

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86 / 2

2745 HRES • HB 148 - HB 187 • 2745

April 12, 1983

requires a certain reimbursement to the state for its payments of municipal taxes if it is subdivided.

Sec. 3 amends AS 29.53 to provide that land receiving protection under AS 03.07 shall be assessed on the basis of value as farm land.

Sec. 4 conforms AS 38.05.345 to the amendments to the amendments made in this section; sec. 345 relates to notice to the public on the disposition of state land.

Sec. 5 requires a report by the commissioner of natural resources on six aspects of the implementation of AS 03.07.

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# Alaska State Legislature

REPRESENTATIVE  
BARBARA LACHER  
P.O. BOX 478  
PALMER, ALASKA 99645  
(907) 376-4215



WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4894

## House of Representatives

### M E M O R A N D U M

TO: HOUSE RESOURCES COMMITTEE

FROM: REPRESENTATIVE LACHER

SUBJECT: HB 148

DATE: April 9, 1983

Several questions were raised in regard to the intent of HB 148 in its first hearing in the House Resources Committee on March 30, 1983. I would like to take this time to address these issues in turn.

Concern was expressed as to the extent to which this bill effects areas of the state other than the Mat-Su valley. In other words, is this a Mat-Su bill? Agricultural lands are endangered throughout the state. Farmer's Loop Road in Fairbanks was mostly farms, and is now predominantly subdivided. A 160 acre dairy farm, also in Fairbanks, is subdivided and partially developed. The Bench area in Homer was originally all farmland, while today there are but a few small farm acres left due to subdivisions. Several farmers from the Bench area testified in the teleconference held on this bill in the C&RA Committee, earlier this session. The rate of subdivision is best documented for the Mat-Su area, where about 1,000 acres per year are being subdivided. The Department of Agriculture has not been keeping records for other regions of the state, but the absence of these records should not be interpreted as an indication that this is only a Mat-Su phenomena.

The \$77,000.00 fiscal note attached to this bill has been questioned for its reasonableness. On this note, Sharon Barton of the DNR testified, in the 3/30/83 hearing, that "...were HB 148 to pass it would not be a Department priority and that the funds provided in the bill would be spent for staff work on other priority projects." It should be pointed out that the legislative intent and direction of this bill is quite clear. The DNR should be reminded of the consequences of intentional failure to comply with legislative direction. The \$77,000 fiscal note, provided by the DNR, is quite reasonable. It is intended to cover the costs of administering the enabling legislation of HB 148. The administration of HB 148 will not require two full time staff positions. Most assessment valuations conducted under this program would be contracted to private assessors or use present state employee assessors.

These expenses would probably not total the \$77,000 provided in the fiscal note. HB 148 is enabling legislation and therefore the fiscal note does not provide funds for the acquisition of any agricultural preservation easements. These funds must be specifically designated and appropriated by the legislature.

HB 148 does not mandate that the DNR, Division of Agriculture purchase all property submitted for purchase by the program; nor does this legislation mandate that the Director or Commissioner purchase at any price. The State's liability in regard to questionable land valuations is guarded on two counts. First, the bill requires the use of an assessor (member of the organizations or a state employed assessor). Secondly there is no obligation stipulated in the bill that the Department purchase all submitted purchase applications.

Some members of this legislative body have raised questions as to the status of agriculture in Alaska and its overall value to the state as a whole. One could equally ask if Alaska is a forestry state, a fishing state, a trapping state, a mining state, a tourism state, and so on. The answer to all of these questions is an obvious yes. Alaska is a diverse state with multiuse lands and many growing and developing industries. The relevant question here is what does and will Alaskan agriculture do for Alaskans. Quite simply, farmland in Homer, Delta, Fairbanks, and Mat-Su is capable of providing employment and food for many thousands of Alaskans at a lower price than the same commodity shipped up from the lower 48.

The Workman, Arobio and Gasbarro report [An Examination of A Development Rights Purchase Program For Alaskan Agricultural Lands; January, 1979, DNR] noted that some small Alaskan farms are currently underproductive due to the impending threat of development. The report argued that these farmers were holding off from necessary investments into more productive equipment, etc., in the anticipation that they will be driven out of business and are therefore keeping their losses at a minimum. The effects of passage of HB 148 on this trend would be an obvious reversal. A second factor which has been a drawback for smaller Alaskan farms has been the absence of a well-developed transportation and marketing infrastructure. As the Workman, Arobio and Gasbarro report indicates, were state support of this industry given to the smaller produce, dairy and potatoe farmers then the inducement to develop this industry and the necessary infrastructure would follow within the private sector.

It is ironic that the state is currently spending millions of dollars to develop new agricultural lands while we're building subdivisions on existing farmlands that happen to be the best in the state. Most of these farms have been productive for years (see attached statistics); but the pressure of high prices offered by developers is causing a loss of these lands at the same historical moment that the state is investing in the clearing and development of new agricultural lands and grain terminals for the storage and export of the anticipated production.

An identical bill has been sponsored on the Senate side by Representative Moss; this is SB 237.

TABLE 1

TOTAL VALUE OF AGRICULTURAL PRODUCTION AND SALES  
(In Thousands of Dollars)  
1959-1977

Year	Value of Production	Sales	Used on Farm	Percent of Production Sold
1959	\$4,978	\$3,443	\$1,535	69
1960	5,517	4,004	1,513	73
1961	5,651	4,426	1,225	78
1962	5,781	4,394	1,387	76
1963	5,451	4,056	1,395	74
1964	5,860	4,453	1,407	76
1965	5,518	4,283	1,235	78
1966	5,560	4,315	1,245	78
1967	5,524	4,023	1,501	73
1968	5,353	4,070	1,283	76
1969	4,574	3,505	1,069	77
1970	5,476	3,975	1,501	73
1971	5,474	3,927	1,547	72
1972	5,997	4,257	1,700	72
1973	6,987	5,142	1,845	74
1974	8,080	5,588	2,492	69
1975	9,226	6,937	2,289	75
1976	8,802	6,882	1,920	78
1977	9,777	6,914	2,863	71

SOURCES: Alaska Crop and Livestock Reporting Service; Alaska Agricultural Statistics, (Palmer: Alaska Crop and Livestock Reporting Service, 1978); Alaska Department of Economic Development, Alaska Statistical Review, (Juneau: Alaska Department of Economic Development, 1972), pp. 181-190.

TABLE 2

ESTIMATED VALUE OF PRODUCT BY AREA  
(In Thousands of Dollars)  
1960-1977

Year	Matanuska Valley		Tanana Valley		Kenai Peninsula		Southeast		Southwest	
	Value	%	Value	%	Value	%	Value	%	Value	%
1960	\$3,663	67	\$ 907	16	\$ 278	5	\$ 264	4	\$ 272	5
1961	3,945	69	842	14	326	5	219	3	319	5
1962	3,939	68	938	16	334	5	217	3	348	6
1963	3,721	68	781	14	383	7	174	3	357	6
1964	4,017	68	872	14	333	5	156	2	458	7
1965	3,406	63	950	17	481	8	134	2	414	7
1966	3,793	69	847	12	453	8	33	1	559	10
1967	3,876	70	673	12	397	7	30	1	548	10
1968	3,021	74	399	10	159	4	8	-	483	12
1969	3,260	71	448	10	305	7	29	1	532	12
1970	4,003	73	634	12	263	5	37	1	541	10
1971	4,102	75	676	12	206	4	22	-	467	9
1972	4,615	77	917	15	219	4	14	-	231	4
1973	5,116	73	1,246	18	274	4	1	-	345	5
1974	6,181	76	1,060	13	405	5	17	-	416	5
1975	6,602	72	1,791	19	506	5	10	-	317	3
1976	6,488	74	1,532	17	407	5	9	-	365	4
1977	7,282	74	1,601	16	597	6	12	-	284	3

SOURCE: Alaska Crop and Livestock Reporting Service, Alaska Agricultural Statistics, (Palmer: Alaska Crop and Livestock Reporting Service, 1978); Alaska Department of Economic Development, Alaska Statistical Review, (Juneau: Alaska Department of Economic Development, 1972). pp. 181-190.

TABLE 1

## AGRICULTURAL COMMODITIES PRODUCED - ALASKA (Selected Years)

Commodity		1960	1965	1970	1975	1979	1980
----- thousand units -----							
<u>CROP PRODUCTION</u>							
OATS							
FOR GRAIN	Bu.	79.8	42.0	22.5	16.8	15.6	26.1
BARLEY							
FOR GRAIN	Bu.	87.4	67.2	46.5	70.0	287.0	339.0
ALL SILAGE	Tons	20.2	21.7	13.6	15.2	12.4	12.4
GRAIN SILAGE	Tons	15.8	17.7	7.4	4.8	4.2	4.7
GRASS SILAGE	Tons	4.4	4.0	6.2	10.4	8.2	7.7
ALL HAY	Tons	10.5	8.8	9.4	21.4	15.8	15.0
GRAIN HAY	Tons	2.5	2.2	1.5	7.1	1.6	2.7
GRASS HAY	Tons	8.0	6.6	7.9	14.3	14.2	12.3
POTATOES	Cwt.	131.4	131.0	106.8	108.7	85.0	77.0
CABBAGE	Cwt.	3.6	3.0	3.5	3.0	4.0	4.1
LETTUCE	Cwt.	6.2	6.5	7.9	9.5	13.6	11.3
CARROTS	Cwt.	7.6	2.9	1.5	2.0	2.4	3.3
OTHER							
VEGETABLES	Cwt.	2.8	2.1	3.0	1.8	3.5	4.6
<u>LIVESTOCK AND POULTRY PRODUCTS</u>							
EGGS	Doz.	529.8	766.7	408.0	417.0	558.0	367.0
POULTRY	Lbs.	55.0	39.0	73.0	167.0	170.0	172.0
BEEF	Lbs.	357.0	824.0	963.0	664.0	748.0	767.0
PORK	Lbs.	151.0	205.0	135.0	150.0	221.0	232.0
MUTTON	Lbs.	12.0	28.0	52.0	30.0	24.0	18.0
WOOL	Lbs.	125.0	209.0	239.0	67.0	32.0	38.0
REINDEER	Lbs.	450.0	637.0	615.0	345.0	NA	NA
----- million units -----							
MILK	Lbs.	20.4	20.7	18.6	16.8	13.0	12.5

Source: Alaska Crop and Livestock Reporting Service 6/81.

TABLE 2

ESTIMATED VALUE OF PRODUCT BY AREA  
(In Thousands of Dollars)  
1960-1977

Year	Matanuska Valley		Tanana Valley		Kenai Peninsula		Southeast		Southwest	
	Value	%	Value	%	Value	%	Value	%	Value	%
1960	\$3,663	67	\$ 907	16	\$ 278	5	\$ 264	4	\$ 272	5
1961	3,945	69	842	14	326	5	219	3	319	5
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1975	6,602	72	1,791	19	506	5	10	-	317	3
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SOURCE: Alaska Crop and Livestock Reporting Service, Alaska Agricultural Statistics, (Palmer: Alaska Crop and Livestock Reporting Service, 1978); Alaska Department of Economic Development, Alaska Statistical Review, (Juneau: Alaska Department of Economic Development, 1972). pp. 181-190.

AGRICULTURAL COMMODITIES PRODUCED: 1960-72

		1960	1965	1970	1972
----- thousand units -----					
CROPS					
<u>OATS</u>					
<u>FOR GRAIN</u>	Cwt.	25.5	13.4	7.2	4.8
<u>BARLEY</u>					
<u>FOR GRAIN</u>	Cwt.	42.0	32.3	22.3	24.9
<u>GRAIN</u>					
<u>SILAGE</u>	Tons	15.8	17.7	7.4	10.7
<u>GRASS</u>					
<u>SILAGE</u>	Tons	4.4	4.0	6.2	8.6
<u>GRAIN HAY</u>	Tons	2.5	2.2	1.5	3.0
<u>GRASS HAY</u>	Tons	8.0	6.6	7.9	11.5
<u>POTATOES</u>	Cwt.	131.4	131.0	106.8	99.0
<u>CABBAGE</u>	Cwt.	3.6	3.0	3.5	3.4
<u>CARROTS</u>	Cwt.	7.6	2.9	1.5	1.8
<u>LETTUCE</u>	Cwt.	6.2	6.5	7.9	6.3
<u>OTHER</u>					
<u>VEGETABLES</u>	Cwt.	2.8	2.1	3.0	2.2
LIVESTOCK AND POULTRY PRODUCTS					
<u>EGGS</u>	Doz.	529.8	766.7	417.0	583.0
<u>POULTRY</u>	Lbs.	55.0	89.0	72.0	76.0
<u>BEEF</u>	Lbs.	357.0	824.0	963.0	691.0
<u>PORK</u>	Lbs.	151.0	205.0	135.0	135.0
<u>MUTTON</u>	Lbs.	12.0	28.0	52.0	30.0
<u>WOOL</u>	Lbs.	125.0	209.0	239.0	145.0
----- million pounds -----					
<u>MILK</u>	Lbs.	20.4	20.7	18.6	17.6

BARLEY - ALASKA 1975-80

District	Year	Area		Area Harvested for Grain			
		Planted Acres	Acres	Yield Bu.	Bu.	Production Cwt.	Value (000)
Tanana Valley	1975	300	250	21.7	5.4	2,600	23.4
	1976	157	175	34.3	6.0	2,900	26.0
	1977	1,350	1,300	47.6	61.9	29,700	240.0
	1978	2,500	2,450	33.9	83.1	39,900	310.0
	1979	4,400	4,080	45.6	186.0	89,300	536.0
	1980	12,500	10,600	29.2	309.6	148,600	904.0
Matanuska Valley	1975	1,200	1,200	52.4	62.9	30,200	255.0
	1976	1,175	1,125	54.2	61.0	29,300	235.0
	1977	1,720	1,300	49.3	64.1	30,800	239.0
	1978	1,710	1,550	43.2	66.9	32,100	260.0
	1979	2,050	1,720	58.7	101.0	48,500	325.0
	1980	1,400	900	32.7	29.4	14,100	113.0
Kenai Peninsula	1975	100	50	33.3	1.7	800	8.6
	1976	50	-	-	-	-	-
	1977	30	-	-	-	-	-
	1978	90	-	-	-	-	-
	1979	50	-	-	-	-	-
	1980	100	-	-	-	-	-
State Total	1975	1,600	1,500	47.0	70.0	33,600	287.0
	1976	1,400	1,300	51.5	67.0	32,200	261.0
	1977	3,100	2,600	48.5	126.0	60,500	479.0
	1978	4,300	4,000	37.5	150.0	72,000	570.0
	1979	6,500	5,800	49.5	287.0	137,800	861.0
	1980	14,000	11,500	29.5	339.0	162,700	1,017.0

# Alaska State Legislature

REPRESENTATIVE  
BARBARA LACHER  
P.O. BOX 478  
PALMER, ALASKA 99645  
(907) 376-4215



WHILE IN JUNEAU  
FOUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4894

## House of Representatives

TO: All House Resource Committee Members.

FROM: Representative Lacher,  
Chairman of House Community and Regional Affairs.

DATE: March 30, 1983

RE: House Bill 148

The preservation of existing, productive agricultural land has come to be a recognized need in Alaska just as it has long been a recognized need in the lower 48 states. Several states have enacted programs similar to this and, this particular legislation is patterned from one of the most successful; King County, Washington State.

In fact the state is investing millions of dollars every year to open new agricultural lands. It's difficult to imagine, with all the space that we have in Alaska, that we need to be concerned with preserving agricultural lands.

Unfortunately, the land use patterns in many parts of Alaska are results of early settlement and now towns, in the center of the best, most fertile farm lands in the state. Once these lands are developed with shopping centers and subdivisions constructed, they will never revert to farm land.

In the Mat-Su Borough an average of 1000 acres of farm land have been converted to subdivision over each of the past four years. There is more than ample room, and good ground, for construction buildings in the Borough, but limited farm land. The farm land is more desirable to subdividers because it's generally closer to existing towns and it's less expensive to prepare for building because it's already cleared.

Several other places in the state are experiencing the same undesirable losses of good farm land and people from around the state have supported the concept of saving some of these lands during statewide teleconference.

The intent of HB 148 is to permit the Director of Agriculture and the Commissioner of Natural Resources to very selectively purchase the

agricultural rights of only those lands which are of high quality farm value and are being threatened by urban sprawl such as we are now experiencing in some parts of the state. The land remains in private ownership, but can only be used for farming purposes. This selective purchase will have an important side benefit of retaining open spaces around our towns that will preserve the beauty and attractiveness we now enjoy.

Thank you for your favorable consideration of House Bill 148.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3600


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1983

SUBJECT: Agricultural land amendments  
(CSHB 148 (C&RA))

TO: Representative Don Clocksin

FROM: Richard A. Bradley   
Legislative Counsel

You have requested an analysis of the amendments incorporated into the committee substitute for HB 148. If this memorandum is late, as it seems it may be at this time, I regret that.

An analysis of the changes to HB 148 follows:

As you requested, the "Legislative Findings and Declaration of Purpose" have been eliminated.

The first amendment to bill language is in Sec. 03.07.010(b). The last "if" phrase on lines 23 - 24 of page 2 of the bill is turned into subsec. (b)(1) and the concept you suggested becomes (b)(2). Your request was that concepts of (1) prior classification and (2) disposal consistent with the classification be utilized. I believe that the short phrase added as (b)(2) contains these ideas.

But note that the "director" described in the bill is not the director of the division of lands. See sec. 100(7). Rather, the director is the director of agriculture. As a result, the director carrying out these programs is not going to have supervision of the division of lands programs and the access to the state land. I believe it was for this reason that the early part of sec. 10(b) requires the permission of the commissioner for these disposals. Some coordination between divisions is required.

Your second concept dealt with notice. Rather than developing new concepts of notice, I plugged your request into existing law at AS 38.05.345, with some embellishments. In that connection, see also bill sec. 2.

Since you wished sec. 10(e) to be eliminated for other reasons, I have put the notice requirements in at sec. 10(e).

Your third request, an amendment to AS 03.07.010(d), is accomplished.

Sec. 03.07.010 is deleted, as noted earlier, and replaced with new material you requested.

Your fifth request was concerned with specific appropriations for this program. See the new sec. 10(g).

The report that you wish from the commissioner of natural resources is requested under bill section 3.

For the moment, I will pass over the request concerned with the municipal tax implications of this bill, particularly as a conforming amendment to AS 29.53.035 is concerned.

Sec. 60(b) is amended to accomplish your request.

Sec. 90(a)(2) is deleted.

The effective date clause is eliminated.

Returning to the tax implications.

I was in the process of drafting an amendment to AS 29.53.035 for addition to the bill when the computer went down. Because I had substantial problems fitting your request into sec. 35 and because I anticipated problems meeting your deadline request, I decided to omit that request, advise you why and send the bill on its way.

The portion of sec. 35 that I would amend is sec. 35(a); that subsection provides:

(a) Farm use lands included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use, and shall not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the farm use land for both full and true value and farm use value. Should the farm use land be sold, leased, or otherwise disposed of for uses incompatible with farm use or be converted to a use incompatible with farm use by the owner, the owner

March 8, 1983

is liable to pay an amount equal to the additional tax at the current mill levy together with eight per cent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (e) of this section for the preceding seven years. The balance of the payment shall be made to the city or borough.

As you can see, the third sentence of sec. 35(a) contemplates that it is a transaction turning the land to a use "incompatible with farm use by the owner" that triggers the repayment. As I suggested to you yesterday, if that use is consistent with agricultural use, then the argument for repayment is vitiated -- or so it seems to me.

But if you believe that such a provision is required, then I suggest the following:

(a) Farm use land that is [LANDS] included in a farm unit, [AND] not dedicated or being used for nonfarm purposes, and not subject to an agricultural preservation easement shall be assessed on the basis of full and true value for farm use, and shall not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the farm use land for both full and true value and farm use value. Should the farm use land be sold, leased, or otherwise disposed of for uses incompatible with farm use or be converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight per cent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (e) of this section for the preceding seven years. The balance of the payment shall be made to the city or borough.

I would then also add a new subsection to read:

(f) Farm land subject to an agricultural preservation easement shall be assessed on the basis of full and true value for farm use. The owner of the farm land subject to an agricultural preservation easement is not entitled to benefits under (a) of this section.

March 8, 1983

If I may be of further assistance, please advise.

RAB:ljb

1/016



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y. State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

February 21, 1983

MEMORANDUM

TO: Representative Barbara Lacher  
FROM: Susan Brody, Director *SB*  
RE: Preservation of Agricultural Lands (HB 148)  
Research Request 83-58

HB 148 would allow the State to purchase preservation easements on privately-owned farmland for the purpose of protecting this land from conversion to urban uses. In selling the easement to the State, the land owner would relinquish the right to develop the land for any purpose other than farm use. Bob Harris of your staff asked us to summarize the bill and to estimate the amount and cost of land eligible for State purchase of easements. He also asked us to provide any available data concerning the amount of farmland converted to other uses.

Summary of HB 148

Section 1 of the bill finds that farmland located close to urban centers in Alaska is threatened because its market value for future development exceeds its market value for farm use. The bill further finds that the acquisition by the State of preservation easements on agricultural land will help to protect this land from conversion to urban uses.

Section 2 of the bill adds a new chapter to AS 03 entitled "Preservation of Agricultural Land." The way in which the preservation easement program would operate is described briefly below.

AS 03.07.010 would authorize the State to purchase agricultural preservation easements on privately-owned farm land. It also would allow the State to exchange State land for privately-owned agricultural land or for preservation easements on that land. Any sale, exchange or donation of an easement would be voluntary on the part of the land owner. Furthermore, the owner would not be required to farm the land as long as (s)he does not use or subdivide the land for residential, commercial or industrial purposes.

Under Section .020 of the new Chapter, land would be eligible for protection if it is privately owned and the soil under at least 40 percent of the surface of the parcel is classified as classes II-IV by the U.S. Soil Conservation Service. In addition, the parcel would have to contain at least 40 acres in cultivation or farm use or, if it is adjacent to an established farm(s), would have to have no less than 20

acres in farm use or cultivation. In this latter case, the adjacent farm(s) would have to be at least 40 acres in size and have been in operation for 10 years or more.

The bill establishes a procedure for setting priorities when funds are insufficient to purchase easements on all eligible land. Section .030 would allow the Director of the State Division of Agriculture to identify farmland preservation "priority districts" and to allocate funds for purchase of easements according the following priorities:

1. farmland threatened by early conversion to subdivisions, commercial or industrial uses;
2. farmland of recognized value for tourism;
3. farmland with a history of high productivity;
4. farmland close to market; and
5. farmland within established agricultural areas.

The bill also establishes criteria to be used in acquiring easements within priority districts. Section .040 would require the State to favor those valid offers where the land is threatened, the land was used for farming in the preceding 12 months, the land will form a contiguous farming area with other acquired land, acquisition of the easement will achieve both urban separation and agricultural production, and where the offer is below appraisal.

Section .050 would require the Division Director to consider any adopted municipal plans, ordinances or recommendations relating to farmland preservation prior to allocating easement purchase funds to priority districts within municipalities.

Section .060 would specify the information which must be included by the land owner as part of an offer to sell or exchange a preservation easement. The information to be required includes a legal description of the land and a price, and may include an appraisal in support of the asking price. Within 30 days, the State would have to notify the owner of the sufficiency of the offer. If a corrected, sufficient offer is made within 30 days of the notification, the land is determined to qualify.

The Division Director also would have to notify the appropriate municipality within 30 days if any part of the qualifying land is within a municipality. In turn, the municipal government would have an additional 30 days to request that the State reconsider the determination. If there is a reconsideration request, the State would be required to hold a public hearing in the municipality.

Section .070 would establish time limits within which the State could accept offers or make counter offers.

Under the proposed program, the State could purchase an agricultural preservation easement for either the asking price or the difference between the fair market value of the land and the agricultural value of the land, whichever was less (Section .080). The value determination would be based on one or more qualified appraisals.

Section .090 of the new Chapter would define the uses permitted on land subject to an agricultural preservation easement. These permitted uses would include:

1. agricultural use of the land by the owner;
2. removal of minerals or materials from the subsurface if the land were immediately returned to a condition as favorable to agriculture as existed prior to the extraction;
3. operation of machinery used in agricultural production;
4. sale of agricultural products produced on the land;
5. construction of buildings for farming operations; however, land used for farm residences would not be allowed to exceed one acre per 40 acres of land.

Residential subdivision would not be permitted on land subject to a preservation easement. Furthermore, the acquisition of a preservation easement by the State would not grant the public a right of access or use, nor would it affect any existing easements, rights of way, or rights of access.

#### Farmland Converted to Other Uses

We were able to obtain data on farmland conversion for the Matanuska-Susitna Borough only. Our attempts to obtain similar data from other areas of the state, such as the Fairbanks North Star Borough, met with no success.

The table on page 4 shows the amount of farm land subject to subdivision activity in the Matanuska-Susitna Borough from 1976 to 1982. Only approved subdivisions and waivers are included. According to Borough Manager Gary Thurlow, all land was located within farms prior to subdivision, but it was not necessarily cleared land or active crop land.

Table 1  
Subdivision Activity on Agricultural Lands, Mat-Su Borough  
1976 - 1982

Year	Regular Subdivisions	Waivers*
1976	846 acres**	628 acres
1977	1,759 acres	357 acres
1978	483 acres	1,054 acres
1979	1,731 acres	1,717 acres
1980	978 acres	1,254 acres
1981	383 acres	417 acres
1982	679 acres	1,254 acres
Total	6,859 acres	6,681 acres

\*Waivers are subdivisions where the parcels created are 5 acres or larger in size. Some of this land could continue to be farmed.  
\*\*All figures are rounded to the nearest acre.

Source: Gary Thurlow, Borough Manager, Mat-Su Borough

#### Amount and Cost of Land Eligible for Preservation Easements

It is difficult to estimate with any accuracy the amount of land that would be eligible for the proposed preservation easement program and the possible cost to the State of such a program. However, we have identified two sources of information upon which a very rough estimate might be based. These sources are:

- a report completed in 1979 by the University of Alaska for the Department of Natural Resources (DNR) concerning a possible development rights purchase program for agricultural land in the state; and
- data compiled by the Department of Community and Regional Affairs on participation in the farm use land assessment program established under AS 29.53.035.

University of Alaska Study. A study conducted in 1978 by the U. of A.'s Agricultural Experiment Station for DNR<sup>1</sup> examined the feasibility of a development rights purchase program to protect Alaska's agricultural land. As described, this program has some similarities to the preservation easements programs as proposed in HB 148. I have attached a copy of relevant sections of the report for your information (see Attachment A). A brief summary of the authors' findings follows.

The report notes that the Soil Conservation Service identified approximately 15.2 million acres of potential agricultural land throughout the state. However, much of this land is away from population centers without surface transportation access, and is in either State or federal ownership. The report also contains data on actual utilization of land for crop production (commercial vegetables, feed crops and harvested grassland) in various regions of the state.

For the period 1971-76, there was an average of about 19,270 acres being utilized for crops in the state as a whole; 29 percent of this acreage was in the Tanana Valley, 59 percent in the Matanuska-Susitna Valley, and 11 percent on the Kenai Peninsula. In 1981, according to the U.S. Department of Agriculture, the amount of land in crops had increased to about 38,000 acres. Of this, 65 percent was in the Tanana Valley, 26 percent—in the Matanuska-Susitna Valley, and 5 percent on the Kenai Peninsula (see Table 2).

Table 2  
Alaska Cropland Utilization

	<u>1971-76 (avg.)</u>	<u>1981</u>
Tanana Valley	5,670 acres	24,700 acres
Mat-Su Valley	11,290 acres	10,000 acres
Kenai Peninsula	2,170 acres	2,000 acres
Other	140 acres	1,300 acres
Total	<u>19,270 acres</u>	<u>38,000 acres</u>

Source: Alaska Crop and Livestock Reporting Service

<sup>1</sup> William Workman, Edward Arobio, Anthony Gasbarro, An Examination of a Development Rights Purchase Program for Alaska Agricultural Lands. (Agricultural Experiment Station, University of Alaska, January, 1979)

To determine how a development rights purchase program might be applied in Alaska, the researchers for the U. of A. study mailed questionnaires to 263 agricultural landowners in various regions of the state. A total of 112 of the questionnaires were returned and used as the basis for their report. Respondents were asked to indicate their interest in selling development rights to their cleared and uncleared agricultural land. On a statewide basis, 35 percent of the respondents expressed moderate to high interest in the sale of development rights while 65 percent expressed little or no interest. Over half of the landowners moderately or highly interested in selling development rights were from the Matanuska-Susitna region.

The questionnaire also asked the respondents to place a value on the development rights for their agricultural land. First, average market values for cleared and uncleared land, as perceived by the respondents, were calculated. Average values for cleared and uncleared land ranged from \$1,500 per acre in Delta to \$3,900 per acre in the Fairbanks region. The weighted average cleared land value for the five regions was \$3,300 per acre. Table 3 summarizes the land value information obtained from the survey. It should be remembered that these values were based on the subjective judgment of the landowner and that the data is over four years old.

Table 3  
 Average Perceived Land Values By Region  
 (Dollars per Acre)

Region	Cleared Land Value	Number of Respondents	Uncleared Land Value	Number of Respondents
Fairbanks	\$3,900	13	\$2,900	11
Delta	1,500	9	1,300	8
Copper River	1,900	6	900	6
Matanuska-Susitna	3,800	28	3,600	24
Kenai-Kodiak	3,700	13	3,100	13
TOTALS		69		62
Weighted Average	\$3,300		\$2,800	

Source: Agricultural Experiment Station, U. of A., 1979

Land owners were also asked to place a value on the development rights to their land. However, the authors of the report indicate that many of the respondents apparently did not understand how to value a development right. This, in conjunction with the small number of respondents answering this question, may mean that the values obtained are unreliable. With this cautionary note in mind, the authors' reported average development rights values in the Fairbanks, Mat-Su and Kenai-Kodiak areas ranging between \$3,100 and \$3,600 per acre.

Farmland Use Value Assessment Program. Data from the State's farmland use value assessment program also might be used to determine the amount of interest in, and cost of, an agricultural preservation easements program. AS 29.53.035 allows farm use land to be assessed on the basis of its value for farm use and not as if it were subdivided or used for some nonfarm purpose. The program allows the land owner to defer taxes that would otherwise be due if the land were valued at market value. If the land is converted to nonfarm uses, the owner is then liable for all the back taxes (including interest) which were deferred through the program (see Attachment B).

As with the proposed program in HB 148, participation in the use value assessment program is voluntary on the part of the land owner. Data from the Department of Community and Regional Affairs on the use value program for fiscal years 1976 through 1982 is presented in Table 4. It shows that there were 115 participants in the program statewide in FY 82, 67 percent of whom were from the Mat-Su Borough. A total of 19,197 acres were subject to farmland use value assessment in FY 82.

The column on the table entitled "total deferred value" represents the development rights value of the land; that is, the difference between the full and true value of the land and the farm use value of the land. Dividing the total statewide deferred value by the number of acres in the program yields an average development rights value of \$1,073 per acre, while the statewide average full and true value is \$1,545/acre. The deferred (or development rights) value equals \$1,067 per acre in the Mat-Su Borough and \$887 per acre in the Fairbanks North Star Borough.

These values are considerably lower than those reported in the U. of A. study discussed earlier. According to Assistant State Assessor Mike Worley, the values may not reflect current market conditions as land in some boroughs has not been revalued for several years. Steve Van Sant, the Mat-Su Borough assessor, reports that they are currently in the process of reviewing farmland values as part of their revaluation process. He reported the most current range of values to Mike Worley for typical farms in the borough.

Representative Barbara Lacher  
February 21, 1983  
Page 8

According to Mr. Van Sant, the full market value of a typical 80 acre farm in an outlying area of the borough would be about \$3,000 an acre, while a larger 300 acre farm would be valued closer to \$1,000/acre. However, it is important to remember that there are many variables involved in determining the market value of any particular piece of property--water availability, topography, distance to urban areas, etc. Mr. Van Sant also reported to Mike Worley that the farm use value of a typical farm currently tends to be from 20 to 50 percent of its full market value.

Possible Costs of a Preservation Easements Program. Given the quality of available data, it is not possible to estimate accurately the cost to the State of a preservation easements program. However, we have computed two very rough estimates for you which may assist you in evaluating the cost of the proposed program.

If all those farmland owners currently participating in the State's use value assessment program were to participate in the preservation easement program, the cost to the State would be roughly \$21 million. In FY 82, the use value assessment program included 19,197 acres of farmland. Multiplying this acreage by the total deferred value (see Table 4) of this land yields a cost of approximately \$20.6 million.

Farmland in the Mat-Su Borough is being converted to subdivisions at a rate of roughly 1,000 acres per year (see Table 1). It would cost the State roughly \$1.1 million at a minimum to purchase preservation easements on 1,000 acres of Mat-Su Valley farmland. This is based on an average deferred (or development rights) value in the Mat-Su Borough of \$1,067 per acre.

Neither of these methods provides an accurate estimate of possible program participation and costs. Unfortunately, no data is currently available on the amount of existing and potential farmland in private ownership. In addition, a more thorough research effort would be required to develop good data on the average market and farm use value of farmland in various areas of the state.

We hope the information provided here is useful to your committee's deliberations on HB 148. Please let us know if we can be of further assistance.



# Alaska State Legislature

Barbara Lacher, Chairman  
Mae Tischer, Vice-Chairman  
Randy Phillips  
Milo Fritz  
Don Clocksin  
Jack McBride  
Mike Szymanski



Room 104  
State Capitol  
Juneau, Alaska 99811

Pouch V  
Juneau, Alaska 99811

## House of Representatives Committee on Community & Regional Affairs

February 23, 1983

TO: House C & R A Committee

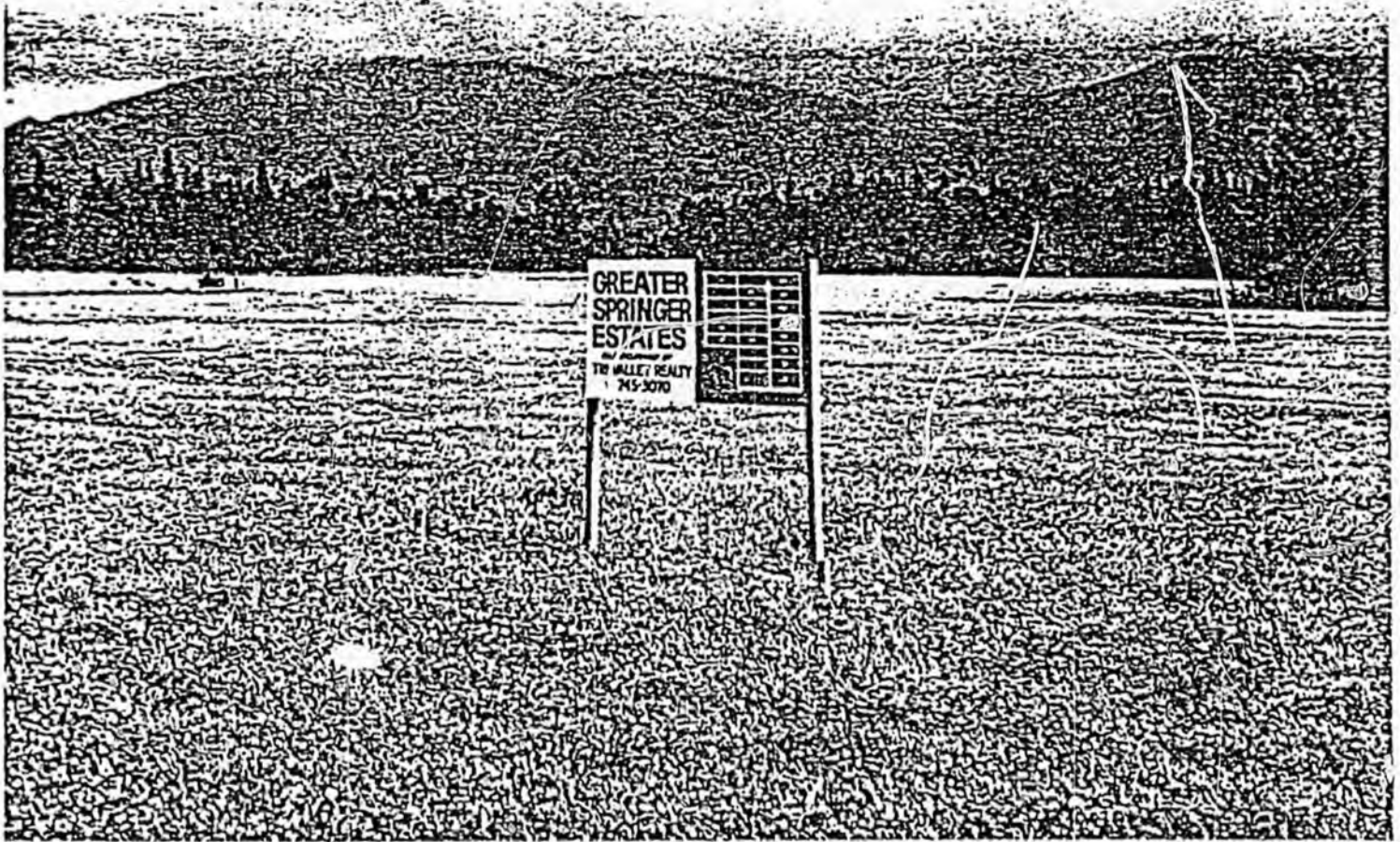
FROM: Staff

SUBJECT: HB 148

HB 148 establishes a program within the Department of Natural Resources that will provide a measure to preserve farmland that may otherwise be lost to urban development.

Under the provisions of this legislation, the owner of established farmland may voluntarily sell agricultural easement rights of his farmland to the State of Alaska.

A detailed analysis of HB 148, prepared by the House Research Agency, is attached.



## Will Alaskan Farmers Sell the Development Rights to their Land?

By William G. Workman\*, Edward L. Arobio\*\*,  
and Anthony F. Gasbarro\*\*\*

### INTRODUCTION

In Alaska, as in many other parts of the country, market forces are producing a change in land-use patterns that is resulting in the conversion of highly productive agricultural lands to nonagricultural uses. Property on the urban fringes of Anchorage and Fairbanks that once produced vegetables and grains or supported dairy farms appears most vulnerable to this conversion to residential or industrial sites. Within the last three years

alone, for example, 27 farms have been subdivided in the Palmer-Butte area of the Matanuska Valley. Many of the subdivisions along the Parks Highway between Willow and Talkeetna are located on lands with high agricultural potential.

This displacement of farms by subdivisions, roads, shopping centers, and other nonagricultural enterprises is viewed by some Alaskans as not being in the state's best interest. Those concerned about the loss of agricultural lands argue that the areas most likely to be converted represent some of the best agricultural lands in the state and are vital to the maintenance and further development of an agricultural economy in Alaska. In addition, it is suggested that the preservation of these areas will help to maintain a much-desired way of life and to provide needed open space and other environmental amenities at the urban fringe. These concerns have resulted in actions by the

\* Associate Professor of Economics, Agricultural Experiment Station, Fairbanks.

\*\* Research Associate in Economics, Agricultural Experiment Station, Fairbanks.

\*\*\* Forster, Agricultural Experiment Station, Fairbanks.



UNIVERSITY OF ALASKA, FAIRBANKS  
Fairbanks, Alaska 99701  
School of Agriculture and Land Resources Management  
Agricultural Experiment Station

August 14, 1978

Dear

The Agricultural Experiment Station at the University of Alaska is conducting a survey of Alaskan farmers. This survey is part of a study concerning the future use of agricultural lands near population centers of Alaska. We need your assistance to make this study a success.

Agricultural lands are rapidly being converted to other uses such as residential lots, airports, and shopping centers. Land is becoming more expensive and some farmland owners are convinced that it makes more sense to develop agricultural land than to farm it. Other people are concerned that we are converting too much of the farmland near cities to nonagricultural uses and that it would be wise to preserve these lands so that food can be grown close to large population centers and so that there will continue to be open space near urban areas.

Many ways are being tried to preserve agricultural lands in other areas of the United States. Some of these include tax incentives, zoning and the trading of land. Another way is for a state or municipality to purchase from the farmland owner his right to develop his land for anything but farming. For a price, the farmer would give up his option to use his land for nonagricultural purposes; the land would still be his, but he could do nothing that would impair its agricultural potential.

The principal objective of our study is to determine (1) farmers' interest in selling development rights and (2) what it might cost the State of Alaska to purchase these rights. A short questionnaire is enclosed. We would be grateful if you will fill it out and return it to us in the enclosed postpaid envelope before September 1, 1978. All information will be kept confidential. If you desire we will be happy to send you a final report at the completion of the study.

Thank you for your cooperation,

*William G. Workman*  
Dr. William G. Workman  
Resource Economist

WGW:ks  
Enclosures

A division of the University of Alaska statewide system of higher education

Figure 1

state and municipal governments in Alaska to intervene in the land market to slow down or stop the loss of agricultural land. Methods employed include tax incentives (use-value assessment of farmland) and the sale of only the agricultural rights on state and municipal lands.

Recently, some state government officials have developed an interest in a new method of agricultural land preservation that is being adopted in some of the eastern states. This method involves the public purchase of nonagricultural development rights on agriculture lands currently held in the private sector. Usual development rights associated with a parcel of real property permit the landowner to develop his land beyond its current agricultural use, and because these rights can be separated from the total bundle of rights, they can be sold, thus transferring from the landowner the right to develop his land. This, then, is the concept behind the purchase of development rights as an agricultural land control device. In order that land remain in agriculture use in areas being converted to other uses, govern-

ALASKA AGRICULTURAL LANDS SURVEY

1. How many acres do you currently farm or ranch?

Your own land \_\_\_\_\_  
Land rented or leased \_\_\_\_\_  
From other landowners \_\_\_\_\_  
From the government \_\_\_\_\_  
Total acres \_\_\_\_\_

2. What crops or livestock do you produce?

Crops	Acres		
	Your own	Rented from others	Leased from government
Vegetables or potatoes	_____	_____	_____
Small grains	_____	_____	_____
Hay or silage	_____	_____	_____
Planted Pasture	_____	_____	_____
Native Pasture	_____	_____	_____
Livestock	Number of Head	Livestock	Number of Head
Dairy cattle	_____	Swine	_____
Beef cattle	_____	Poultry	_____
Sheep	_____	Other (specify)	_____

3. What do you estimate is the per acre market value of agricultural land:

Your own land: Cleared \_\_\_\_\_\$/acre Uncleared \_\_\_\_\_\$/acre  
That you rent (exclude government leases): Cleared \_\_\_\_\_\$/acre

4. Would you be interested in selling development rights to your agricultural land? Selling such rights would mean that your land could be used for agricultural or forestry purposes only.

Degree of interest	Cleared	Uncleared
Not interested	_____	_____
Slightly interested	_____	_____
Moderately interested	_____	_____
Highly interested	_____	_____

5. At what price would you sell the development rights to your agricultural land: \_\_\_\_\_\$/acre.

6. Please describe the location of your farm or ranch.

Nearest town \_\_\_\_\_ Distance from town \_\_\_\_\_

Direction from town \_\_\_\_\_

Thank you for your cooperation. A summary of the results of this survey will be available to you on request.

Figure 2

ments might purchase the development rights from agricultural lands. These lands could then be used only for agricultural purposes.

In June of 1978, the Agricultural Experiment Station at Fairbanks was asked by the Alaska Department of Natural Resources to evaluate such a program for Alaska. As a part of this assessment, a survey of Alaska farmers and ranchers was conducted primarily to determine their interest in such a program and to obtain estimates of the costs of purchasing these development rights. The results of this survey are reported here.

SURVEY RESULTS

During August of 1978, a questionnaire, with a brief explanation of the development rights concept in the cover letter (Figure 1 and 2), was mailed to 263 agricultural landowners in the most important farming or livestock areas of the state. Since there is no statewide farmers' organization in Alaska, the names of landowners were obtained from the mailing lists of state and federal agencies that distribute agricultural information. Undoubtedly these lists did not include all of the people who consider themselves farmers. Of the questionnaires mailed, 18 were returned as undeliverable, leaving 245 that actually reached their destination, of which 112 (46%) were returned completed (Table 1).

Questionnaire recipients were asked to indicate their degree of interest in selling the development rights to their cleared and uncleared agricultural lands. Specifically they were asked to indicate whether they were highly, moderately, slightly, or not interested in selling these rights. Approximately 94%, 106 of 112 respondents, answered this question. The distribution of these expressions of interest can be seen in Table 2.

Most of the respondents in all regions except the Matanuska-Susitna area expressed little or no interest in selling develop-

Table 1: Questionnaire Response by Region

Region	No. Questionnaires Delivered	No. Questionnaires Returned (%)
Fairbanks	52	24 (46)
Delta	34	10 (29)
Copper River Basin	15	10 (67)
Matanuska-Susitna	106	41 (39)
Kenai-Kodiak	38	27 (71)
TOTAL	245	112 (46)

Table 2: Degree of Interest in Selling Development Rights to Agricultural Land

	Number of Respondents (%)			
	No Interest	Slight Interest	Moderate Interest	High Interest
Fairbanks	14	2	4	4
Delta	7	2	0	0
Copper River Basin	6	1	2	1
Matanuska-Susitna	13	6	7	12
Kenai-Kodiak	13	4	3	4
Statewide	54 (51%)	15 (14%)	16 (15%)	21 (20%)

Table 3: Perceived Market Value of Cleared and Uncleared Land by Number and Percentage of Respondents in Dollars per Acre

Per Acre Value	Number of Respondents (%)	
	Cleared Land	Uncleared Land
0-999	18 (26)	24 (39)
1,000-1,999	11 (16)	5 (8)
2,000-2,999	10 (14)	11 (18)
3,000-3,999	8 (12)	4 (6)
4,000-4,999	6 (9)	4 (6)
5,000-5,999	4 (6)	4 (6)
6,000-6,999	3 (4)	3 (3)
7,000-7,999	3 (4)	3 (5)
8,000-8,999	1 (1)	0
9,000-9,999	0	0
10,000	5 (5)	4 (6)
TOTAL	69	62

ment rights. Those respondents living in the Matanuska-Susitna region were evenly divided on the question: half indicated little or no interest and half expressed moderate to high interest. On a statewide basis, 65% expressed little or no interest and 35% indicated moderate to high interest. Over half of all those moderately or highly interested in selling development rights were from the Matanuska-Susitna region.

Questionnaire respondents were also asked to estimate the value of their farmland. Sixty-nine of the 112 respondents indicated what they perceived as the market value of their cleared land and 62 answered the same question about uncleared land. The distributions of these values are shown in Table 3. On a statewide basis, most of the respondents perceived the market values of both uncleared and cleared land to be less than \$5,000 per acre. Uncleared land was valued at less than \$5,000 per acre by 77% of the respondents and at less than \$3,000 per acre by 65% of the respondents. Correspondingly, for cleared land 77% of the respondents valued their land at less than \$5,000 per acre while 66% indicated a value of less than \$3,000 per acre.

Average market values for cleared and uncleared land as perceived by the respondents were calculated for each region. These data are summarized in Table 4. Average values for cleared land ranged from \$1,500 per acre in Delta to \$3,900 per

Table 4: Average Perceived Market Values of Land by Region (Dollars per Acre)

Region	Cleared Value	Number Respond.	Uncleared Value	Number Respond.
Fairbanks	\$3,900	13	\$2,900	11
Delta	1,500	9	1,300	8
Copper River Basin	1,900	6	900	6
Matanuska-Susitna	3,800	28	3,600	24
Kenai-Kodiak	3,700	13	3,100	13
TOTALS		69		62
WEIGHTED AVE.	\$3,300		\$2,800	

Table 5: Value of Development Rights (Dollars per Acre)

Value	Number of Respondents (%)	Value	Number of Respondents (%)
0-999	6 (15)	5,000-5,999	3 (8)
1,000-1,999	8 (21)	6,000-6,999	2 (5)
2,000-2,999	7 (18)	7,000-8,999	0
3,000-3,999	6 (15)	9,000-9,999	1 (3)
4,000-4,999	2 (5)	10,000	4 (10)

Table 6: Average Development Rights Values (Dollars per Acre)

Region	Value	No. of Respondents
Fairbanks	\$3,200	5
Matanuska-Susitna	3,600	21
Kenai-Kodiak	3,100	8
TOTAL		34
WEIGHTED AVERAGE	\$3,400	

acre in the Fairbanks region. Three of the regions (Fairbanks, Matanuska-Susitna, Kenai-Kodiak), accounting for nearly 80% of the respondents, differed by only \$200 per acre in the perceived average value of cleared land with values ranging between \$3,700 and \$3,900 per acre. The weighted-average, cleared-land value for the five regions was \$3,300 per acre.

Uncleared land values averaged slightly lower than cleared land values and ranged from \$900 per acre in the Copper River region to \$3,600 per acre in the Matanuska-Susitna region. As with cleared land, the Fairbanks, Matanuska-Susitna, and Kenai-Kodiak regions accounted for nearly 80% of the survey respondents and showed a relatively narrow range of perceived land values. Average land values for uncleared land in these regions were between \$2,900 and \$3,600 per acre. The weighted average for all five regions was \$2,800 per acre.

Questionnaire recipients were asked to assess the value of the development rights associated with their farmland. A value of development rights was reported by 39 of the 112 respondents (35%). Thirty-four of these responses were from the Fairbanks, Matanuska-Susitna, and Kenai-Kodiak areas. Nearly 70% of the respondents valued their development rights at less than \$4,000 per acre. The distribution of development rights values can be seen in Table 5.

Average development rights values as perceived by the respondents were calculated for the Fairbanks, Matanuska-Susitna, and Kenai-Kodiak regions. These values are shown in Table 6. Average values were not calculated for the Copper River and the Delta regions because so few of these contacted in these areas responded to this part of the questionnaire. Average development rights values in the three areas mentioned ranged between \$3,100 per acre and \$3,600 per acre. Values were highest in the Matanuska-Susitna region.

Distance Category	Percentage of Respondents		
	Reporting	Moderate to High Interest	Little or No Interest
0-5	41	39	43
6-10	24	29	21
11-15	16	12	19
16-20	7	5	9
21+	12	15	9

<sup>a</sup>Based on 111 farmers reporting.

Average development rights values were also calculated by degree of interest, again using data from the Fairbanks, Matanuska-Susitna, and Kenai-Kodiak regions. Calculations showed that those with a moderate or high interest in a development rights program on the average valued these rights at \$2,145 per acre. Those not interested in the program put a much higher value on these rights, \$4,662 per acre. Respondents in the moderate-to-high interest categories accounted for 63% of the total acreage represented in the survey responses.

Additional analysis of the survey data was undertaken to determine whether or not a landowner's interest in a development rights purchase program and/or his perceived value of these rights were related to the distance between his farm and the nearest population center. Table 7 presents a summary of the data relating to the interest/distance question. One can observe that the distributions of responses are similar between the moderate-or-high and low-or-no interest categories and are, therefore, similar to the pattern shown for all responses.<sup>1</sup> This close relationship suggests that farmers' interest in selling development rights is not significantly influenced by the location of his farm relative to a population center. When data for just those farm owners living near Palmer and Wasilla were broken out and analyzed in the same way, the identical conclusion was drawn.

We also addressed the issue of whether a landowner's perception of the value of the development rights to his property was influenced by the location of the farm relative to a population center. The expectation was that the closer the farm was to a town or city, the more attractive would be that land for development purposes and that this relative attractiveness would be reflected in the perceived value of the development rights. Unfortunately the quality of the data obtained through the survey did not allow a rigorous test of this proposition on either a local or statewide basis.

The data in Table 8 are presented to show the nature of the relationship or lack thereof between distance and development rights value as perceived by farmers near Palmer. No clear pattern emerges but, again, this conclusion must be qualified by recognizing that the data are not taken from a random sample. The fact that the expected relationship did not occur may perhaps also be explained by the existence of unrealistic expectations on the part of some landowners regarding the development value of their property. Consequently, these perceived values may not represent the minimum payments that these landowners might be willing to accept to forego their development options.

<sup>1</sup>Using the chi square test for independence with the data on which Table 7 is based, we were not able to reject the hypothesis of independence of interest and distance at any reasonable level of significance. One must recognize, however, that these data were not obtained through random sampling. Thus, any inferences about the views of farmers in Alaska must be regarded with caution.

Distance (Miles)	Stated Values
0-1	\$10,000
1	7,700
2	3,000
	10,000
	3,500
	1,500
3	3,500
	1,000
	5,500
4	2,000
5	600
6	-
7	3,000
8	500
9	-
10	850
11	1,000

### CONCLUDING REMARKS

The survey described here was designed to assess Alaska farmers' interests in participating in a development rights acquisition program for preserving agricultural lands and to provide an estimate of the cost to the state of purchasing these rights. While agricultural landowners in the Matanuska-Susitna Valley areas appeared the most receptive to this land use control concept, farmers surveyed statewide were generally not interested in selling the development rights to their farmland. When faced with the hypothetical proposition of selling these rights, nonetheless, farmers on the average valued the development options at \$3,400 per acre.

While it would be difficult to state confidently why farmers lack enthusiasm for the development rights purchase concept, several explanations appear plausible. First, as reflected in written comments on the returned questionnaires, some landowners may feel this approach to be just another invasion in their lives by "big government." Also, questionnaire respondents may have felt it to be a wise strategy, considering possible future price negotiations, to appear initially uninterested in disposing of their development rights.

Another possible explanation is that agricultural landowners might not be interested in selling development rights now since they anticipate that these rights will be worth more at some later date. This explanation, however, is not entirely satisfactory, since land prices and, therefore, development rights values presumably reflect the discounted value of future development benefits. Thus, in order for this reasoning to offer any promise, one must also argue that these farmers view the market as presently failing to accurately anticipate future development patterns.

The results obtained in this survey should be viewed with caution. Although a high percentage (46%) of delivered questionnaires was completed and returned, the sampling technique and the fact that some respondents did not answer all questions may have biased the results. Also, the concept of purchase of development rights was new to many farmers and this lack of familiarity may account for some of the negative interest shown by farmers. Still, the conclusion that must be drawn from this survey, keeping in mind the preceding caveats, is that Alaskan farmers at this time show little enthusiasm for the idea of selling their farmland development rights and place a significant value on these rights *vis-a-vis* the total market value of their agricultural land. □

within the structure or for the alteration of land as a consequence of construction activity. An exemption provided in this subsection may continue for up to four years from the date the improvement is completed or from the date of approval for the exemption by the local assessor, whichever is later.

(g) A municipality may by ordinance exempt from taxation all or any part of the increase in assessed value of improvements to a single family dwelling if the principal purpose of the improvement is to increase the amount of space for occupancy. An exemption provided in this subsection may continue for up to two years from the date the improvement is completed or from the date of approval of an application for the exemption by the local assessor, whichever is later. (§ 2 ch 118 SLA 1972; am § 2 ch 1 FSSLA 1973; am § 1 ch 33 SLA 1975; am § 1 ch 111 SLA 1976; am § 1 ch 262 SLA 1976; am § 1 ch 95 SLA 1977; am § 3 ch 94 SLA 1980)

Effect of amendments. — The 1973 amendment added the second sentence of subsection (a).

The 1975 amendment added subsection (e).

The first 1976 amendment added paragraph (3) of subsection (c).

The second 1976 amendment added

paragraph (2)(D) of subsection (b).

The 1977 amendment added subsections (f) and (g).

The 1980 amendment deleted "adopted without weighted voting" near the beginning of paragraph (1) of subsection (c).

Sec. 29.53.035. Farm or agricultural lands. (a) Farm use lands included in a farm unit and not dedicated or being used for nonfarm purposes shall be assessed on the basis of full and true value for farm use, and shall not be assessed as if subdivided or used for some other nonfarm purpose. The assessor shall maintain records valuing the farm use land for both full and true value and farm use value. Should the farm use land be sold, leased, or otherwise disposed of for uses incompatible with farm use or be converted to a use incompatible with farm use by the owner, the owner is liable to pay an amount equal to the additional tax at the current mill levy together with eight per cent interest for the preceding seven years, as though the land had not been assessed for farm use purposes. Payment by the owner shall be made to the state to the extent of its reimbursement for revenue loss under (e) of this section for the preceding seven years. The balance of the payment shall be made to the city or borough.

(b) An owner of farm use land must, to secure the assessment, make application to the assessor before May 15 of each year in which the assessment is desired. The application shall be made upon forms prescribed by the state assessor for the use of the local assessor and shall include information which may reasonably be required to determine the entitlement of the applicant. If the farm use land is leased for farm use purposes, the applicant shall furnish to the assessor a copy of the lease bearing the signatures of both lessee and lessor along with the

completed application. The applicant shall furnish the assessor a copy of the lease covering the period for which the exemption is requested.

(c) In this section "farm use" means the use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or another agricultural use for profit or any combination thereof. To be farm use land, the owner or the lessee must be actively engaged in farming the land, and derive at least 10 per cent of his yearly gross income from the farm use land. The provisions of this section do not apply to land respecting which the owner has granted, and has outstanding, a lease or option to buy the surface rights. A property owner wishing to file for farm use classification having no history of farm-related income may submit a declaration of intent at the time of filing the application with the assessor setting out the intended use of the land and the anticipated percentage of income. An applicant using this procedure shall file with the assessor before February 1 of the following year a notarized statement of the percentage of gross income attributable to the farm use land. Failure to make the filing required in this subsection forfeits the exemption.

(d) In the event of a crop failure by an act of God the previous year, the owner or lessee may submit an affidavit affirming that 10 per cent of his gross income for the past three years was from farming.

(e) Subject to legislative appropriations for the purpose, the state shall reimburse a borough or city, as appropriate, for the real property tax revenues lost to it by the operation of this section. (§ 2 ch 118 SLA 1972; am § 1 ch 90 SLA 1974; am § 3 ch 229 SLA 1976; am § 1 ch 66 SLA 1978)

*Effect of amendments.* — The 1974 amendment made such changes in subsections (a), (b), and (c) as to make a detailed comparison impracticable and added subsections (d) and (e).

The 1976 amendment, in subsection (a), substituted "uses incompatible with farm use" for "other than farm use purposes," "a use incompatible with farm use" for

"nonfarm use" and "eight per cent" for "five per cent" in the third sentence, inserted "at the current mill levy" in that sentence, and added "for the preceding seven years" at the end of the fourth sentence.

The 1978 amendment substituted "May 15" for "February 1" in the first sentence of subsection (b).

**Sec. 29.53.045. Tax on oil and gas production and pipeline property.** (a) A municipality may levy and collect taxes on taxable property taxable under AS 43.56.010 — 43.56.210 only by using one of the methods set out in (b) or (c) of this section.

(b) A municipality may levy and collect a tax on the full and true value of taxable property taxable under AS 43.56.010 — 43.56.210 as valued by the Department of Revenue at a rate not to exceed that which produces an amount of revenue from the total municipal property tax equivalent to \$1,500 a year for each person residing within its boundaries.



STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 148 (C&RA) Date on Bill: 3/18/83  
Title: Preservation of agricultural lands  
Sponsor: Lacher, Larson and Zharoff  
Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		77.3	82.5	88.0
Total				

b. Revenues:

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

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

3. Assumptions:

Fiscal impact of this proposal is entirely dependent on level of implementation. We estimate the program would require a minimum of one professional and one clerical to administer the activities required to prepare documents, arrange appraisals, handle public meetings and follow up on verification of compliance with land use requirements. These position can be located at the Wasilla office of the Division of Agriculture.

No funding is requested in this note for actual purchase of easements.

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: Ed Kern Phone: 376-3276  
Division: Agriculture Date: 3-1-83

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Department: Natural Resources

5. Distribution:

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

MAR 30 REC'D

STATUS/SCOPE OF LEGISLATION

ISSUE: HB148 -> CSHB148 An Act Relating to the Preserv.  
of Agric. Lands

SPONSORS: Lacher

CURRENT STATUS: (CE'RA) -> Resources

FISCAL IMPACT: 77.3

REPRESENTATIVE	A. Comm. Vote	B. Statutory/Tech.	C. Supp. -Memo	D. Opp. -Memo	E. Vote
ABOOD			Supp. memo SENT 3/30/83		
ADAMS					
BARNES					
BETTISWORTH					
BUSSEL			✓		
CATO					
CLOCKSIN	do pass	CS	✓		
CONDERY					
DAVIS					
DUNCAN					
FLOOD					
FRITZ	do pass	CS			
FULLER					
FURNACE					
GOLL			✓		
GRUSSENDORF					
HAYES					
HERRMAN					
HURLBERT					
KOPONEN					
LACHER	do pass	CS			
LARSON			✓		
LINDAUER					
LISKA			✓		
MALONE					
MARTN					
MCBRIDE					
MILLER					
MILLER(NP)					
PESTINGER					
PHILLIPS	do pass	CS			
RINGSTAD			✓		
SHULTZ			✓		
SZYMANSKI					
TISCHER	do NOT pass	CS			
UEHLING			✓		
VASKA			✓		
WARD					
WENDTE					
ZHAROFF					



H

B

156

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 156 Date on Bill: 2/2/83  
 Title: State Grain Reserve Prog  
 Sponsor: Shultz  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operative		67.6	52.6	53.6
Total		67.6	52.6	53.6

b. Revenues:

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

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

3. Assumptions:

As the official grain inspection agency in Alaska, the Division of Agriculture would be required by this bill to provide personnel and facilities to carry out the inspection function on a statewide basis as grain moves to and from the reserve. This fiscal note covers one grain inspector and equipment as listed on the attachment.

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: Ed Kern Phone: 376-2276  
 Division: Agriculture Date: \_\_\_\_\_

Approved by Commissioner: Mary Jo Olden Date: 2/28/83  
 Department: Natural Resources

5. Distribution:

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

2/15/83

# MEMORANDUM

# State of Alaska

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF AGRICULTURE

TO: Sharon Barton  
Special Assistant

DATE: February 10, 1983

FILE NO:

TELEPHONE NO:

FROM: Ed Kero *EJK*  
Development Specialist

SUBJECT: Grain Grading  
Station Equipment

Carter Day Dockage Tester (FOB Minneapolis, Minn)	\$ 3,744.00
Barley riddle and sieves	216.00
Wheat riddle and sieves	152.00
Burrows (FOB Illinois)	
Boerner divider	595.00
Extension kit	119.00
Barley sieve kit	90.50
Filling hopper and stand	198.00
Boerner weight per bu apparatus (print-out)	1,750.00
Shadow graph scales	928.00
Armstrong scales	610.00
Gram scales	111.50
Laboratory torsion balance scale	470.00
Weight set	137.00
Sieve shaker	795.00
Motomco moisture meter	640.00
Barley pearler	350.00
Miscellaneous (piks, lights, pewter dishers, magnifying glass, etc.)	750.00
	<hr/>
Equipment costs	\$11,656.00
Set-up & freight estimate	3,344.00
	<hr/>
Total	\$15,000.00

DESIGNATION AS AN OFFICIAL AGENCY  
FOR OFFICIAL INSPECTION  
UNDER THE U.S. GRAIN STANDARDS ACT, AS AMENDED,  
FROM THE FEDERAL GRAIN INSPECTION SERVICE  
UNITED STATES DEPARTMENT OF AGRICULTURE  
TO  
ALASKA DEPARTMENT OF NATURAL RESOURCES,  
DIVISION OF AGRICULTURE

This designation to perform official inspection functions, within the geographic area specified in Appendix A, is granted pursuant to the provisions of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (Act) and the regulations under the Act (7 CFR 800 et seq.) (regulations).

The Agency shall perform all functions in accordance with and comply with all requirements of the Act, regulations, and Federal Grain Inspection Service (FGIS) instructions in effect at the time of designation or which may be promulgated subsequently.

The Agency and the officials specified in Appendix B shall be responsible for all official actions of the official inspection personnel employed by the Agency, for direct supervision of the daily official activities of such personnel, and for the conduct of official functions and related activities of the Agency.

Where feasible, the Agency shall rotate licensees among elevators and other locations so that no licensee is detailed at one location in excess of 6 months.

The Agency or personnel employed by the Agency shall not engage in any outside work or activity that consists in whole or in part of performing unofficially any function or related activity that the Agency has been designated to perform officially.

Section 7(j) of the Act requires the Agency to pay to FGIS such fees as established to cover the estimated cost to FGIS relating to supervision of the Agency and related administrative costs.

The Agency shall advise the Compliance Division, FGIS, immediately of any proposed change in name, ownership, officers or directors, or control of the Agency; and if a trust, any amendment to the trust agreement or of a change in the person of the trustee(s). The Agency also shall advise the Compliance Division, FGIS, in advance of any change in the specified service points listed in Appendix B.

The assigned geographic area specified in Appendix A may be amended upon request by the Agency if FGIS determines that such amendment is consistent with the provisions and objectives of the Act, regulations, and instructions. The Agency shall pay to FGIS the fee prescribed by the regulations for each amendment of this designation.

This designation shall terminate on the date herein stated and may be renewed in accordance with Section 7(g)(1) of the Act. The Agency may request that this designation be voluntarily canceled by giving 90 days written notice to FGIS. FGIS may revoke this designation in accordance with Section 7(g)(3) of the Act.

If the Agency is a trust or subsidiary established to address a conflict of interest prohibited by Section 11 of the Act, the designation shall terminate upon dissolution of the Agency and shall not revert to the trustees or the parent corporation.

The signatories certify that they have the authority to enter into said designation. This designation and the responsibilities thereunder are accepted for Alaska Department of Natural Resources, Division of Agriculture.

*Thomas L. Carney*  
Signature  
*Director*  
Title

*7/20/82*  
Date

This designation is approved by the Federal Grain Inspection Service. It is effective on June 1, 1982, and will terminate on May 31, 1985.

*J. A. Shaker*  
Signature  
Director, Compliance Division  
Title

July 15, 1982  
Date

APPENDIX A - DESIGNATED GEOGRAPHIC AREA

ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF AGRICULTURE

Pursuant to Section 7(f)(2) of the U.S. Grain Standards Act, as amended, the following geographic area - the entire State of Alaska, excluding those export port locations within the State - is assigned to Alaska Department of Natural Resources, Division of Agriculture. This geographic area was assigned in the May 3, 1982, issue of the Federal Register (47 FR 18941).



## Short Analysis of HB 156

This proposal would amend AS 44.33 (Alaska Agriculture Action Council statutes) to establish a grain reserve program. Under this program, a farmer could obtain a loan using stored grain as his collateral. The grain would have to be graded number 3 or better, would have to be stored in state-approved storage (whether on farm or not), and could not be removed by the farmer while the loan was outstanding.

The council would be authorized to make a loan based upon the USDA target price for the grain for 90 percent of the grain in storage. In other words, if a farmer put up 50,000 bushels of barley, and the target price for barley was \$2.20 per bushel, the council could loan him  $\$2.20 \times 45,000$  or \$99,000. The farmer would then use that loan to capitalize his next year's crop.

After the loan had been made, the State and the farmer would try to find buyers for the collateral grain and once that had been done, and the grain was sold, the farmer's loan would fall due. The interest rate is set at 8 percent per year, and the program would apply to barley, wheat and oats.

There are three price support programs now being used by the USDA. A deficiency payment program; a loan rate program; and a grain reserve program.

The deficiency payment program is intended to compensate farmers for acreage they remove from production. The farmer establishes a production yield record over a three year period, and based upon that figure per acre, times the base number of acres (provided that he does not plant at least 15 percent of his acreage), times the difference between the target price for grain and the average selling price. In other words, if the farmer had 2000 acres of grain, but held 15 percent, or 300 acres out of production, his average yield was 40 bu/acre, the target price was \$2.60/bu and the average selling price was \$2.20/bu, then his benefit would be  $2000 \text{ (acres)} \times 40 \text{ (bu/acre)} \times 40 \text{ cents} = \$32,000$ . This program is aimed at keeping production low.

The loan rate program is intended to allow the farmer to delay putting his grain on the market. Because all the harvest comes in at the same time, after harvest at the end of summer, prices would be depressed if every farmer had to sell at that time. To counteract this, and give the farmers an economic bridge, we have the loan rate program. The loan rate is based upon the theoretical cost of production, which for barley in Alaska is set at \$2.38 per bushel. The farmer who participates in this program is guaranteed by the federal government that his grain will be sold for at least the cost of production. This program is closest to HB 156 as originally written.

The third federal program is a grain reserve program, which apparently has two purposes - to keep grain off the market, and to build a reserve. In this plan, the farmer can contract to store his grain for from 3 to 5 years and will get a loan, based upon the cost of production plus another variable - currently 19 cents/bu. The interest rate of 8 5/8 percent is charged only on the first year of the loan, and the government pays the farmer 26.5 cents per year per bushel for storage costs.

While some Alaskan farmers have participated in one or another of these programs, they don't have general applicability here because they are intended to keep production down. We want to encourage production.

There are some adaptations of the programs we could make. For example, we could use all three federal programs, and allow participation by farmers even though they would not qualify under fed because of the stipulation to reduce acreage. Otherwise, the plans would remain the same.

If we do set up these or similar programs, we may want to limit a farmer's participation to a certain percent of his crop, to encourage in-state use and the growth of the red meat industry.

We may want to set up quality incentives; that is, a higher allowance for number 1, less for number 2, and a bottom figure for number 3 grain.

Some potential problem program areas with HB 156

1. The federal programs are based upon number 2 barley, while HB 156 uses number 3. Due to growing conditions in Alaska, we may want to use the more liberal grade.
2. The Ag Council may be reorganized - maybe even dissolved. Should this bill anticipate that?
3. To fully implement the program, we will need a companion appropriation.
4. In the Alaska market, where local barley is selling for between \$3.60 and \$4.00 a bushel, how would this work as a price support, when the target price is only \$2.20 a bushel?
5. The bill makes no provision for storage fees. If it costs \$20/ton per year to store the grain, any grain left when the next harvest comes along would have a heavy liability, and would be at a disadvantage to compete in the market place.

MAR 2 1983

# MEMORANDUM

# State of Alaska

TO: John Manly  
Professional Assistant  
House Resources Committee  
Alaska State Legislature

DATE: March 2, 1983

FILE NO:

TELEPHONE NO: 465-2400

*RD Arnold*  
FROM: Robert D. Arnold  
Deputy Commissioner  
Department of Natural Resources

SUBJECT: HB 156 Comments

At yesterday's hearing on HB 156, I told the Committee that, in the event the Legislature decides to establish a grain reserve program such as that envisioned in the bill, some additional provisions should be considered. At the Committee's request, I am furnishing those suggestions.

- 1) A system for removing previous liens on grain offered;
- 2) A specific time period and price formula for release of grain from the storage reserve;
- 3) Definition of loan period and what happens to the grain at the end of the loan (as far as interest payments and ownership);
- 4) Identification of the bearer of costs while grain is in storage; and
- 5) Dollar limits to the program.

## Jim LASLEY - Supports bill

1. puts in reserve program
2. target price is not inflated / avg. price
3. State mandates production
4. need market as expected
5. everything based on infrastructure
6. livestock industry needs processing plant
7. redment needs grain cheap and market
8. grain reserve program
9. land or grain State will own
10. demand vs supply 40, - 60,000 ton Delt
11. Voldez will ship outside

## Bob Arnold - DUR

1. Suggestions / to locking
  - a) remove liens
  - b) price formula
  - c) specific loan period
  - d) who pays storage costs

Proposed amendment to HB 156

Page 1, line 21:

Delete [UNITED STATES TARGET]

Insert in its place:

F.O.B. Portland export

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 156 Date on Bill: 2/02/83  
 Title: An Act relating to a state grain reserve program  
 Sponsor: Shultz  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		1980.0	3960.0	5940.0
Operating		.4	.6	.7
Total		1980.4	3960.6	5940.7

b. Revenues:

Revenue		2138.4	4276.8	6415.2
---------	--	--------	--------	--------

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

Repayment of loans plus interest at 8% per annum.

3. Assumptions:

FY 84 - 20,000 tons of barley harvested and stored; 30 farms  
 FY 85 - 40,000 tons of barley harvested and stored; 40 farms  
 FY 86 - 60,000 tons of barley harvested and stored; 50 farms

Loan interest assumes term of one year.

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: Rep. Dick Shultz Phone: 465-4940  
 Division: House Resources Date: 2/28/83

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department: \_\_\_\_\_

5. Distribution:

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

2/15/83

HB 156 - Grain Reserve

	<u>Capital</u>	<u>Operating</u>	
FY 84	\$1,980,000	\$420	20,000 tons at \$110/ton; 90% Loan processing, 30 loans (ASDS \$10 application, plus \$4/bin, avg. 4 bins)
FY 85	\$3,960,000	\$560	40,000 tons at \$110/ton; 90% Loan processing, 40 loans
FY 86	\$5,940,000	\$700	60,000 tons at \$110/ton; 90% Loan processing; 50 loans

Revenues

	<u>Principle</u>	<u>Interest</u>	<u>Total</u>
FY 84	\$1,980,000	158,400	\$2,138,400
FY 85	\$3,960,000	316,800	\$4,276,800
FY 86	\$5,940,000	475,200	\$6,415,200

HB

163

IDENTIFICATION	BILL NAME "An Act providing for punishment for obstructing the lawful use of public land."		BILL NUMBER HB 163
			DATE INTRODUCED 2/4/83
			RELATED BILLS PENDING
	SPONSOR(S) Rep. Dick Shultz		REFERRALS
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	DEPT OF LAW SUMMARY	
	AGENCY RESPONSE	FISCAL NOTE	
		OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED	DATE & PLACE SET February 21, 1983	
	STAFF MEMO TO COMMITTEE	TELECONFERENCE	
	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	

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.

SUPPLEMENTAL CAPITAL LISTINGS:

Governor:

*Solarwars Project*

- \*1.) Steese Volunteer Fire Dept. .... 600.0
- 2.) Alaska Hwy. Border north .....1,370.0
- 3.) Parks Hwy. Rex-McKinley .....5,000.0
- 4.) Tok cutoff rehab. ....3,700.0 ✓
- \*5.) Fairbanks Schools life/safety upgrade.....1,000.0
- 6.) Airport Way resurface and signals.....3,000.0
- 7.) UAF campus paving, signals & lights..... 520.0
- 8.) UAF campus handicapped barrier removal..... 254.0

15,444.0

Senate:

*Senate Budget*

- 1.) Fairbanks litescan cancer detection unit 72.5
- 2.) Weller School improvements 180.0
- 3.) Ravenwood Ave. upgrade 150.0
- 4.) Auburn/ Student access 225.0
- 5.) Steese Hwy. fencing 189.0
- 6.) Pedro Dome Rd. upgrade 192.0
- 7.) Skiland Rd. improvements 100.0
- 8.) Yak to Parks shoulder widening 180.0
- 9.) Ag. Experiment Station paving 133.0
- 10.) Instruction/Support Equipment, UAF 1,623.0
- 11.) Muskox Research Station upgrade 45.0
- 12.) Duckering Bldg. Phase II 2,700.0
- \*13.) Bldg. 402 upgrade 1,000.0
- 14.) TVCC Phase I completion 350.0
- 15.) Fairbanks, West Valley School all-weather track 400.0
- 16.) Fairbanks, Denali School boiler replacement 198.0
- 17.) Fairbanks, Group Home purchase 211.0
- 18.) Big Dipper dehumidification system 284.0
- 19.) FNSB Search and Rescue Transportation 40.0
- 20.) North Pole public safety building Phase II 759.0
- 21.) FNSB Law enforcement firing range completion 100.0
- \*22.) Ester area telephone expansion 418.0
- \*23.) Greenwood phone switching center 228.0
- 24.) Goldstream Alaska Rd. Completion 353.5
- 25.) Vue Crest Rds. upgrade 200.0

10,331.0

of interest - ALSO SENATE

- 1.) Nenana dock facility expansion 2,000.0
- 2.) Delta Junction road and street improvements 950.0
- 3.) Anderson runway and lighting improvements 400.0

3,350.0

29,125.0

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 163 Date on Bill: 2/4/83  
 Title: An Act providing for punishment for obstructing the lawful use of public  
 Sponsor: Rep. Shultz land  
 Requestor: \_\_\_\_\_

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:

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

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: 269-5537  
 Division: Fish & Wildlife Protection Date: 2/15/83

Approved by Commissioner: *Robert Shultz* Date: 2-22-83  
 Department: Public Safety

5. Distribution:

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

2/15/83

Introduced: 2/4/83  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY SHULTZ

2

HOUSE BILL NO. 163

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act providing for punishment for obstructing the  
7 lawful use of public land."

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

9 \* Section 1. AS 11.61.120(a) is amended by adding a new paragraph to  
10 read:

11 (7) unlawfully prevents, hinders, or obstructs another  
12 person who attempts to lawfully engage in hunting, fishing, camping,  
13 or trapping within the state on public land of the state or the United  
14 States.

AS 11.61.120(a) is "Harassment" Section under Criminal Code  
Classed as a Class B misdemeanor

Revisor's notes. — Section 22, ch. 166, SLA 1978 (revision of the criminal code) requires the revisor of statutes to remove this section and place it in an appropriate

title. As of January 1, 1980, the effective date of the revised criminal code, AS 11.60.300 is codified as AS 42.20.320.

**Sec. 11.60.310. Penalty.**

Transferred to AS 42.20.330.

Revisor's notes. — Section 22, ch. 166, SLA 1978 (revision of the criminal code) requires the revisor of statutes to remove this section and place it in an appropriate

title. As of January 1, 1980, the effective date of the revised criminal code, AS 11.60.310 is codified as AS 42.20.330.

**Sec. 11.60.320. Definitions.**

Transferred to AS 42.20.340.

Revisor's notes. — Section 22, ch. 166, SLA 1978 (revision of the criminal code) requires the revisor of statutes to remove this section and place it in an appropriate

title. As of January 1, 1980, the effective date of the revised criminal code, AS 11.60.320 is codified as AS 42.20.340.

**Chapter 61. Offenses Against Public Order.**

**Article 1. Riot, Disorderly Conduct, and Related Offenses.**

Section  
120. Harassment  
140. Cruelty to animals

Section  
145. Promoting an exhibition of fighting animals

**Sec. 11.61.120. Harassment.** (a) A person commits the crime of harassment if, with intent to harass or annoy another person, that person

- (1) insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;
- (2) telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;
- (3) makes repeated telephone calls at extremely inconvenient hours;
- (4) makes an anonymous or obscene telephone call or a telephone call that threatens physical injury;
- (5) subjects another person to offensive physical contact; or
- (6) violates a provision of an order issued under AS 09.55.600(b) or 09.55.610 restraining the respondent from communicating directly or indirectly with the petitioner.

(b) Harassment is a class B misdemeanor. (§ 7 ch 166 SLA 1978; am § 10 ch 61 SLA 1982)

Cross references: authorizing arrest without probable cause to believe has committed a crime

**Sec. 11.61.140. Crime of cruelty**

(1) intentional suffering on an

(2) recklessly causes the death of an animal; or

(3) kills an animal

(b) It is a defense that the conduct

(1) conformed

(2) was part of

(3) was necessary

(c) In this section a human being

(d) Cruelty to

1978; am § 1 ch

Effect of amendment reworded. The 1982 amendment, inserted "at" introductory language

**Sec. 11.61.140. Cruelty to animals**

A person commits the crime of cruelty to animals if he

(1) owns, possesses, or

engaged in an

(2) instigates

of fighting animals

(3) attends

(b) The animal

property used

shall be forfeited

under this section

(c) In this section

a human being

(d) Promoting

(1) under

(2) under

a class B misdemeanor

ch 78 SLA 1982

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 163 Date on Bill: 2/4/83  
 Title: An Act providing for punishment for obstructing the lawful use of public  
 Sponsor: Rep. Shultz land  
 Requestor: \_\_\_\_\_

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:

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

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: 2/15/83

Approved by Commissioner: *Robert J. Shultz* Date: 2-22-83  
 Department: Public Safety

5. Distribution:

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

2/15/83

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.

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: CS HB 163 (Res)  
 Title: "Harassment of Persons Engaged in ...."  
 Sponsor: House Resources  
 Requestor: House Resources

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: F&WP  
 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: 3/17/83  
 Approved by Commissioner: [Signature] Date: 3/18/83  
 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)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/2/83

Revisor's notes. — Section 22, ch. 166, SLA 1978 (revision of the criminal code) requires the revisor of statutes to remove this section and place it in an appropriate

title. As of January 1, 1980, the effective date of the revised criminal code, AS 11.60.300 is codified as AS 42.20.320.

Sec. 11.60.310. Penalty.

Transferred to AS 42.20.330.

Revisor's notes. — Section 22, ch. 166, SLA 1978 (revision of the criminal code) requires the revisor of statutes to remove this section and place it in an appropriate

title. As of January 1, 1980, the effective date of the revised criminal code, AS 11.60.310 is codified as AS 42.20.330.

Sec. 11.60.320. Definitions.

Transferred to AS 42.20.340.

Revisor's notes. — Section 22, ch. 166, SLA 1978 (revision of the criminal code) requires the revisor of statutes to remove this section and place it in an appropriate

title. As of January 1, 1980, the effective date of the revised criminal code, AS 11.60.320 is codified as AS 42.20.340.

Chapter 61. Offenses Against Public Order.

Article 1. Riot, Disorderly Conduct, and Related Offenses.

Section

- 120. Harassment
- 140. Cruelty to animals

Section

- 145. Promoting an exhibition of fighting animals

Sec. 11.61.120. Harassment. (a) A person commits the crime of harassment if, with intent to harass or annoy another person, that person

- (1) insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;
- (2) telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;
- (3) makes repeated telephone calls at extremely inconvenient hours;
- (4) makes an anonymous or obscene telephone call or a telephone call that threatens physical injury;
- (5) subjects another person to offensive physical contact; or
- (6) violates a provision of an order issued under AS 09.55.600(b) or 09.55.610 restraining the respondent from communicating directly or indirectly with the petitioner.

(b) Harassment is a class B misdemeanor. (§ 7 ch 166 SLA 1978; am § 10 ch 61 SLA 1982)

Cross references. authorizing arrest with certain cases where the reasonable cause to believe has committed a crim

Sec. 11.61.140

crime of cruelty (1) intentional suffering on an

(2) recklessly causes the death animal; or

(3) kills an animal (b) It is a defense that the conduct

(1) conformed (2) was part of (3) was necessary

(c) In this section a human being

(d) Cruelty to 1978; am § 1 ch

Effect of amendment reworded The 1982 amendment 1982, inserted "(a) introductory langu

Sec. 11.61.1

A person commits the crime of cruelty to animals if he

(1) owns, possesses, or is engaged in an activity

(2) instigates, encourages, or assists in the commission of fighting animals

(3) attends a fight of fighting animals (b) The animal property used shall be forfeited under this section

(c) In this section a human being

(d) Promoting a fight of fighting animals (1) under (2) under

a class B misdemeanor. (ch 78 SLA 1982)

# DEFINITION

§ 11.81.300

CRIMINAL LAW

§ 11.81.300

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk or physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

(b) The classification of each felony defined in this title, except murder in the first and second degree, sexual assault in the first degree, and kidnapping, is designated in the section defining it. A felony under Alaska law defined outside this title for which no penalty is specifically provided is a class C felony.

(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor. (§ 10 ch 166 ALS 1978; am §§ 9, 10 ch 143 SLA 1982)

**Effect of amendments.** — The 1982 amendment inserted "sexual assault in the first degree" in the first sentences of subsections (a) and (b) and in the introductory language of the second sentence of subsection (a).

## NOTES TO DECISIONS

Applied in *State v. Clayton*, Sup. Ct. Op. No. 1734 (File No. 3982), 584 P.2d 1111 (1978).

Quoted in *Griffith v. State*, Ct. App. Op. No. 71 (File No. 5914), 641 P.2d 228 (1982).

# PENALTIES

**Sec. 12.55.035. Fines.** (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law. In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden its payment will impose. No defendant may be imprisoned solely because of inability to pay a fine.

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

(1) [Effective until January 1, 1983] \$75,000 for murder in the first or second degree, sexual assault in the first degree, or kidnapping;

[Effective January 1, 1983] \$75,000 for murder in the first or second degree, sexual assault in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree;

(2) \$50,000 for a class A, B, or C felony;

(3) \$5,000 for a class A misdemeanor;

(4) \$1,000 for a class B misdemeanor;

(5) \$300 for a violation.

(c) Upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greater of

(1) \$100,000; or

(2) an amount which is three times the pecuniary gain realized by the defendant as a result of the offense.

(d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments. (§ 12 ch 166 SLA 1978; am § 17 ch 45 SLA 1982; am § 26 ch 143 SLA 1982)

**Sec. 12.55.135. Sentences of imprisonment for misdemeanors.**

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the fourth degree committed in violation of the provisions of an order issued under AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of imprisonment of 20 days. The execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served. Imposition of sentence may not be suspended, except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in this section, and the minimum sentence provided for in this section may not be otherwise reduced. (§ 12 ch 166 SLA 1978; am § 2 ch 139 SLA 1980; am § 22 ch 59 SLA 1982; am § 13 ch 61 SLA 1982; am § 31 ch 143 SLA 1982)

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!

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# ANTI-HUNTERS VS. HUNTERS: WAR IN THE WOODS

*Greenpeace fanatics are harassing hunters in the field. It's a vicious and very dangerous movement, and you could be the next victim. Here's what to expect plus some very good advice on what not to do about it.*

*By Richard Starnes, Editor-at-Large*

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The lush alpine valleys and rugged highlands of northeastern British Columbia have witnessed the opening skirmishes in what threatens to become all-out war between big-game hunters and anti-hunting zealots who have sought to stop them by harassment, abuse, intimidation and—it is charged—physical violence.

How much violence has occurred to date is in dispute, but there have been several angry confrontations involving hunters and anti-hunting activists, one beating has already taken place, and feeling is running so high that Canadian provincial authorities are alarmed at the prospect of more violence when the big-game season opens this fall.

"It's only a question of time before some hothead loses his composure and someone gets hurt," said one hunter who was victimized by the anti-hunters.

Arrayed against each other in the conflict are the hunters, outfitters, and game-management officials of British Columbia, and a dedicated, well-financed, implacable organization of anti-hunters who call themselves Greenpeace.

Greenpeace is no collection of saloon conspirators content to crank

out mimeographed anti-hunting diatribes and picket sporting-goods stores. It is slick, professional, worldwide, and growing rapidly. Its Vancouver chapter alone budgets nearly \$500,000 a year for anti-hunting activities. Its tools are \$1,000-a-day helicopters, expensive sound cameras, and self-confessed expertise at manipulating the press and television. Its tactics are harassment, confrontation, and attempts physically to restrain hunters. Its leader, Dr. Patrick Moore of Vancouver, made it clear in an interview with *OUTDOOR LIFE* that episodes of harassment and intimidation that took place in the rich hunting grounds of British Columbia in 1979 and 1980 were only the opening salvos in the conflict.

"We'll be back this year," he said. "They can't stop us. We intend to stop trophy hunting, first in British Columbia, ultimately all over the world."

How Greenpeace seeks to frustrate hunters is perhaps best told in the words of Richard A. Mielke, a 50-year-old Pontiac, Michigan, fire fighter who last year took a 21-day hunt-of-a-lifetime in the rugged, 1.6-million acre Spatsizi Wilderness Park in British Columbia. He and his partner, Darryl Hastings,

40, a computer broker from Rochester, Michigan, encountered the Greenpeaceers on the first day of the hunt.

"They barged right into our camp," Mielke said. "They stuck sound cameras right in our faces. They harangued and abused us. One of them screamed at me, 'Is there something wrong with your sex life? Is that why you're up here killing animals?' When we tried to ride out of camp they locked arms across the trail to stop us. One of them grabbed the bridle of my horse. That was dangerous. That's rough country up there. If the horse had shied and fallen I could have been badly hurt."

Eventually the hunters and their guide broke free and continued the hunt, but on nearly every day of the hunt the harassment continued. On one day Mielke took his rifle—unloaded—to a dock on tiny Bug Lake to scope a wolf that had been howling near the camp.

"One of these Greenpeace guys crowded up against me, bumped me, and yelled, 'You're not going to shoot that animal while I'm here!' He grabbed my rifle, and then he fell into the lake."

"They would taunt you in every way they could," Hastings added. "You

couldn't even go to the john without one of them sticking a camera in. It's hard to keep your cool under those circumstances, yet I couldn't give them the satisfaction of bothering me."

Although the Greenpeacers scornfully characterize hunters such as Mielke and Hastings as "jet-set headhunters," both are men of modest means.

"I scrimped and saved and worked at odd jobs for two years to get the money for that hunt," Mielke said. "By the time I'd paid air fares, outfitters' fees, and license and trophy fees it cost me around \$10,000."

Hastings put the cost of his hunt at near \$12,500, and noted it would be a long time, if ever, before he could afford another hunt of that magnitude.

Both hunters report that attempts to reason with the anti-hunters were futile.

"We were after Stone sheep, principally," Hastings said. "But they kept alluding to them as 'bighorns.' I told one of them, 'You're such a phony; you don't even know what species you're talking about.'"

Both men got trophy sheep as well as other trophy specimens, but the Greenpeace activists succeeded in blighting what would otherwise have been an idyllic hunt.

"There were several days when I didn't hunt because of them," Hastings said.

Complaints to provincial wildlife authorities were to no avail. "Early in the hunt a park ranger came into our camp," Hastings said. "We asked him why he wouldn't protect our right to carry on a lawful activity. I'd paid around \$1,000 for licenses and tags, and these people were trying to deprive me of my right to hunt. The ranger replied that there was nothing he could do. 'It's a public park,' he told me. 'They can go anywhere they please.'"

Later, after the anti-hunter fell (Greenpeacer Moore says he was pushed) into the lake, four Royal Canadian Mounted Police officers and two B.C. Fish and Wildlife Department officials arrived at the Mielke-Hastings camp by helicopter. Again the two hunters repeated their plea for protection, again the officials said there was nothing they could do.

"They told us they were trying to figure out how to resolve the issue," Hastings told *OUTDOOR LIFE*. "But all they did was to tell us, 'We want you fellows to be patient and keep the peace.' " (There are indications, however, which we will come to later, that B.C. officials are preparing to abandon

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*Violence against them  
would give Greenpeace  
"proof" that all hunters  
are thugs and violence-  
prone killers.*

---

their policy of noninterference when the 1981 season opens.)

Even after Mielke and Hastings quit their camp to return home, the Greenpeace contingent pursued them. After alerting press and television, the anti-hunters continued their tactics of harassment. They followed the two hunters into the airport at Vancouver, taunting them, haranguing and vilifying them, and waving professionally-made anti-hunting placards for the benefit of news and television cameras. Several wore animal costumes, including horns or antlers. The Greenpeacers drove the two hunters to take refuge in the airport lounge, where the bartender did what the Royal Canadian Mounted Police and game department officials had been unable or unwilling to do. He chased the anti-hunters out of the place.

*In the fall of 1980, the Gary Zechel hunting party camped in the Spatsizi wilderness in British Columbia and ran into harassment by eight Greenpeace agitators (left). When Zechel and his wife rode out of their camp for a day of hunting with their guide, the Greenpeacers locked arms across the trail to block their way and screamed abuse. A female Greenpeacer grabbed Zechel's reins to hold him back. The guide broke through the human barrier, and the Zechels pulled away and rode around them. Gary Zechel stated that his greatest fear was that one of the horses would spook and injure or kill someone. The painting is based on a photograph supplied by the Greenpeacer organization! At right, Greenpeacers in animal costumes harass Richard A. Mielke and Darryl Hastings in the Vancouver airport after their successful hunt.*



*Illustration by Domenick D'Andrea*

What was possibly an even uglier incident took place during the 1979 season in Spatsizi. Gary Zechel, an engineer with the Ford Motor Company, who lives in the Detroit area, was hunting Ranger Creek with his wife Jo-Carole, who is a hunter, but wasn't hunting on this occasion. Accompanied only by an Indian guide, the Zechels were traversing one of the wildest, most primitive areas in North America.

"We were six or eight hours by horseback from our base camp, staying in a spike camp," Zechel recalled, "when these Greenpeace people showed up. There were seven men and one woman. There was lots of taunting, harassment, and intimidation. They said they would do whatever they could to stop us. They said if they couldn't persuade us to abandon our hunt they would restrain us physically. When we rode out for a day of hunting, they locked arms in front of us. When I tried to go to my wife's aid, one of them grabbed my horse's reins. Eventually our guide broke through, and my wife and I got away from them. They chased us several hundred yards up the trail, and our guide's horse fell into a bog. That was very dangerous. Even a minor injury is serious in that remote wilderness."

Like Mielke and Hastings, Zechel is an experienced hunter and outdoorsman, clearly able to take care of himself. But some insight into the psychological impact of the Greenpeace tac-

## WAR IN THE WOODS

tics can be won when Zechel says, "One of those guys had an ice ax he kept waving in my face. I felt more fear than I have felt in a long time."

Zechel's wife seems to have been singled out for particular attention by the Greenpeaceers.

"They ran raving and yelling at her," he reported. "It was like a riot. They came within five or ten feet of her."

Exercising what can only be described as saintly restraint, the Zechels and their guide did their best to ignore the anti-hunters.

"This drove them into a frenzy," Zechel said. "They acted nearly hysterical, obviously looking to cause some action or incident." Not surprisingly, the Greenpeace tactics finally wore down Jo-Carole's emotional reserves. "She was terrified and finally broke down crying and screaming for them to leave us alone. They refused and she ran into the tent, sobbing 'They're crazy—I'm afraid of them.' She spent the final days of the hunt in her tent."

When the Zechels broke camp and returned to Smithers, he filed an assault charge against the Greenpeace anti-hunters. Although technically the charge is still pending, it has been "stayed" and provincial authorities made it clear they have no plans to prosecute it.

Ralph Aldrich, chief conservation officer of the British Columbia fish and wildlife agency, undertook to explain why.

"From an enforcement point of view we can only follow the law," he said in an interview. "There is no law against yelling. It's just like picketing. Of course, if they threaten assault and take some overt action, that may be assault."

Is it illegal to impede hunters' horses? Aldrich's reply was something less than definitive. "It depends," he said. Thereupon he passed the buck to Peter Ewart, crown counsel (prosecuting attorney) for the Spatsizi district. From Prince George, B.C., Ewart indicated that, while still open, the charges laid by Gary Zechel against the Greenpeaceers would likely never be prosecuted.

"We took a look at the evidence and the probable outcome of a trial and put a 'stay' on the case," Ewart said. But then, plainly choosing his words carefully, Ewart laid out what may be provincial officials' plan to end the threat to one of British Columbia's prime industries. "I would have been much happier," he said, "if the charge had been intimidation instead of assault." British Columbia, he said, has a statute making it illegal to "impede or attempt to impede any person from carrying out

a lawful activity" by threats, harassment, or coercion.

"What he says is a crock," bluntly charged Ray Collingwood, whose firm outfitted both the Zechel and Mielke-Hastings parties. "They didn't prosecute because of the expense of getting witnesses back up here to testify. I've lost all respect for the government."

Collingwood revealed what apparently is not known by provincial authorities—real violence has already broken out.

"One of these, [Greenpeace] guys tried to stop one of our pilots from taking off from an airstrip we maintain in the park," he told *OUTDOOR LIFE*. "He grabbed a wing strut of the Beaver and tried to force our pilot to abort his take-off. The plane got off anyway and later the pilot returned, landed the aircraft, and punched the guy out. He knocked him down and slapped him around some. He just hung a little licking on him."

Despite the degree of restraint exercised by Mielke, Hastings and Zechel, provincial authorities are acutely aware of the potential for violence. Like the hunters themselves, provincial officials see the tactics of Greenpeace as calculated provocations designed to spark violent reaction. All agree that would be counterproductive and, as one put it, "would give Greenpeace 'proof' that all hunters are thugs and violence-prone killers." Chief conservation officer Aldrich pointedly noted that there will be combined Royal Canadian Mounted Police and game department patrols in Spatsizi during the 1981 season.

Greenpeace's Moore airily dismissed the prospect of being prosecuted under the intimidation statute.

"The attorney general (of British Columbia) hired a man last summer especially to research the question," he said. "He concluded there was no law that could stop us. Our activities are as legal as the hunters'. All we're doing is occupying nonconsumptive space, competing for resources with the hunters. They can't say we're interfering with their rights. Those [game] animals don't belong to anyone until they're actually taken into possession."

It is clear that Patrick Moore is the architect, principal voice, and presiding genius of Greenpeace. He conceived and created the organization while a graduate student at the University of British Columbia (he is now a doctor of ecology) five years ago. His title is Canadian director of Greenpeace International, but plainly his sway extends to the worldwide branches of the organization. He is one of 12 salaried, full-time employees of Canadian Greenpeace, and he is paid \$1,200 a month. There are offices in Vancouver,

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**"We intend to shut down trophy hunting in Spatsizi to show that it can be done."**

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Victoria, Toronto, and Montreal, as well as branches in the United States, the United Kingdom, the Netherlands, France, New Zealand, and Australia. A Greenpeace "secretariat" in Washington coordinates the activities of the international branches, and it has an annual budget of \$120,000.

"Our forte," Moore said in an interview, "is organizing expeditions into remote areas in order to confront in a nonviolent manner acts that we consider environmentally detrimental. Our funding is entirely private—donations from individuals that are generally less than \$50. We have no foundation or government grants. Our methods are too controversial to attract money from conservative quarters."

Greenpeace's first confrontation took place when Moore and others chartered an 85-foot vessel and sailed to the Aleutian island of Amchitka in an attempt to halt the testing of nuclear bombs. "We lost that battle but we won the war," he said. "They've stopped testing now and Amchitka is a wildlife preserve."

Later Greenpeace made expeditions to the South Seas in an attempt to stop nuclear testing by France (they failed), and they have conducted offensives against whalers and seal hunters.

"But we cut our teeth on nuclear testing," Moore said. "From it we learned how to deal with the media and how to understand international politics. We're fortunate in having people who understand the media—that's how you communicate with people in the modern world, knowing what sort of images appeal to the media."

Although Canadian authorities are tippy-toeing around the Greenpeace campaign of intimidation in Spatsizi, the government ended similar tactics that were attempted against commercial hunters of harp seals in Newfoundland.

"They enacted what they called 'seal protection regulations'," Moore said, "just to keep us out. It's ironic, and very undemocratic."

Moore insists that ending all hunting is not his goal. "Hunting can be part of a harmonious relationship with nature," he said. "Indian bowhunters lived in a balanced state with nature for

10,000 years. But what we're saying is that the relationship between man and animals has changed dramatically. These hunters are an extension of the Detroit urban-industrial ecosystem. They have no place in Spatsizi. In a park set aside for protecting these animals, we must stop thinking of them as a natural resource and think of them as a national treasure."

Moore's disclaimer notwithstanding, Greenpeace's program would effectively end hunting. It would totally rule out all trophy hunting, even under the rigidly controlled conditions prevailing in Spatsizi. It would prohibit hunting by all outsiders, insisting that only food hunters "that are part of the (local) environment be permitted to hunt." It would, in short, permit only subsistence hunting, and then only if the cessation of hunting would "dramatically affect" the life-style of the hunter, and only if subsistence hunting remained in "balance" with the environment.

Moore repeatedly insisted that the hunters who were assailed by the Greenpeacers were "nonthinking trophy freaks who habitually left the meat of their animals to spoil after removing horns, antlers, and capes. All three hunters heatedly denied the charge, noting that they had painstakingly packed all usable meat back to camp, either for shipment home or for use by the outfitter's crew. The outfitters con-

firmed this. In fact, British Columbia law requires that the meat of game animals be removed and used for food, and in its exhaustive investigation of the incidents, the provincial game department found no violations of the law by the hunters.

For the record, Moore denies any of the Greenpeace activists at Spatsizi committed assault by grabbing anyone's arm. He denies that Mielke's rifle was pushed, but he insists that either Mielke or his companion shoved one of the Greenpeacers into the icy waters of

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**"They're crazy—I'm afraid of them," Gary Zechel's wife said. She spent the final days of the hunt in her tent.**

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Bug Lake. He concedes that they tried to block progress of the hunters' horses, but denies any member of his group seized them by the bridles. "They ran their horses at us," he insisted.


"Our intention is to be there again this year. We intend to shut down trophy hunting in Spatsizi to show that it can be done. They say we are interfering

with them. We deny that. We're competing, as is our right, and they can't stop us."

Perhaps more philosophical than many hunters would be, Richard Mielke warns future hunters of Spatsizi that the Greenpeace anti-hunters "are trying to provoke you into taking a poke at them. And that's the last thing anyone should do. It's exactly what they want."

Unfortunately, however, it isn't the last thing that's likely to happen—unless British Columbia takes a page from Newfoundland's book and contrives a way to keep the Greenpeace people away from the hunters. There are some indications B.C. officialdom, perhaps belatedly, is now working hard to find a way to end the harassment of hunters. In reply to a letter of complaint from Mielke, B.C. Minister of Environment Stephen Rogers wrote:

"I wish to extend my personal apologies for the harassment you suffered (and) I also want to congratulate you and your hunting partner for the restraint you both showed under trying circumstances. The hunters in Spatsizi by their good behavior, as opposed to the conduct of Greenpeace, gained in general public stature while Greenpeace suffered.

"We are working with the Parks Branch to see what can be done to prevent situations such as you experienced from recurring." 

# OUTDOOR LIFE



JULY 1981

# The Force Behind 'Friends of Animals'

## Alice Herrington Raises the Hackles of Sportsmen in Her War on Hunting

By E. J. NILSSON  
Grit Staff Writer



Alice Herrington

Whether Alice Herrington is right or wrong, she is anything but a bore. As founder and president of Friends of Animals (FOA), Herrington arouses strong feelings among sportsmen and others in her crusade against hunting.

Herrington, who lives with eight cats in Little Silver, N.J., founded FOA in 1957 to try to reduce the numbers of stray dogs and cats. And that is still the major purpose of the organization, she said.

But the group's chief claim to fame is Herrington's verbal bouts with hunters and trappers.

"To call this a sport is just pure nonsense," she said about hunting. "It's a real cruelty. It can't be justified."

IN HERRINGTON'S view, the only people worse than hunters are trappers.

"Deer hunters are not nearly as bad as trappers," she said. "I can't imagine how hunters, who pride themselves on fine shooting, ally themselves with trappers, who practice sadism. Deer hunters are due a little credit for at least the speed of their kill."

Despite the fireworks that FOA ignites with its "full program of hunting and trapping disruption," Herrington wants to convince the public that there "are two cruelties."

Besides the killing of "free animals, which are called wildlife," she explained, she's concerned about man's treatment of all domesticated animals—including pets and livestock.

"It's an American syndrome to love kittens and puppies but then throw out dogs and cats," she said, adding that millions of dogs are killed "in American municipal dog pounds, but they were loved as puppies."

In 1970, Herrington organized low-cost spaying programs for 20,000 animals. By 1980, the number had risen to 60,000.

Last September in Neptune, N.J., she opened a low-cost spaying clinic, said to be "a model of its kind with room for 80 animals and two veterinarians." Across the nation, her group pays for part of the cost of spaying in cooperation with 750 participating veterinarians.

ONE OF the prime targets of Herrington and the FOA is the food business.

"Cruelty to animals is practiced on a larger scale by the food industry than by any other single sector of human activity," an FOA publication asserts.

And Herrington adds:

"If people want to support an industry that is destroying the land, then they can continue to eat these creatures. But if not they can eat vegetables."

Other institutions also are criticized by

FOA, including zoos.

"Zoos must be phased out," said an FOA publication.

Herrington's concern for animals was heightened when she returned to the United States in 1954. Working as a War Department statistician, she had seen relatively few animals running loose in Europe.

In the United States, she said, "I was shocked to find stray animals everywhere."

HERRINGTON, a graduate of the University of Wisconsin in Madison, put her statistical talents to work calculating the rate of increase of dogs and cats. She said she realized that cutting the prolific birthrate was the only long-range solution.

This realization led to the founding of FOA, which worked with volunteers until 1967. Now the group has 12 full-time employees and

Herrington was asked whether she would advise FOA members to take traps that were legally set.

"Yes! Why not? Certainly," she said.

But "wouldn't the 'solution' be stealing?"

"You could say that it's stealing if you like," she replied, "but the Robin Hood approach to life is still a very nice way to go."

To Alice Herrington, DEPT. 9  
OUT  
3/25/81  
cm

# Humane Group To Seize Animal Leghold Traps

By STEVE GRANT

Friends of Animals Inc. said Friday it is going to trip up trappers by setting off their leghold traps when the season opens next week.

The organization said it will ask its 4,500 members in Connecticut to look for the traps, touch them off with a stick and remove them, because it believes the traps are inhumane.

"We can't as an organization advise people to remove legally set leghold traps. It wouldn't be a smart thing to do. What we're asking them to do is remove illegally set traps. Our guess is most of them are illegal," said Priscilla Feral, the organization's Connecticut director.

Game laws require all leghold traps to have the owner's name on them and they must be placed underwater or in an animal's burrow.

A spokesman for trappers questioned the new campaign, which will begin next Saturday, when the season opens.

"They're setting up a vigilante group. Vigilantes in any situation are not good. They don't know enough and they tend to break the law themselves," said Robert Crook of Madison, a member and former president of the Connecticut Trappers Association, which has about 800 members.

"I wouldn't object to anybody coming out and checking my traps, as long as they had the permission of the landowner, and as long as they didn't steal them, set them off or take animals out. But I really don't think that's their responsibility," Crook added.

He said the state Department of Environmental Protection is responsible

for seeing that trapping is conducted legally and that he understood the group was told by DEP not to remove illegal traps but instead to report them to a game warden.

Ms. Feral said a trapper's name legally can be placed anywhere on a trap, so members would have to trip them to check. She said members would not be advised to reset legal traps.

"DEP can read the riot act to me if it wishes. But no way will we aid the trapper. Our object is to get rid of the leghold trap," she said.

The organization has argued that the trap, which has two steel jaws that slam shut when an animal touches a piece of bait, is barbaric because some animals die slowly or are left crippled. Ms. Feral said domestic animals also have been caught in the traps. There are other traps available that are more humane, she said.

Crook estimated that there are 8,000 trappers in Connecticut, with the average trapper placing 50 or 100 traps in the wild.

The most commonly trapped animal in the state is the muskrat, which can yield a pelt that will fetch up to \$8. Raccoon, fox, mink, opossum, weasel, skunk and beaver also can be trapped legally, though the season for some of those animals does not begin until later.

Friends of Animals, which is based in New York, has waged other campaigns against hunters. Some members went into the Connecticut woods recently to play recorded wolf howls to alert animals of danger when the deer hunting season opened.

TRIP

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HB 47

January 24, 1983

Representative Dick Schultz  
State Capitol Building  
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

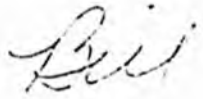
#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,



Bill Ellis, Chairman  
Tok Cutoff-Nabesna Rd. Advisory Committee  
S. R. Box 300  
Gakona, Alaska 99586  
907/822-3426



HB

167

## Summary of Teleconference

Topic: Homesteading

March 3, 1983

### Homesteading in General

Nearly all participants enthusiastically supported the concept of a homestead program. The overriding reason seems to be in keeping with the Article VIII, Sec. 1 & 2 of our Constitution:

#### ARTICLE VIII NATURAL RESOURCES

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

In short, participants seem to agree that Alaskan residents should have the opportunity to own land and determine for themselves what the use and lifestyle is appropriate on that land.

### Stipulations

Overall, the testimony seemed to indicate that 160 acres was an acceptable parcel size, and that a reasonable portion of that acreage should be cleared.

- a) SURVEYING - Yes, an accurate survey should be required, but it should not cost prohibitive. State funded surveys for major control points such as section corners would help reduce costs. Also, either loans, or additional time to complete survey requirements would help.
- b) HABITABLE DWELLING - Yes, a permanent habitable dwelling should be required.
- c) ACCESS - This topic of discussion came up repeatedly. First, their needs to be accessible to homesteads via rights-of-way preferably along section lines. Secondly, homesteads should not block public

access to streams, lakes, or public lands. Lastly, access to one's homestead should not be hindered by other homestead selections.

d) STAKING - Yes, their should be traditional staking requirements and boundary lines should be brushed and reasonably marked.

e) ENTRY - Participants, overall, did not support the lottery or auction approach to disposal and mentioned several times that HB 130 was not acceptable because it too closely resembled current land disposal programs. A traditional (select your own ground, stake it, and file for an entry permit) approach appears to have the strongest support.

f) CLEARING REQUIREMENTS - Nearly everyone felt that some clearing was reasonable, but many participants stressed that it should be a reasonable requirement Not one that adds extreme expense, but rather a "sweat equity" for the homestead entree.

g) OCCUPANCY - Again, most people favored occupancy requirements with the stipulation that homesteaders be required to make their home on the selection for a reasonable portion of 5 to 7 yrs. Suggestions varied, but an average of 5 mos. a year seemed to prevail.

h) OWNERSHIP - Nearly all participants wished to obtain a "fee simple" title or patent to the homestead selection upon fulfillment of requirements. Many expressed a desire for more sub-surface rights and water rights, in addition to surface ownership.

i) AGRICULTURE USE - Overall participants did not favor stipulations for Agriculture. Citing existing Ag programs and the need for homesteading, not necessarily small farm projects, those testifying seemed to stress the need for people to determine what use they had for their 160 acres. Most testimony indicated that on good land, some form of agriculture would be desirable, but it should not be made conditional by the state.

j) PRIOR LAND HOLDERS - Several participants expressed the need to let people who have participated in previous land programs also have the opportunity to homestead, as it was not available before.

k) LOANS - Many participants felt that loans should be available to offset expenses incurred while fulfilling homestead requirements.

Other Suggestions:

- a) SPECIAL EXCEPTIONS - One participant raised the issue of handicapped residents who may need special provisions to compete in the program. Veteran benefits were also cited by this individual.
- b) TRADITIONAL ACCESS - Trails, traplines and traditional routes of access should be maintained if at all possible.
- c) RESIDENCY - Most participants support the 1 year residency requirement, however, some felt that a longer term should be required (Constitutionally that would present the distinct possibility of a court challenge).
- d) ABANDONED ENTRIES - Should revert back to the state.
- e) MUNICIPAL CONSIDERATIONS - Should meet local municipal requirements for zoning and platting.
- f) SUBDIVIDING - It was suggested that a turn limit be set before sale or subdividing can occur.
- g) ADDITIONAL OCCUPANCY TIME - Two participants felt that homesteaders should live the greater portion of at least one year out of the total required on the homestead entry.
- h) SPOUSES - One person suggested that marriage should not prohibit two individuals from each filing separate homesteads.

HOMESTEAD BILL SUMMARY

	SB 102 Governor	SB 43 Moss	HB 130 Uehling, Barnes, Cowdrey, Flood, and Ward	HB 167 Tischer, Bettisworth, Busseil, Fritz, Liska, Schultz Ward and Syzmanski
Method	Lottery, <del>and</del> , over-the-counter- designated parcels	Application	Lottery or staking	Staking
Parcel Size	160 acre max.	160 acre max.	320 acres max. ag. land 160 acres max. non-ag.	160 acres max.
Fee	500/400	100 or 75 with title search	Discretionary	500/400
Survey required	Within 18 months	Within 5 years	Within 7 years	Within 18 months
Build Habitable Dwelling	Within 3 years	Within 5 years	Within 7 years	Within 3 years
Occupy the land	None	15 mos. in 5 years	35 mos. in 7 years	5 mos. for 5 years
Clearing required	25% in 5 years	None	1/4 ag land in 7 yrs. 1/8 non-ag land in 7 years	5% within 5 years
Comments:				

	SB 102 Governor	SB 43 Moss	HB 130 Uehling, Barner, Cowdery, Flood and Ward	HB 167 Tischer, Bettisworth, Bussell, Fritz, Liska, Shultz, Ward, Szymanski
Type of Land eligible for conveyance as homestead entry land	State land classified for agricultural use (excluding land within borough or city boundaries until proposed use of land has been studied and approved by the local planning authority.)	All vacant, unappropriated and unreserved general grant land suitable for agricultural use.	Any land available under the State's lottery disposal program (AS 38.05.057) or the remote parcel program (AS 38.05.077). Remote parcel program excludes commercial or industrial use land.	Any State land.
Method of Disposal	Lottery, over-the-counter designated parcels	Application	Lottery - any State land designated for homestead entry that is available through the lottery disposal program.  Staking - any State land designated for homestead entry that is available through the remote parcel program.	Staking
Parcel Size	160 acres maximum	160 acres maximum	320 acres max.-land available thru lottery program.  160 acres max.-land available thru remote parcel program.	160 acres maximum
Requirements to obtain an entry permit (homestead grant in the case of SB43)	1) 18 years of age. 2) 1 year resident 3) \$500 fee (\$400 refundable upon issuance of patent).	1) 18 years of age 2) 1 year resident 3) Written application.  Continued on page 2.	1) 18 years of age 2) 1 year resident 3) A fee for filing an application may be charged by the  Continued on page 2.	1) 18 years of age 2) 1 year resident 3) \$500 fee (\$400 refundable upon issuance of patent)  Continued on page 2.

	SB 102	SB 43	HB 130	HB 167
Requirements to obtain an entry permit (homestead grant in the case of SB43 cont.)		<ul style="list-style-type: none"> <li>4) \$100 fee (\$75 if a title search is completed)</li> <li>5) File an affidavit saying that the purpose for entering land is for actual settlement and cultivation.</li> <li>6) Mark exterior boundaries of property</li> <li>7) Publish a notice of application once/week for 3 consecutive weeks in a newspaper of general circulation.</li> </ul>	<p>dept. The amt. charged is left to the dept's discretion.</p> <ul style="list-style-type: none"> <li>4) Certify that applicant has not: <ul style="list-style-type: none"> <li>a) previously leased a remote parcel or made application for homestead entry within 8 yrs. preceding date of staking a remote parcel, or</li> <li>b) purchased land at a sale by lottery in the State within 8 years.</li> </ul> </li> </ul> <p>Additionally, under remote parcel program, the individual must stake boundaries of property and file a sketch plat w/in 15 days.</p>	<ul style="list-style-type: none"> <li>4) Stake corners of land</li> </ul>
No. of times eligible to apply for a homestead entry permit (homestead grant in the case of SB 43)	<ul style="list-style-type: none"> <li>1 (if previously received patent to any land under this program)</li> </ul> <p>May not hold more than one permit at a time.</p>	1	<ul style="list-style-type: none"> <li>1 (not even once if previously has leased a remote parcel from the State or purchased land at a sale by lottery in the State within 3 years.)</li> </ul>	<p>No limit on number of times; however, may not receive patent to more than 160 acres total and may not hold more than 1 permit at a time.</p>
Requirements for obtaining patent or in case of SB 43, requirements for retaining title to the land.	<ul style="list-style-type: none"> <li>1) Submit survey plat within 18 months.</li> <li>2) Erect a habitable permanent dwelling within 3 years.</li> <li>3) Clear and either put into production or prepare for cultivation 25% of land within 5 years.</li> </ul>	<ul style="list-style-type: none"> <li>1) Complete a survey that conforms to regulations adopted by the Dept. of Natural Resources within 5 years.</li> <li>2) Occupy land for a cumulative total of 15 months within 5 years.</li> <li>3) Erect a habitable permanent dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>1) Occupy land for a total of 35 months.</li> <li>2) Erect a habitable permanent dwelling that is not less than 200 sq. ft.</li> <li>3) Clear and prepare for cultivation not less than 25% of land if limited to agricultural use; and not less than 12 1/2% if not limited to agricultural use.</li> <li>4) Brush and maintain boundaries so they are easily visible from the ground.</li> <li>5) Complete a survey that is acceptable to the director.</li> </ul>	<ul style="list-style-type: none"> <li>1) Submit a survey plat within 18 months.</li> <li>2) Brush boundaries within 1 year.</li> <li>3) Reside on entry land for not less than 5 mos. each year for 5 years.</li> <li>4) Erect within 3 years a permanent habitable dwelling.</li> </ul>

	SB 102	SB 43	HB 130	HB 107
Type of patent conveyed	Agricultural rights	Unencumbered title	Either agricultural rights or Unencumbered title	Unencumbered title
Additional conditions imposed on permittee	<ol style="list-style-type: none"> <li>1) No attempts may be made to convey or otherwise transfer the permit.</li> <li>2) No permanent improvements to the land may be made before survey submitted.</li> <li>3) Land may not be used for commercial purposes unless a substantial portion is used for agricultural purposes.</li> <li>4) Director may reserve easements for roads, trails, etc.</li> </ol>	<ol style="list-style-type: none"> <li>1) Grantee may not remove timber or materials on a commercial basis.</li> <li>2) Grantee may not sell or otherwise dispose of title to land for 5 years after receiving patent.</li> <li>3) A 50' tract on each side of section line between sections of land acquired from State is dedicated to public access to public and navigable waters.</li> </ol>	<ol style="list-style-type: none"> <li>1) Permittee is not eligible for a State loan under the Alaska Agricultural Loan Act for improvements to that land before patent is granted.</li> </ol>	<ol style="list-style-type: none"> <li>1) Permit may not be assigned, conveyed, or transferred.</li> <li>2) Director may reserve easements for roads, trails, etc.</li> </ol>
Homestead Entry land exemptions or special exceptions.	<ol style="list-style-type: none"> <li>1) Disposal of homestead entry land not subject to local platting, recording, or subdivision requirements, but subsequent subdivision of land will be subject to all requirements.</li> <li>2) Not subject to preference rights under the Alaska Land Act (AS 38.05)</li> <li>3) Provides for veteran homestead entry loans from the Alaska Housing Finance Corporation.</li> </ol>	<ol style="list-style-type: none"> <li>1) Homestead entry land is exempt from municipal property tax for 1 yr. from grant of patent.</li> <li>2) For 5 yrs. after grant of patent, at least 10% of increase in assessed value, if due to agricultural improvements, will be exempt from municipal taxation.</li> <li>3) Homestead entry land may not be forfeited to enforce a judicial lien, process or proceeding to collect an unsecured debt until patent is granted.</li> <li>4) Not subject to publication notice law (AS 38.05.345)</li> </ol>		<ol style="list-style-type: none"> <li>1) Not subject to preference rights under Alaska Land Act (AS 38.05).</li> <li>2) Disposal of Homestead entry land not subject to local platting, recording, or subdivision requirements, but subsequent subdivision of the land will be subject to all requirements.</li> </ol>
Surveys required of the State	If no rectangular survey section corners present on land, director must complete a cadastral survey establishing these corners.			If no rectangular survey section corners present on land, director must complete a cadastral survey establishing these corners

H B

187

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 187 Date on Bill: 2/11/83  
 Title: An Act relating to regulation, licensing, and fee for fur farming  
 Sponsor: John Ringstad  
 Requestor: John Ringstad

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:

N/A

3. Assumptions:

N/A

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: Robert A. Hinman *Robert A. Hinman* Phone: 465-4190  
 Division: Game Date: 3/15/83

Approved by Commissioner: Don W. Collinsworth *Don W. Collinsworth* Date: 3/15/83  
 Department: Fish and Game

5. Distribution:

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

2/15/83