Guard or Naval Militia by threat or injury to him in respect of his employment, trade or business, if he so enlists, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100.

(d) All matters relating to the organization, discipline and government of the National Guard or Naval Militia, not otherwise provided for by the laws of the United States, this chapter, or regulations issued by the president shall be governed by regulations issued by the adjutant general and approved by the governor, and the regulations when adopted, have the same force and effect as though enacted in this chapter. (§ 36 ch 150 SLA 1955; am §§ 18 — 20 ch 34 SLA 1973)

Sec. 26.05.345. Civil Air Patrol. The adjutant general shall make the necessary administrative arrangements for maintaining liaison between the state and the Civil Air Patrol and the expenditure of funds appropriated to the department for the state contribution toward the support of the authorized activities of the Alaska Wing, Civil Air Patrol, under its charter. (§ 3 ch 70 SLA 1965; Executive Order No. 33 (1968))

Revisor's note. — The following executive order, signed by Governor Walter J. Hickel, was transmitted to the legislature on January 23, 1968. It was not disapproved by the legislature during the 1968 session and therefore became law under the provisions of sec. 23, art. III of the Alaska Constitution and AS 24.30.130.

"EXECUTIVE ORDER NO. 33. Pursuant to the authority vested in me by Sec. 23, Art. III, Constitution of the State of Alaska, the State's responsibilities toward the Alaska Wing, Civil Air Patrol, as set forth in AS 44.33.110, are hereby transferred from the Department of Commerce to the Department of Military Affairs. The effective date of such transfer shall be July 1, 1968.

"Dated at Juneau, Alaska this 22nd day of January, 1968."

This section, except for the designation of the responsible official, formerly was AS 44.33.110.

Editor's note. — Chapter 70, SLA 1965, included the following: "Sec. 1. Purpose. The Civil Air Patrol is an auxiliary of the United States Air Force operating under charter from Congress, and it operates in all states and the District of Columbia and the Commonwealth of Puerto Rico. The Civil Air Patrol has as its purpose the organizing of public-spirited citizens in civil aviation into a volunteer semi-military organization to assist in civil defense efforts, train teen-age cadets in pre-flight instruction, conduct missing-aircraft search service, and assist in search and rescue missions, and special missions for state and federal agencies. It is the purpose of this Act to make formal provision for the administration of the financial support of the state's participation in the program of the Civil Air Patrol."

Sec. 26.05.350. Short title. This chapter may be cited as the Military Code of Alaska. (§ 1 ch 150 SLA 1955)

Title 27
Mining

Title 28
Motor Vehicles

Title 29
Municipal Government

ARTICLE 1.
THE DEPARTMENT OF FISH AND GAME.

TATION SEC. 16.05.195.

TOP LINE

FORFEITURE OF EQUIPMENT.

BT

(A) GUNS, TRAPS, NETS, FISHING GEAR, VESSELS, AIRCRAFT, OTHER MOTOR VEHICLES, SLEDS, AND OTHER PARAPHERNALIA OR GEAR USED IN OR IN AID OF A VIOLATION OF THIS TITLE, OR REGULATION PROMULGATED UNDER THIS TITLE, AND ALL FISH AND GAME OR PARTS OF FISH AND GAME OR NESTS OR EGGS OF BIRDS TAKEN, TRANSPORTED OR POSSESSED CONTRARY TO THE PROVISIONS OF THIS TITLE, OR REGULATION PROMULGATED UNDER IT, MAY BE FORFEITED TO THE STATE

(1) UPON CONVICTION OF THE OFFENDER IN A CRIMINAL PROCEEDING OF A VIOLATION OF THIS TITLE IN A COURT OF COMPETENT JURISDICTION; OR

(2) UPON JUDGMENT OF A COURT OF COMPETENT JURISDICTION IN A PROCEEDING IN REM THAT AN ITEM SPECIFIED ABOVE WAS USED IN OR IN AID OF A VIOLATION OF THIS TITLE OR A REGULATION PROMULGATED UNDER IT.

(B) ITEMS SPECIFIED IN (A) OF THIS SECTION MAY BE FORFEITED UNDER THIS SECTION REGARDLESS OF WHETHER THEY WERE SEIZED BEFORE

16.05.195 DOCUMENT= 1 OF 1 PAGE = 2 OF 2

INSTITUTING THE FORFEITURE ACTION.

(C) AN ACTION FOR FORFEITURE UNDER THIS SECTION MAY BE JOINED WITH AN ALTERNATIVE ACTION FOR DAMAGES BROUGHT BY THE STATE TO RECOVER DAMAGES FOR THE VALUE OF FISH AND GAME OR PARTS OF THEM OR NESTS OR EGGS OF BIRDS TAKEN, TRANSPORTED OR POSSESSED CONTRARY TO THE PROVISIONS OF THIS TITLE OR A REGULATION PROMULGATED UNDER IT.

(D) IT IS NO DEFENSE THAT THE PERSON WHO HAD THE ITEM SPECIFIED IN (A) OF THIS SECTION IN POSSESSION AT THE TIME OF ITS USE AND SEIZURE HAS NOT BEEN CONVICTED OR ACQUITTED IN A CRIMINAL PROCEEDING RESULTING FROM OR ARISING OUT OF ITS USE.

(E) NO FORFEITURE MAY BE MADE OF AN ITEM SUBSEQUENTLY SOLD TO AN INNOCENT PURCHASER IN GOOD FAITH. THE BURDEN OF PROOF AS TO WHETHER THE PURCHASER PURCHASED THE ITEM INNOCENTLY AND IN GOOD FAITH SHALL BE ON THE PURCHASER.

(F) AN ITEM FORFEITED UNDER THIS SECTION SHALL BE DISPOSED OF AT THE DISCRETION OF THE DEPARTMENT.

STORY (SEC. 3 CH 124 SLA 1974)

01 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

17.30.110 DOCUMENT= 1 OF 1 PAGE = 1 OF 8

CHAPTER = 17.30

SECTION = 17.30.110

TITLE = 17

ADINGS TITLE 17.

FOOD AND DRUGS.

CHAPTER 30.

CONTROLLED SUBSTANCES.

ARTICLE 2.

ENFORCEMENT FORFEITURE AND REVIEW PROVISIONS.

TATION SEC. 17.30.110.

ON LINE

FORFEITURES.

BT

(A) THE FOLLOWING MAY BE FORFEITED TO THE STATE:

(1) A CONTROLLED SUBSTANCE WHICH HAS BEEN MANUFACTURED, DISTRIBUTED, DISPENSED, ACQUIRED, OR POSSESSED IN VIOLATION OF THIS CHAPTER OR AS 11.71,

(2) RAW MATERIALS, PRODUCTS, AND EQUIPMENT WHICH ARE USED OR INTENDED FOR USE IN MANUFACTURING, DISTRIBUTING, COMPOUNDING, PROCESSING, DELIVERING, IMPORTING, OR EXPORTING A CONTROLLED SUBSTANCE WHICH IS A FELONY UNDER THIS CHAPTER OR AS 11.71,

(3) PROPERTY WHICH IS USED OR INTENDED FOR USE AS A CONTAINER FOR PROPERTY DESCRIBED IN (1) OR (2) OF THIS SUBSECTION,

(4) A CONVEYANCE, INCLUDING BUT NOT LIMITED TO AIRCRAFT, VEHICLES OR VESSELS, WHICH HAS BEEN USED OR IS INTENDED FOR USE IN TRANSPORTING OR IN ANY MANNER IN

OR CONCEALMENT OF PROPERTY DESCRIBED IN (1) OR (2) OF THIS SUBSECTION IN VIOLATION OF A FELONY OFFENSE UNDER THIS CHAPTER OR AS 11.71; HOWEVER,

(A) A CONVEYANCE MAY NOT BE FORFEITED UNDER THIS PARAGRAPH IF THE OWNER OF THE CONVEYANCE ESTABLISHES, BY A PREPONDERANCE OF THE EVIDENCE, AT A HEARING BEFORE THE COURT AS THE TRIER OF FACT, THAT USE OF THE CONVEYANCE IN VIOLATION OF THIS CHAPTER OR AS 11.71 WAS COMMITTED BY ANOTHER PERSON AND THAT THE OWNER WAS NOT A CONSENTING PARTY NOR PRIVY TO THE VIOLATION;

(B) A FORFEITURE OF A CONVEYANCE ENCUMBERED BY A VALID SECURITY INTEREST AT THE TIME OF SEIZURE IS SUBJECT TO THE INTEREST OF THE SECURED PARTY IF THE SECURED PARTY ESTABLISHES, BY A PREPONDERANCE OF THE EVIDENCE, AT A HEARING BEFORE THE COURT AS THE TRIER OF FACT, THAT USE OF THE CONVEYANCE IN VIOLATION OF THIS CHAPTER OR AS 11.71 WAS COMMITTED BY ANOTHER PERSON AND THAT THE SECURED PARTY WAS NOT A CONSENTING PARTY NOR PRIVY TO THE VIOLATION;

(5) BOOKS, RECORDS, AND RESEARCH PRODUCTS AND MATERIALS, INCLUDING FORMULAS, MICROFILM, TAPES, AND DATA, WHICH ARE USED IN VIOLATION OF THIS CHAPTER OR AS 11.71;

(6) MONEY, SECURITIES, NEGOTIABLE INSTRUMENTS, OR OTHER THINGS OF VALUE USED IN FINANCIAL TRANSACTIONS DERIVED FROM ACTIVITY PROHIBITED BY THIS CHAPTER OR AS 11.71; AND

(7) A FIREARM WHICH IS VISIBLE, CARRIED DURING, OR USED IN FURTHERANCE OF A VIOLATION OF THIS CHAPTER OR AS 11.71.

(B) PROPERTY LISTED IN (A) OF THIS SECTION MAY BE FORFEITED

TO THE STATE EITHER UPON CONVICTION OF THE DEFENDANT OF A VIOLATION OF THIS CHAPTER OR AS 11.71, OR UPON JUDGMENT OF A COURT IN A SEPARATE CIVIL PROCEEDING IN REM. THE COURT MAY ORDER A FORFEITURE IN THE IN REM PROCEEDING IF IT FINDS THAT AN ITEM SPECIFIED IN (A) OF THIS SECTION WAS USED DURING OR IN AID OF A VIOLATION OF THIS CHAPTER OR AS 11.71.

(C) IT IS NOT A DEFENSE IN AN IN REM PROCEEDING BROUGHT UNDER THIS SECTION THAT A CRIMINAL PROCEEDING HAS RESULTED IN A CONVICTION OR CONVICTION OF A LESSER OFFENSE FOR A VIOLATION OF THIS CHAPTER OR AS 11.71.

(1) PROPERTY LISTED IN (A) OF THIS SECTION MAY BE SEIZED BY A PEACE OFFICER UPON AN ORDER ISSUED BY A COURT HAVING JURISDICTION OVER THE PROPERTY UPON A SHOWING OF PROBABLE CAUSE THAT THE PROPERTY MAY BE FORFEITED UNDER (A) OF THIS SECTION. SEIZURE WITHOUT A COURT ORDER MAY BE MADE IF

(1) THE SEIZURE IS INCIDENT TO A VALID ARREST OR A SEARCH UNDER A VALID SEARCH WARRANT,

(2) THE PROPERTY SUBJECT TO SEIZURE HAS BEEN THE SUBJECT OF AN EARLIER JUDGMENT IN FAVOR OF THE STATE IN A CRIMINAL PROCEEDING OR CIVIL PROCEEDING IN REM UNDER THIS CHAPTER OR AS 11.71, OR

(3) THERE IS PROBABLE CAUSE THAT THE PROPERTY WAS USED, IS BEING USED, OR IS INTENDED FOR USE, IN VIOLATION OF THIS CHAPTER OR AS 11.71 AND THE PROPERTY IS EASILY MOVABLE. PROPERTY SEIZED UNDER THIS PARAGRAPH MAY NOT BE HELD FOR MORE THAN 48 HOURS WITHOUT A COURT ORDER OBTAINED TO CONTINUE ITS DETENTION.

(2) PROPERTY TAKEN OR DETAINED UNDER (B) OF THIS SECTION

SHALL BE HELD IN THE CUSTODY OF EITHER THE COMMISSIONER OF PUBLIC SAFETY OR A MUNICIPAL LAW ENFORCEMENT AGENCY AUTHORIZED BY THE COMMISSIONER OF PUBLIC SAFETY TO RETAIN CUSTODY OF PROPERTY LISTED IN (A) OF THIS SECTION SUBJECT ONLY TO THE ORDERS AND DECREES OF THE COURT HAVING JURISDICTION OVER ANY FORFEITURE PROCEEDINGS. IF PROPERTY IS SEIZED UNDER THIS CHAPTER, THE COMMISSIONER OF PUBLIC SAFETY OR AN AUTHORIZED MUNICIPAL LAW ENFORCEMENT AGENCY MAY

(1) PLACE THE PROPERTY UNDER SEAL,

(2) REMOVE THE PROPERTY TO A PLACE DESIGNATED BY THE COURT, OR

APPROPRIATE LOCATION FOR DISPOSITION IN ACCORDANCE WITH LAW.
(F) WITHIN 10 DAYS AFTER A SEIZURE UNDER THIS SECTION, THE COMMISSIONER OF PUBLIC SAFETY SHALL MAKE AN INVENTORY OF ANY PROPERTY SEIZED, INCLUDING CONTROLLED SUBSTANCES, AND SHALL APPRAISE THE VALUE OF ANY ITEMS SEIZED OTHER THAN CONTROLLED SUBSTANCES.

(G) WITHIN 20 DAYS AFTER A SEIZURE UNDER THIS SECTION, THE COMMISSIONER OF PUBLIC SAFETY SHALL, BY CERTIFIED MAIL, NOTIFY ANY PERSON KNOWN TO HAVE AN INTEREST IN AN ITEM WITH AN APPRAISED VALUE OF \$500 OR MORE, OR WHO IS ASCERTAINABLE FROM OFFICIAL REGISTRATION NUMBERS, LICENSES, OR OTHER STATE, FEDERAL OR MUNICIPAL NUMBERS ON THE ITEM, OF THE PENDING FORFEITURE ACTION. ADDITIONALLY, THE COMMISSIONER OF PUBLIC SAFETY SHALL PUBLISH NOTICE OF FORFEITURE ACTION OF AN ITEM VALUED AT \$500 OR MORE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE JUDICIAL DISTRICT IN WHICH THE SEIZURE WAS MADE, OR IF NO NEWSPAPER IS PUBLISHED IN

417.30.110 DOCUMENT# 1 OF 1 PAGE = 5 OF 8
THAT JUDICIAL DISTRICT, IN A NEWSPAPER PUBLISHED IN THE STATE AND DISTRIBUTED IN THAT JUDICIAL DISTRICT. THE NOTICE SHALL BE PUBLISHED ONCE EACH WEEK DURING FOUR CONSECUTIVE CALENDAR WEEKS. THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO THE FORFEITURE OF CONTROLLED SUBSTANCES WHICH HAVE BEEN MANUFACTURED, DISTRIBUTED, DISPENSED, OR POSSESSED IN VIOLATION OF THIS CHAPTER OR AS 11.71, REGARDLESS OF THEIR VALUE.

(H) UPON SERVICE OR PUBLICATION OF NOTICE OF COMMENCEMENT OF A FORFEITURE ACTION UNDER THIS SECTION, A PERSON CLAIMING INTEREST IN THE PROPERTY SHALL FILE WITHIN 30 DAYS AFTER THE SERVICE OR PUBLICATION, A NOTICE OF CLAIM SETTING OUT THE NATURE OF THE INTEREST, THE DATE IT WAS ACQUIRED, THE CONSIDERATION PAID, AND AN ANSWER TO THE STATE'S ALLEGATIONS. IF A CLAIM AND ANSWER IS NOT FILED WITHIN THE TIME SPECIFIED, THE PROPERTY DESCRIBED IN THE STATE'S ALLEGATION MUST BE ORDERED FORFEITED TO THE STATE WITHOUT FURTHER PROCEEDINGS OR SHOWINGS.

(I) QUESTIONS OF FACT OR LAW RAISED BY A NOTICE OF FORFEITURE ACTION AND ANSWER OF A CLAIMANT IN AN ACTION COMMENCED UNDER THIS SECTION MUST BE DETERMINED BY THE COURT SITTING WITHOUT A JURY. THIS PROCEEDING MAY BE HELD IN ADEYANCE UNTIL CONCLUSION OF ANY PENDING CRIMINAL CHARGES AGAINST THE CLAIMANT UNDER THIS CHAPTER OR AS 11.71.

(J) A CLAIMANT UNDER (H) OF THIS SECTION MAY AT ANY TIME PETITION FOR RELEASE OF A SEIZED ITEM AS FOLLOWS:

- (1) TO A COURT IN WHICH A WARRANT FOR SEIZURE HAS BEEN ISSUED,
- (2) TO A COURT IN WHICH A CRIMINAL OR CIVIL ACTION ALLEGING FORFEITURE OF THE ITEM HAS BEEN FILED; OR

417.30.110 DOCUMENT# 1 OF 1 PAGE = 6 OF 8
(3) BEFORE AN ACTION IS FILED, OR IF NO SEIZURE WARRANT WAS ISSUED, TO A COURT IN THE JUDICIAL DISTRICT IN WHICH THE VIOLATION TOOK PLACE.

(K) AN ITEM MAY NOT BE RELEASED BY THE COURT UNDER (J) OF THIS SECTION UNLESS THE CLAIMANT GIVES ADEQUATE ASSURANCE THAT THE ITEM WILL REMAIN SUBJECT TO THE COURT'S JURISDICTION AND

- (1) THE COURT FINDS THAT THE RELEASE IS IN THE BEST INTERESTS OF THE STATE; OR
- (2) THE CLAIMANT PROVIDES A BOND OR OTHER VALID AND EQUIVALENT SECURITY EQUAL TO TWICE THE APPREISED VALUE OF THE ITEM.

(L) A CLAIMANT MAY PETITION THE COURT FOR SALE OF AN ITEM BEFORE FINAL DISPOSITION OF COURT PROCEEDINGS. THE COURT SHALL GRANT A PETITION FOR SALE UPON A FINDING THAT THE SALE IS IN THE BEST INTERESTS OF THE STATE AND THE PRESERVATION AND MAINTENANCE OF THE ITEM SEIZED. PROCEEDS FROM THE SALE PLUS INTEREST TO THE DATE OF FINAL DISPOSITION OF THE COURT PROCEEDINGS BECOME THE SUBJECT OF THE FORFEITURE ACTION.

(M) PROPERTY FORFEITED UNDER THIS SECTION OTHER THAN CONTROLLED SUBSTANCES SHALL BE DISPOSED OF BY THE COMMISSIONER OF ADMINISTRATION IN ACCORDANCE WITH APPLICABLE LAW. THE COMMISSIONER OF ADMINISTRATION MAY

- (1) DESTROY PROPERTY HARMFUL TO THE PUBLIC,
- (2) SELL THE PROPERTY AND USE THE PROCEEDS FOR PAYMENT OF ALL PROPER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE AND SALE, INCLUDING EXPENSES OF STORAGE, STORAGE, AND COURT

(3) TAKE CUSTODY OF THE PROPERTY AND AUTHORIZE ITS USE

17.39.110 DOCUMENT# 1 OF 1 PAGE = 7 OF 8

IN THE ENFORCEMENT OF THIS CHAPTER OR AS 11.71, OR TRANSFER IT TO ANOTHER AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR A USE IN FURTHERANCE OF THE ADMINISTRATION OF JUSTICE;

(4) TAKE CUSTODY OF THE PROPERTY AND REMOVE IT FOR DISPOSITION IN ACCORDANCE WITH LAW; OR

(5) FORWARD IT TO THE DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE FOR DISPOSITION.

(R) UPON A SHOWING THAT A CLAIMANT IS ENTITLED TO REMITTANCE IN ACCORDANCE WITH THIS SECTION, THE COURT SHALL ORDER THAT

(1) IF THE CLAIMANT IS ENTITLED TO THE ITEM, IT SHALL BE DELIVERED TO THE CLAIMANT IMMEDIATELY;

(2) IF THE CLAIMANT IS ENTITLED TO REMITTANCE OF SOME VALUE LESS THAN THE TOTAL VALUE OF THE ITEM, THE CLAIMANT IS ENTITLED, AT THE CLAIMANT'S CHOICE, TO RECEIVE EITHER THE VALUE OF THE CLAIMANT'S INTEREST OR, UPON RECEIPT OF PAYMENT OF THE DIFFERENCE IN VALUE BY THE CLAIMANT, THE ENTIRE ITEM.

(O) AN OFFENDER WHO USED AN ITEM SUBJECT TO REMISSION IN VIOLATION OF THIS CHAPTER OR AS 11.71 SHALL BE ASSESSED A FINE WHICH MAY NOT BE LESS THAN THE COST OF ANY LIEN PAYMENT OR REMITTANCE MADE BY THE STATE PLUS THE REASONABLE COSTS OF THE SEIZURE.

(P) A CONTROLLED SUBSTANCE MANUFACTURED, POSSESSED, TRANSFERRED, SOLD, OR OFFERED FOR SALE IN VIOLATION OF THIS CHAPTER OR AS 11.71 IS CONTRABAND AND MUST BE SEIZED AND SUMMARIY FORFEITED TO THE STATE. THE COMMISSIONER OF PUBLIC SAFETY OR THE COMMISSIONER'S DESIGNEE, INCLUDING A MUNICIPAL LAW ENFORCEMENT AGENCY AUTHORIZED UNDER (E) OF THIS SECTION TO RETAIN

17.39.110 DOCUMENT# 1 OF 1 PAGE = 8 OF 8

CUSTODY OF CONTROLLED SUBSTANCES, IS RESPONSIBLE FOR THE DISPOSAL OF CONTROLLED SUBSTANCES WHICH HAVE BEEN FORFEITED. THE CONTROLLED SUBSTANCES SHALL BE DISPOSED OF IN ACCORDANCE WITH PROCEDURES AND REQUIREMENTS PRESCRIBED BY THE COMMISSIONER.

(Q) PLANTS FROM WHICH CONTROLLED SUBSTANCES MAY BE DERIVED AND WHICH HAVE BEEN PLANTED OR CULTIVATED IN VIOLATION OF THIS CHAPTER OR AS 11.71, OR WHICH ARE GROWN IN THE WILD, MAY BE SEIZED AND SUMMARIY FORFEITED TO THE STATE.

STORY (SEC. 4 CH 45 SLA 1982)

804 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

26.05.345 DOCUMENT# 47 OF 48 PAGE = 1 OF 1

CHAPTER = 26.05

SECTION = 26.05.345

TITLE = 26

ADINGS TITLE 26.

MILITARY AFFAIRS AND VETERANS.

CHAPTER 05.

MILITARY CODE OF ALASKA.

TATION SEC. 26.05.345.

70H LINE

CIVIL AIR PATROL.

AT THE ADJUTANT GENERAL SHALL MAKE THE NECESSARY ADMINISTRATIVE ARRANGEMENTS FOR MAINTAINING LIAISON BETWEEN THE STATE AND THE CIVIL AIR PATROL AND THE EXPENDITURE OF FUNDS APPROPRIATED TO THE DEPARTMENT FOR THE STATE CONTRIBUTION TOWARD THE SUPPORT OF THE AUTHORIZED ACTIVITIES OF THE ALASKA WING, CIVIL AIR PATROL, UNDER ITS CHARTER.

807 (SEC. 3 CH 79 SLA 1965; EXECUTIVE ORDER NO. 33 (1965))

END OF DOCUMENT

ALASKA STATE LEGISLATURE

INTERIM OFFICE:
P.O. BOX 81435
FAIRBANKS, ALASKA 99708

IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4930/4941



CHAIRMAN
1983 INTERIOR DELEGATION

MEMBER
TRANSPORTATION
HEALTH, EDUCATION AND SOCIAL SERVICES
LABOR SUBCOMMITTEE
JOINT OIL AND GAS
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis
House District 19

MEMORANDUM

Sen. Bill
To: Sen. Bill Ray, Chairman Senate Judiciary Committee

From: Rep. Mike Davis

Date: May 3, 1983

Re: CSHB 195

Dear Senator Ray,

Enclosed is a set of the back-up material for the CS for House Bill No. 195 (Judiciary) which is presently in the Senate Judiciary Committee.

Sincerely,

Mike Davis
Rep. Mike Davis

(c) A person who, either by himself or with another, wilfully deprives a member of the National Guard or Naval Militia of his employment or prevents his being employed by himself or another, or obstructs or annoys the member of the National Guard or Naval Militia or his employer in respect of his trade, business or employment, because the member of the National Guard or Naval Militia is a member, or in any way dissuades any person from enlisting in the National Guard or Naval Militia by threat or injury to him in respect of his employment, trade or business, if he so enlists, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100.

(d) All matters relating to the organization, discipline and government of the National Guard or Naval Militia, not otherwise provided for by the laws of the United States, this chapter, or regulations issued by the president shall be governed by regulations issued by the adjutant general and approved by the governor, and the regulations when adopted, have the same force and effect as though enacted in this chapter. (§ 36 ch 150 SLA 1955; am §§ 18 — 20 ch 34 SLA 1973)

Sec. 26.05.345. Civil Air Patrol. The adjutant general shall make the necessary administrative arrangements for maintaining liaison between the state and the Civil Air Patrol and the expenditure of funds appropriated to the department for the state contribution toward the support of the authorized activities of the Alaska Wing, Civil Air Patrol, under its charter. (§ 3 ch 70 SLA 1965; Executive Order No. 33 (1968))

Revisor's note. — The following executive order, signed by Governor Walter J. Hickel, was transmitted to the legislature on January 23, 1968. It was not disapproved by the legislature during the 1968 session and therefore became law under the provisions of sec. 23, art. III of the Alaska Constitution and AS 24.30.130.

"EXECUTIVE ORDER NO. 33. Pursuant to the authority vested in me by Sec. 23, Art. III, Constitution of the State of Alaska, the State's responsibilities toward the Alaska Wing, Civil Air Patrol, as set forth in AS 44.33.110, are hereby transferred from the Department of Commerce to the Department of Military Affairs. The effective date of such transfer shall be July 1, 1968.

"Dated at Juneau, Alaska this 22nd day of January, 1963."

This section, except for the designation of the responsible official, formerly was AS 44.23.110.

Editor's note. — Chapter 70, SLA 1965, included the following: "Sec. 1. Purpose. The Civil Air Patrol is an auxiliary of the United States Air Force operating under charter from Congress, and it operates in all states and the District of Columbia and the Commonwealth of Puerto Rico. The Civil Air Patrol has as its purpose the organizing of public-spirited citizens in civil aviation into a volunteer semi-military organization to assist in civil defense efforts, train teen-age cadets in pre-flight instruction, conduct missing-aircraft search service, and assist in search and rescue missions, and special missions for state and federal agencies. It is the purpose of this Act to make formal provision for the administration of the financial support of the state's participation in the program of the Civil Air Patrol."

Sec. 26.05.350. Short title. This chapter may be cited as the Military Code of Alaska. (§ 1 ch 150 SLA 1955)

Title 27
Mining

Title 28
Motor Vehicles

Title 20
Municipal Government

ALASKA STATE LEGISLATURE

INTERIM OFFICE:
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IN SESSION:
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CHAIRMAN
1983 INTERIOR DELEGATION

MEMBER
TRANSPORTATION
HEALTH, EDUCATION AND SOCIAL SERVICES
LABOR SUBCOMMITTEE
JOINT OIL AND GAS
RURAL EDUCATION ATTENDANCE AREAS

Representative Mike Davis
House District 19

MEMORANDUM

To: Rep. McBride, Rep. Abood, Rep. Hurlbert, Rep. Bussell
Bob Head, Department of Administration
Dick Rountree, Department of Military Affairs

From: Rep. Mike Davis *Mike*

Date: April 8, 1983

Re: House Bill 195



Attached is a substitute version of House Bill 195 which will be brought up before the House Judiciary Committee on Friday, April 15. The purpose of this substitute is to further clarify the original legislative intent of HB 195.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG
COMMISSIONER

P. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

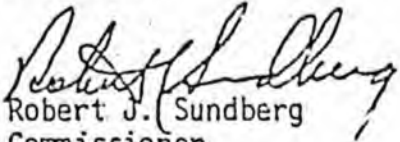
February 18, 1983

Representative Mike Davis
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Representative Davis:

The Division of Fish and Wildlife Protection is the primary agency within the Department of Public Safety that becomes involved in the seizure and subsequent forfeiture of aircraft. Neither the Division nor I see any problem with HB 195.

Sincerely,


Robert J. Sundberg
Commissioner

✓

MAR 2 1983

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION

BILL SHEFFIELD, GOVERNOR

ROBERT J. SUNDBERG
COMMISSIONER

F. O. BOX 6188, ANNEX
ANCHORAGE, ALASKA 99502

February 18, 1983

Representative John Ringstad
Chairman, House Resources Committee
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Representative Ringstad:

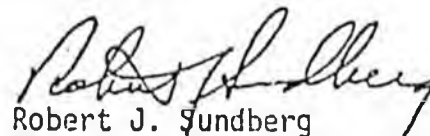
I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to the subsequent House Bill under proposal:

HB 195 - Neutral

This Bill should be carefully researched to insure Alaska constitutional provisions and procedures are not by-passed in the transfer of State property.

The majority of aircraft forfeited to the State are in the cub class, which may not be the appropriate plane for civil air patrol. Most aircraft that have been forfeited to the State in the past have needed extensive repair in order to be airworthy. This would require facilities or funds for putting an aircraft in an airworthy condition. The State should not be held liable for the condition of the aircraft at the time of transfer of ownership.

Sincerely,



Robert J. Sundberg
Commissioner

Alaska State Legislature

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HOUSE MAJORITY WHIP

CHAIRMAN
STATE AFFAIRS

MEMBER
TRANSPORTATION
LEGISLATIVE COUNCIL

Representative Mitch Abood
HOUSE DISTRICT 11

MEMORANDUM

TO: Representative John Ringstad, Co-Chairman
Representative Richard Shultz, Co-Chairman
House Resources Committee

FROM: Representative Mitch Abood *Mitch*

DATE: March 1, 1983

RE: HB 195
"An Act permitting transfer of forfeited aircraft to the Alaska
Wing, Civil Air Patrol"

The Civil Air Patrol is providing a great service to the public in its search and rescue efforts, and the transfer of confiscated aircraft to the Civil Air Patrol would tremendously benefit this outstanding operation.

The Civil Air Patrol provides emergency search and rescue services to those individuals who wind up in trouble in the vast outlying areas of Alaska. Because of the age of the aircraft and the great number of hours the CAP spends on search and rescue efforts, it is imperative that the aircraft and equipment used in service be replaced periodically to insure the utmost in safety of the operations. The CAP is currently replacing its aircraft with funds of their own, and the process is quite lengthy in their efforts to procure new aircraft from Outside.

It is with this in mind that I highly recommend the passage of HB 195, "An Act permitting transfer of forfeited aircraft to the Alaska Wing, Civil Air Patrol".

cc: Representative Mike Davis