

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672
2892 SRES HB 130 - HB 163 2892

Alaska State Legislature

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Senate

Committee on Resources

MINUTES

June 13, 1983
3:04 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski
Senator F. Fischer	

CALENDAR

- HCR 31 Relating to protection and preservation of the Kenai River.
- HCR 27 Requesting the state to collect and use information on trapping for land use planning and land disposal.
- HB 130 An Act relating to homesteads; and providing for an effective date.
- SB 219 An Act relating to the processing of permits by state agencies; and providing for an effective date.

HCR 31

Representative Fritz, sponsor of the resolution, encouraged support of the resolution, and proposed deleting the last resolve clause in the measure in order to remove the fiscal impact.

Jay Nelson, Alaska Environmental Lobby, said that the Kenai Peninsula Conservation Society and the Katchemak Bay Conservation Society both favored the resolution, and he encouraged passage of the measure.

Senator Mulcahy moved that lines 18-22, page 2, be deleted, and asked unanimous consent. The motion passed without objection.

Senator Mulcahy moved that the Resources Committee Substitute be adopted and reported out with individual recommendations. The motion passed without objection.

HCR 27

Sandra Schubert, Resources Committee staff, explained the differences between the proposed committee substitute and the original resolution.

Kay Wallace, staff to Representative Hurlbert, said the Representative supported the committee substitute and encouraged the Committee's support.

Senator Mulcahy moved that the Resources Committee Substitute be reported out of Committee with individual recommendations. The motion passed without objection.

HB 130

Pat Pourchot, Resources Committee aide, explained the proposed committee substitute. He outlined requirements for homesteads and obtaining patent. He said the committee substitute tried to simplify and combine a homestead program and the existing remote parcel program. He explained an amendment proposed by the Department of Natural Resources which would allow the Department to limit the number of stakers in a lottery, when necessary.

Representative Rick Uehling, sponsor of the bill, said, in reference to DNR's proposed amendment, that the House would prefer a land-rush approach rather than restricting lotteries.

Senator Vic Fischer moved adoption of DNR's proposed amendment. The motion passed without objection.

Senator Mulcahy moved the amended Resources Committee Substitute be reported out of committee with individual recommendations. The motion passed without objection.

SB 219

Jim Palmer, Resources Committee aide, explained the proposed committee substitute. The committee discussed the provisions of the measure.

Phil Holdsworth, Alaska Miners Association, hoped that the intent of the language allowing flexibility of time limits (page 2, line

6, draft committee substitute) would mean that processing time could be shortened as well as lengthened. Senator Fahrenkamp said that was the intent.

Senator Mulcahy moved that the proposed committee substitute be adopted and reported out as a Resources Committee Substitute with individual recommendations. The motion passed without objection.

The meeting was adjourned at 3:37 p.m.

Specific Comparisons

HB 167/HB 130

Findings (A)

Neither House Bill contains a findings section.

Land Identification (B)

The main difference in the two bills is HB 167 specifically directs that the Commissioner shall designate land and make it available for homestead entry. HB 130 does not.

HB 167 also requires a cadastral survey to establish section corners to be paid for by the state, requires public notice and denies any preference rights such as length of residency, veteran, etc.

Qualifications for Applicants (C)

HB 167 requires staking of the parcel which can be up to 160 acres and requires that entry permits be set out on a first come first serve basis. HB 130 requires applicants to be qualified under (AS 38.05.057) the lottery program or (AS 38.05.077) the remote parcel disposal procedures. HB 130 also disqualifies a person who has leased a remote parcel, or applied for a homestead entry within the previous 8 years.

HB 167 prohibits the conveyance of a permit in any manner except by testate or interstate succession. HB 130 does not address conveyance. HB 167 requires a specific fee of \$500.00 for applicants of which \$400.00 is refundable after meeting all other patent requirements. HB 130 simply states that a fee may be charged. HB 167 also requires a commitment from the applicant that he or she agrees to all conditions necessary for patent.

Revocation of Permit (D)

HB 167 spells out specific prohibited actions that must not take place or the state may condemn and the property revert to state ownership in 90 days.

Those conditions are:

- 1) an assignment, conveyance, or other transfer of the permit;
- 2) failure of the permittee to submit a plat of survey to the director within 18 months after issuance of the permit;
- 3) failure to erect a dwelling or to clear the land in the time required under AS 38.09.040(a), except that if the director finds that the dwelling or clearing has been nearly completed and progress toward completion is being made at the expiration of the time required, the director may extend the time required for completion for not more than one year;

4) failure to brush the boundaries of the parcel within one year.

HB 130 also requires compliance with specific criteria and authorizes the A.G. to eject the homestead applicant if called on by the director to do so. The required criteria is as follows:

- 1) occupies the land for a total of 35 months;
- 2) erects a habitable dwelling;
- 3) clears and prepares for cultivation not less than
 - (A) one-fourth of the land entered if the land is limited to agricultural use; or
 - (B) one-eighth of the land entered if the land is not limited to agricultural use;
- 4) brushes the boundaries of the homestead entry and maintains the brushed boundaries so that they are easily visible from the ground;
- 5) causes a survey of the homestead entry to be made that is acceptable to the director.
 - (b) The director shall require an applicant for homestead entry to submit proof necessary to establish compliance with the requirements of (a) of this section. An applicant is not required to submit proof under (a) (4) or (5) of this section if the land comprising homestead entry has been surveyed.
 - (c) As used in this section, "habitable dwelling"
 - (1) means a permanent dwelling of not less than 200 square feet and its fixtures and facilities;
 - (2) does not include a mobile home unless it is permanently attached to a permanent foundation.
 - (d) A person who has applied or received state land under this chapter is not eligible for a state loan under AS 03.10 for the habitable dwelling or the clearing of the land required under this section.

HB 130 also states that a person who has received state land under a homestead provision is not eligible for a state loan until patent is received.

Patent Requirements

HB 130

- 1) occupies the land for a total of 35 months;
- 2) erects a habitable dwelling;
- 3) clears and prepares for cultivation not less than
 - (A) one-fourth of the land entered if the land is not limited to agricultural use; or
 - (B) one-eighth of the land entered if the land is not limited to agricultural use;
- 4) brushes the boundaries of the homestead entry and maintains the brushed boundaries so that they are easily visible from the ground;
- 5) causes a survey of the homestead entry to be made that is acceptable to the director.
 - (b) The director shall require an applicant for homestead entry to submit proof necessary to establish compliance with the requirements of (a) of this section. An applicant is not required to submit proof under (a) (4) or (5) of this section if the land comprising homestead entry has been surveyed.
 - (c) As used in this section, "Habitable dwelling"
 - (1) means a permanent dwelling not less than 200 square feet and its fixtures and facilities;
 - (2) does not include a mobile home unless it is permanently attached to a permanent foundation.
 - (d) A person who has applied or received state land under this chapter is not eligible for a state loan under AS 03.10 for the habitable dwelling or the clearing of the land required under this section.

HB 167

Sec. 38,09.040. ISSUANCE OF PATENT. (a) The director shall issue a patent to homestead entry land if the permit holder for that parcel

- (1) resides on the homestead entry land for not less than five months a years for five years;
- (2) completes an approved survey of the land within 18 months after issuance of the permit;

- (3) erects, within three years after the date of issuance of the homestead entry permit, a habitable, permanent, single-family dwelling on the homestead; for the purposes of this paragraph, a mobile home is not a permanent dwelling unless it is placed on and attached to a permanent foundation;
- (4) clears five percent of the land within five years after the issuance of the homestead entry permit; for the purposes of this paragraph, land used for improvements is considered to be cleared;
- (5) brushes the boundaries of the parcel within one year after issuance of the permit.

Municipal Considerations

HB 167 allows potential municipal and borough land to be designated for homestead land and also prevents those entities from selecting those lands already designated as homestead lands. HB 167 also exempts homestead entry land from local platting, recording, or subdivision requirements established under AS 29.33 and AS 40.15 unless it is subdivided in the future.

HB 130 requires that the Commissioner of DNR consult with a municipal assessor before determining the purchase price of land located in the municipality.

Authorization of Regulations

HB 167 gives authority to commissioner to adopt regulations for implementing homestead provisions. HB 130 does not address regulation authority.

Definitions

HB 167
Sec. 38.09.900 DEFINITIONS. In this chapter

- (1) "commissioner" means the commissioner of natural resources;
- (2) "director" means the director of the division of land and water management in the Department of Natural Resources;
- (3) "Habitable dwelling" means a dwelling of a permanent nature, together with fixtures and facilities, including sanitary facilities, required by law or customary in the vicinity of the land made available for homestead entry;
- (4) "resident" means a person who has resided in the state for at least one year, does not claim residence in another state, and shows by all attending circumstances an intent to make this state the person's permanent residence.

	SB 102 Governor	SB 43 Moss	CSHB 130(Fin) am	AS 38.05.077-078 Remote Parcels	AS 38.08 Homesites
Method of Disposal	Lottery, over-the-counter designated parcels	Application*	Stake corners and flag boundaries by aliquot parts	Stake boundaries	Lottery or over-the-counter applications or surveyed parcels
Parcel Size	160 acre maximum	160 acre maximum	2.5-160 acres, not to exceed 10% of area open	40 acre maximum	5 acre maximum
Fee	\$500/\$400 refund	\$100 or \$75 with title search	\$5 per acre	\$10/acre annual lease then fair market value	\$10 application purchase with terms
Survey Required	Within 18 months	Within 5 years	Within 2 years	Before expiration of 5-yr. lease or additional 5-year extension	Reimbursement of survey and platting by state
Build Habitable Dwelling	Within 3 years, with fixtures/facilities required, customary	Within 5 years, with fixtures/facilities required, customary	Within 3 years, with fixtures/facilities required, customary	None	Within 5 years
Occupy the Land	None	15 months in 5 years	25 months within 5 years	None	35 months within 7 yrs
Clearing Required	25% in 5 years, and put into production or prepare for cultivation	None	Must brush boundaries within 90 days	None	None
Structure of Patent Issued	Ag. rights patent	Surface estate patent	Surface estate patent	Surface estate	Surface estate
Applicant Qualifications	age 18, 1-year resident; only one homestead permit or patent	age 18, 1-year resident, registered voter, only one homestead	age 18, 1-year resident, only one homestead permit, patent to no more than 160 acres	Age 18, 1-year resident, no remote parcel lease within past 8 years	Age 18, 3-year resident, or 20-year cumulative residence, only 1 entry permit and 1 patent
Comments:	Provides for AIFC construction loan for veterans. Disposals not subject to local platting, subdivision requirements	*Affidavit required agreeing to certain things; must publish notice of application. 1-year exemption from property taxes then tax break for aa. development	Disposals subject to local platting, subdivision requirements	Land cannot be sold before 10 years after sale.	

STATEMENT BEFORE SENATE JUDICIARY COMMITTEE ON
SCS CSHB 150, HOMESTEADING

MAJOR PROVISION

---ESTABLISHES "SWEAT EQUITY" LAND DISPOSAL PROGRAM WHICH ALLOWS PEOPLE TO GAIN TITLE TO STATE LAND THROUGH COMPLETING SURVEY, BUILDING HABITABLE DWELLING AND LIVING ON THE LAND.

MAJOR CHANGES IN HOUSE BILL BY RESOURCES

- REDUCED ACREAGE FROM 160 TO 40 ACRES FOR NON-AG LAND. 160 MAXIMUM FOR AG LAND
- AUTHORIZED DNR TO ESTABLISH STAKING PROCEDURES, POSSIBLE LOTTERY TO LIMIT NUMBERS OF STAKERS
- ADDED CLEARING REQUIREMENT (25%) FOR AG LANDS
- PHASED REPEAL AND ROLL IN OF CURRENT REMOTE PARCEL PROGRAM FOR DISPOSAL EFFICIENCY AND USER UNDERSTANDING
- OPTION TO PURCHASE LAND AT FAIR MARKET VALUE. PURCHASED LAND SUBJECT TO NON-SALE, SUBDIVISION FOR FIVE YEARS
- COMMISSIONER CAN EXTEND SURVEY TIME FROM 2 TO 3 YEARS IF GOOD-FAITH EFFORT

SUMMARY

PROGRAM CAN FIT WELL INTO CURRENT DISPOSAL PROGRAM. MORE CHANGES IN DISPOSAL PROGRAM PROBABLY NEEDED--WILL STUDY DURING INTERIM. ACHIEVES GOAL OF OFFERING LOWER COST LAND, INCLUDING AG LAND, WITHIN PRUDENT DISPOSAL FRAMEWORK AND EXISTING PROGRAM ELEMENTS. WOULD AVOID "LAND RUSHES" AND INDISCRIMINATE STAKING OF STATE LANDS.



M E M O R A N D U M

TO: William Zybach, Special Assistant to the Mayor
FROM: Depts. of Land Management and Planning
RE: Review and Recommendations CSHB 130 (fin)
DATE: June 3, 1983

[Handwritten signature]

The Departments of Land Management and Community Planning and Development have reviewed CSHB 130(fin) and have serious concerns regarding passage in its present form.

The concerns are focused in four general areas:

- a. Impact on responsibilities and financial burdens of municipalities.
 - b. Potential impact on municipal entitlements.
 - c. Natural Resources vs. Land use considerations.
 - d. Potential survey requirement pitfalls for entryman.
- A. All municipalities which exercise planning platting and zoning authority have adopted a comprehensive plan to guide the physical, social and economic development in an orderly manner and to provide for a systematic development of infrastructure required to support such growth. To create unanticipated pockets of population, in what must be remote areas, will seriously jeopardize the validity of these plans by generating demands for community services which cannot be satisfied in an economic or reasonable manner.

To anticipate this type of impact, and to preclude dense development in a remote area, proposed sec. 38.09.010(a) should be amended by adding; "The designation of any lands for homestead entry within a jurisdiction exercising planning, platting and zoning authority, will be consistent with the local Comprehensive Plan."

- B. The Fairbanks North Star Borough is entitled to 112,000 acres of land under provision of AS 29.18. As of the date of this writing we anticipate a shortfall of approximately 2,000 acres due to inaccuracies in acreage estimates, surveys, and exclusions of waterbodies and state interest lands not yet identified or specified. Existing selections must be amended to encompass new lands which may or may not fall in areas which may be designated under proposed 38.09.010(a), and will not be protected by 38.09.080(a).

To provide the time necessary for the Commissioner to audit selection status, and then allow this and other municipalities suffering similar shortfalls the time required to amend selections, the bill should be amended.

An addition to 38.09.080, as subparagraph (c) should read:

"No State lands within municipalities may be designated for homestead entry prior to July 1, 1985".

- C. The bill does not directly address land use classifications established under AS 38.04.065, yet the letter of intent accompanying the bill appears to be a direction that existing classifications will not affect homestead entry land designation inasmuch as private land for settlement is "...a legitimate and vital use of a natural resource".

The Borough supports this concept only to the point where a resource, critical to the public at large, may be placed in jeopardy by transfer to private ownership. In the Fairbanks North Star Borough forest resources are within this critical category. Firewood and lumber needs may be anticipated to fall well below local demand unless those areas, which are presently well wooded, are managed as a renewable resource. To protect this and other specific resources, proposed 38.09.010(a) should be amended by to read:

(a) "In accordance with 38.04.065, the Commissioner shall classify..."

- D. Although the purpose of the bill is to make lands available to the public inexpensively, the mechanisms prescribed could cause personal and financial hardship to naive entryman. The specific portions contributing to this potential hardship are:

38.09.010(b) - requires monumenting of only external corners of homestead entry designated lands without regard to the size of the tract so designated. It is assumed, but not specified that the boundaries will be equivalent to aliquot parts within the rectangular system.

38.09.020(b) - requires the entryman to stake, flag and describe by aliquot parts the land entered upon. If the land has not been surveyed within the rectangular system at least to the section unit it is incredible to expect any degree of accuracy in the description submitted for permit.

38.09.030(a-5) - assigns full responsibility for the accuracy of homestead entry descriptions to the entryman regardless of the location or reasonable control.

38.09.040(a-4) - provides for revokation of permit if boundaries are not brushed.

38.09.050 - requires the construction of a permanent dwelling in what must be a remote area within three years of the date of entry, residence upon the land for 25 months within five years and complete an approved survey within two years.

Combined, these requirements provide a real threat to the purpose of this bill. Basis for survey control for any homestead entry may be three or more miles from the site entered upon. The homestead survey must be conducted in accordance with survey instructions promulgated by Division of Technical Services (DTS), at times a matter of two to five months from the request date. At least one and probably more sections must be surveyed in order to define the proper section to be further subdivided and to complete the survey. The plat must then be drawn, submitted to DTS, reviewed, revised and then, perhaps approved. This process alone can consume a year or more of the available time. SURVEY EXPENSES MAY WELL EXCEED THE LAND VALUE OF THE ENTIRE HOMESTEAD OF THE INDIVIDUAL ENTRYMAN.

In the meantime one can expect the entryman to be spending time and money in constructing the required dwelling and brushing which cannot match the boundaries described in the permit. The resulting survey may define the boundaries of the described homestead, but the improvements may be somewhere else. What then?

To mitigate the potential problems, the bill should be changed as follows:

Either

38.09.010(b) the Commissioner shall complete a cadastral survey of homestead entry land that establishes monuments at all external section corners within lands so designated and a control point at the intersection etc.

or

38.09.020(b) a homestead entry may (shall) be described by aliquot parts or by metes and bounds located by reference to a prominent geographic landmark. (AND MAY NOT BE LESS THAN 2½ ACRES OR GREATER THAN 160 ACRES.)

Without changing either one or the other of the above two requirements the entire purpose of the bill is subverted. Unless there is a rectangular system in place, an entryman cannot be required to conform or lose his parcel. Exclusive of the rectangular system, a metes and bounds description is the only viable way of location.

DDM/SB/kea

dm

fairbanks north star borough

p.o. box 1267 520 fifth ave. fairbanks, alaska 99707 907-452-4761



MEMORANDUM

TO: Bill Zybach, Special Assistant to the Mayor
FROM: Dawn Mach, Director, Department of Land Management
RE: Municipal Land Disposal Grant Program
DATE: June 3, 1983

dawn

During 1981, the State legislature adopted HB 31. One element of that legislation created the Municipal Land Disposal Grant Program. This grant program, which requires a one-fifth match from the municipality, was originally funded by a two million dollar appropriation. Of this amount, the Fairbanks North Star Borough received \$312,000 which was matched by \$63,000 from the Land Management budget, bringing the total to \$375,000.

The Municipal Land Disposal Grant Program was not funded again until the present legislative session. As an item within the Department of Natural Resources budget, the appropriation currently proposed is \$700,000. This amount will likely be divided between several municipalities. If the money were dispersed in a manner similar to 1981, the Fairbanks North Star Borough's share would be approximately \$100,000. It is possible that we would get nothing. Because of changes in our ordinances establishing procedures for choosing parcels to be offered for sale, we have not yet encumbered the \$375,000. I anticipate that this will be accomplished during July, 1983.

One thing that should be kept in mind regarding grants or appropriations to this Borough's land disposal program is that, with the establishment of the Land Sale Revenue (or Enterprise) Fund, proceeds from the sale of Borough land will be directed back into the program. This means that if one 1,200 acre sale was funded by seed money from the State, downpayments in the year of the sale and all future principal and interest payments will be available to initiate additional sales.

Please keep me informed regarding the status of existing or proposed funding sources for our land disposal program. By all means, let me know if you need further information or my assistance. Thanks for your efforts.

DDM/hs

Alaska State Legislature

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Senate

Committee on Resources

June 13, 1983

Memo

To: Senate Resource Committee Members

From: Senate Resources Committee Staff

Subject: Proposed CS for CSHB 130, Homesteads

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

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

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

---To facilitate individual surveys and avoid staking errors, DNR is required to monument no less than one mile from each homestead entry available for staking. The House bill only required exterior boundary monumentation.

- * ---Sections 2-6 were added to the draft CS to conform^{to} other sections in Title 38 to the repeal of the remote parcel program. Where applicable, references to remote parcels or to the statute sections were substituted with references to homesteads and its statute chapter.
- * ---Section 9 on page 8 was added to have the repeal of the remote parcel program and other statute references take effect July 1, 1984 rather than immediately with the homestead program. The purpose is to permit the DNR time to continue to offer remote parcel lands before the homestead program can be implemented.

AMENDMENT

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

HOMESTEAD BILL SUMMARY

	CSHB 130(Fin) am (House-passed)	SCS CSHB 130(Resources) (Senate Resources-passed)
Method of Disposal	Stake corners, flag boundaries. file by aliquot parts	Same, subject to DNR staking procedures, possible lottery to limit number of stakers
Parcel Size	2.5-160 acres, not to exceed 10% of area open	40 acres maximum for non-ag land 160 acres maximum for ag land
Fee	\$5/acre filing fee	Same
Survey	Required within 2 years	Required within 2 years, except that commissioner can extend a year with good-faith effort
Habitable Dwelling	Build within 3 years, or 4 years if substantially complete	Same
Reside on Land	Must reside 25 months within 5 years	Same
Clearing	Must brush boundaries within 90 days	Same. If ag land, must clear 25% and prepare for cultivation within 5 years
Nature of Patent	Surface estate patent after sweat equity requirements met.	Surface estate patent after sweat equity met, or after down payment within 2 years of staking if applicant opts for fair market value purchase. If purchased, can't sell or subdivide for 5 years. Ag rights only patent to ag lands.
Applicant Qualifications	Age 18, 1-year resident, Only patent to 160 acres in lifetime.	Age 18, 1-year resident, Only one homestead patent per lifetime.
Other Provisions	Disposals subject to local platting, subdivision requirements.	Same. Repeals remote parcel program effective July 1, 1984 and rolls in major provisions into homestead program



DNR Land Disposal Programs*

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

Southcentral District Office

Frontier Building, 10th Floor
3601 C Street
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(907) 276-2653

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Kenai Peninsula Area Office
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Southeastern District Office

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Ketchikan Office
State Office Building, Room 205
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Northcentral District Office

4429 Airport Way
Fairbanks, Alaska 99701
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Delta Area Office
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Delta Junction, Alaska 99737
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* THIS CHART CONTAINS GENERAL REQUIREMENTS ONLY. IT DOES NOT LIST ALL CONDITIONS OR EXCEPTIONS. AS THE INFORMATION GIVEN HERE IS SUBJECT TO CHANGE AND MAY VARY IN SPECIFIC SALES, ALWAYS REVIEW THE CURRENT REQUIREMENTS AND PROCEDURES IN THE DISPOSAL BROCHURE THAT INCLUDES THE LAND YOU WISH TO PURCHASE. THE APPLICANT MUST BE PRESENT AT THE ACTUAL DISPOSAL TO BE AWARDED PARCELS IN MOST LAND SALES. SEE THE SALES BROCHURE FOR EXCEPTIONS.

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

Department of Natural Resources

Specific Disposal Targets

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

General Disposal Policies

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

HB

151

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: CSAB 151 (Fin)

BILL NAME: special appropriation to DNR, division of parks,

SPONSOR(S): Hayes, mm Miller, Duncan RELATED BILLS PENDING: SB 31

DATE INTRODUCED: 3-3-83

REFERRALS: Resources
Finance

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

AGENCY RESPONSE:

FISCAL NOTE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED: .

for 4-6-83 hearing -
✓ Hilton Wolfe, DNR
✓ Kathy Hildry
✓ Rep. Miller (Jnr.)

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

- ✓ Kitty Hair 789-0595 (individual)
- ✓ Rep. Mike Miller (Jnr.) 4841
- ✓ Neal Johanssen, DNR

Pete McAnell 3568

Kathy Hildry 586-6883

- possibly:
- ✓ Rep. Duncan
 - ✓ Rep. Hayes
 - ✓ ~~Neal Johanssen, DNR~~

Ruth Allman, curator 586-12
Bob Giesdorf, owner
(206) 625-9600

Yestmed

Mrs. Catherine F. Gair
Box 247
Auke Bay, Alaska 99821

MAR 17 1983

March 16, 1983

Senator Pelly Sabrenkov,
Room 125
Capitol Bldg Pouch
Juneau Alaska 99801

Dear Senator,

This is to support CA HB151
appropriating money for
Wickersham House in Juneau
as a Historic Site. It is truly
a unique and valuable
home and collection and deserves
governmental preservation
and protection for Alaskans
and tourists. Land friends will
appreciate your Committee's
endorsement of this project.

Sincerely
Catherine F Gair

SENATE RESOURCES COMMITTEE

LETTER OF INTENT

CS HB 151 (FIN)

The legislature finds it is in the best interest of the State to acquire the Wickersham collection.

The intent of the legislature in enacting this bill is to enable the acquisition of the Wickersham Collection by the State and the acquisition of the Wickersham House. It is further the intent of the legislature that the Wickersham collection be displayed in a facility opened to all citizens, and that the operating entity for the facility be capable of preserving, cataloging, identifying, documenting, protecting and displaying the collection in such a manner as to assure the broadest possible access by the public.

The amount authorized is intended as a statement of maximum expenditure. It is intended that the administration will negotiate with the sellers to acquire the Wickersham collection for posterity to be available in a public facility. If it is necessary and in the best interest of the State to acquire the House of Wickersham, negotiation for such acquisition is authorized.

It is the intent of the legislature that negotiations and acquisitions shall be completed by January 15, 1984, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

CSHB 151 (FIN)

SB 31 in our Committee (V. Fischer) - asked that we
hear House version

MAKING A SPECIAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF PARKS, FOR ACQUISITION AND DEVELOPMENT OF THE HOUSE OF
WICKERSHAM IN JUNEAU.

ORIGINAL SPONSORS: HAYES, M.M. MILLER, DUNCAN

Schedule 3/23/83?

Sec. 1 Appropriates \$1,000,000 from the general fund to the Division
of Parks, DNR, for acquiring the House of Wickersham and the historical
collections and artifacts in the house, and for the development of the
acquisition as a historical site.

Is a capital project appropriation.

Judge -- early years of AK's
history (establishment of courts
of law + government)

(See summary of SB 31 for further background information.)

2/8 passed out of State Affairs 5 do pass, 1 no rec
2/25 passed out of House Finance unanimous "do pass"
2/28 passed House unanimously

Bill is based on recommendation of Task Force
created by '81 legislature.

Action was taken following loss of another historical
collection (Pullman). House is one of oldest structures in
AK.

Testimony before House Finance: price is modest, conservative.
Private appraisals are higher. State Parks budget is \$1 million
for capital improvements throughout the
state - therefore, this is an extra appropriation. see attached 91

SPECIAL APPROPRIATION TO DNR FOR ACQUISITION AND DEVELOPMENT OF
THE HOUSE OF WICKERSHAM.

SB 31

V. FISCHER

Appropriates \$1,000,000 from the general fund to DNR, Division of Parks, for the acquisition of the House of Wickersham (Juneau), and its development as a historic site. Includes annual operating costs.

Bill is based on recommendation of Task Force created by 1981 legislature.

House is certified on the National Register of Historic Places. Revised mode of operation necessary due to advancing age of present owner/curator. Task Force concluded that gross monetary return from operations is not sufficient to attract private investors. Additionally, a buyer other than the State could result in reoccurring negotiations and contracts involving the State to assure the continued operation and preservation of the House and its contents. Purchase by the State was concluded to be the most direct and controlled means of preservation.

CSHB 151 (Fin) MAKING A SPECIAL APPROPRIATION TO DNR,
DIVISION OF PARKS, FOR ACQUISITION AND
DEVELOPMENT OF THE HOUSE OF WICKERSHAM
IN JUNEAU.

HB 151 appropriates \$1,000,000 from the general fund to the Department of Natural Resources for the acquisition and development of the House of Wickersham in Juneau as an historic site. At the March 23 hearing on this bill, the Administration requested that final Committee action be delayed to give them a chance to explore other funding options. Committee staff, the bill's sponsor, and the Administration worked together on drafting a letter that expresses the intent of the Legislature to acquire the Wickersham collection, and House (if necessary) after negotiation with the sellers.

It is anticipated that final action will be taken on HB 151 at our April 22 hearing.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
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Senate

Committee on Resources

March 23, 1983

Memo

To: Bettye

From: Sandra

Subject: Hearing CSHB 151, House of Wickersham appropriation

This bill sailed through the House. The Administration is just now catching up to it apparently and presumably will be requesting at the hearing that final reporting be delayed to give them a chance to explore other options.

The bill appropriates a million \$\$ for acquisition and development of the Wickersham House as an historic park site.

Questions

---Has the use of private funds and donations for acquisition been ruled out?

---What portion of the \$1 million is for just acquisition of the house and collections and what portion for restoration and other "development" work?

---The fiscal note calls for \$50,000 for DNR for undisclosed purposes. What is the money for and would it an annual appropriation need for operating?

---Will a management plan for development and operation of the house be required?

MEMORANDUM

State of Alaska

TO: Ginger Baim

DATE: 11/18/82

FILE NO:

TELEPHONE NO: 465-2421

FROM: Hilton Wolfe

SUBJECT: Wickersham House

Here is a copy of the Wickersham House bound report, which I wasn't able to drop off for you last week in Anchorage.

Since then I have been in contact with the Legislative Affairs Agency regarding preparation of a bill for acquisition and will assist them in any way possible.

This morning I gave a copy of the report to Joel Orellove, who indicates that a group of "wealthy investors," i.e., "Alaskan millionaires," may be interested in purchasing the house and collections from Giersdorf and then donating the items back to the State over a period of time which would allow tax deductions at appreciated values. Sounds like an interesting alternative if State funds are not appropriated for that purpose, although I doubt that that approach would address the need for money to perform some adaptive rehabilitation work, provide fire protection, and develop a cataloging and display system.

Let me mention again that I have enough copies of the report to supply all the legislators whenever it seems appropriate.

Best regards,

Hilton

Giersdorf's local representative:
Kathy Hildry 586-6883
out of town 3/10 - 3/23

→ Joel Orellove's proposal was not satisfactory to Giersdorf (owner). Orellove wanted the collections moved out of the house - the house converted to a business.

Div. Parks still reluctant if this \$1 million is to come out of the Division's total \$1 1/2 million appropriation.

HOUSE FINANCE COMMITTEE

February 25, 1983

1:32 p.m.

(Tape HFC 83-16, Side 1 #442.)

PRESENT

All Members of the Committee were in attendance except Representative Martin. (Representatives Pestinger and Flood arrived later in the meeting.) ALSO PRESENT representatives Shultz and M.M. Miller; Bob Giersdorf, Owner, Wickersham House; Hilton Wolfe, Division of Parks, Department of Natural Resources; Terry Cramer, Blue Ribbon Commission on the State Personnel Act; Marty Nusbaum, Acting Director, Alaska Marine Highway System; John Wolfe, Executive Director, Older Alaskans Commission; and Pete Kelly, Vietnam Veterans of Alaska.

HCR 14

Chairman Adams called the meeting to order and brought HCR 14 up for consideration.

HCR 14 -- "Extending the life of the Regional Educational Attendance Area Budget Oversight Committee."

Chairman Adams explained HCR 14 extends the life of the REAA Budget Oversight Committee through FY 84. He stated the Committee scrutinizes the REAA's Financial Management of Educational Funds. Chairman Adams said the Resolution also provides that the Department of Education shall review the operating budget of each REAA by August of each year, and then the Oversight Committee would review the Department's findings.

Chairman Adams invited the sponsor of the bill to testify.

REPRESENTATIVE SHULTZ, REPRESENTING DISTRICT 17 AND CHAIR OF THE REAA BUDGET OVERSIGHT COMMITTEE, presented testimony favoring HCR 14. (See attachment #1.)

(Representatives Pestinger and Flood arrived while Representative Shultz was presenting his testimony.)

Chairman Adams stated he has signed a \$50.0 fiscal note. He asked Representative Shultz to explain how they plan to spend the money. Representative Shultz said the \$50.0 is a substantial decrease from what was requested last year (approximately \$107.0). He stated they had funds left over last year and they plan to use those to assist them in doing the Maintenance and Operation Study. He said this study would be very beneficial to the legislators, the school districts, school boards, teacher

associations, etc. He said the information he presented is a very rough draft of the budget as they perceive it at this time.

Representative Flood said his recollection is that the Oversight Committee has no legal existence. He asked if by passing this Resolution they would be increasing the legal status of the Committee. Representative Shultz said he was not sure. He said the Resolution only extends the life of the Commission until 1984.

Chairman Adams stated HJR 14 would be HELD IN COMMITTEE until Monday because several members would like additional information.

HB 151

The next bill to be considered was B-151.

HB 151 -- "An Act making a special appropriation to the Department of Natural Resources, division of parks, for acquisition and development of the House of Wickersham in Juneau; and providing for an effective date."

Chairman Adams stated HB 151 would make a special appropriation of \$1 million to the Department of Natural Resources, Division of Parks for acquisition and development of the House of Wickersham and its contents. He said the funding would also be used to develop the House of Wickersham as an historical site. He stated the appropriation request is based on the recommendation of a task force created by the Governor upon request of the Legislature in 1981. He invited Representative M.M. Miller to testify.

REPRESENTATIVE M. MILLER, JUNEAU, commented that one of the prime sponsors of the Bill is the Speaker of the House. He complimented the Speaker for his statesmanship in being the prime sponsor of the legislation. He thought that represented a recognition that the House of Wickersham is a statewide resource although it happens to be located in Juneau. Representative Miller said it is an historical resource and treasure.

Representative Miller said a few years ago they funded a special task force to look into the acquisition of the House of Wickersham. He said that action was taken following the loss of another historical collection from the State -- the Pullman Collection. He commented briefly on the State's loss of the Pullman Collection and said the Wickersham House represents to them the same sort of opportunity and the same sort of loss if they fail to assume the opportunity.

Representative Miller stated the Task Force consisted of representatives from the Division of Parks, the Division of Libraries and Museums, the Division of Tourism, the Alaska Historical Commission, the University of Alaska, Alaska Tour and

Marketing Services, and Ruth Allman, the Lecturer-Curator of the House of Wickersham. He said the "guts" of the report are in the summary pages 1 through 8. (Secretary's Note -- a copy of the report is available in the House Finance Committee Original Bill File.) Representative Miller commented further on the report and said they have before them a very defendable and appropriate amount for the purchase of the Wickersham House.

Representative Miller commented briefly on the options the Task Force considered and said they recommended that the State purchase and operate the Wickersham House because they felt it was desirable to preserve the House and its contents as a unit. He stated the Division of Parks would be the managing agency. He commented that substantial upgrading is going to be necessary.

Representative Miller said he cannot recommend too highly the opportunity before them now and the danger if they don't seize that opportunity. He said he understands that Representative Duncan will be offering an amendment to the Bill dealing with the lapse date. He commented that Speaker Hayes had indicated he has no problem with that amendment.

* MR. BOB GIERSDORF, OWNER, HOUSE OF WICKERSHAM, commented that 24 years ago he was a member of the Legislature in the first State Legislature. He said that was when he first met Ruth Allman, the daughter of Judge Wickersham and the owner of the Wickersham House. He said Ruth Allman has, over the years, been the caretaker of Alaska's history. He said the media from around the state continue to call her for references, and when attempts have been made to write about those first years of Alaska's history, the first step is to study Judge Wickersham's first 30 years of Alaska, the establishment of courts of law and government in Alaska. He said the Judge carved a unique and substantive role throughout Alaska.

Mr. Giersdorf said he was overwhelmed by the contents and historical importance of the Wickersham House and said he introduced legislation in the first session to try and get the State to acquire the collection. He said the situation at that time was desperate -- Ruth was in hock to the Sisters of St. Ann's Hospital to pay bills for Grace Wickersham who had been hospitalized for over 12 years. He explained that at that time he was with Alaska Airlines, and they worked out a situation to be able to lease the House from Ruth, retire the debt over a period of time, and to allow visitation to the House. He said establishing visitor access to the House was a way of keeping it available for visitors, and it allowed Ruth to achieve her objective. He said Ruth has dedicated her life to the perpetuation of the memory of the Judge and keeping the collection intact in hopes that it would be properly and adequately preserved and protected for all time for Alaskans.

Mr. Giersdorf said in 1972 when he left Alaska Airlines, the Airline was in its financial straits and commitments required for an airline business required that they give up the subsidy program of trying to maintain the Wickersham House. So, he said, his wife Lauri and he purchased the House and the collection in order to provide Ruth with a pay-out in income and to continue to preserve intact what she had started. He said that gave Ruth the opportunity to share her history with the people as long as she wished and was able.

Mr. Giersdorf said the operation has operated at a loss every year, but they felt it was their contribution, and they have been committed to Ruth's objectives and to the long term objectives towards the House and the Collection. He said Ruth will be 78 this year and the year's are catching up with reality. He said Ruth has been a great steward on behalf of all of Alaska's history, but she wants and needs the opportunity to retire.

(Tape change, HFC 83-16, side 2.)

Mr. Giersdorf said he thinks it is vital that the collection be catalogued and interpreted using the resource of Ruth Allman. At the moment she is able to spend the hours and weeks necessary to interpret the collection properly with the proper state professional people to achieve full benefit and insight of the scope and depth of the collection.

Mr. Giersdorf referred to the Governor's Task Force recommendations, and pointed out the House itself is one of the oldest structures ever built in Alaska. He said it was built before the turn of the century, and they were able to protect it by putting it on the National Register of Historic Places in 1976. He stated the various appraisers that have provided their input into the report were very conservative. He commented one of the top rare book collectors on the West Coast has been trying for years to acquire the Wickersham diaries. He said there are major institutions and universities that feel those diaries are some of the outstanding items left in personal collections. He stated the dedication they have, and the reason they got involved, is to try and carry on Ruth's objectives to see this properly placed within the State and preserved.

Mr. Giersdorf said the House represents in the collections, the entire history of the State. He said those who have had a chance to see the Wickersham House probably noted the entire manner of the Judge in the way he catalogued and interpreted things, and kept records as he moved around the State in those early days.

Mr. Giersdorf said the individual and personal letters back and forth to the presidents of the United States during those years as Judge Wickersham was a delegate are mind-boggling. He said there are about 1400 photographs there, and 10% to 20% of them are unique in that they probably never heretofore have been

available to people throughout the State, and they chronicle some of the very earliest beginnings of various parts of Alaska.

Mr. Giersdorf said he believes the substantive approach of the Task Force Report and the professional nature of it, could support very well the decision before the Legislature. He said Alaska as one of the newest states is very close to its history. He said they don't have roots that date back that far and it takes a very sensitive and special focus for the State Government and Legislature to decide to preserve and protect those articles and properties that may otherwise go into oblivion forever. He commented they have seen that happen with the Pullman Collection, and that was a tragic loss to the State.

Mr. Giersdorf said he thinks there were some especially important marks and inprints left by Judge Wickersham. He said he was a special person present at a very important moment in Alaska's history because he had a penchant for recording all the significant events of the days. He said these are the earliest trail markers of Alaska's steps and milestones moving from the district and territorial days into statehood.

Mr. Giersdorf said they feel it is an opportunity, knowing that 1984 is the silver anniversary of statehood; it is also a centennial of sorts -- in 1884 the first government form in Alaska was established. He suggested nothing could be more fitting to commemorate 100 years of government in Alaska.

Regarding the proposed price, Mr. Giersdorf said it is a modest and conservative appraisal. He said they have private appraisals that are much higher, but their objective here is to place the collection, not just as a sale, but as a commitment that the steps to the restoration and preservation, and to maintaining the collection over the years, be achieved. He thought that placing the collection in the Division of State Parks was a proper and appropriate placement for the State. He commented in the State Parks budget they only have about \$1 million for capital improvements throughout the state; therefore, this would have to be above and beyond the other needs that State Parks has.

Mr. Giersdorf said the critical item now is time -- the time to move for the value of the collection and while they have the resources and the time of Ruth Allman. He commended the Legislature for considering this matter and urged their positive further deliberations.

* MR. HILTON WOLFE, DIVISION OF PARKS, DEPARTMENT OF NATURAL RESOURCES was invited to testify at this time. Mr. Wolfe said essentially he would like to officially put forth the Department's strong support of the concept of public ownership and management of this unique historic resource. He said he was a participant of the Task Force Report and would be happy to provide any additional information relative to that. He said he

was amazed at how much material is actually there. He said although the cataloging in the report is extensive, it is far from being complete. He said there is a wealth, a treasury of historic significance up there on the hill.

* Chairman Adams said he understands the Department supports the concept. He pointed out that in the Bill Analysis it states they "cannot urge passage of this special appropriation until we have completed a vigorous analysis of the impact", and he asked if that was correct. Mr. Wolfe said yes. He said the Governor's allocation for Parks is \$1.5 million. He said if this appropriation is to be a substitution within that amount, they haven't been able to conclude yet that that would be where their priority is. He said if the appropriation were in addition to the current funding for Parks, there would be complete support for the passage.

* Representative Zharoff said the only concern he has with the State getting its clutches on something like this, is the public will never see it. He said he is afraid that when the State gets into the collection and catalogs everything, they will begin to hide things in nooks and crannies and it will defeat their purpose here.

* Representative Ward said the Task Force report does say they will go through and hide some things from the public. Also, he asked where the Department would put all the artifacts while the House is being totally redone. Mr. Wolfe said there is the capacity to house the artifacts at the State Museum during that period of renovation. He said it is the intent, with very few exceptions, to keep all the documents in the House. He said there is also the awareness of the opportunity, since there is such a wealth of material there, to have some of the materials available on a rotating basis for out of town distribution to other state locations, schools, etc., so the collection could become available to Alaskans. He said there is such a wealth of material there that it would be impossible to display all of the material in the house. He stated there are only a few items which because of their fragility and so on, need to be maintained in a controlled environment. There was brief discussion.

Representative Duncan MOVED TO ACCEPT THE FOLLOWING AMENDMENT:

Delete present section (2).

Add a new section (2) to read:

* Sec. 2. The appropriations under this act are for capital projects and are subject to AS 37.25.010.

There BEING NO OBJECTION, the amendment WAS ADOPTED.

Representative Duncan MOVED AND ASKED UNANIMOUS CONSENT that a Finance CS for HB 151 be prepared incorporating the amendment, and that the CSHB 151 (Fin) be reported out. There BEING NO OBJECTION, it was SO ORDERED.

CSHB 151 (Finance) was reported out with a "do pass" recommendation. The following members signed the Committee report with a "do pass" recommendation: Pestinger, Bettisworth, Flood, Ward, Hurlbert, Zharoff, Duncan, Grussendorf, Lindauer and Adams.

HB 108

The next bill to be considered was HB 108.

HB 108 -- "An Act relating to the inclusion in the state exempt service of licensed physicians employed by the division of mental health and developmental disabilities; Department of Health and Social Services."

Chairman Adams explained HB 108 seeks to include psychiatrists employed by the Division of Mental Health and Developmental Disabilities, Department of Health and Social Services, in the exemption class of state employees. He said that due to a drafting error last session, all physicians employed by the Department were placed in exempt services. He said this bill would correct that error and it has the support of the Department and the Alaska Public Employees Association.

TERRY CRAMER, ADMINISTRATIVE ASSISTANT, BLUE RIBBON COMMISSION ON THE STATE PERSONNEL ACT, testified there was a drafting error last session and physicians who were at that time included in the classified service were moved to the exempt service. She explained this created an awkward situation for the Department of Health and Social Services because there were regional health officers in the Department -- one a licensed veterinarian and another a medical doctor, and the veterinarian remained in the classified service and the physician was moved into exempt services; yet they were doing identical jobs.

Ms. Cramer explained the physicians in the Department are psychiatrists and in order to attract and retain qualified staff, they found it is necessary to provide salaries beyond the normal salary schedule. She said the Department is able to attract and retain physicians within the scope of the normal salary schedule and therefore doesn't have any problem with those employees being part of classified services.

Ms. Cramer said the Commission recommends the law be changed to go back to the old system, to put all physicians in the classified service except for those who are employed by the Division of Mental Health and Developmental Disabilities.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
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Senate Committee on Resources

MINUTES

April 22, 1983
3:10 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski
Senator P. Fischer	

CALENDAR

- HJR 38 Relating to marketing and transporting Alaska's natural gas
- SJR 12 Opposing the extension of the provisions of the Export Administration Act of 1979 that effectively bans the export of Alaska North Slope Oil.
- HB 151** An Act making a special appropriation to the Department of Natural Resources, division of parks, for acquisition and development of the House of Wickersham in Juneau; and providing for an effective date.
- SB 222 An Act relating to the organization of the Department of Natural Resources, substituting references in the Alaska Statutes to the department and the commissioner for references to the division of lands and the director of the division of lands.
- SB 181 An Act making supplemental appropriation to the Department of Natural Resources for land deficiency entitlements; and providing for an effective date.
- SB 233 An Act enacting the Northwest Interstate Compact on Low-level Radioactive Waste Management; and providing for an effective date.

SB 168 An Act relating to the Alaska Power Authority; and providing for an effective date.

HJR 38

Representative Cowdery, sponsor of the measure, felt the measure was needed to back the Reagan administration's efforts to establish a free market.

Harold Moles, Vice President for Alaskan Operations, Northwest Alaskan Pipeline Company, felt the resolution should not be passed at the risk of delaying or harming the gas pipeline project.

Jerry McCutcheon supported passing the resolution, but felt it was not in Alaska's best interest.

Senator V. Fischer asked if the Administration had a position on the resolution. Senator Fahrenkamp said they had been invited to speak, but had expressed no interest.

Senator Fahrenkamp felt that the Budget & Audit Committee hearings scheduled to be held over the weekend might provide useful information for the committee, and so held the bill over.

SJR 12

Jim Palmer, Joint Oil & Gas Committee Aide, explained that the resolution calls for our Congressional delegation to do everything possible to remove the ban on export of Alaskan oil when the Export Administration Act is considered later this year.

Senator Sturgulewski moved to report out SJR 12 with individual recommendations. Motion passed without objection.

CSHB 151

Representative Mike Miller of Juneau, co-sponsor of the legislation, explained the necessity to acquire the Wickersham collection before it is dispersed. There was discussion of exactly how the appropriation could be used.

Senator V. Fischer moved to adopt the committee substitute, including the letter of intent, and to report the bill out with individual recommendations. Motion passed without objection.

SB 222

Sharon Barton, special assistant to the Commissioner of the Department of Natural Resources, explained that the bill is a "housekeeping" measure and endorsed its passage.

Senator Sturgulewski moved that the bill be brought before the committee, and moved Barton's first recommended amendment. Motion passed without objection.

Barton continued to offer suggested amendments. Senator Fahrenkamp asked that the amendments be prepared in writing for the committee's consideration, and held the bill over until those could be received and until the statute revisor's opinion could be asked.

SB 181

Rav Mann, Property Management Officer for the Municipality of Anchorage, gave a history of the Municipality's efforts to obtain its land entitlement.

There was discussion of whether the Municipality would take a \$5 million settlement as provided in statutes, or if it would continue to approach the legislature for additional funds or land.

Jane Anqvik, Municipality of Anchorage Assembly Member, felt it was not in Anchorage's best interest to accept a full cash settlement at this time if that would preclude any efforts to seek amendments to the entitlement provisions.

Bill was held over.

SB 233

Stan Hungerford, Air & Solid Waste Management Section, Department of Environmental Conservation, and T.R. Strong, Head of the Radiation Control Section for the State of Washington, spoke in support of SB 233 and explained how it would be beneficial to Alaska to become a member of the Northwest Interstate Compact.

Senator Mulcahy moved to report out the bill with individual recommendations. The motion passed without objection.

SB 168

Sterling Gallagher, Vice President of John Naveen & Co., supported SB 168, and the first three proposed amendments.

Commissioner Dick Lvon, Department of Commerce & Economic Development, supported the bill and the amendments and urged early passage of the measure.

There was discussion of the fourth amendment offered by Senator V. Fischer, who said he preferred not to move his amendment.

Dave Hutchens, Alaska Rural Electrical Cooperative Association, supported the bill and the three amendments.

Senator Mulcahy moved the amendments. Senator V. Fischer asked that the question be divided. On the question, each amendment passed without objection.

Senator Mulcahy moved that the Resources committee substitute for SB 168, including the three amendments, be reported out with individual recommendations. The motion passed without objection.

The meeting was adjourned at 4:45 p.m.

April 11, 1983

DRAFT LETTER OF INTENT

CS FOR HB 151

HOUSE OF WICKERSHAM

The legislature finds it is in the best interest of the State to acquire the Wickersham collection.

The intent of the legislature in enacting this bill is to enable the acquisition of the Wickersham collection by the State for posterity and for display in a facility opened to all citizens. It is further the intent of the legislature that the operating entity for the facility be capable of preserving, cataloging, identifying, documenting, protecting and displaying the collection in such a manner as to assure the broadest possible access by the public.

The amount authorized is intended as a statement of maximum expenditure. It is intended that the administration will negotiate with the sellers to acquire the Wickersham collection for posterity to be available in a public facility. If it is necessary and in the best interest of the State to acquire the House of Wickersham, negotiation for such acquisition is authorized.

It is the intent of the legislature that negotiations and acquisitions shall be completed by January 15, 1984, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

*add
sentence
re acquisition
of House
of Wickersham*

Senate Resources

April 8, 1983

DRAFT LETTER OF INTENT

CS FOR HB 151

HOUSE OF WICKERSHAM

The legislature finds it is in the best interest of the State to acquire the Wickersham collection.

The intent of the legislature in enacting this bill is to enable the acquisition of the Wickersham collection by the State for posterity and for display in a ~~public~~ facility opened to all citizens. It is further the intent of the legislature that the operating ~~agency~~ ^{agency} for the ~~public~~ facility be capable of preserving, cataloging, identifying, documenting, protecting and displaying the collection in such a manner as to assure the broadest possible access by the public. ~~The operating agency~~

The amount authorized is intended as a statement of maximum expenditure. It is intended that the administration will negotiate with the sellers to acquire the Wickersham collection for posterity to be available in a public facility. If it is necessary and in the best interest of the State to acquire the House of Wickersham, negotiation for such acquisition is authorized.

January 15, 1984

It is the intent of the legislature that negotiations and acquisitions shall be completed by ~~December 31, 1983~~, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

→ Could be the state
or another appropriate
agency.
McDowell's

April 8, 1983

DRAFT LETTER OF INTENT

CS FOR HB 151
HOUSE OF WICKERSHAM

The legislature finds it is in the best interests of the State to acquire the Wickersham collection.

The intent of the Legislature in enacting this bill is to enable the acquisition of the Wickersham Collection by the State for posterity and for display in a public facility opened to all citizens. It is further the intent of the legislature that the operating agency for the public facility be capable of preserving, cataloging, identifying, documenting, protecting and displaying the collection in such a manner as to assure the broadest possible access by the public.

The amount authorized is intended as a statement of maximum expenditure. It is intended that the Administration will negotiate with the sellers to acquire the Wickersham collection for posterity to be available in a public facility. If it is necessary and in the best interest of the state to acquire the House of Wickersham, negotiation for such acquisition is authorized.

It is the intent of the legislature
Negotiations and acquisitions shall, if ~~agreements are reached~~, be completed by December 31, 1983, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

Singer W. Fischer

DRAFT LETTER OF INTENT

CS FOR HB 151

HOUSE OF WICKERSHAM

The Legislature finds it is in the best interests of the State to acquire the Wickersham collection.

The intent of the Legislature in enacting this bill is to enable the acquisition of the Wickersham Collection by the State and the acquisition and operation of the Wickersham House by an appropriate agency. The amount authorized is intended as a statement of maximum expenditure.

It is intended that the Administration will negotiate with the sellers to acquire the Wickersham collection for posterity. If it is necessary to acquire the House of Wickersham negotiation for such acquisition is authorized.

Negotiations and acquisition if agreements are reached shall be completed by December 31, 1983, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

4/07/83

McDowell #2

clarifies while still including all major points

STATE OF ALASKA

APR 7 1983

4:40 pm

(2)

BILL SHEFFIELD, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET

POUCH AM
JUNEAU, ALASKA 99811
PHONE: (907) 465-3568

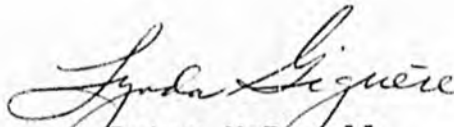
April 7, 1983

The Honorable Bettye Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

The enclosed supercedes yesterday's draft letter of intent concerning CS for HB 151, the special appropriation for acquisition of the House of Wickersham. This draft letter of intent has been discussed and agreed to by Mr. Robert Giersdorf and Rep. Mike Miller of Juneau. We would ask if you would consider including it in the record as a letter of intent from the Senate Resources Committee concerning this matter. If you have any questions, please contact me.

Sincerely,


for Peter McDowell
Director

Enclosure

cc w/encl: The Honorable Vic Fischer
 The Honorable Mike Miller (Juneau)
 The Honorable Esther Wunnicke
 The Honorable Joe Hayes

APR 6 1983

(1)

DRAFT LETTER OF INTENT

CS FOR HB 151

HOUSE OF WICKERSHAM

The Legislature finds it is in the best interests of the State to acquire the Wickersham collection.

The intent of the Legislature in enacting this bill is to enable the acquisition of the Wickersham Collection by the State and the acquisition and operation of the Wickersham House by an appropriate agency. The amount authorized is intended as a statement of maximum expenditure.

It is intended that the Administration will negotiate with the sellers to acquire the Wickersham collection for posterity. If it is necessary to acquire the House of Wickersham negotiations for such acquisition is authorized.

Negotiations shall be completed by December 31, 1983, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

McDowell #1

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

TO: Pete McDowell, Director
Office of Management and Budget

FROM: Bettye Fahrenkamp, Chairman
Senate Resources Committee

RE: HB 151, House of Wickersham

DATE: April 10, 1981

Please find attached a revised Resources Committee Letter of Intent for HB 151. This revised letter contains language inadvertently deleted from the previous draft.

Please contact me if you have questions or concerns.

*cc Vic Fischer
Kathy Hildry
Mike Miller
Joe Hays
Wunnicka*

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate Committee on Resources

April 11, 1983

Peter McDowell, Director
Office of Management and Budget
Pouch AM
Juneau, Alaska 99811

Dear Peter:

Please find attached a Resources Committee letter of intent on HB 151, the special appropriation for acquisition of the House of Wickstram.

This letter is a revised product of discussions with you and the bill's sponsor on the Senate side. It clarifies the issues presented in earlier drafts while still including all the major points.

The Senate Resources Committee will consider this letter of intent when HB 151 is again before the committee. Please contact us if you have questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bettye".

Senator Bettye Fahrenkamp
Chairman

Encl: Letter of intent.

cc: Senator Vic Fischer
Representative Mike Miller
Esther Funnicke, Commissioner
Representative Joe Hayes

BF:gm

April 13, 1983

SENATE RESOURCES COMMITTEE

DRAFT LETTER OF INTENT

CS FOR HB 151

HOUSE OF WICKERSHAM

The legislature finds it is in the best interest of the State to acquire the Wickersham collection.

The intent of the legislature in enacting this bill is to enable the acquisition of the Wickersham Collection by the State and the acquisition of the Wickersham House. It is further the intent of the legislature that the Wickersham collection be displayed in a facility opened to all citizens, and that the operating entity for the facility be capable of preserving, cataloging, identifying, documenting, protecting and displaying the collection in such a manner as to assure the broadest possible access by the public.

The amount authorized is intended as a statement of maximum expenditure. It is intended that the administration will negotiate with the sellers to acquire the Wickersham collection for posterity to be available in a public facility. If it is necessary and in the best interest of the State to acquire the House of Wickersham, negotiation for such acquisition is authorized.

It is the intent of the legislature that negotiations and acquisitions shall be completed by January 15, 1984, and a full report will be made to the second session of the 13th Legislature by February 1, 1984.

Governor's Mansion Rehabilitation (Jun-019)

Planning is underway for extensive rehabilitation and restoration of the Governor's Mansion, which will be executed in two phases later this year.

Phase I rehabilitation will include overhaul of heating, ventilating, plumbing and electrical systems, and long-awaited installation of fire detection and suppression systems and intrusion alarms. This work will greatly extend the useful life of this 1912 building, and will provide much-needed protection against catastrophic loss.

Phase II restoration will involve work on interior finish surfaces—floors, walls and ceilings—impacted in previous non-historical remodelings or cut into by the major work of Phase I. Phase II will also include restoration through selection of historically appropriate surface finishes, colors, and movable furnishings.

The general restoration philosophy being followed in the project is that all "public" or "guest" spaces accessible to visitors will be restored and furnished with attention to historical accuracy. Private living spaces and serving spaces, not visitor-

accessible, will be rehabilitated to present-day standards of comfort and function as the desirable objective.

Phase I work is being administered by the Division of General Design and Construction, Southeast Region, DOT/PF, with detailed planning by the consultant team of Vernon Akins and Associates, Mechanical Engineers; Ben Haight, Electrical Engineer, and Linn A. Forrest Architects, A.I.A.

Phase II planning and general project coordination are being administered through the Governor's Office by Phyllis Bradner, with Linn A. Forrest Architects responsible for architectural planning.

Because the Governor's Mansion is listed in the National Register of Historic Places, work in both phases is being coordinated and reviewed for conformance to the Secretary of the Interior's Standards for Historic Preservation Projects. Historical Architect Robert A. Mitchell, AIA, is representing OHA on the planning committee and providing interpretation of the Secretary's Standards.

Wickersham (continued)

the restoration of the structure and for its maintenance and use as a tourist attraction in Juneau. These plans are in the beginning stages, and *Heritage* readers will be kept informed as they develop.

By owning and maintaining this historic structure, the state will be able to provide residents and visitors to southeastern Alaska the chance to view the home of one of our early political leaders.

Reviews (continued)

The review process in the Department of Natural Resources will change in the near future. The majority of our review material had come through the office of the DNR review coordinator, who gathered the comments of all the Divisions within DNR. That position was abolished along with the demise of the Division of Research and Development. It remains to be seen if the Department will reinstate that function in another office, or if it will institute a new system of reviews. We will keep *Heritage* readers up-to-date with these and any other changes.



HERITAGE

monthly newsletter of the alaska office of history and archaeology

Alaska Division of Parks

No. 11 August 1983

House of Wickersham

Heritage readers will be pleased to learn that funds were appropriated during the recent legislative session for the purchase of the House of Wickersham in Juneau and all its furnishings.

The House of Wickersham was constructed in 1899 by Frank Hammond, owner of the Sheep Creek Mining Company, and is built on the original placer claims that extend to Gold Creek. During this period it was one of the largest and most conspicuous houses in Juneau. After his mining company failed, Hammond leased and then sold the house to John F. Malony. Malony sold the house in 1912 to the Alaska Gastineau Mining Company. Bartlett Thane, Emile Gastonguay and other company officials resided in the house until it was purchased by Judge James Wickersham. Wickersham had taken up residence in Juneau in 1916 and purchased this home in 1928.



House of Wickersham, Juneau

Wickersham made several alterations to the structure, including adding a basement and adding book shelves throughout the first floor rooms. Some modernization of the heating, lighting and plumbing systems have been carried out over the years, but the building remains virtually unaltered.

Wickersham lived in the house from 1928 to 1930, served a two-year term as Delegate to Congress, and then returned to his residence in Juneau, where he lived until his death in 1939.

The house is currently owned by Robert Giersdorf and is maintained and operated by Ruth Allman, niece of Judge Wickersham. In recognition of its significance, the structure was placed on the

National Register of Historic Places in 1976.

In addition to acquiring the structure, the state will also acquire the contents of the house, which includes furnishings, artifacts and manuscripts relating to Wickersham's career. The Alaska Division of Parks, in conjunction with other state agencies such as the State Museum and the State Library, has begun discussions concerning the proper curatorial control and preservation of these items.

An architectural study has been completed on the structure by Historical Architect Bob Mitchell. The Division of Parks has begun formulating plans for

(continued page 4)



HERITAGE

ALASKA DIVISION OF PARKS
Office of History and Archaeology
619 Warehouse Avenue, Anchorage 99501 (264-2137)

Senator Bettie Fahrenkamp
Pouch V
Juneau, AK 99811

As we go to press, word has been received that Governor Sheffield has approved \$650,000 of the \$1.1 million legislative appropriation. This money will cover the purchase of this structure (including its historical artifacts and books), and provide \$150,000 of the estimated \$350,000 necessary for restoration and access for the handicapped. No funds for planning, interpretation or staffing were approved.

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

413751

WICKERSHAM HOUSE REPORT

Prepared in Response
to
Legislative Resolve No. 30, 1981

Submitted
to
Jay S. Hammond
Governor

By
Wickersham House Task Force
March 1982
Juneau, Alaska

H B

156

Original sponsor: Shultz

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 156 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act establishing the Alaska grain reserve program
7 and the Alaska grain reserve loan fund; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 03 is amended by adding a new chapter to read:
11 CHAPTER 12. ALASKA GRAIN RESERVE PROGRAM.
12 Sec. 03.12.010. ALASKA GRAIN RESERVE PROGRAM ESTABLISHED. The
13 Alaska grain reserve program is established in the Department of
14 Natural Resources for the purpose of assisting state grain producers
15 to develop markets for their products by making loans secured by grain
16 reserves.
17 Sec. 03.12.020. DUTIES OF THE DEPARTMENT. In carrying out the
18 purposes of this chapter the department shall
19 (1) make loans to state grain producers under the con-
20 ditions set out in this chapter;
21 (2) administer and inspect stored grain held as collateral
22 for loans made under this chapter; and
23 (3) administer the Alaska grain reserve loan fund
24 (AS 03.12.040).
25 Sec. 03.12.030. CONDITIONS ON LOANS. (a) The department may
26 make a loan to a state grain producer secured by grain grown by that
27 producer in 1983 or 1984. Grain that is used as collateral for a loan
28 made under this chapter must be graded number four or better.
29 (b) The amount of a loan made under this chapter is determined

1 by multiplying 90 percent of the United States Department of Agricul-
2 ture target price per ton for the type and grade of grain offered as
3 collateral by the total tonnage of the collateral.

4 (c) The interest rate on a loan made under this chapter is equal
5 to the interest rate on a loan made under AS 03.10.030(a).

6 (d) Grain that is held as collateral for a loan made under this
7 chapter shall be stored in a storage facility approved by the depart-
8 ment. The borrower may provide storage for the grain if the depart-
9 ment determines that the storage provided by the borrower will ade-
10 quately protect the department's interest in the grain. The depart-
11 ment may inspect a storage facility provided by a borrower at any time
12 and shall adopt regulations setting standards for storage facilities.
13 Storage costs shall be paid to the borrower by the department during
14 the term of the loan at the United States Department of Agriculture
15 grain reserve loan storage rate.

16 (e) A borrower may not remove, sell, or otherwise dispose of
17 grain held as collateral for a loan under this chapter without the
18 consent of the department. All proceeds from the sale of collateral,
19 up to an amount equal to the value originally assigned to that col-
20 lateral under (b) of this section, plus accrued interest on the por-
21 tion of the loan secured by that collateral, shall be applied to the
22 outstanding balance of the loan.

23 (f) A loan made under this chapter shall be for a term that may
24 not exceed three years. The borrower shall make annual payments of
25 accrued interest during the term of the loan.

26 (g) In this section references to grain grading standards,
27 target prices, volume or weight calculations and inspection standards,
28 indicate standards, prices, or calculations that are in accordance
29 with applicable United States Department of Agriculture standards.

Not in Senate bill (SB 169)

1 (h) A loan may not be made under this chapter to a producer that
2 is eligible to participate in federal grain reserve loan programs.

3 Sec. 03.12.040. ALASKA GRAIN RESERVE LOAN FUND. The Alaska
4 grain reserve loan fund is established in the department for the
5 purpose of financing loans made under this chapter. The fund consists
6 of appropriations made to it by the legislature.

7 Sec. 03.12.050. ADMINISTRATION OF FUND. The commissioner shall
8 administer the fund in conjunction with the agricultural loan fund
9 board established under AS 03.10.050. A loan in excess of \$25,000 may
10 not be made by the commissioner without the approval of the board.

11 Sec. 03.12.060. REGULATIONS. The department shall adopt regula-
12 tions to carry out the purposes of this chapter.

13 Sec. 03.12.070. ADMINISTRATIVE PROCEDURE ACT. In carrying out
14 the provisions of this chapter the department is subject to the Admin-
15 istrative Procedure Act (AS 44.62).

16 Sec. 03.12.200. DEFINITIONS. In this chapter

17 (1) "commissioner" means the commissioner of natural re-
18 sources;

19 (2) "department" means the Department of Natural Resources;

20 (3) "fund" means the Alaska grain reserve loan fund; and

21 (4) "grain" means barley, wheat or oats.

22 * Sec. 2. AS 44.62.330(a) is amended by adding a new paragraph to read:

23 (52) Department of Natural Resources concerning the Alaska
24 grain reserve program (AS 03.12).

25 * Sec. 3. The Alaska grain reserve program and the Alaska grain reserve
26 loan fund established in sec. 1 of this Act terminate January 1, 1988. All
27 money and other assets of the Alaska grain reserve program and all money
28 and other assets in the Alaska grain reserve loan fund, as of January 1,
29 1988, shall be transferred to the general fund on that date. The

1 Department of Natural Resources shall collect loan payments on grain re-
2 serve loans that are outstanding on January 1, 1988 and shall transfer
3 those payments into the general fund.

4 * Sec. 4. AS 03.12 is repealed.

5 * Sec. 5. Section 4 of this Act takes effect January 1, 1988.

6 * Sec. 6. Sections 1 - 3 of this Act takes effect immediately in accor-
7 dance with AS 01.10.070(c).

<CS FOR HOUSE BILL NO. 156 (FIN)> by the Finance Committee, entitled:

"An Act establishing the Alaska grain reserve program and the Alaska grain reserve loan fund and providing for an effective date."

was read the first time and referred to the Resources Committee and the Finance Committee.

The Resources Committee considered <CS FOR HOUSE BILL NO. 156> <(FIN)> (Alaska grain reserve program and the Alaska grain reserve loan fund) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Ziegler, Paul Fischer, Mulcahy and Sturgulewski. Senator Vic Fischer signed "no recommendation".

CS FOR HOUSE BILL NO. 156 (FIN) was referred to the Finance Committee.

Senator Bennett, Co-Chairman, moved and asked unanimous consent that the Finance Committee referral on HOUSE BILL NO. 156 (establishing the Alaska grain reserve program and the Alaska grain reserve loan fund) be waived. Without objection, it was so ordered.

HOUSE BILL NO. 156 was referred to the Rules Committee.

CSHB 156 (Fin)
ESTABLISHING THE ALASKA GRAIN RESERVE PROGRAM AND THE ALASKA
GRAIN RESERVE LOAN FUND.
SPONSOR: SHULTZ, LACHER

Identical to CSSB 169 (Res) with the addition of 03.12.010(h):

Loans may not be made under this chapter to a producer
that is eligible to participate in federal grain reserve
loan programs.

(Participation in federal programs requires a 3-year history.
Problem may arise, as federal program is a disincentive to
growing grain, and the State program is an incentive.)

Answers to Questions on Senate Bill 169 - Based on current market information supplied to Senator Moss' office on May 22, 1983.

(1) What is the possible effect of the State's discretionary powers over the reserve grain? Can they refuse to release the grain to small-scale consumers in order to accumulate enough for export or for sale to a large-scale consumer?

As the bill is presently worded, the Department of Natural Resources does have that discretion. An amendment could be introduced to address this potential problem by giving local livestock producers first option on the sale of any state-owned reserve grain.

(2) Why are we trying to produce and store grain when the Federal Government is paying farmers in the Lower 48 not to produce grain?

(a) If we are to have a viable red meat industry in this state, we must either raise or import our feed grain. The economics are as follows:

Feed grains imported from outside the state come either in bulk on railroad cars or bagged in 100# sacks. Current bulk barley price at the Port of Seattle is \$120/ton and bulk shipping costs are approximately \$60/ton. The total cost to land bulk barley is \$180/ton. Bagged barley costs approximately \$10/ton more than bulk barley, and the freight rate is approximately \$120/ton. Total cost to land bagged barley is approximately \$250/ton.

The cost of producing barley in Alaska is approximately \$110/ton. This price includes a return to the producer. Thus, there is a \$70 to \$140/ton saving to the Alaskan livestock producer using Alaskan barley. Transportation costs from Delta range for \$2 to \$15/ton depending upon distance and volume shipped. It should be noted here that most livestock producers are not willing to raise stock without the assurance of a reserve of cheaper Alaska barley on hand. If the industry experienced unprecedented growth in livestock numbers, or a crop failure, the livestock producers could fall back on the reserve rather than import more expensive grain from Seattle.

(b) Alaskan livestock producers cannot compete with Lower 48 livestock producers if the cost of feed barley is above \$110-\$125/ton, and as was shown above, barley cannot be imported and landed for less than \$180/ton, but can be raised in-state for the \$110 figure plus freight.

(c) Also, barley is not one of the grains included in the Federal feed grain reduction program. According to information supplied by Mr. Roy Kozart, Director of the Federal Reserve Program, during a teleconference on May 24, 1983, increased Alaskan feed grain production will not adversely affect the federal programs.

Basically, the argument is irrelevant because Alaskan grain producers are not being paid to not produce barley, and there is a need and a market for the cheaper Alaskan barley.

(3) Are the producers going to make money by letting the state have the grain at the end of three years because the interest payments are less than the storage payments?

Probably not. The grain producer will most likely sell his stored crop within the first year. The figures look like this: If the producer gets 90% of the target price (\$107), he will get \$96. He will then get \$11.07/ton/year for storage from the state. He also has to make an annual interest payment of \$7.70/ton/year. At the end of the first year, the most that the producer will get from his loan and storage payments after the annual interest payment is \$99.37, and at the end of the third year \$106.11. This is less than the grain producer could get from the livestock producers (\$110-\$125/ton), and is also less than the export price of \$120/ton.

(4) What would be the effect on the market if the state were to release all reserve grain at the end of three years?

The market price would of course be forced downward, benefiting the livestock producer and the consumer, but it should be noted that the state would not get less for the grain than what the livestock producers would pay for it on the open market.

Held over.

SB 169 ESTABLISHING THE ALASKA GRAIN RESERVE PROGRAM AND THE ALASKA GRAIN RESERVE LOAN FUND.

SPONSOR: MOSS. THERE IS A RESOURCES COMMITTEE SUBSTITUTE.

Establishes a grain reserve program in DNR to assist state grain producers by making loans secured by grain reserves. Alaska grain producers have no production history so are not eligible for Federal programs that aid grain producers in the Lower 48. SB 169 would give the Alaskan producer an incentive to produce grain by guaranteeing compensation. If the grain is not sold, a loan could be made to the producer against the value of the grain in storage. This would help establish a production record which would make the Alaskan producer eligible for the federal programs.

The Resources Committee substitute is supported by DNR. Major changes:

- The State would pay for storage of the grain to ensure quality storage facilities and to ensure that storage fees do not become a disincentive for program operation.
- The grain reserve fund program would be administered in conjunction with the Agricultural Loan Fund Board to ensure more efficient administration.
- Limits the loans for the 1983 and 1984 crop years and would terminate the program three years later, at the end of 1987 when the 3-year loan payment period expires.

A companion bill, which would appropriate \$1.65 million for the grain reserve loan program (SB 170) is still in Senate Finance

H B

163

IDENTIFICATION:

BILL NUMBER: CSHB 163 (Rules) am

BILL NAME: *Relating to harassment of persons lawfully engaged in hunting, fishing, camping or trapping*

SPONSOR(S): *Shultz*

RELATED BILLS PENDING:

DATE INTRODUCED: *4-26-83*

REFERRALS: *Resources
Judiciary*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE: ✓

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

✓ *Rep. Shultz*

✓ *ADFG, Bob Hinman 4100*

✓ *Ron Somerville, Interior Wildlife Assn. 789-3450*

✓ *Dept. Public Safety*

TIPS FOR HUNT SABOTEURS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

Prepared By: Paul Conder Phone: 465-4338
 Division: Administrative Services Date: 3/17/83

Approved by Commissioner: [Signature] Date: 3/18/83
 Department: Public Safety

Distribution:

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

Statement by Rep. Dick Shultz on CSHB 163

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

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

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

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

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

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

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

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

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

I would ask that the members vote yes.

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

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 will 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

Illustration by Domenick D'Andrea

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.



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

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

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

WAR IN THE WOODS

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

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

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

Exercising what can only be described as faintly 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

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

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

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

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

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

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

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

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

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

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 Greenpeaceers 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 Greenpeaceers into the icy waters of

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

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



Alice Herrington

By E. J. NILSSON
Grit Staff Writer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other institutions also are criticized by

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

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

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

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

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

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

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

But wouldn't the "solution" be stealing? "You could say that it's stealing if you like," she replied, "but the Robin Hood approach to life is still a very nice way to go."

To the Commission
OUT
3/25/81
CD

Background material for HB 163

British Columbia case

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

Section 82 of BC Fish and Wildlife Act

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

Vancouver Aquarium case

Newspaper article from September 18, 1982.

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

Virginia Deer Hunt case

Newspaper article from October 17, 1982

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

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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HD 47

January 24, 1983

Representative Dick Schultz
State Capitol Building
Juneau, Alaska 99801

Dear Dick:

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

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

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

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

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

Sincerely,



Bill Ellis, Chairman
Tok Cutoff-Nabesna Rd. Advisory Committee
S. R. Box 350
Takesna, Alaska 99586
907/822-3426



THE WILDLIFE LEGISLATIVE FUND OF AMERICA

To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

MODEL STATUTE TO PROHIBIT HARASSMENT OF HUNTERS, TRAPPERS AND FISHERMEN

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 this state.
- B. "Process of taking", in addition to any act directed at the taking of a wild animal, 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 animal.

Section 2. Harassment prohibited.

- A. No person shall interfere with the lawful taking of a wild animal by another, or the process of taking, with intent to prevent the taking.
- B. No person shall disturb a wild animal, or engage in an 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.
- C. No person shall disturb 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, or to prevent such person's enjoyment of the outdoors.
- D. No person shall enter or remain upon public lands, or upon private lands without permission of the owner or his agent, with intent to violate this section.
- E. The maximum penalty for violation of this section is a fine of five hundred dollars and thirty days imprisonment, or both.

Section 3. Failure to obey order prohibited.

- A. No person shall fail to obey the order of a peace officer to desist from conduct in violation of Section 2. 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.

B. The maximum penalty for violation of this section is a fine of one thousand dollars and ninety days imprisonment, or both.

Section 4. Injunction, damages.

A. A court of general jurisdiction may enjoin conduct which would be in violation of Section 2. 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 of general jurisdiction 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, 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 taking of a wild animal.

COMMENT:

This is a model statute which may be adapted to the drafting requirements and style of any state.

The main prohibitions are contained in Section 2., beginning with the most basic prohibition A. that no person shall interfere with the lawful taking of a wild animal by another with intent to prevent the taking.

Part B. of that section is directed at acts disturbing the hunted animal. This would apply in the case where the person doing the disturbing is not in the presence of the hunter. The prosecuting attorney would not have to prove that the disturbance

COMMENT (continued):

affected a particular taking, but only that the person was engaged in an activity that was intended to prevent the taking of wildlife. This would include buzzing with an airplane, ringing bells or firing guns on the opening day of hunting season to scare away animals, leaving human scents, baiting marsh areas for duck hunting, etc.

Part C. is addressed to the situation where an action might not amount to interference with a particular taking, and where disturbance of a wild animal is not involved, but the person attempting to disrupt the hunt harasses the hunter by being present where he is not wanted, calling him names, blocking his path, etc. By the definition of "process of taking" in Section 1., this would include harassment while he is camping or traveling.

Part D. is addressed to the situation where a person is not caught in the act by an enforcement officer, but because of other actions his intent is obvious.

While the penalty for these infractions is a maximum fine of \$500 and 30 days in jail, a more severe penalty is provided for the offense in Section 3., failure to obey the order of a peace officer to desist from prohibited conduct. The conduct or anticipated conduct and the order must occur on the same day for the offense to occur. A longer period could be provided; the intent is to limit the application of the section to a current event, not an order by the officer that would be good for the entire season, which would be properly the subject of a court injunction under Section 4. The penalty for this is a maximum fine of \$1,000 and 90 days in jail.

Section 4. provides an injunction where court action is warranted (i.e., where Section 3. is inadequate), and an action for damages including punitive damages.

Not all provisions will be appropriate in every state. The statute is designed to cover every type of taking -- hunting, trapping or fishing -- on public or private lands.



THE WILDLIFE LEGISLATIVE FUND OF AMERICA

To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

TO: Concerned Sportsmen
and Wildlife Managers

Enclosed is a copy of our model legislation to prohibit harassment of hunters, trappers and fishermen. This bill became law last year in Louisiana and Michigan. It was introduced in at least 12 other states. It is under active consideration right now in the legislatures of New Hampshire and Maine.

The bill is in response to a series of incidents provoked by anti-hunting groups in this country and in Canada. The anti-hunters refer to these activities as "hunter harassment" or "sportsman sabotage".

The simple fact is that the evidence shows that the more radical ANTI groups -- The Friends of Animals, Greenpeace, Fund for Animals -- intend to carry out their threat to stop hunting, trapping and fishing. They intend to do it by disrupting and harassing the sportsman in the field while he is enjoying his sport. The following incidents dramatically illustrate this strategy. Waterfowl hunters are extremely concerned because waterfowl hunting is the most susceptible to hunter sabotage. These actions bring back memories of the violent anti-war demonstrations of the 1960's.

BRITISH COLUMBIA -- During the last three hunting seasons, Greenpeace volunteers have confronted big game hunters in their camps. The antis' actions included verbal abuse, attempts at restraining the hunter's movements, disturbing wildlife, and physical assault. The intent was clear: Intimidate and harass the hunter until he and his family leave, while gaining as much publicity as possible. One incident ended in a brawl between two groups, resulting in injuries and a great deal of publicity for the anti-sportsman cause.

NEW JERSEY -- Recently the opening day of deer season has been met with radical demonstrations intent on stopping the hunters. Tactics outlined in the Friends of Animals' paper called "Tips for Hunt Saboteurs" include instructions for blocking access to hunting grounds, driving wildlife from hunting areas, how to apply for blind permits to rob hunters of prime shooting stations and how to spread human hair to drive game from the area. New Jersey officials are fearful that this annual event will eventually explode in a violent confrontation.

CONNECTICUT -- Trapping and hunting are the targets of anti-sportsman sabotage campaigns in this state. Failing to influence the state legislature, The Friends of Animals have taken their anti-trapping drive into the field. They are now working through the media to educate "volunteers" as to the techniques to use when springing legally set traps. Bow hunters have even reported tree stands collapsing on them because of the supports being tampered with and cut.

ARIZONA -- The Animal Defense Council orchestrated sabotage campaigns aimed at disrupting and halting the desert bighorn sheep hunt. Since they were somewhat successful in their attempt, they expanded their activities to include harassment of hunters during other seasons. The Arizona Fish and Game Department and the state Attorney General, Robert Corbin, recognized that weaknesses in the law protected the anti activity. Working with the sportsmen's groups in the state, they drafted legislation making it illegal to harass hunters or game animals during legal hunting seasons. The legislation was successfully lobbied through both houses and signed by the Governor.

In each of these cases and in hundreds of others that have been reported, the law enforcement officers have been sympathetic to the problem facing the hunter. However, because of the absence of laws, officers have been powerless to stop the radicals' actions. Arizona's answer to the problem initiated great sportsman interest and discussion calling for immediate introduction of similar legislation in all the states and Canadian provinces.

The WLFA's model bill goes further than the Arizona law by protecting the activities of all sportsmen including hunters, trappers and fishermen. Comments are included to explain the intent of each section of the bill.

Sincerely,

James H. Glass
President

JHG:dw
Encl.

*This version passed
Senate Resources.*

Original sponsor: Shultz

1 IN THE HOUSE

BY THE RULES COMMITTEE

2

CS FOR HOUSE BILL NO. 163 (Rules) am

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 engaged in hunting, fishing, camping, or trapping."

7

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 preparing or attempting

13

to lawfully engage in sport hunting, subsistence hunting, commercial

14

hunting, sport fishing, commercial fishing, subsistence fishing,

15

camping, or trapping with the intent of dissuading, hindering or

16

preventing the person's activity.

17

(b) A person may not knowingly disturb fish or game or the

18

habitat of fish or game with the intent of hindering or preventing a

19

person lawfully engaged in or preparing or attempting to lawfully

20

engage in sport hunting, subsistence hunting, commercial hunting,

21

sport fishing, commercial fishing, subsistence fishing, camping, or

22

trapping.

23

(c) A person may not enter or remain upon public or private land

24

with intent to violate (a) or (b) of this section.

25

(d) A person who violates this section is guilty of a mis-

26

demeanor punishable by a fine of not more than \$500 or by imprisonment

27

for not more than 30 days, or by both.

28

Sec. 16.05.926. ORDER TO DESIST. (a) An enforcement or inves-

29

tigative officer charged with enforcement of the fish and game laws of

1 the state shall order a person to desist from violation of AS 16.05.-
2 925 if the officer observes such conduct or has probable cause to
3 believe that the person has engaged in or intends to engage in such
4 conduct on specific premises. The officer shall inform the person of
5 the penalties set out in (b) of this section.

6 (b) A person who violates an order of an officer under (a) of
7 this section is guilty of a misdemeanor punishable by a fine of not
8 more than \$1,000 or imprisonment for not more than 90 days, or by
9 both. The punishment imposed under this section is in addition to
10 punishment imposed under AS 16.05.925.

11 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
12 conduct in violation of AS 16.05.925 or AS 16.05.926 or threatened
13 with such conduct may petition a superior court to enjoin the respon-
14 dent from engaging in such conduct.

15 (b) A person aggrieved by a violation of AS 16.05.925 or AS 16.-
16 05.926 is entitled to recover general damages and special damages,
17 including license and permit fees, travel costs, guide fees, special
18 equipment and supplies, and other ^{other} expenses rendered futile by the
19 conduct of the violator.

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

Original sponsor: Shultz

*deletes commercial fishing
private land*

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

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

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

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

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

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

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

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

2 (b) A person who violates an order of an officer under (a) of
3 this section is guilty of a misdemeanor punishable by a fine of not
4 more than \$1,000 or imprisonment for not more than 90 days, or by
5 both. [The punishment imposed under this section is in addition to punishment
6 imposed under AS 16.05.925]

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

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

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