

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2759 HRES HB 479 - HB 546 2759

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 11/27/83

I. REQUEST

Bill/Resolution No.: \_\_\_\_\_  
Title: Bail Schedule  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: Div. of Parks  
BRU, Program of Subprogram(s) Affected: Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
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-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Mike Lee Phone: (907) 264-2123  
Division: Parks Date: 11/23/83

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

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)

9/14/83

## Analysis of Fiscal Note for Bail Schedule legislation

Present System - Each person cited for a violation of a park regulation must go to court. If a Park Ranger cites an Anchorage person for a minor violation in Ninilchik, approximately ten days later the Ranger and the individual must attend the court session in Kenai. Both individuals spend at least one day in the Kenai court plus the cost of meals, lodging and transportation. These expenditures and inconveniences do not include the costs of a judge, court clerks, District Attorney and the correspondence necessary to document the case, which generally run \$300-400 for each arraignment.

Proposed System - A bail schedule would establish a predetermined fee for violation of regulations or statues and the person would have the option of not contesting the citation and sending in the fee or challenge the violation and ask for a court appearance. It is anticipated that most people will elect not to challenge the citation and simply send in the fee. This would save money for the individual, the District Attorney's office, the courts and parks staff. The only cost we anticipate on this matter is for the printing of citation forms at an annual cost of \$1000.00 to \$2000.00. This is approximately what is spent on the existing citation program, so no real new costs should occur. Because of the saving in costs for the state, the individual, and more efficient management of our Park Rangers, the Bail Schedule will be a cost-effective program.

H B

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Attached:

Summary

Statutes

Repealed Statutes in CS

Fiscal Note/DNA

Narrative/Questions & Answers/Park Fee Schedule

Draft/CS

SUMMARY: HB 486 "An Act authorizing fees for the use of state park facilities; and providing for an effective date."

Purpose: To allow the State Park System to levy entry or user fees.

#### Sectional Analysis:

Section 1. AS 41.21 (Parks & Recreational Facilities) is amended by adding a new section "FEES FOR THE USE OF RECREATIONAL AND EDUCATIONAL FACILITIES"

(a) DNR to establish and collect fees with consideration of

- 1) state operating cost of facility
- 2) similar fees charged by private sector
- 3) administration of fee collection program
- 4) public interest

(b) DNR to report to legislature (10 days of session) to report:

- 1) revenue generated
- 2) administering fees (cost)
- 3) public input on fees

Section 2. Immediate effective date

#### Workdraft Committee Substitute:

Section 1. Same as above

Section 2. AS 28.10.411(e) repealed (Statute attached)

Motor Vehicle registration/ providing for entrance into State Parks is currently provided for here.

\* (CSHB486) -Effects of Repealer - allows for all park users to pay fees

\* (HB486) Without Repealer - residents will not pay fees that are already paid with vehicle registration and non-residents will be charged fees.

\*per Dick Bradley, Legal Services

unless the context  
 ed in AS 41.17.043;  
 bicides, fungicides,  
 l purposes;  
 being applied; and  
 lfare of renewable  
 nvironmental con-  
 atural resources;  
 ral Resources;  
 een stocked with  
 er nonforest use,  
 le for commercial  
 nicipal, or private  
 forest land:  
 of forest land so  
 meet the needs of  
 e of the land for  
 its, and services  
 ade for periodic  
 conditions;  
 e resources; and  
 of the various  
 pairment of the  
 being given to  
 necessarily the  
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 empted under  
 er harvesting  
 development,  
 that person,  
 mployee with  
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 d or substan-

tial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels;

(13) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(14) "state forest" means an area which is retained in state ownership in order to

(A) provide a base for sustained yield management of renewable resources; and

(B) permit a variety of beneficial uses;

(15) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period; and

(16) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself. (§ 1 ch 108 SLA 1978; am § 88 ch 59 SLA 1982)

Revisor's notes. — In 1983 paragraphs (12) — (16) were reorganized to place the terms defined in alphabetical order. amendment substituted "forestry" for "forest, land, and water management" in paragraph (5).

Effect of amendments. — The 1982

NOTES TO DECISIONS

The "sustained yield principle" as used in Alas. Const. art. VIII, § 4 accords with the definition set forth in AS 38.04.910(10), and the added language in the definition of "sustained yield" in this section that it "does not require that timber be harvested in a nondeclining yield basis over a rotation period"; and it should be read as permitting timber cutting at a level that cannot be sustained over a forest rotation period only in unusual circumstances. Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), P.2d (1983).

Chapter 20. Parks and Recreational Facilities.

[Renumbered as AS 41.21.010 — 41.21.990.]

Chapter 21. Parks and Recreational Facilities.

Article

1. Administration (§§ 41.21.010 — 41.21.040)
2. State Parks (§§ 41.21.110 — 41.21.167)
3. Alaska Marine Parks (§§ 41.21.300 — 41.21.306)
4. State Recreation Areas (§§ 41.21.410 — 41.21.490)
5. Wildlife Preserves (§§ 41.21.610 — 41.21.630)
6. Roadside Rests, Beaches (§§ 41.21.800 — 41.21.805)

- 7. Trails, Footpaths and Campsites (§§ 41.21.850 — 41.21.872)
- 8. Miscellaneous Provisions (§§ 41.21.900 — 41.21.918)
- 9. General Provisions (§§ 41.21.950 — 41.21.990)

**Article 1. Administration.**

Section	Section
10. Purpose	30. Disposition of funds
20. Duties of Department of Natural Resources	40. Division within department
25. Zoning of private land within state parks	

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**Collateral references.** — 59 Am. Jur. 2d, Parks, Squares and Playgrounds, §§ 1 — 15; 63 Am. Jur. 2d, Public Lands, § 17. 81A C.J.S., States, §§ 138, 145 — 150. Statutes relating to establishment or administration of parks as encroachment on right of local self-government, 88 ALR 228.

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**Sec. 41.21.010. Purpose.** It is the purpose of AS 41.21.010 — 41.21.040 to foster the growth and development of a system of parks and recreational facilities and opportunities in the state, for the general health, welfare, education, and enjoyment of its citizens and for the attraction of visitors to the state. (§ 1 ch 158 SLA 1959)

**Revisor's notes.** — Formerly AS 41.20.010. Renumbered in 1983.

**Sec. 41.21.020. Duties of Department of Natural Resources.** The Department of Natural Resources shall

- (1) develop a continuing plan for the conservation and maximum use in the public interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of the state;
- (2) plan for and develop a system of state parks and recreational facilities, to be established as the legislature authorizes and directs;
- (3) acquire by gift, purchase, or transfer from state or federal agencies, or from individuals, corporations, partnerships or associations, land necessary, suitable and proper for roadside, picnic, recreational or park purposes;
- (4) control, develop and maintain state parks and recreational areas;
- (5) provide for the acquisition, care, control, supervision, improvement, development, extension and maintenance of public recreational land, and make necessary arrangements, contracts or commitments for the improvement and development of land acquired under AS 41.21.010 — 41.21.040;
- (6) adopt, in accordance with this section and the Administrative Procedure Act (AS 44.62), regulation governing the use and

designating incompatible uses within the boundaries of state park and recreational areas to protect the property and to preserve the peace;

(7) cooperate with the United States and its agencies and local subdivisions of the state to secure the effective supervision, improvement, development, extension, and maintenance of state parks, state monuments, state historical areas, and state recreational areas, and secure agreements or contracts for the purpose of AS 41.21.010 — 41.21.040;

(8) encourage the organization of state public park and recreational activities in the local political subdivisions of the state;

(9) provide for consulting service designed to develop local park and recreation facilities and programs;

(10) provide clearing-house services for other state agencies concerned with park and recreation matters; and

(11) perform other duties as are prescribed by executive order or by law;

(12) maintain memorials to Alaska veterans located in state parks;

(13) adopt, in accordance with the Administrative Procedure Act (AS 44.62), regulations governing the use of the Chena River State Recreation Area and designating incompatible uses within the boundaries of the Chena River State Recreation Area in accordance with AS 41.21.490. (§ 2 ch 158 SLA 1959; am § 1 ch 233 SLA 1970; am § 3 ch 30 SLA 1981; am §§ 1, 2 ch 78 SLA 1981)

Revisor's notes. — Formerly AS 41.20.020. Renumbered in 1983.

The present second sentence of AS 41.21.490 was originally enacted as part of (13) of this section and was transferred, with appropriate minor word changes in (13) of this section in 1981. Two paragraphs (12) were added by the 1981 amendments. The paragraph added by the second amendment was renumbered as (13).

Cross references. — For power of the department of military affairs to construct

memorials to veterans, see AS 44.35.030.

Effect of amendments. — The first 1981 amendment added paragraph (12).

The second 1981 amendment made minor word changes in paragraph (6) and added paragraph (13).

Collateral references. — Grant of licenses or special privileges in parks, 18 ALR 1263; 63 ALR 484; 144 ALR 486.

Use to which park property may be devoted; power of legislature or state officers, 18 ALR 1266; 63 ALR 484; 144 ALR 486.

**Sec. 41.21.025. Zoning of private land within state parks.** (a) The department may adopt, under the Administrative Procedure Act (AS 44.62), zoning regulations governing private property within the boundaries of state parks established under this chapter.

(b) Land patented to or under interim conveyance to a regional or village native corporation under 43 U.S.C. 1601-1628 (P.L. 92-203, Alaska Native Claims Settlement Act) which falls within a state park boundary is subject to the zoning regulations provided for under (a) of this section only if the affected regional or village native corporation consents to or fails to reject the zoning regulations within 60 days from the date they are submitted to the effected corporation.

title fee required under § 441 of this chapter, the department shall issue a new certificate of title. (§ 7 ch 178 SLA 1978)

Article 5. Fees and Charges.

<p>Section          411. Registration fees levied          421. Registration fee rates</p>	<p>Section          431. Annual motor vehicle registration tax          441. Schedule of other fees and charges</p>
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Sec. 28.10.411. Registration fees levied. (a) For every year during any part of which a vehicle is subject to registration under this chapter, a registration fee shall be paid to the department at the time of original registration and at each annual renewal of registration after that time.

(b) Motor carrier and bus transportation fees paid on vehicles subject to the Alaska Motor Freight Carrier Act (AS 42.10) and the Alaska Bus Act (AS 42.15) shall be paid to the department at the same time the registration fee is paid.

(c) A resident 65 years of age or older is entitled to an exemption from tax under this section for one motor vehicle subject to registration. No exemption may be granted except upon written application for the exemption on a form prescribed by the department.

(d) The Department of Community and Regional Affairs shall pay to the borough and to the city in which a person who is granted an exemption under (c) of this section resides an amount equal to the tax levied under § 431(b) of this chapter regardless of whether the borough or city is eligible for the tax levied under that section.

*Repeal*

(e) Notwithstanding any other provision of law, the fees paid for registering a vehicle under § 421(b)(1), (2), (5), (6) or (d) of this chapter shall include all fees required for entry into and use of a state park or campground. (§ 7 ch 178 SLA 1978)

Sec. 28.10.421. Registration fee rates. (a) Unless otherwise provided by law, the fees prescribed in this section shall be paid to the department at the times provided under §§ 101—111 of this chapter.

(b) The annual registration fees under this subsection are imposed within the following classifications for:

- (1) a passenger vehicle or motor home not used or maintained for the transportation of persons or property for hire or for other commercial use . . . . . \$30;
- (2) a pick-up truck or a van not exceeding 6,000 pounds unladen weight and not used or maintained for the transportation of persons or property for hire or for other commercial use . . . . . \$35;
- (3) a taxicab . . . . . \$65;
- (4) a motor bus with a seating capacity for 20 or more persons and used exclusively for commercial purposes in the transporting of visitors or tourists . . . . . \$80;
- (5) a motorcycle or a motor-driven cycle . . . . . \$15;

(6) a two- or four-wheeled trailer not used or maintained for the transportation of persons or property for hire or for other commercial use, including, but not limited to, a boat trailer, baggage trailer, box trailer, utility trailer or house trailer . . . . . \$ 5.

(c) The annual registration fees under this subsection are imposed and are based upon the actual unladen weight as established by the manufacturer's advertised weight or upon the actual weight which the owner shall furnish, subject to the approval of the commissioner or his representative, for a vehicle, including a motor vehicle pulling a trailer or semi-trailer, used or maintained for the transportation of passengers for hire, excepting taxicabs and buses under (b) of this section, or for the transportation of property for hire or for other commercial use, including a commercial vehicle such as a trailer, semi-trailer, truck, wrecker, tow car, hearse, ambulance, and tractor, as follows:

- (1) up to and including 5,000 pounds . . . . . \$45;
- (2) more than 5,000 pounds to and including 12,000 pounds . . \$80;
- (3) more than 12,000 pounds to and including 18,000 pounds . . \$150;
- (4) more than 18,000 pounds . . . . . \$215.

(d) The special registration fees under this subsection are imposed annually, unless otherwise specified, for:

- (1) an historic vehicle (one time only upon initial registration under § 181 of this chapter) . . . . . \$10;
- (2) special request plates . . . . . \$20;
- plus the fee required for that vehicle under (b)(1) or (2) of this section;
- (3) a vehicle owned by a disabled veteran or other handicapped person, and registered under § 181 of this chapter or a resident 65 years of age or older who complies with § 411(c) of this chapter . . . . . none;
- (4) a vehicle owned by the state . . . . . none;
- (5) a vehicle owned by an elected state official . . . . . the fee required for that vehicle under (b) of this section;
- (6) a vehicle owned by a consular officer, unless waived under § 181 of this chapter . . . . . \$30;
- (7) a vehicle owned by a rancher, farmer, or dairyman and registered under § 181 of this chapter . . . . . \$30;
- (8) a snowmobile or off-highway vehicle . . . . . \$ 5;
- (9) an amateur mobile radio station vehicle,
  - (A) with a tranceiver capable of less than 5-band operation . . . . . the fee required for that vehicle under (b) or (c) of this section;
  - (B) in recognition of his service to the public: a mobile amateur radio station owned by an amateur with general class or higher license, provided the station must be satisfactorily proved capable of operating on at least five bands between 160 through 10 meters, must have an antenna, and must have a power supply and wiring as a permanent part of the vehicle; the transmitting unit may be removed from the car for service or dry storage . . . . . none for a mobile amateur radio station vehicle included in b(1) or (2) of this section;

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/3/84

**REQUEST**

Bill/Resolution No.: HB 486  
Title: State Park Facility Fees

Sponsor: Bettisworth  
Requestor: \_\_\_\_\_  
Date of Request: 2/2/84

**FISCAL DETAIL**

Agency Affected: Natural Resources  
Program Category Affected: NRM&EC

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Parks, Park Management/Operations

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		13.5	14.0	14.6	15.2	15.8
200 TRAVEL						
300 CONTRACTUAL		3.0	4.5	4.5	4.5	4.5
400 SUPPLIES		1.5	1.5	1.5	1.5	1.5
500 EQUIPMENT		3.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<u>21.0</u>	<u>20.0</u>	<u>20.6</u>	<u>21.2</u>	<u>21.8</u>
<b>CAPITAL</b>		<u>35.7</u>	<u>17.9</u>	<u>17.9</u>	<u>-0-</u>	<u>-0-</u>
<b>REVENUE</b>		<u>200.0</u>	<u>210.0</u>	<u>231.0</u>	<u>254.1</u>	<u>280.0</u>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		56.7	37.9	38.5	21.2	21.8
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<u>56.7</u>	<u>37.9</u>	<u>38.5</u>	<u>21.2</u>	<u>21.8</u>

**POSITIONS:**

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Al Meiners/Mike Lee/Mary Halloran Phone: 265-4506, 465-2407  
Division: Parks/Management Date: 2/2/84

Approved by Commissioner: *Thomas D Arnold* Date: 2/3/84  
Agency: Department of Natural Resources *Deputy*

Distribution (by Agency preparing fiscal note):

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

12/1/83

## Fees in Alaska State Parks

### How long have fees for recreation been charged?

Of the 50 state park systems in the United States, Alaska stands alone in not levying any entry or user fees for recreational activities. Within Alaska, the U.S. Forest Service, National Park Service, Fish & Wildlife Service, the Bureau of Land Management, Municipal Campgrounds and (obviously) private campgrounds have fees. Alaska State Parks' 3,000 campsites are free.

At the federal level, systematic fee collection in the National Park System was instituted by President Franklin D. Roosevelt. Years later, in 1951, the U.S. Congress passed legislation requiring that facilities providing "service, benefit or privilege should be self-sustaining to the full extent possible" (65 STAT. 290). In 1964 the Congress passed legislation specifically calling for recreation user fees as part of the Land and Water Conservation Fund Act. Since 1964 federal acts dealing with user fees have been constantly updated. The federal effort clearly targets recapturing a portion of park and recreation area operation and maintenance costs nationwide.

### Has Alaska State Parks ever charged user fees for recreation?

Yes. Through the Alaska Administrative Code 11 AAC 12.310 fees were authorized. The Division of Parks utilized an annual \$10.00 entrance fee. Individuals were given a decal that could be affixed to a vehicle allowing access for the entire year.

### When was the fee stopped?

The fee was stopped by the passage of a somewhat obscure piece of legislation in a body of law dealing primarily with motor vehicles in 1978, AS 28.10.411(d).

### Why should we charge fees again?

Times have changed. In 1978 Alaska was in the beginning of a period of record high government spending. Today the tables are turned. Revenue is tight and it will continue to decline.

### How do people react to user fees and will they pay?

Surprisingly more than half of campground users will normally pay without hesitation. In British Columbia up to 80% compliance has been recorded. With limited staff contact they experienced 96% compliance from users.

Even closer to home, here in Alaska, the U.S. Forest Service charges campground fees of \$5.00 per night. Their program gets 77% user compliance and up to 92% user compliance when campground hosts are used.

### What method would Alaska State Parks use to charge fees and is it really worth it?

Research tells us that "iron rangers" appear to be the most practical method. The iron ranger is essentially a self-registration station that is virtually vandal proof. Staff time is very limited, installation is cheap, maintenance is minimal and user compliance elsewhere with this system is good to excellent. By using Campground Hosts (Volunteers in Parks) to contact campers, we expect to increase user compliance and understanding of the fee system.

Exactly what kind of fees would be charged?

Only overnight camping fees and a tour fee for the House of Wickersham. People who overnight in parks utilize the full range of facilities provided and logically should pay to help defray the costs of operating and maintaining the campgrounds. The House of Wickersham, a non-profit foundation, is envisioned which would support its existence through tour fees.

How much revenue do other states generate and what could Alaska expect to earn?

The more heavily populated states like California and Michigan collect \$18,000,000 and \$5,000,000 annually. Over 15 other states earn over \$1,000,000 and 33 states generate over \$500,000 each year. Preliminary analysis here allows us to predict first year revenues of \$300,000. Usually revenue goes up after the first year.

Do we expect any other benefits from user fee collection?

Yes, research confirms that vandalism and other depreciative behavior decline noticeably in areas where user fees are charged. This saves money and allows existing operations money to improve, rather than repair facilities.

Exactly how much will our campers pay?

Ten, six and three dollars per night, per campsite. Rates will be structured with higher fees for campgrounds with the most amenities/services. Most of the small, remote and rustic vehicle campgrounds will remain free.

What do Alaska's private campground operators think of the idea?

Each operator we have contacted favors the idea. Private operators have long felt free state campgrounds were unfair competition.

Facility	rate	x (%mean occupancy x facility capacity)	x number days open	x compliance rate	= annual revenue \$	
DISTRICT						
Chugach A	10	80	30	150	85%	36,720
Chugach B	6	70%	25	120	55%	6,930
Chugach C	3	50%	17	90	50%	1,148
Southeast B	6	50%	64	120	70%	16,128
Southeast C	3	30%	13	120	50%	702
Interior A	10	80%	25	90	85%	15,300
Interior B	6	60%	161	90	70%	36,514
Interior C	3	60%	136	90	60%	13,219

STATE PARK FEE  
SCHEDULE

A	\$10.00	B	\$6.00	C	\$3.00	D	FREE	H	TBA
1. Flush toilets		1. Vaulted latrines		1. Vaulted or pit latrines		1. Vaulted or pit latrines or no latrines.		Fees for these areas may be charged if demand for facility is high enough and if facility has a finished product to offer	
2. Running water		2. Clearly defined spaces		2. Spaces not clearly defined.		2. Dirt roads and pads.		I.e. Independence Mine SHP	
3. Individual spaces with separation.		3. Recent major maintenance and upgrading.		3. Roads hard packed dirt or sand.		3. Facilities minimum or lacking.		Yes	
4. Campground Host on duty - Ranger/maintenance staff. Daily on grounds.		4. Hand pump or running water.		4. With or without drinking water.		4. May be no drinking water.		Fort Abercrombie SHP - No for historic portion.	
5. Close to or within major population center.		5. Road surfaced with gravel.		5. No host - Rangers/Maintenance. Staff intermittently.		5. Sporadic or infrequent maintenance and enforcement.			
6. Proximity to good roads.		6. Single entrance.		6. May be remote from hard surfaced roads or major highways.		6. Multiple entrances.			
7. May have dump station.		7. Rangers/maintenance Staff/Volunteer Host frequently on grounds.				7. Fewer than 6 over night spaces.			
8. Single entrance.						8. More than 40 miles from maintenance station.			

Province of  
British Columbia  
Ministry of  
Lands, Parks  
and Housing

# FORUM

## SELF REGISTRATION IN PARKS A SUCCESS

Will B.C. campers voluntarily register and pay for campground use when there isn't an official there to ask for their money? The answer is an overwhelming "yes", as the Parks and Outdoor Recreation Division showed this year in 52 provincial parks.

Two years ago, the division launched a pilot program of self-registration fee collections in seven parks, then increased it to 11 parks in 1979 and 52 this year. The objective was to monitor both the response of campers and the effectiveness from an operational standpoint. It has proven to be an entirely valid system for both users and operators.

B.C. was the first Canadian province to use the self-registration system, but credit for its organization goes to the U.S. Forest Service, which pioneered it in the early 1970's.

The principle behind self-registration is simple: the responsibility for registering and paying camping fees falls to the camper rather than park staff. The advantage to campers is obvious: convenience. They can now pay their fee when they arrive instead of waiting for a collector to come around at a specified time. They can also pay in advance for as many nights as they wish. Assuming they do (and statistics now show this to be an entirely valid assumption), fee collectors are now free to work in other areas of park operations to improve service to the public.

The implementation of the system is also fairly simple: as campers enter the campground, a sign advises them that attendants do not collect fees. Campers are asked to select a site, then go to the self-registration station and pay. At these fee stations, strategically located in the campground, envelopes are provided, the camper fills in the registration information, puts the fee in the envelope, seals it, and deposits it in a vault, first tearing off the receipt stub. During the evening, park staff check each vault to ensure payment has been received.

During the two year period, the average voluntary compliance rate was over 80% and, when additional information, instruc-

tions, or reminders were given, the average was a stunning 96%! This rate is as high as that achieved with traditional methods of fee collection. Based on B.C.'s experimental program, Yoho National Park started a similar system in the summer of 1979. Their volunteer compliance averaged 92% — another indication of the system's viability and people's basic honesty!

To get public reaction to the new system, the division monitored some of the 20,000 camping parties who participated in the 1978 pilot program. At that time, users did not show any strong objections to the system. They were undecided as to whether or not there was a decrease in contact with staff and it was generally felt there were no problems with change, foreign currency (American) or the instructions. They did, however, remark on the appearance of the fee station, because it did not blend with park environment. This response was welcomed because the fee stations and vaults were designed to be easily identified.

As with most new concepts, improvements are an integral part of their success. The self-registration system was no exception. Several recommendations were made by field staff and improvements and modifications were made.



Ron Kerr of the Parks and Outdoor Recreation Division Operations Branch demonstrates the self-registration fee system. Ron is filling out the permit envelope following the instructions on the sign. In the foreground is the vault where Ron will deposit the permit envelope and camping fee.

### LOOK FOR CHANGES IN FORUM



The upcoming issues of the *Forum* newsletter will reflect some of the changes suggested by many of you in completing the recent questionnaire. The answers to the questionnaires are being tabulated and a summary will be printed in the next

issue. As you have no doubt noticed, *Forum* already looks different! Keeping in mind your comments, other changes will be incorporated into future issues, thereby hopefully making *Forum* the most informative and well-read newsletter put out by any ministry.

Your on-going comments are welcome at any time. Many thanks to all of you who took the time to complete the questionnaire.

The Editor

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/3/84

REQUEST  
Bill/Resolution No.: HB 486  
Title: State Park Facility Fees

FISCAL DETAIL  
Agency Affected: Natural Resources  
Program Category Affected: NRM&EC

Sponsor: Bettisworth  
Requestor: \_\_\_\_\_  
Date of Request: 2/2/84

BRU, Program or Subprogram(s) Affected:  
Parks, Park Management/Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		13.5	14.0	14.6	15.2	15.8
200 TRAVEL						
300 CONTRACTUAL		3.0	4.5	4.5	4.5	4.5
400 SUPPLIES		1.5	1.5	1.5	1.5	1.5
500 EQUIPMENT		3.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		21.0	20.0	20.6	21.2	21.8
CAPITAL		35.7	17.9	17.9	-0-	-0-
REVENUE		200.0	210.0	231.0	254.1	280.0

FUNDING: (Thousands of Dollars)

GENERAL FUND		56.7	37.9	38.5	21.2	21.8
FEDERAL FUNDS						
OTHER						
TOTAL		56.7	37.9	38.5	21.2	21.8

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Meiners/Mike Lee/Mary Halloran Phone: 265-4506, 465-2407  
Division: Parks/Management Date: 2/2/84

Approved by Commissioner: *Thomas D Arnold* Date: 2/3/84  
Agency: Department of Natural Resources *Deputy*

Distribution (by Agency preparing fiscal note):

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

12/1/83



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUC: V  
JUNEAU, ALASKA 99811  
(907) 465-3715

## MEMORANDUM

To: House Resource Committee Members  
From: Committee Staff  
Date: February 22, 1984  
Re: CSHB 486

The only difference between this new CS and the original CS can be found on lines 13 and 14.

Initially the language had been more of a general nature in that fees could be levied for the use of recreational and educational facilities.

With the new language contained in the latest CS, fees can only be charged for the use of developed campsites, guided tours of historical sites, and public use cabins.

The original fiscal note has not been altered by the change in language.

These changes have been made with the concurrence of both the sponsor and the Director of the Division of Parks.

H B

518



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

TO: House Resources Members

From: Committee Staff

DATE: March 25, 1984

RE: CSHB 588(RES), ESTABLISHING A FISHERIES BUSINESS TAX CREDIT

---

Section one: This section sets up the fisheries business tax credit program. Under the program a fish processor is entitled to receive a credit of not more than 50% of its raw liability for capital investments in shore-based facilities. The program has a consecutive five year eligibility period for each fish processor, which the processor can initiate in any year through 1988. Fish processors will be allowed to carry eligible investments forward during their five year period, but will be unable to begin a tax credit for an item which has already been credited under this program.

This section also provides for an annual report to the legislature on the benefits and utilization of this tax credit program (to begin in 1986).

Section two: This section provides that the calculation of raw fish tax refunds to local governments will not change and will continue as if the raw fish tax credit did not exist.

Section three: This section puts the definition of "capital expenditure" in the statutes under the definition section of Chapter 75.

Section four: This section repeals the raw fish tax program in 1993; after all eligibility under the program has expired.



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

TO: House Resources Members

From: Committee Staff

DATE: April 2, 1984

RE: CSHB 518(Res), ESTABLISHING A FISHERIES BUSINESS TAX CREDIT

NEW VERSION

Section one: This new section deletes the word "cannery" and replaces it with "fisheries business". This action cleans up the statutes because in the definition section of Chapter 75, AS 43.75.140(3), "cannery" is defined as a "fisheries business". AS 43.75.140(3) states:

(3) "fisheries business" means a person who engages in processing fisheries resources for sale by freezing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

Also, throughout the original committee substitute bill, the word "cannery" has been deleted because the words "fisheries business" already defines "cannery" in the definition section of this chapter.

Section two: This section sets up the fisheries business tax credit program. Under the program a fish processor is entitled to receive a credit of not more than 50% of its raw liability for capital investments in shore-based facilities. The program has a consecutive five year eligibility period for each fish processor, which the processor can initiate in any year through 1988. Fish processors will be allowed to carry eligible investments forward during their five year period, but will be unable to begin a tax credit for an item which has already been credited under this program.

This section also provides for an annual report to the legislature on the benefits and utilization of this tax credit program (to begin in 1986).

Section three: This section provides that the calculation of raw fish tax refunds to local governments will not change and will continue as if the raw fish tax credit did not exist.

Section four: This section puts the definition of "capital expenditure" in the statutes under the definition section of Chapter 75. This is language from the Department of Revenue.

Section five: This section repeals the raw fish tax program in 1993; after all eligibility under the program has expired.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date 03/26/84

REQUEST

Bill/Resolution No: CSHB 518(Fish)  
Title: Fisheries Business Tax Credit

Sponsor: Zharoff, Grussendorf  
Requestor: H. Resources  
Date of Request:

FISCAL DETAIL

Agency Affected: Department of Revenue  
Program Category Affected: Collection and Management  
BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	2.0	-	-	-	-
300 CONTRACTUAL	-	1.0	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
<u>TOTAL OPERATING</u>	-	3.0	-	-	-	-
<u>CAPITAL</u>	-	-	-	-	-	-
<u>REVENUE</u>	-	(7,250.0)	(7,250.0)	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	3.0	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
<u>TOTAL</u>	-	3.0	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

Prepared By: Maureen O'Brien  
Division: Audit Division

Phone: 465-2320  
Date: \_\_\_\_\_

Approved by Commissioner: *Richard P. L. L...*  
Agency: Revenue

Date: 3/29/84

Distribution (by Agency preparing fiscal note):

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

Analysis for CSHB 518(Fish):

Travel \$2.0 - passage of CS HB 518 will require the Audit Division to draft regulations and conduct public hearings throughout the state. Air fare and per diem costs are estimated at \$2,000 for travel to Ketchikan, Anchorage and Kodiak by one Audit Division employee.

Contractual services \$1.0 - conducting public hearings requires the presence of a court reporter and advertising in state-wide newspapers.

The above estimates are derived from the Revenue Sources January 1984 projections for fisheries business taxes, and provide for tax credits effective in FY 85. The estimates reflect the maximum revenue loss the state would experience if all fisheries business tax returns for shore-based canneries and shore-based fisheries businesses applied for a 50 percent tax credit, and were subsequently approved by the department. It should be noted that although the fish processors would be the primary beneficiaries of the tax credit, there exists the possibility in certain cases where, if the processors are given a 50 percent credit and the remaining 50 percent is refunded to local governments per AS 43.75.130, the state could eventually not receive any revenues from those fisheries business taxes.

Estimates are duplicated for FY 86 and not shown beyond since price/catch projections are unknown.

**Sec. 43.75.140. Definitions. In this chapter**

- (1) "department" means the Department of Revenue;
- (2) "developing commercial fish species" means those species of fish and shellfish annually designated by the commissioner of fish and game under AS 16.05.050(12);
- (3) "fisheries business" means a person who engages in processing fisheries resources for sale by freezing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants;

(4) "fishery resource" means fin fish, shellfish and fish by-products, including but not limited to salmon, halibut, herring, flounder, crab, clam, cod, shrimp, and pollock;

(5) "floating fisheries business" means a fisheries business which is not a shore-based fisheries business; the term includes, but is not limited to, a shore-based fisheries business as defined in (6)(B) of this section when it is removed from the state;

(6) "shore-based fisheries business" means a fisheries business

(A) operated from a facility which is permanently attached to the land; or

(B) operated from a facility which remains in the same location in the state for the entire tax year;

(7) "taking" means pursuing, fishing, capturing, or harvesting a fisheries resource in any manner;

(8) "value" means the actual price paid for the fisheries resource by the fisheries business, including indirect consideration such as fuel, supplies, or gear, whether paid at the time of purchase of the fisheries resource or tendered as a deferred or delayed payment, except that "value" means the market value of the fishery resource if the taking of the fishery resource is done in company-owned or company-subsidized boats operated by employees of the fisheries business or in boats which are operated under lease or other arrangement. (§ 3 ch 79 SLA 1979; am § 46 ch 94 SLA 1980; am § 46 ch 113 SLA 1980; am §§ 11, 12 ch 117 SLA 1981).

Revisor's notes. — Reorganized in 1983 to alphabetize the defined terms.

Effect of amendments. — The first and second 1980 amendments both repealed the definition of "year".

The 1981 amendment added "the taking

of" preceding "the fishery resource" and substituted "done" for "procured" preceding "in company-owned" in the definition of "value". The amendment also added the definition of "taking".

### Chapter 76. Salmon Enhancement Tax.

**Section**

- 10. Three percent salmon enhancement tax
- 11. Two percent salmon enhancement tax
- 15. Election to approve or terminate salmon enhancement tax
- 20. Termination of salmon enhancement tax
- 25. Collection of tax and disposition of proceeds

**Section**

- 28. Liability for tax on salmon shipped from state
- 30. Accounting of financing received as a result of the salmon enhancement tax
- 40. Definition

Editor's notes. — For findings and purpose of enacting legislation, see § 1, ch.

154, SLA 1980, in the Temporary and Special Acts.

11. Two percent  
 15. Election to  
 salmon e  
 20. Terminatio  
 tax  
 25. Collection  
 proceeds  
 Editor's not  
 purpose of enact

DRAFT

Original sponsors: Zharoff and  
Grussendorf

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 518 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a fisheries business tax cred-  
7 it."

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

9 \* Section 1. AS 43.75 is amended by adding new sections to read:

10 Sec. 43.75.018. FISHERIES BUSINESS TAX CREDIT. (a) A cannery  
11 or fisheries business is entitled to a credit of not more than 50  
12 percent of the cannery's or business's tax liability under AS 43.75.-  
13 015 for capital expenditures related to a shore-based cannery or a  
14 shore-based fisheries business facility in the state made during the  
15 tax year if an application for the credit is approved by the depart-  
16 ment.

17 (b) A cannery or fisheries business may claim a credit under (a)  
18 of this section for a maximum period of five consecutive years. An  
19 applicant for the credit may elect to begin the five-year period with  
20 any tax year from 1984 through 1988.

21 (c) The portion of a capital expenditure that exceeds the amount  
22 eligible for a credit under (a) of this section during a single tax  
23 year may not be carried back to a prior taxable year, but may be  
24 claimed as a credit under (a) of this section for a subsequent tax  
25 year within the five-year period elected under (b) of this section.  
26 In no event may tax credits be approved for more than 100 percent of a  
27 capital expenditure.

28 (d) The department may not approve a tax credit under (a) of  
29 this section if the property for which the capital expenditure was

1 made was the subject of a previous capital expenditure by another  
2 taxpayer for whom a corresponding tax credit under (a) of this section  
3 has been approved.

4 (e) The department shall adopt regulations providing for the  
5 application for a credit under (a) of this section and for the review  
6 and approval or disapproval of an application.

7 (f) The department shall approve or disapprove an application  
8 for a credit under this section not later than 60 days after receiving  
9 the application.

10 Sec. 43.75.019. TAX CREDIT REPORT. Not later than the 60th  
11 legislative day of each regular legislative session the Department of  
12 Revenue, in conjunction with the Department of Commerce and Economic  
13 Development, shall submit to the legislature a report on the fisheries  
14 business tax credit program under AS 43.75.018. The report shall  
15 describe the expenditures for which a credit was claimed during the  
16 previous tax year and, if possible, the increase in employment and  
17 processing capacity by the canneries and fisheries businesses for whom  
18 the credit was approved. Reporting under this section shall begin  
19 with the second regular session of the Fourteenth Alaska Legislature.

20 \* Sec. 2. AS 43.75.130 is amended by adding a new subsection to read:

21 (b) For purposes of this section, tax revenue collected under  
22 AS 43.75.015 from a person entitled to a credit under AS 43.75.018  
23 shall be calculated as if the person's tax had been collected without  
24 applying the credit.

25 \* Sec. 3. AS 43.75.140 is amended by adding a new paragraph to read:

26 (9) "capital expenditures" includes the price paid for  
27 equipment and the costs of improvements made to depreciable property,  
28 but does not include expenditures that are deducted entirely for  
29 federal income tax purposes in the year in which they accrued or were

1        paid.

2        \* Sec. 4. AS 43.75.018, 43.75.019, 43.75.130(b), and 43.75.140(9) are  
3 repealed June 30, 1993.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

*al*

Revision Date \_\_\_\_\_

Page 1 of 2  
REQUEST  
Bill/Resolution No. CS HB 518 (Fish)  
Title: Act establishing a fisheries  
business tax credit.  
Sponsor: Zharoff  
Requestor: Special Comm. of Fisheries  
Date of Request: January 18, 1984

FISCAL DETAIL  
Agency Affected: Revenue  
Program Category Affected: \_\_\_\_\_  
BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	2.0	-	-	-	-
300 CONTRACTUAL	-	1.0	-	-	-	-
400 SUPPLIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS	-	-	-	-	-	-
800 MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	3.0	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	(7,250.0)	(7,250.0)	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	3.0	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	3.0	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

Prepared By: Robert W. Elliott  
Division: Research Section

Phone: 465-2173  
Date: 01/19/84

Approved by Commissioner: *Robert Elliott*  
Agency: Dept of Revenue

Date: 1/29/84

Distribution (by Agency preparing fiscal note):

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

Travel \$2.0 - passage of HB 518 will require the Audit Division to draft regulations and conduct public hearings throughout the state. Air fare and per diem costs are estimated at \$2000 for travel to Ketchikan, Anchorage and Kodiak by one Audit Division employee.

Contractual services \$1.0 - conducting public hearings requires the presence of a court reporter, and advertising in statewide newspapers.

The above estimates are derived from the Revenue Sources January 1984 projections for fisheries business taxes, and assume the legislation would become effective in FY 85. The estimates reflect the maximum revenue loss the state would experience if all fisheries business tax returns for shore-based canneries and shore-based fisheries businesses applied for a 50 percent tax credit, and were subsequently approved by the department. It should be noted that although the fish processors would be the primary beneficiaries of the tax credit, there exists the possibility in certain cases where, if the processors are given a 50 percent credit and the remaining 50 percent is refunded to local governments per AS 43.75.130, the state could eventually not receive any revenues from those fisheries business taxes.

Estimates are duplicated for FY 86 and not shown beyond since price/catch projections are unknown.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No. CSHB 512 (Fish)  
Title: Fisheries business tax credit  
Sponsor: Zharoff  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: ADFC  
Program Category Affected: None  
BRU, Program or Subprogram(s) Affected: None

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard Peifer Phone: 465-2600  
Division: Seafood & Animal Industry Date: 1/24/84

Approved by Commissioner: Richard A. Peifer Date: 1/20/84  
Agency: Department of Environmental Conservation

Distribution (by Agency preparing fiscal note):

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

12/1/83

CS HOUSE BILL 518 (Fish)

An act establishing a fisheries business tax credit


POSITION PAPER

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The Department of Environmental Conservation supports the concept of this bill. Improvement of quality control and facilities, and development of new commercial fish species represent significant costs to the industry. These costs constitute a major deterrent to much-needed improvements in industry processing methods, facilities, and product quality.

The incentive offered by this legislation represents an investment in the economic future of the State of Alaska.

Dated: January 24, 1984

  
\_\_\_\_\_  
Richard A. Neve  
Commissioner  
Department of Environmental  
Conservation

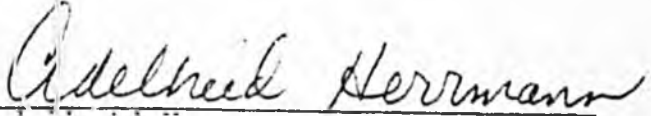
Letter of Intent to Accompany CSHB 518 (Fisheries)

It is the intent of the Legislature of the State of Alaska that the Fisheries Business Tax Credit program is enacted primarily for increasing capital investments in equipment relating to:

- (1) processing developing commercial fish species;
- (2) meeting quality control guidelines; and
- (3) upgrading and modernization of existing processing facilities.

The program is designed to make capital available for investment in equipment for shorebased facilities within Alaska and not for purchase of land or processing facilities.

The Legislature expects eligible capital expenditures to be the price paid to acquire equipment, including costs of improvements and betterments made to property, but not expenditures which are taken as a deduction in computing federal taxable income for the taxable year.

  
Adelheid Herrmann, Chair  
House Special Committee on Fisheries

CITY OF KODIAK  
RESOLUTION NUMBER 09-84

FEB 14 1984

A RESOLUTION OF THE COUNCIL OF THE CITY OF KODIAK SUPPORTING USE OF THE STATE PORTION OF THE RAW FISH TAX TO PROVIDE TAX CREDITS TO SHORE-BASED FISH PROCESSORS

WHEREAS, investment capital for onshore processing facilities is recognized as a top priority in Kodiak's fishing community; and

WHEREAS, because the Kodiak King Crab season did not open in 1983, and may not open in the near future, diversification is needed; and

WHEREAS, the potential growth of Kodiak's bottomfish industry make; it especially important that this segment of the processing industry be promoted,

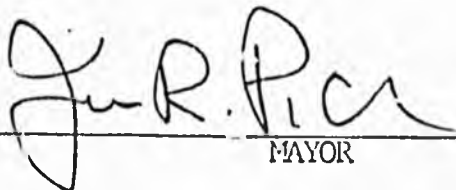
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kodiak, Alaska, that the Governor and the Legislature be and are hereby urged to provide raw fish tax credits against the State's fifty percent for upgrading and modernization of shore-based fish processing facilities.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to:

The Honorable Bill Sheffield, Governor of Alaska  
The Honorable Stephen McAlpine, Lieutenant Governor of Alaska  
All Alaska State Senators  
All Alaska State Representatives  
The Kodiak Island Borough  
The Kodiak Area Chamber of Commerce

PASSED AND APPROVED this 9TH day of FEBRUARY, 1984.

CITY OF KODIAK

  
MAYOR

ATTEST:

  
CITY CLERK

HB

529

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: HB 529  
 Title: Veterans' discount on state land disposals  
 Sponsor: Uehling et al  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected: Land and Water Management

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Sharon Barton Phone: 465-2400  
 Division: Commissioner's Office Date: 3-2-84

Approved by Commissioner: Alvin D. Arnold, Director Date: 3-2-84  
 Agency: Department of Natural Resources

**Distribution (by Agency preparing fiscal note):**

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

CHAIRMAN  
HOUSE SPECIAL COMMITTEE  
ON STATE LOANS

VICE-CHAIRMAN  
HOUSE RESOURCES COMMITTEE  
HOUSE LABOR AND COMMERCE COMMITTEE

MEMBER  
JOINT OIL & GAS COMMITTEE  
HOUSE FINANCE SUBCOMMITTEE ON  
ADMINISTRATION, REVENUE  
AND THE GOVERNOR'S OFFICE

# Alaska State Legislature



## House of Representatives

Representative  
**RICK UEHLING**

ANCHORAGE  
DISTRICT 12-SEAT A  
1634 JUNEAU DRIVE  
ANCHORAGE, ALASKA 99501  
(907) 274-4256

POUCHV  
JUNEAU, ALASKA 99811  
(907) 465-4921

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

DATE: 29 February 1984  
TO: Representative Ringstad *R.R.*  
FROM: Representative Rick Uehling  
SUBJECT: HB 529

You requested that I provide you with a synopsis of HB 529.

This bill creates a 25 percent discount for veterans, where none now exists, on the purchase price of state lands disposed of under land disposal programs that are not for commercial or industrial uses.

The discount only applies to the acquisition of surface rights to state land and may not be applied to survey costs, road costs, and utility assessments.

The discount also can be applied to the purchase of land from a sale restricted to veterans under AS 28.05.067.

In the Senate SB 324 has been incorporated into SB 375, the omnibus land bill for the Title 38 rewrite.

FEB 29 1984

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

February 29, 1984

SUBJECT: Sectional analysis of HB 529

TO: Representative Rick Uehling

FROM: Edward H. Hein *EHH*  
Legislative Counsel

Section 1 reestablishes a discount on the price of state land purchased by a veteran. Former AS 38.05.058, which was repealed in 1983, provided for a discount of 75 percent or \$37,500, whichever was less. This bill provides a 25 percent discount. To be eligible a veteran must be at least 18 years of age, must have been a state resident for at least one year, must have served in the armed forces for at least 90 days, and must have received a discharge under honorable conditions. A veteran is entitled to only one discount. The discount may be applied to a purchase of surface rights to land, but not to survey costs, road development costs, utility assessments, or other costs specified by the commissioner of natural resources. The discount may be applied to land purchased in a sale restricted to veterans in accordance with AS 38.05.067.

Section 2 provides for an immediate effective date.

EHH:ojb  
J4/021

# State Land Programs\*

LAND PROGRAM	TYPE OF LAND OFFERED	INTEREST GAINED	SIZE OF PARCEL	APPLICANT REQUIREMENTS AGR. AK. RESIDENCY	METHOD OF DETERMINING WINNER	PRICE TO PURCHASER	TERMS	ON-SITE REQUIREMENTS FOR TITLE	MISCELLANEOUS PROVISIONS	FREQUENCY OF PARTICIPATION	OVER THE COUNTER
Lottery	1) Subdivisions 2) Small ag parcels 3) Odd lots	1) Fee title to subdivisions 2) Title to ag interest only 3) Fee title to odd lots	Any	18 1 year	Drawing	Appraised value	Five percent down, maximum 20-year payoff	Complete farm development plan on ag parcels, if required	Purchase of ag parcels receives ag interest only.	One per eight years (may also purchase one parcel in major ag project every eight years)	Applies to remaining parcels
Homestead	Subdivisions	Entry permit/ fee title	Generally five acres or less	18 1 year	Drawing	Purchaser reimburses state for surveying, plotting, and administrative costs	Payments for surveying and platting costs may be contracted for up to 20 years	Construct dwelling within five years, occupy land 35 months within seven years	Entry permits are non assignable.	One in a lifetime per household	Applies to remaining parcels
Remote Parcel	Unsurveyed acreage	Lease/fee title	Maximum 40 acres	18 1 year	1) Unlimited entry by area First-come, first-served basis 2) Limited Entry areas: Drawing	Lease: \$10 per acre per year Purchase: Appraised value as of date of lease	Five percent down, maximum 20-year payoff	Stake corners, brush property lines; survey parcel	Lease cannot be assigned, conveyed, or otherwise transferred. Land may not be sold, leased, conveyed, or subdivided for 10 years from date of sale contract. Program will be discontinued as of July 1, 1984.	One per eight years	1) Unlimited entry areas Not applicable 2) Limited entry areas: Applies to remaining entry authorizations
Homestead	Unsurveyed acreage	Entry permit/ fee title	1 to 50 acres of non-ag land or up to 160 acres of ag land	18 1 year	Drawing or Open staking	1) Prove up: \$5 per acre entry fee, surveying, plotting, and improvement costs 2) Purchase: \$5 per acre entry fee, surveying and plotting costs, appraised value as of date of entry permit	1) Prove up: Not applicable 2) Purchase: Five percent down, maximum 20-year payoff	1) Prove up: Stake corners, brush property lines within 90 days, survey parcel within 2 years, construct dwelling within three years, occupy 25 months within five years. Also clear and prepare for cultivation 25 percent of ag land 2) Purchase: Stake corners, brush property lines within 90 days, survey parcel within 2 years. Also clear and prep for cultivation 25 percent of ag land	1) Prove up: There are restrictions on the sale, lease, conveyance, and subdivision of land for five years after payment. 2) Purchase: There are restrictions on the sale, lease, and conveyance of land for five years after payment, and on the subdivision of land for 10 years after payment.	One in a lifetime per person	When available
Agricultural Development Project	Ag parcels in large scale projects	Title to ag interest only	Any	18 Residency of up to one year may or may not be required	1) Drawing or 2) High bid at public auction	1) Appraised value or 2) High bid (minimum bid appraised value)	Five percent down, maximum 20-year payoff	File an approved conservation plan, complete farm development plan	Ag. development project sales are not regularly scheduled, as they are funded directly by the legislature. Purchaser receives ag. interest only.	One per eight years (may also purchase one parcel in future program every eight years)	Applies to remaining parcels
Auction	Any	Fee title	Any	18 None	High bid at public auction	High bid (minimum bid: appraised value)	Five percent down, maximum 20-year payoff	May be some on site requirements		One parcel per auction	Applies to remaining parcels
Lease	Any	Temporary use	Any	18 None	1) High bid at public auction 2) May be negotiated for up to 5 years and \$250 per year rent at fair value	Lease rate: 1) High bid or 2) Percentage of appraised value	Lease available up to 55 years	Not applicable	Development plan for commercial/ industrial use may be required.	One parcel per auction	Applies to remaining parcels
Land use Permit	Any	Temporary use	Not applicable	18 None	By application	User fees required for some activities	All permits, except for grazing purposes, are issued for up to one-year periods, and may be renewed upon application. Grazing permits may be issued for periods up to five years.	Not applicable	Permits are non-transferable. Permanent structures are prohibited. Permits are required for all uses other than generally permitted activities. Permits may be revoked by the state.	Not applicable	Not applicable
Remote Cable Permit	Any	Temporary use	Not applicable	18 None	By application	Rent \$100 per year	Permits available for 25 years	Not applicable	Assignable by original permit holder	Not applicable	Not applicable



\* This chart contains general requirements only. It does not list all conditions or exceptions. For detailed information about the department's programs, please contact one of these offices.

**Southcentral District Office**  
Frontier Building, 10th Floor  
3601 C Street  
Pouch 7 005  
Anchorage, Alaska 99510  
(907) 276-2655

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

**Northcentral District Office**  
4420 Airport Way  
Fairbanks, Alaska 99701  
(907) 479-2243

**Southeastern District Office**  
Marine View Apartments, Room 407  
230 S. Franklin Street  
Juneau, Alaska 99801  
(907) 463-3100



STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 529  
 Title: Veterans' discount on state land disposals  
 Sponsor: Uehling et al  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Natural Resources  
 Program Category Affected: NRMEC  
 BRU, Program or Subprogram(s) Affected: Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon Barton Phone: 465-2400  
 Division: Commissioner's Office Date: 3-2-84

Approved by Commissioner: William D. Amund, Deputy Date: 3-2-84  
 Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

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

12/1/83

CTO - 310 Lisa Good Vehl. Sub 3  
Ringstad Busl

- 016 - Margo Knuth - AG's etc - some problems  
- Equal protection clause - AK Const: no case  
Law  
- Some / must establish reason  
- Already have preference - 1st option on  
sale of lands  
- Article 8, Sec. 17 - equal treatment of laws  
and regulations -  
- Not clearly unconst.
- 049 - Lisa - Unconstitutional??  
- Not clearly - possibly 10% chance  
Supreme Ct. would hold unconst.  
? why? Establish correlation between  
vet's sacrifice and discount.
- 083 Cowd - What difference - past discounts up to  
50%  $\Delta$  Knuth - provision repealed in  
anticipation it would be found unconst. -  
re: Kenai Peninsula
- 104 Bussell - Why only 10%, when Perm. Fund  
investment wd. be 90% chance.  $\Delta$  Knuth  
diff. const. provisions - can't give  
distinct answer.
- 127 Rep Vehleng moved w/c HB 529 out indiv recs.  
Subcom. announcement
- 135 Mtg adj. 3<sup>20</sup>

Wayne Mundy  
P.O. Box A-34  
Chugiak, AK 99567

Representative Randy Phillips  
ALASKA State Legislature  
Pouch V (MS 3100)  
Juneau, ALASKA 99811

February 9, 1984

Dear Sir:

I have recently been informed of HB 529 which apparently proposes giving VETERANS who ARE residents of ALASKA a discount on land purchases. Since I AM a VETERAN I wish to support such legislation. However, I wish to point out AN INEQUITY in the GENERAL application of land discounts. IN JUNE 1983 I received a parcel of land through the State land disposal lottery. This lottery was the first NOT to have the land discount available because of AN ATTORNEY'S opinion that the statute WAS not valid. Therefore, the participants in the disposal program from May 1983, to date have NOT received ANY discount. IF HB 529 passes, it will be six years before this class of people can qualify for another lottery and use the discount.

I strongly recommend the bill be modified to allow the land discount to be applied retro active so I and others may claim the discount which has been denied. I do not want to be a "land baron" and have found my piece of state land on Lake Louis. It is expensive without the discount, but it is the parcel I wanted. I am making monthly payments of over \$250 for 20 years. If I could have received the ~~previous~~ discount under the previous program my monthly payment would be approximately \$100.00, much more affordable.

Please consider this a request for equity. Also consider these comments as the bill rewriting Title 38 is being considered. If you have any questions please let me know. I wish to be informed if this bill is open for public hearing and notified of time and place. I appreciate your assistance in this matter.

Sincerely,  
Wayne Perry

H B

538

MAR 1 1984



PHONE 277-8615 ● P.O. BOX 773 ● ANCHORAGE, ALASKA 99510  
● LOCATION: 737 WEST 5TH AVENUE

A NON PROFIT CIVIC ORGANIZATION

February 28, 1984

Representative Rick Uehling  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Uehling:

I have been in contact on several occasions this last week with John Gary from your office regarding proposed changes in the definition of a Fair in the State of Alaska.

First let me say for the Officers, Directors, and many Volunteers of the Anchorage Fur Rendezvous that we sincerely appreciate your efforts on our behalf.

It would appear that the main reason to change the definition as discussed with John would be to eliminate Rondy from the state funds now available to fairs.

While it is possible that, even with the change, we might qualify due to the many exhibits including homemaker crafts, baking, canning, knitting, 4H etc. as well as the livestock in the form of riding and draft horses, show and working dogs, llamas and other animals it would make it very difficult for us. This is the only funding we get from any governmental entity. It is these dollars that provide premiums for all the people who enter exhibits similar to and the same as the State Fair.

We hope your efforts to protect Fur Rendezvous in this matter will receive the support of Legislators from Anchorage and other areas.

As you are aware Rondy receives media attention throughout the United States and Canada as well as abroad and is one of the major draws for winter tourism. As such it is certainly a worthy investment of State funds.

Please let me know if we can provide additional information to support your efforts.

Sincerely,  
*C. Weymouth Bowles*  
C. Weymouth Bowles  
Executive Director

CWB/ceh



A NON PROFIT CIVIC ORGANIZATION

ANCHORAGE FUR RENDEVOUS

PHONE 277 8615 ● P.O. BOX 773 ● ANCHORAGE, ALASKA 99510  
● LOCATION: 737 WEST 5TH AVENUE

March 7, 1984

Representative Rick Uehling  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Uehling:

This is a follow up to my last letter regarding the proposed changes in the definition fo a Fair in Alasks.

As I related to John Gary in our phone conversation on this date our main concern is in the use of the word and in the place of or in the sensitive areas of the definition.

This change would redefine an entity such as the Anchorage Fur Rendezvous if one facet of the Fair description is missing. Livestock competition for example.

We would very much appreciate your looking into this and if the effect of the change does produce the above results, working to eliminate the change from or to and.

Thank You.

Sincerely,

*C. Weymouth Bowles*

C. Weymouth Bowles  
Executive Director

STATE OF ALASKA  
THE LEGISLATURE


LEGISLATIVE AFFAIRS AGENCY

MAR 2 1984

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

MEMORANDUM

March 2, 1984

SUBJECT: Effect of changing "or" to "and" in HB 538  
TO: Representative Rick Uehling  
FROM: Richard C. Folta  
Legislative Counsel 

You have asked for an opinion on the effect of changing the word "or" to "and" on line 11, page 2 of HB 538. A review of court decisions indicate that the words as used in statutes are not usually interchangeable, being strictly of a conjunctive and disjunctive nature, and their ordinary meanings should be followed if it does not render the sense of the statute dubious. Barr v. Sun Exploration Co. Inc., 436 NE 2d 821, 824. "And" means in addition to, while "or" means one or the other of propositions, never both.

AS 03.20.080(1) lists fair activities. The use of the word "and" could be interpreted to mean that all activities listed must be included in a fair before it would be eligible for funding under AS 03.20.020. The use of the word "or" could be construed to mean that only some of the activities, but not all must be included in a fair before it would be eligible.

If the intent of the definition is to express choices of activities for fair eligibility then the word "or" would be better than "and".

RCF:ojb  
J4/033

305

Ring Shul Lars Goll  
Lisk Uehle Vask  
Coud-

- 010 - Shultz - line 27 P1 change "and" to "or"  
P2 line 10 "and" to "or"
- 035 - legal counsel opinion
- 055 Uehling - Q: Changes in Sec. 1 -  
Shultz reviewed  
gen'l discussion
- 120 - Liska - Q: Fiscal note is zero?  
△ Ringstad - appropriation is year-by-year  
according to DNR budget req.
- 135 - Larson - Who decides what one qualifies  
Ringstad & DNR Div of Ag.
- 155 - Goll - Q: requirements of all 6 -  
Ringstad △ not problem at this time
- 175 - Larson - apply by Aug 1<sup>st</sup> date - don't know  
whether funds will come  
Ringstad △ money for next year's fair
- 205 - Liska - Reservations about operations - Money-making?  
Larson △ Alaska State fair is, but by end of year, receipts  
do not cover expenses

(2)

235 Uehling - making \$\$ all year long -  
Ringstad - state \$\$ small part

254 Shultz moved CS ~~CS~~ <sup>with changes</sup>, asked w/c no obj.

270 Uehling moved amend "shall to may" line 24, Pa 1  
Goll objected -

Uehling - need more flexibility

Ringstad - supposed to be guidelines

Uehling, such as culinary exhibits not listed

302 Larson - "Agricultural and Industrial Fairs" misleading

312  
Bill Naring - kept "and industrial" because wd have  
to rewrite chapter. - stemmed from farm implements

330  
Goll - legal Soc's should have been able to search  
"and industrial" and change them

359  
Vote - Yea Vaska, Uehling - Nay - Goll, Lista, Larson Shultz, King

362 - Motion - Uehling delete 4-H, FFA, Lista Obj -

373 - Larson - Should help grow leaders

378 - Vaska - Should open up to all other groups

Larson - wouldn't restrict others

(3)

390- Liska - 4H, FFA backbone of fairs

398- Vaska - amend wdn't eliminate

409- Goll - shouldn't

414- Larson - Student leadership org - better attendance  
when compelled

420- Vaska - Restricted

427- Vote - Yea - Vask, Uehli, Nay Goll, Lisk, Lars, Shultz, Ring

440 Larson - should require some quality of exhibits

447- Shultz, moved CS HB 538, w/c. no obj.

458- Ringstad - mtg. Friday HB 529 3pm

463- Adjourn 345



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

## ANALYSIS OF PROPOSED CS

FOR HB 538

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Section 1. The proposed change to AS 03.20.020(a) would eliminate the limit of one "basic grant" of \$10,000 per election district, regardless how many fairs may be operating or started up within a district. If existing statutes are enforced, multiple fairs within a district would have to compete with each other for the available basic grant, which would be divided among them. This has apparently not been a problem to date, however, with the change, each fair would be eligible for a basic \$10,000 grant of its own.

Section 2. This section provides a new subsection (d) to AS 03.20.030 which clearly defines what constitutes an "agricultural and industrial fair" by requiring competitive exhibits in each and every of the following six categories:

1. 4-H and FFA
2. Agriculture, industry, horticulture, plants & livestock
3. Potential of a renewable resource
4. Sewing, knitting, quilting and other household arts
5. Culinary exhibits (jams, breads, cakes, canning)
6. General interest (hobbies, arts, crafts, photography)

Section 3. This is a technical change to the definitions section of Chapter 20 to reflect the proposed definition in section 2 (above) of an "agricultural and industrial fair".

Section 4. This section would repeal current language which pro-rates the basic grant available to an election district among the fairs which apply and are eligible for state assistance.

**DRAFT**

Original sponsor: Shultz

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 538 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to agricultural and industrial  
7 fairs."

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

9 \* Section 1. AS 03.20.020(a), is amended to read:

10 (a) Fairs may be held each year within the state [IN EACH OF THE  
11 HOUSE ELECTION DISTRICTS,] and state aid for the operation and mainte-  
12 nance of the fairs may not exceed a basic grant of \$10,000; however,  
13 fairs in existence five years or longer may receive an increment grant  
14 not to exceed \$2,500 per year of existence to a maximum of \$75,000.  
15 The people [OF EACH DISTRICT] sponsoring a fair are not eligible for  
16 state aid unless they subscribe to spend from their own funds for that  
17 purpose an amount equal to the amount of the state aid and have or  
18 organize an agricultural and industrial fair association for the  
19 operation and maintenance of the fairs. Each fair receiving state aid  
20 is open to entries by the people of the whole state and special pro-  
21 vision shall be made for exhibits from boys' and girls' clubs.

22 \* Sec. 2. AS 03.20.030 is amended by adding a new subsection to read:

23 (d) In order to receive funds as an agricultural and industrial  
24 fair, a fair shall include competitive exhibits

25 (1) by a 4-H club or a Future Farmers of America chapter;  
26 (2) relating to agriculture, industry, horticulture, native  
27 plants and livestock;

28 (3) indicating past, present, or future potential of a  
29 renewable resource that is related to the community, region, or state;

1 (4) showing household arts such as sewing, knitting, and  
2 quilting;

3 (5) showing culinary exhibits such as canned vegetables,  
4 jams, breads, and cakes; and

5 (6) including general interest subjects such as hobbies,  
6 arts, crafts, photography, and school education.

7 \* Sec. 3. AS 03.20.080(1) is amended to read:

8 (1) "agricultural and industrial fair" means a community,  
9 regional or state fair that includes in its activities exhibits of  
10 agriculture, industry, horticulture, native plants, livestock, and  
11 related domestic arts produced in the community, region, or state [  
12 THE MAJOR FOCUS OF WHICH IS DISPLAYS, EXHIBITIONS, DEMONSTRATIONS,  
13 CONTESTS OR PROMOTIONS OF AGRICULTURAL OR INDUSTRIAL CONCERN TO THE  
14 REGION IN WHICH THE FAIR IS LOCATED, OR ANY FAIR WHICH, BEFORE JULY 1,  
15 1980, HAS RECEIVED A GRANT UNDER THIS CHAPTER];

16 \* Sec. 4. AS 03.20.050 is repealed.  
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28  
29

HB

542

ANALYSIS OF HB 542

1. Section 1---AS 38.05.315 is amended to allow the State of Alaska to lease land not located within the boundary of a municipality to a licensed public utility authorized to collect and dispose of garbage or trash at less than its appraised value.
2. Provide for the Commissioner to determine the annual rental after considering the purpose for which the land will be used.
3. Provides that a licensed public utility may not construct permanent improvements on land leased for refuse unless improvements are directly related to the purpose of the lease.

which the land is to be used and the financial resources of the applicant. The rental may not be less than one percent of the fair market value on lands acquired primarily for development, or less than five percent of the fair market value on university or acquired lands. Rent may not be charged for state land leased for a youth encampment. For the purposes of this subsection, "youth encampment" shall be defined by the commissioner by regulation. Renewal leases may be issued at the discretion of the director upon the expiration of a primary or renewal term. Each lease shall contain a provision for its termination as to all or part of the lands upon a finding by the director that the land or a part of it has not been used by the lessee for the purpose specified in the lease for a period of two years. No lease may be assigned or subleased except with the consent of the director, and in any case may only be transferred to an applicant eligible under (b) — (d) of this section. A lessee may not change the use specified in the lease to another or additional use except with the consent of the director. If, at any time after the land is leased, the lessee attempts to assign the lease or transfer control over the land to another, or if the land is devoted to a use other than that for which the land was leased without the consent of the director, the lease automatically terminates.

(e) The lease, sale, or other disposal of state land at appraised fair market value may be negotiated with a licensed public utility or a licensed common carrier by the director with the approval of the commissioner if the utility or carrier reasonably requires the land for the conduct of its business under its license.

(f) The commissioner shall lease state land for telephone or electric transmission and distribution lines for less than the appraised value of the land if the lessee is a nonprofit cooperative association organized under AS 10.25.010 — 10.25.650. Before he determines the annual rental, the commissioner shall consider the nature of the public service rendered by the nonprofit cooperative association and the terms of the grant under which the land was acquired by the state. A nonprofit cooperative association may not construct improvements other than transmission or distribution lines and substations on land leased under this subsection. (§ 4 art III ch 169 SLA 1959; am § 1 ch 155 SLA 1960; am § 1 ch 137 SLA 1962; am § 1 ch 36 SLA 1976; am § 12 ch 257 SLA 1976; am § 1 ch 76 SLA 1980; am §§ 34, 35 ch 113 SLA 1981)

**Effect of amendments.** — The 1980 amendment added subsection (f).

The 1981 amendment added "and" preceding "38.05.095" and deleted "and AS 38.05.100" preceding "the director" in the first sentence of subsection (b). In subsection (d), the amendment substituted "the"

for "but in no case may the" preceding "rental," added "may not" preceding "be less than one," deleted "school" preceding "university" and deleted "mental health" preceding "or acquired lands" in the second sentence and added the present third and fourth sentences.

**Sec. 38.05.315. Public and charitable use.** (a) The lease, sale, or other disposal of state land or resources may be made to a state or federal agency or political subdivision, or the lease, sale, or disposal of coal deposits suitable for mining may be made to a utility owned and operated by a government agency or nonprofit cooperative association organized to participate under the Federal Rural Electrification Act for the purpose of generating electric power and energy or the production of process steam, or both, for less than the appraised value as determined by the director and approved by the commissioner to be fair and proper and in the best interests of the public, with due consideration given to the nature of the public services or function rendered by the agency, subdivision, or utility making application, and of the terms of the grant under which the land was acquired by the state.

(b) Notwithstanding AS 38.05.070 — 38.05.080 and 38.05.095, the director, upon application filed by an applicant eligible under (b) — (d) of this section, may, by negotiation and without public auction in the manner prescribed in (b) — (d) of this section, lease state land for a term of not more than 55 years. Before leasing, the director shall prepare a land use plan and a land classification to insure that the proposed use is compatible with area utilization. Before the land may be leased under (b) — (d) of this section, it must be shown to the satisfaction of the director that the land is to be used for an established or definitely proposed project, and that the eligible applicant has the financial ability to carry out the project. The commissioner may establish limitations on the acreage which may be leased under (b) — (d) of this section to an applicant.

(c) Eligible applicants under (b) — (d) of this section are limited to nonprofit corporations, associations, clubs, or societies organized and operated exclusively for charitable, religious, scientific, or educational purposes, or for the promotion of social welfare, if the project for which the land is desired conforms to those objectives and not commercial development. No lease of land may be granted under this section for a project closed to the use and enjoyment of the general public. In every case the applicant shall submit evidence that it is exempt from payment of federal income tax. As a condition of and in consideration of the rights acquired under a lease granted under (b) — (d) of this section, each eligible organization and its parent or subsidiary organizations shall (1) maintain and preserve books, accounts, and records that the director prescribes by regulation as necessary and appropriate; and (2) accord at all reasonable times to the state and its authorized agents and auditors the right of access to those books, accounts and records for the purpose of inspecting, examining and copying them. Any information provided the state in the course of an audit becomes a matter of public record.

(d) The director may lease the land to an eligible applicant at a reasonable annual rental, taking into consideration the purposes for

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/29/84

REQUEST

Bill/Resolution No.: HB 542  
Title: An Act ...leasing Land for  
Refuse Disposal.  
Sponsor: Rep. Schultz  
Requestor: House Resources  
Date of Request: 2/29/84

FISCAL DETAIL

Agency Affected: DNR  
Program Category Affected: NRMEC  
BRU, Program or Subprogram(s) Affected:  
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No Fiscal Impact

ANALYSIS: Attach a separate page for analysis

Prepared By: Ned Farquhar  
Division: Commissioners' Office  
Phone: 465-2400  
Date: 2/29/84

Approved by Commissioner: [Signature]  
Agency: Natural Resources  
Date: 2/29/84

Distribution (by Agency preparing fiscal note):

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

12/1/83



Official Business

# Alaska State Legislature

## House of Representatives

Pouch V  
State Capitol  
Juneau, Alaska 99811

### BACKGROUND of HB 542

Rural communities in unorganized boroughs or any community without a central government have been handicapped in obtaining property to be used as a land refuse. This has been due to the inability of the Department of Natural Resources to allow lease of the land for less than the appraised value to any one other than a municipality, a Co-op or a registered non-profit entity. Non-profit entities are discouraged from participating in this lease program due to the amount of paper work involved and the University of Alaska is becoming adamant about not leasing any more of their land for refuse disposal. Co-ops can not use their leased land for garbage disposal. THIS BILL will permit DNR to lease State owned land at less than the appraised value to licensed public utilities who are authorized to collect and dispose of garbage and refuse in their area. The public utilities --under this bill--will be able to make a minimal charge to their customers to amortize their release rather than a prohibitive one.

This bill will benefit all residents of an unorganized community and solve a very difficult and impossible situation with regard to obtaining land for garbage disposal.

When this bill is enacted, it is predicted the air pollution problem will be improved in many parts of Alaska.

HB

546

Offered: 6/16/83  
Referred: Rules

Original sponsor: Shultz

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 2d SENATE CS FOR CS FOR HOUSE BILL NO. 163 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to harassment of persons lawfully  
7 engaged in hunting, fishing, camping, or trapping."

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

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

10 Sec. 16.05.925. HARASSMENT OF PERSON LAWFULLY ENGAGED IN HUNT-  
11 ING, FISHING, CAMPING, OR TRAPPING. (a) A person may not knowingly  
12 interfere with a person lawfully engaged in or attempting to lawfully  
13 engage in sport hunting, subsistence hunting, commercial hunting,  
14 sport fishing, subsistence fishing, camping, or trapping with the  
15 intent of hindering or preventing the person's activity.

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

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

24 Sec. 16.05.926. CIVIL REMEDIES. (a) A person aggrieved by  
25 conduct in violation of AS 16.05.925 or threatened with such conduct  
26 may petition a superior court to enjoin the respondent from engaging  
27 in such conduct.

28 (b) A person aggrieved by a violation of AS 16.05.925 is  
29 entitled to recover general damages and special damages, including

1 license and permit fees, travel costs, guide fees, special equipment  
2 and supplies, and other related expenses.

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

*Veto*  
 2dSCS CSHB 163(Jud)

The following letter dated July 25, 1983, was received:

Re: 2d SCS CSHB 163 (Jud) --  
 Relating to harassment  
 of persons lawfully en-  
 gaged in hunting, fish-  
 ing, camping, or trapp-  
 ing.

Dear Mr. Speaker:

Under the authority granted in art. II, sec. 15, of the Alaska Constitution, I have vetoed 2d Senate Committee Substitute for Committee Substitute for House Bill 163 (Jud) which makes it a misdemeanor to interfere with hunting, fishing, camping and trapping activity. Existing law, particularly the disorderly conduct, assault, criminal mischief, and general harassment statutes provide adequate penalties for criminal acts that interfere with these activities.

This legislation also presents a constitutional problem because it fails to define what constitutes "interference" with the protected activities. Conceivably, a person who talks too loud near a salmon stream may be subject to arrest and 30 days imprisonment under this bill for interfering with a sport fisherman's ability to catch a salmon. Criminal statutes must be sufficiently precise for the ordinary citizen to know what conduct is prohibited. Because the coverage of this statute is so vague, and since existing criminal statutes provide adequate coverage for physical interference with hunting and fishing activities, I have vetoed this bill.

Sincerely,

/s/ Bill Sheffield  
 Bill Sheffield  
 Governor

*Veto*  
 SCS CSHB 109(HESS) am S

The following letter dated July 27, 1983, was received:

Re: SCS CSHB 109(HESS) am S  
 -- Relating to persons  
 16 or 17 years of age  
 who are charged with  
 unclassified or class A  
 felonies; and amending  
 the children's proceed-  
 ings waiver provisions.

HD 497

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.

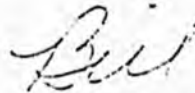
#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#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 380  
Gakona, Alaska 99536  
907/822-3426

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 63th 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

*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-

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-Hasting 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 whose 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 unthinking 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 Greer peacers 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  
GMI Staff Writer



Alice Herrington

Whether Alice Herrington is right or wrong, she is anything but a bore. As under 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 "fuel 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 em-

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 the Commission  
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.

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AN ACT RELATING TO HARASSMENT OF PERSONS LAWFULLY ENGAGED  
IN HUNTING, FISHING, CAMPING, OR TRAPPING

PRIME SPONSOR: SHULTZ.

CO-SPONSORS:

CURRENT STATUS: 1/16/84 EXPIRED 1ST SESSION

HB 163 HOUSE ACTION 14:22 2/27/84 PAGE 2 OF 5  
DATE SEQ PAGE LEGISLATIVE ACTION

02/04/83 01 0173 FIRST READING -- COMMITTEE REPORTS  
03/21/83 02 0572 RES -- CS05, NR02  
03/21/83 03 0572 RES F/NOTE EQUALS ZERO  
04/20/83 04 0942 JUD -- DNP01, RES CS04, NR02, OTHER01  
04/20/83 05 0957 NOT MOVED FROM RLS COMM BY DIV 12-25-03  
04/21/83 06 0968 RLS -- CS05, NR02, OTHER02  
04/22/83 07 0994 SECOND READING  
04/22/83 08 0994 RLS CS ADOPTED BY UNAN CONSENT  
04/22/83 09 0995 AM01 WITHDRAWN  
04/22/83 10 0995 AM02 NOT ADOPTED BY DIV 15-19-06  
04/22/83 11 0996 AM03 ADOPTED BY UNAN CONSENT  
04/22/83 12 0996 AM04 ADOPTED BY UNAN CONSENT  
04/22/83 13 0997 AM05 NOT ADOPTED BY DIV 14-18-08  
04/22/83 14 0997 ADVANCED TO 3RD READING BY UNAN CONSENT  
04/22/83 15 0997 THIRD READING  
04/22/83 16 0997 PASSED BY DIV 24-09-07  
04/22/83 17 0998 NOTICE OF RECONSIDERATION GIVEN  
04/25/83 18 1029 RECONSIDERATION NOT TAKEN UP  
06/26/83 39 2101 CONCURRED IN SENATE AMS BY DIV 31-09-00  
07/05/83 40 2134 TRANSMITTED TO GOVERNOR

HB 163 SENATE ACTION 14:23 2/27/84 PAGE 4 OF 5  
DATE SEQ PAGE LEGISLATIVE ACTION

04/26/83 19 0808 FIRST READING -- COMMITTEE REPORTS  
05/16/83 20 0990 RES -- DP02, NR04  
05/27/83 21 1135 JUD -- CS05  
06/10/83 22 1260 RLS -- JUD CS03, OTHER03  
TAKEN UP IMMEDIATELY  
06/16/83 32 1334 JUD -- 2ND CS05  
06/26/83 33 1529 RLS -  
TAKEN UP IMMEDIATELY  
06/10/83 23 1263 SECOND READING  
06/10/83 24 1263 JUD CS ADOPTED BY UNAN CONSENT  
06/10/83 25 1263 ADVANCED TO 3RD READING BY UNAN CONSENT  
06/13/83 30 1285 AM01 WITHDRAWN  
06/13/83 31 1286 RECOMMITTED TO JUD BY UNAN CONSENT  
06/26/83 34 1534 READ AGAIN SECOND TIME  
06/26/83 35 1534 2ND JUD CS ADOPTED BY UNAN CONSENT  
06/26/83 36 1534 ADVANCED TO 3RD READING BY UNAN CONSENT  
06/10/83 26 1263 THIRD READING  
06/10/83 27 1264 PASSED BY DIV 13-05-02  
06/10/83 28 1264 NOTICE OF RECONSIDERATION GIVEN  
06/13/83 29 1285 RETURNED TO 2ND READING BY UNAN CONSENT

HB 163 SENATE ACTION 14:23 2/27/84 PAGE 5 OF 5  
DATE SEQ PAGE LEGISLATIVE ACTION

06/26/83 37 1534 READ AGAIN THIRD TIME  
06/26/83 38 1534 PASSED ON RECONSIDERATION BY DIV 17-03-00

\*\*\*\* \*\* \*\* \*\* \*\*

**DRAFT**

Original sponsor: Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 546 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 Sec. 16.05.925. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,  
11 FISHING, OR TRAPPING. (a) A person may not perform an act with the  
12 intent to obstruct or hinder hunting, fishing, or trapping engaged in  
13 lawfully by another person. .

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

15 (1) in accordance with AS 16, regulations adopted under  
16 AS 16, and applicable federal statutes and regulations; and

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

19 (c) A peace officer who <sup>or intent to violate</sup> reasonably believes <sup>has probable cause to</sup> that a person has  
20 violated this section may order the person to desist or to leave the  
21 area. The officer may <sup>cite or</sup> arrest the person upon refusal to desist or  
22 leave.

23 (d) This section does not apply to obstruction or hindrance that  
24 is incidental to the lawful use of public or private land or water.

25 (e) A person who violates this section is guilty of a mis-  
26 demeanor punishable by a fine of not more than \$500 or imprisonment  
27 for not more than 30 days or both.

28 Sec. 16.05.926. CIVIL REMEDIES. (a) A person aggrieved by  
29 conduct in violation of AS 16.05.925 or threatened with such conduct

1 may petition a superior court to enjoin the respondent from engaging  
2 in such conduct.

3 (b) A person aggrieved by a violation of AS 16.05.925 is en-  
4 titled to recover general damages and special damages, including  
5 license and permit fees, travel costs, guide fees, special equipment  
6 and supplies, and other related expenses.

7 (c) A court may award punitive damages in addition to the dam-  
8 ages set out in (b) of this section.  
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STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**  
 Bill/Resolution No.: HB 546  
 Title: Act Relating to Harassment  
 of Persons Lawfully Engaged...  
 Sponsor: House Resources  
 Requestor: House Resources  
 Date of Request: 2-23-84

**FISCAL DETAIL**  
 Agency Affected: Public Safety  
 Program Category Affected:  
 Fish & Wildlife Protection  
 BRU, Program or Subprogram(s) Affected:  
 Fish & Wildlife Protection

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>			--	--		

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Paul Conger  
 Division: Administrative Services

Phone: 465-4333  
 Date: 2-22-84

Approved by Commissioner: [Signature]  
 Agency: Public Safety

Date: 2/24/84

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 546

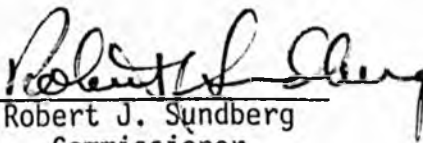
Support

"HB 546 - An Act relating to harassment of persons lawfully engaged in hunting, fishing, or trapping."

The Department of Public Safety supports passage of HB 546.

This bill adequately addresses conduct that is illegally aimed at interfering with lawful hunting, fishing or trapping.

British Columbia has had severe problems between legal hunters and anti-hunting groups that have led to armed confrontations. The potential for that to occur in Alaska is evident and I think enacting a law to address this problem would be a good start toward prevention.

  
Robert J. Sundberg  
Commissioner



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES COMMITTEE ON RESOURCES

JOHN RINGSTAD, CO-CHAIRMAN  
RICHARD SHULTZ, CO-CHAIRMAN  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

To: Co-chairman Ringstad  
From: Committee Staff  
Date: March 16, 1984  
Re: SB 139

---

This legislation originated when legal revisors reviewing the statutes determined that the statutes involved were not serving a useful public purpose.

Agencies involved in the implementation of the big game transporter statutes also agreed that they were nearly impossible to enforce, and took time away from other, more important enforcement problems.

Senate Resources, after hearing testimony from big game guides, as well as appropriate agencies, passed SB 139, repealing the big game transporter provisions from Alaska statutes.

Nearly all parties agree that, although the legislation setting up these statutes was well-intended, it has caused more problems than it has solved.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 13, 1984

SUBJECT: Harassment of hunters, fishers and trappers  
(CSHB 546 (Resources)(draft))

TO: Representative John Ringstad  
Chairman, House Resources Committee

FROM: Edward H. Hein *EHA*  
Legislative Counsel

Enclosed is a draft of Resource Committee Substitute for HB 546 requested by Dave Stancliff.

I have rewritten sec. 16.05.925(a) and (b) in an effort to address the problems raised in the second paragraph of Governor Sheffield's veto letter relating to HB 163 last year.

Also, I have attached copies of the laws relating to harassment of hunters, fishers and trappers in seven other states. Note that every one of the laws uses the term "interfere" without defining it. Despite this, it is my opinion that the words "obstruct" and "hinder" are slightly more precise and therefore preferable.

Feel free to contact me at your convenience if I may be of further assistance.

EHH:ojb  
J4/072  
Enclosures

NEVADA

Section 1. Chapter 503 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. It is unlawful for a group of people, acting together, intentionally to interfere with a person who is lawfully hunting or trapping. For the purpose of this subsection, hunting or trapping is "lawful" only if permitted by the owner or person in possession of the land, other than the government, in addition to any requirement of license or permit from a public authority.

2. The provisions of subsection 1 do not apply to any incidental interference arising from lawful activity by users of the public land, including without limitation ranchers, miners or persons seeking lawful recreation.

MAINE

§7541 Harassment prohibited.

1. Interference with taking. No person may willfully interfere with the lawful hunting, fishing or trapping of a wild animal, wild bird or fish.

2. Disturbing wild animals, wild birds or fish. No person may willfully disturb or attempt to disturb a wild animal, wild bird or fish with the intent to interfere with the hunting, fishing or trapping of them.

3. Violation. A violation of this section is a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

4. Property rights otherwise provided by law. This chapter shall not be construed in any way to limit the ownership use, access or control of property rights otherwise provided by law.

§7542 Injunction; damages.

1. Injunction. The District Court or Superior Court may enjoin conduct which would be in violation of section 7541 upon notification by a person affected or who reasonably may be affected by the conduct, upon a showing that the conduct is threatened or that it has occurred on particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

## SOUTH DAKOTA

Section 1. No person may intentionally interfere with any person or group of persons lawfully engaged in the process of taking or attempting to take any game or fish. No person may engage in any activity specifically intended to harass or otherwise prevent the lawful taking of any game or fish. No person may engage in any activity to scare or disturb any game with specific intent to prevent their lawful taking. This section may not be construed to prohibit a landowner from revoking a prior grant of permission to hunt on his land. A violation of any provision of this section is a Class 2 misdemeanor.

Section 2. Any person who fails to obey the order of a peace officer to desist from conduct in violation of section 1 of this Act, if the officer observes such conduct, or has reasonable grounds to believe the person was engaged in such conduct that day or intends to engage in such conduct that day on a specific premises, is guilty of a Class 1 misdemeanor.

Section 3. The court may enjoin conduct which is in violation of section 1 of this Act upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and may reasonably be expected to be repeated. The court may award damages to any person adversely affected by a violation of section 1 of this Act. Damages may include an award for punitive damages, license fees, travel or other expenses which were rendered futile by preventing the licensee from taking game or fish.

Signed March 12, 1983.

## ILLINOIS

[S.H.A. ch. 61, §301]

Section 1. Definitions. As used in this Act:

a. "wild animal" means any wild creature the taking of which is authorized by the fish and game laws of the State.

b. "Taking", means the capture or killing of a wild animal and includes travel, camping, and other acts preparatory to taking which occur on lands or waters upon which the affected person has the right or privilege to take such wild animals.

[S.H.A. ch.61, §302]

Section 2. Any person who knowingly performs any of the following is guilty of a Class C misdemeanor;

(a) interferes with the lawful taking of a wild animal by another with intent to prevent the taking.

(b) disturbs or engages in an activity that will tend to disturb wild animals, with intent to prevent their lawful taking.

(c) disturbs another person who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking.

(d) enters or remains upon public lands, or upon private lands without permission of the owner or his agent, with intent to violate this Section.

[S.H.A. ch. 61, §303]

Section 3. Any person who knowingly performs any of the following acts is guilty of a Class B misdemeanor;

(a) fails to obey the order of a peace officer to desist from conduct in violation of Section 2 of this Act if the officer observes such conduct, or has reasonable grounds to believe that the person has engaged in such conduct that day or that the person plans or intends to engage in such conduct that day on a specific premises.

[S.H.A. ch. 61 §304]

Section 4. (a) Any court may enjoin conduct which would be in violation of Section 2 of this Act upon petition by a person affected or who reasonably may be affected by such conduct, upon a showing that such conduct is threatened or that it has occurred on a particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

(b) A court may award damages to any person adversely affected by a violation of Section 2, which may include an award for punitive damages. In addition to other items of special damage, the measure of damages may include expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by prevention of the taking of a wild animal.

# LOUISIANA

## § 648. Definitions

As used in this Subpart, the following definitions shall apply:

(1) "Wild animal" means any wild creature, including fish, wild birds, and wild quadrupeds, the taking of which is authorized by the provisions of this Title.

(2) "Process of taking" means any act directed at the lawful taking of a wild animal, including the acts of travel, camping, or other activity occurring in preparation for the taking which occurs on state-managed lands or waters governed by the provisions of R.S. 56:781-R.S. 56:787 or which occurs on private lands or waters with the permission of the owner or his agent.

Added by Acts 1982, No. 376, § 1.

## § 648.1. Harassment and disturbance prohibited

No person shall engage in any of the following activities on lands or waters managed by the state pursuant to R.S. 56:781-R.S. 56:787, or upon private lands or waters where a hunter, trapper, or fisherman has been given permission by the owner or his agent to take wild animals:

(1) Interfere with the lawful taking of a wild animal by a hunter, trapper, or fisherman or interfere with the process of taking, with intent to prevent the taking.

(2) Disturb a wild animal, or engage in any activity or place any object or substance that will tend to disturb or otherwise affect the behavior of a wild animal, with intent to prevent or hinder its lawful taking.

(3) Disturb any hunter, trapper, or fisherman who is engaged in the lawful taking of a wild animal or who is engaged in the process of taking, with intent to dissuade or otherwise prevent the taking, or to prevent such person's enjoyment of the outdoors.

(4) Enter or remain upon state-managed lands or waters or upon private lands or waters with intent to violate the provisions of this Section.

Added by Acts 1982, No. 376, § 1.

On authority of R.S. 24:253, subsection designations A to D as found in Acts 1982, No. 376 were changed to paragraph redesignation: (1) to (4).

Library References

Game ⇔ 7.

C.J.S. Game § 10 et seq.

## § 648.2. Remedies, damages, and penalties

A. The secretary may seek injunctive relief to restrain and prevent violations of R.S. 56:648.1, upon request by the person affected or who reasonably may have been affected by such conduct.

B. Any person adversely affected by a violation of R.S. 56:648.1 shall be entitled to recover actual damages, including expenditures of the affected person for license and permit fees, travel, guides, special equipment and supplies, to the extent that such expenditures were rendered futile by the actions of the person violating the provisions of this Section.

C. Violation of the provisions of R.S. 56:648.1 constitutes a class two violation.

Added by Acts 1982, No. 376, § 1.

## § 648.3. Failure to obey order; violation

A. It shall be unlawful for any person to continue any conduct in violation of R.S. 56:648.1 when ordered to desist by an enforcement officer who has observed such conduct or who has reasonable grounds to believe that the person has engaged in such conduct on that day or plans or intends to engage in such conduct that day on a specific property.

B. Violation of the provisions of R.S. 56:648.3(A) shall constitute a Class three violation.

Added by Acts 1982, No. 376, § 1.

# ARIZONA

## § 17-316. Interference with rights of hunters; violation; classification

A. The commission may, by rule, establish designated hunting areas on public lands if it finds that a significant interference or disruption of a hunt is likely to occur on those lands.

B. It is a class 2 misdemeanor for a person while in a designated hunting area to intentionally interfere with the lawful taking of wildlife by another or to intentionally harass, drive or disturb any game animal for the purpose of disrupting a lawful hunt.

C. It is a class 3 misdemeanor for a person to enter or remain in a designated hunting area on any state lands including state trust lands with the intent to interfere with the lawful taking of wildlife.

D. The commission or any person properly licensed to take wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

E. A peace officer who reasonably believes that a person has violated this section may order the person to desist or to leave the area or arrest such person upon refusal to desist or leave.

F. The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by public land users, including ranchers, miners or recreationists.

Added by Laws 1981, Ch. 239, § 1.

# MICHIGAN

## 312.10. Unlawful hunting

Sec. 10. (1) Unless otherwise specified, a person shall not do any of the following:

(s) Intentionally interfere in any manner with the lawful hunting, pursuing, or taking of a wild bird or a wild animal by another per 1.

# Hunter harassment: it's an issue to note in Alaska

To hunt, or not to hunt.

That is a question being addressed in a more and more political and emotional overtone in the past few years. While hunters haven't yet questioned the right of others not to hunt, groups who don't hunt are challenging the rights of hunters to lawfully pursue their quarry.

In British Columbia, Greenpeace "hunt saboteurs" have confronted big game hunters in their remote camps. According to a report from the pro-hunting Wildlife Legislative Fund of America, anti-hunters verbally abused and assaulted hunters and drove away wildlife.

- Foul hunters' blinds with rotten eggs or cow dung.
- Get a female dog in heat and take it in a hunt area to disrupt hunting dogs.
- Play recordings of wolf howls and spray deer repellent in heavily hunted areas.
- Apply for permits to deny hunters access.

"Let hunters know friends of animals are in the woods," the Friends of Animals publication says. "This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!"

Friends of Animals compares hunters with Nazi ar-

ruly behavior.

So far, Alaska has been spared from this kind of activity. But that could change.

Bob Hinman, acting director of the Division of Game, said organized hunter harassment hasn't yet occurred in Alaska. But threats of harassment have.

During the state's last wolf hunt in the Interior, Hinman said, threats were made by environmental groups and individuals to disrupt hunters. The threats included shooting and sabotaging aircraft and blocking runways.

The threats, however, were never carried out.

Greenpeace researcher Michael Bailey, when contacted in Seattle Wednesday, said his organization's ship Rainbow Warrior II was currently docked in Dutch Harbor, but not to harass Alaskans. It's mission, Bailey said, is to harass Japanese gillnetters off the Aleutian Islands. From there the Rainbow Warrior was headed for Nome and Soviet waters, he said.

Bailey said Greenpeace had no present plans to harass hunters in Alaska, although they continue to hold keen interests in environmental issues in this state.

But another group may have Alaska hunters in its sights. A Vancouver, B.C.-based organization, Life Force, may be interested in blocking Alaskan trophy hunting, Bailey said. Life Force has been active in sabotaging northern and western B.C. big game hunters and its range may be extended to include S.E. Alaska.

Life Force was unavailable for comment.

Why do the anti-hunters have such a keen drive?

World-class trophy hunter and University of Alaska-Fairbanks sociology Professor Sarkis Atamian has one explanation:

"It's part of the liberal radical left political activism of the day," he said. "They have common philosophical cause with pro-abortion and pro-homosexual groups.

"They are not really interested in preserving wildlife. They love wildlife because they hate hunters," Atamian said. "They oppose traditional American values — which they see in hunters — and want to substitute their own counter-cultural values. It's a very political thing. It's a miserable movement.

"There are some moralists who oppose hunting on moral grounds, but these people — who are well-motivated — tend not to form groups."

Richard F.  
Schmitz



A Greenpeace "anti," as hunters term hunt-saboteurs, fired a flare gun at a guide in the Spatsizi Preserve. In one case a fight erupted between the groups, resulting in injuries.

In Arizona, a group called the Animal Defense Council disrupted a bighorn sheep hunt in the Catalina Mountains and later extended its activities to disrupt other hunters, according to the Arizona Game and Fish Department and the WFLA.

The most active hunter harassment is in the East.

A 120,000-member New York City-based group called the Friends of Animals, Inc., publishes a list of tips for hunt saboteurs.

Among the suggested activities:

- Enter the hunt area a day before the season opens and play loud radios, musical instruments, or bring along a leashed dog.

mies. "They will take their bloody toll of deer, rabbits, ducks, dogs, cats and a few children," the Friends warn.

"FoA encourages all its members and sympathizers to sabotage the sport hunter. Wild animals belong to ALL citizens," the group continues, "and as citizens we're unwilling to see animals murdered by hunters who find a perverted interpretation of sport in butchering innocent animals."

One Alaska legislator who is trying to head off these anti-hunting tactics is Delta Junction Rep. Dick Shultz. He sponsored House Bill 163, an act designed to make unlawful deliberate harassment of hunters, trappers, fishermen or campers.

Shultz said he wasn't specifically isolating the problem of organized anti-hunting activity. His intent, he said, was to include the problems sometimes created in public campgrounds and picnic areas by un-