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territorial Alaska. And I think that when they wrote that language nobody was really sensitive to the possibility that the language could affect the fact that subsistence .....subsistence was the highest priority/use of the fish and game resources, but I think that Fred Rogers could tell you that when you looked at the priority of uses, subsistence was first. Then came commercial uses, then pleasure uses, in that order. And that was a fact of life and not something that they really needed to focus on when that article was written. Now what the debates were in the committee in substance, or on the floor in the plannery session of the Constitutional Convention, I cannot tell you. My job as Secretary was primarily administrative and organizational and I was not on the floor listening to the debates and I was not in the committee sessions. George was in both of those things. So, I think that's about what I can give you, unless you have questions of me in terms of the history of how it developed.

Rogers:

My memory confirms what Tom has said, that at that time subsistence and commercial was focused primarily on fishing and not the hunting aspects of it. The hunting conflict came with what I call the explosion of urbanization. We have a new population dumped on Alaska who wanted to go out and hunt and fish. When we were doing the constitution, that was in '56, that was a long time ago. Population was much smaller, and there had been a sort of an adjustment made between commercial and subsistence take of fish. In fact, frequently the same people participated in both fisheries. The thing that's happened most recently is the recreational hunting and fishing which is expanded and created a new conflict, which I don't believe was one that we considered seriously at that time. But Tom's mentioning that the priorities we discussed which were not incorporated in language, but were probably thinking was that subsistence

first because of people's life depended on that. Commercial second because people's livelihood depended upon it, and recreational third because this contributed to people's way of life. So that was pretty much the definition we had in mind. But one thing that we did in the constitution was to leave a lot of things out. We said the legislature will take care of those. This is one of those issues.

Hoffman: So, you're saying that the subsistence issue, you felt was going to be addressed by the legislature?

Rogers: I think that that was pretty much the feeling of the group. The resources committee. It was not one that was a burning issue at the time. As I say, an adjustment has been arrived at without any help from any of us, between the fishermen, and the subsistence fisherman.

Navarre: Questions? Rep. Hudson.

Hudson: Yes, thank you Mr. Chairman. Judge Stewart, you were on the bench for many years and we are reacting to a recent to a court determination on the equal access provision, these would be the rural allocation of subsistence uses. And yet, you are living history as a part of that process, and you just told us that the subsistence uses, specifically and probably and primarily in rural Alaska, was always intended even to the original drafters for this provision in the constitution. I wonder whether or not the courts have either aired or not perhaps gone to sufficient determination as to whether or not that original intent has not been ....if they haven't taken that out of contents. If you hear what I'm saying is that....

Stewart: It's responsible. It depends on what was argued to them, because their decision is a reflection of the arguments they received. On the other hand, since subsistence was not an issue, subsistence for rural people at the time the article was written, the committee members that drafted the article were, I think, were not sensitive to the possibility that it could be interpreted in this way. I suppose, if you're asking me my opinion, I think that you'll probably have to the Constitutional Amendment that makes it clear that this priority can be established or continued. I think that historically it's always been there.

Hudson: I guess what I'm asking is, that if in your opinion, both as someone who's been there and as a member of the bench if the authority doesn't already exist, it's the interpretation of the authority that's at fault at this time. That is that the court's today are ruling that the equal access provision does not provide for "subsistence" that the makers of the constitution had taken for granted would continue on. And so I'm wondering, you know whether or not we have to get rid of that or if you can amplify that in statutes or if some historical readings back made available to the courts wouldn't modify the courts decision today.

Stewart: I doubt that it would. As I say, I think....let me just back up for a moment, I have a note from the honorable delegate, Jim Doogan that the other...I mentioned Truman Endberg, but also on this committee were Muktuk Marston, who obviously was a man steeped in rural culture. Frank Proctorvich, the native leader from LaRock who was reared in a village that in those days were certainly of a subsistence style flavor, and Bill Egan. They were the...all very interested in subsistence and equal rights for natives as well. I think that the writers of that language, simply did not see that given the language that there could be this

kind of a challenge. I don't have any argument with the Supreme Court looking at equal access language and saying that you can't enact laws under that constitutional language that would give preference to a class of citizens of this kind. Therefore, unless the constitution specifically recognizes a right to protect rural users, the court had no alternative.

Hudson: But the constitution also provides today...this is Bill Hudson, for the record....Also provides, today, for the sustained yield and the allocation among beneficial uses as opposed to users. Which some could argue that through the proper regulations, then perhaps, backup statutory requirements, that we could continue to provide, in effect, the continued subsistence uses, not necessarily specifically naming, say native or rural or one sector of Alaska over another, but by attacking the thing from the uses point of view as opposed to users point of view.

Stewart: It's possible. I'm certainly not going to sit here and say I have a legal opinion, you can't do that. I think it is possible. It's not something I've studied, I haven't focused on the issue until this morning. First of all, all I can give you is the historical circumstance under which it arose and that historical circumstance was and in my memory was subsistence was an engrain part of the culture. And it wasn't something that those delegates thought they were somehow going to lose given the use of the term equal access. They were specifically trying to prevent, for example, commercial interests, the commercial fishing interests from outside of Alaska from having some kind of a strangle hold. And the equal access was to assure that that wouldn't happen. But I just don't think that they had before them an issue of whether or not subsistence uses, apart from the users, would be subject to limitations under

the language that they chose. It was not being discussed. Because everybody did it, most of the communities \_\_\_\_\_ . I got a pass from high school so I could go hunt a goat. So my family could eat goat, literally. One winter we lived on moose all winter. When there was a depression in 1932. We had nothing but moose meat.

Rogers: We lived on canned salmon in San Francisco once

Stewart: But, as I say, it was a part of life, and they didn't have to focus on it separately, and I don't think they ever dreamed that that language could be interpreted as the court has done. I don't have any argument with what the court has done, because when you read the language on it's face, equal access means that. But whether or not you can come up with some statutory scheme, I'm not here to say.

Navarre: Rep. Taylor.

Taylor: Thank you Mr. Chairman. (voice inaudible - not at mike)

Phone: Dillingham can't hear the question.

Taylor: (still not at mike - difficult to understand - will do best for transcribing) I said, I think it's wonderful for both these gentlemen to be here today. I certainly appreciate the background and perspective that they, Mr. Doogan and other bring to us because we need that \_\_\_\_\_. We often abandoned just as many people have abandoned in the rural areas listening to the elders. We have lost \_\_\_\_\_ same thing in our haste to move forward with solutions to perceived problems. My concern here is the one addressed earlier by Mr. Hudson. And that is that it would appear as though we do have the opportunity to legislatively provide for a mechanism that will protect what

I think is an essential element to Alaskan life and we can do so, I believe, through the constitution where it allows us to discriminate as a legislature among uses of the resources. Now,...

Phone: We're breaking up badly.

Taylor: I can't help that. My concern at this point is that simplistic solutions have been offered. They say pass an amendment to the constitution and it will happen. The problem occurs when you practically carry out any of those simple solutions. And the problem is one of resource management. 'cuz that's the real bottom line here. We have two things I guess we're really responsible for. One is to preserve a certain life style, and an opportunity out there, I certainly support that. The second, however, is a mandate that we are to manage that resource and not allow resources to be disseminated or to be abandoned through neglect or misuse. I think that's a very difficult thing to carry out as a practical matter. When the population was much smaller, and people had an understanding, so to speak, of the need for their neighbor to have a extra moose or an extra few deer....one fella has maybe a good job and he can afford to buy groceries for his family, the other fella is out of work because the mine has shut down or whatever, and no one thought a thing about him taking an extra deer or two, it was anticipated he'd have to. If you had food, you helped him out too. Now we're into times when we've got 185 airplanes on floats flying around, and we've got snowmobiles, and we've got expanding populations and we're faced with the difficulty of trying to sort out very small practical problems in small areas. We're not really talking about big uses the resources, and yet people who are in the commercial fishing industry right now, I think, are very

frightened of this whole concept. Especially since we put in limited entry. They perceive the closure or a vault like reaction out of the state of Alaska. Closing down major fisheries resources. People who are concerned about developing this state, as far as roads, gas pipelines and other things are very concerned.....

..... than they want to do. And we certainly did not see the misuse of our court systems through the injunctive process during the year that you're talking about. People didn't go out and file \_\_\_\_\_ law suits in 1955, just so they could restrict or prevent the development of a road or a bridge or a highway. Nor did they go out and do those sorts of things and then say, "Well, you can pay us off, we'll allow you to go through now, and just take care of all of this.". Those things are now a fact of life. We work with those things every day. And.....

Stewart: I'm sure you agree with me that there are too many lawyers.

Taylor: You bet I do, Tom. We have for years. Too many good ones, we'll say that. Not enough courts. But my concern in, I think we may be able to address this in this fashion. But I'm looking for local and regional solutions on a fish and game management decision concerning the utilization of the resource. And through that providing a macrocosm for the continuation of lifestyles and cultures and other things. Because as soon as I attempt to make discriminatory decisions based upon where a person lives, what the color of their skin is, what religion they happen to practice, I think I'd find my self in complete conflict with the very tenants of this society that we all so allegedly agree with. So, I find that very difficult. It's going to be on uses, how that resource is going to be used, gonna have too much problem coming up with some stuff on it. But if it's going

to be on users.....How do I tell the fella who lives on the Kenai Peninsula, works up on the oil patch, and he wants to go back up home because it's whaling time in Barrow and he's always gone out with his family. He's always participated in that. Am I supposed to pass something something that's to preclude him from going back home and doing that? 'course, I would hope I'm not. I hope that's what \_\_\_\_\_ is saying. Everytime you attempt to carry out one of these schemes, you run into these impractical, ridiculous scenarios. I have a question for you George on percentages. Now, what percentage...what is the racial breakdown on people living in the rural areas?

Rogers: Robin, I don't have that figure here, but it is down on the native. I just can't give you that....I could get that figure for you very easily.

Taylor: Somebody told me the other day it was 60/40 roughly.

Rogers: Yeah, it may be about that now.

Taylor: Okay.

Rogers: But at one time it was almost a 100% as you know.

Taylor: Well, of course. But it isn't today, that's what I'm getting at.

Rogers: So, what I'm talking about here, and I notice I didn't use...when I talked about that, I didn't use the term rural/urban break. I think that's what makes this significant today. I used the native figure to indicate what happened to a people who were dependent upon subsistence, when you had commercial development take place.

Now we have this other club now, between the urban and rural users.

Taylor: Well, I understand that, but my frustration, I guess is that, my district, as you know Reverend, is Ketchikan, Wrangell, Petersburg. Using the numbers that you've used as a benchmark, everybody seems to grab at different numbers, some people 750, and the numbers go as high as 3 to 4 thousand as \_\_\_\_\_ urban/rural. If we use your benchmark of 2500, all of my urban dwellers would be precluded from subsistence. Many families in Wrangell and Petersburg, and even in Ketchikan who utilize... a significant portion of their diet is foods, whether it's salmon or berries or whatever, that are gathered off the land. And I have a hard time coming back from Juneau saying "sorry folks, you're out of the business".

Rogers: See, I wasn't advocating that figure, that's one that the census uses when they figure out urban life. So let's just use that. I think I'll preface that by saying, you don't have to agree with this for purposes of this discussion, but we'll use that. Tom made reference to the resource development board constant that he and I worked on. We had a definition of rural that was based upon the size of the place of residence and whether or not it was accessible by surface transportation. In other words, isolation and size were the two things. Limited entry has as you know, and the brownie points you get to get a permit, one is the availability of alternative employment. There are lots of these things that really should be worked into our concept. And I agree with you, you can have a place that's a thousand, which is very urban, maybe a government or military outpost, that has nothing to do with the size, and in your case where you have a population that is partly dependent upon the harvest of resources, timber and fish,

but also everybody has personal use of the resources which is another term for subsistence and those things are the things that have to be protected as well as the traditional uses.

Stewart: Mr. Chairman, I don't want to try to comment on the merits of constitutional amendments legislative changes, because I'm not a student of this subject, and I really haven't given it adequate consideration to be competent in giving you responses, for example to Representative Taylor's comments. Glad I'm not on the legislature, I'm retired. If you have any questions, otherwise, I'd be glad to try to answer them, but I don't feel myself to be competent address the merits of these issues. Historically, but not currently.

Navarre: Representative Hudson.

Hudson: Thank you. I think I'm sensing that the solution has got to come from...in some form amplifying the findings behind the original intent of the constitution since that's the guiding light as far as the State of Alaska is concerned. And/or changing ANILCA since that's sort of the guiding light of the federal lands concern. Or finding some way in which we can accommodate both of them, and live within both of them. But it sounds to me, as though from your testimony, and your recollection of the fact of the subsistence use, subsistence use of fish and wildlife was always intended to remain and was not to be excommunicated by virtue of the adoption of the equal access. If I understand you right, you're saying that one of the biggest motivators perhaps to an adoption or incorporation of the equal access provision, was to make certain that the out of state fisheries activities didn't come in and gobble up all the resources. That you were more concerned in developing that provision that the economic

development of the resources and the access of the resources in order to accommodate that was very important to embody in the constitution. Is that essentially correct?

Stewart: I think so.

Hudson: As so, it seems to me as though those are findings that ought to be documented by the body at large here. So that... maybe we can't affect the McDowell case at the present time. Maybe that'll stand. Maybe, as you say, that they've dealt with that upon the merits of what was presented them on the surface. But it seems to me as though that's the kind of stuff that needs to be put into law. But it needs, in my opinion, not to users but to uses. Just like you say subsistence uses and then in law come back in and have the guts enough to define what the hell subsistence uses really are. Because we don't do that. We leave that up to some court to decide that. And I think that we, as legislators, ought to go back in and strike a consensus as to what subsistence uses are. And that may not necessarily say that just because you live in some rural part of Alaska that you are the only one that gets it. It may say that subsistence includes the customary and traditional and even try to define that to some extent, so that...we're really talking, in my opinion, only about a very limited small percentage of the total resources of Alaska. The balance of it is probably of sufficient quantity to handle the commercial needs and the personal use. And I think personal... use also needs to be....

Stewart: \_\_\_\_\_ sustained yield.

Hudson: Managed on a sustained yield always. And then from their we work it on down, but....You know we're to figure out how in the world we can make something that is not well defined

useful, and I think we've got to work on definitions. Both from the federal side as well as on the state side, and then we can protect those legitimate native and non-native rural subsistence requirements and at the same time, show that we are treating people equally. If they want to live in rural Alaska in order to have that priority, they can do so. You know. Do you think I'm on the right track in this?

Stewart: I don't have any argument in that. I just don't envy you the difficult job of trying to reach that kind of a definition.....

( Both parties speaking at once - inaudible)

Stewart: I've not seen it previously defined in law. It's going to take somebody with imagination and expertise to try to come up with it. But I don't have any argument with the principle.

Navarre: Representative Taylor.

Taylor: Yes, thank you Mr. Chairman. Tom as we struggle with this and we're not alone, we've watched legislative sessions now for over ten years struggle with this question. They tried "needs" base, that didn't work. It was held as discriminatory. We tried urban vs. rural, that certainly didn't work. And each time we tried to do...use the word you just suggested, make that definition, draw some line someplace, each time we do that, we are immediately indicating that one group or class of people someplace in this state, shall be allowed to participate in an activity...and what we're really saying is that other groups shall not be. That's where we were in the first place. As soon as we start doing that, we run into problems. How in

the world we could have survived all of this time....without the intervention of the words subsistence being mandated by federal law, I don't know. It seems to me that we survived pretty well, really. People understood what it meant, though we might not be able to clearly define it, we understood what it meant and know one abused it. I think each of you know, from living in Southeast Alaska, we had quite an activity going on, on the sale of herring eggs on kelp. Down in Frank Brackovich's old country Kowak and Craig out there in Sea Otter Sound. This product was taken under the guise of subsistence, placed in boxes and shipped to Japan and were selling for several thousand dollars a box. We're talking millions of dollars of herring eggs on kelp that went that way. Felony complaints were brought. A two or three year investigation. So we're not talking about speculated belief that somebody might abuse it. We've seen it abused. We know it can be abused. The one group of people talking about how their customarily and historically have been selling salmon eggs for almost 20 years and that that ought to be part of their right to continue to sell salmon eggs. I fished salmon a lot of years when all the eggs went right out the shoot with the gurry and heads and tails. Then I watched salmon eggs become more valuable than the entire salmon pack was. So when I hear about somebody catching a whole bunch of fish so that they can sell the salmon eggs, that doesn't sound like subsistence to me, that sounds like a commercial use. When I see herring eggs on kelp being sold for millions of dollars to Japan, it sounds like a commercial use. I don't see a lot of it on the tables \_\_\_\_\_. That's the kind of thing we're running into here. We start making these definitions, we're going to be precluding, in my district, by any numbers I've seen so far, everyone of my native families from being able to utilize subsistence. Some of these people are 80 years old and have been eating fish and deer all their lives. Now

their going to be told, "Oh no, you can't have this right. This right goes to someone who's living more rural than you are. I have a real hard time telling them they can't do that anymore, George. Just because they happen...I mean, my God, how big is Bethel? Will Bethel be precluded?

Rogers: I wished I hadn't use the census figure, but I had to use something.

Taylor: But everybody else is, George. They all are, they're all grabbing a number someplace.

Rogers: And I think that, as I quickly suggested, the definition has to be more than just that. It's a combination of factors. Yes, I agree with you, that the figure was applied nationally. We have to have a figure for Alaska and I don't think that's too difficult the way the Alaska population is distributed. I'd say 80% lives in central places and for your concern is that your constituents would be considered urban, and I agree with you that it's more than just the size, it's the lifestyle and a lot of other factors. I think we can take care of it the way we did with limited entry points. It would be a combination of things.

Stewart: Limited entry did take a constitutional amendment

Rogers: That's right, because that was a special thing and .....setting up....I'm not arguing. I'm not a lawyer, thank God.

Navarre: Judge Stewart, how much difference would the courts give to...if we passed another statutory change and defined or attempted to define subsistence and even rural and then put some findings in, an interpretation of what the legislature thinks the history of the constitutional convention, with

respect to that issue, was. How much deference would the courts give that upon a review.

Stewart: The deference would come in the specific language that you used. Whether or not it was consistent or inconsistent with the language they were interpreting. I can't tell you where I've seen actual language that you're going to use and how does it measure up under what they wrote in the McDowell decision. I don't think it's impossible to come up with some statutory language that would be consistent with the existing constitution. It might satisfy the bulk of this problem. But I'm not prepared to sit here and write out some language for you. That's a difficult job. Why don't I say I'm glad you have it and not I.

Navarre: Representative Salo.

Salo: Judge Stewart, In both of these...the explanation of what equal access was originally was real helpful here. I also am hearing from you that the constitutional amendment route in order to give the legislature authority to deal with all of the hard problems that are there, would be an appropriate route for.....

Stewart: I'm not saying it's a preferable route. It's certainly a possible route. If you did it I would want to have the simplest, briefest language that enables an address to the subsistence question. And I'm not sure whether one or the other of these things that are before you is better. I think I probably was attracted to the senate language because of its brevity and apparent simplicity. But, again, I don't want to be heard to say that the constitutional amendment is the only way you can go. I think it may be possible to draft a statute focusing on use, and if you two gentlemen, Mr. Hudson and Mr. Taylor suggests on uses rather

than users, it might pass mustard under the existing constitutional language. But until I say that language, I would not presume to say, "yes, it will".

Salo: Well, if you were to try to draft a statute or essentially do what Rep. Navarre laid out in front of you, it would be an appeal process to McDowell, would it not?

Stewart: It would what?

Salo: It would constitute an appeal for process to the Supreme Court decision...

Stewart: Well, not until somebody brought a case.

Salo: Well, my question.....

Stewart: If you passed the statute and the governor signs it and it becomes law, and until somebody then challenges the validity of it.....

Salo: We can probably anticipate that though, right?

Stewart: Depending on what it says.

Salo: Well, what I'm trying to figure out is, which is the more efficient way to get to legislative authority for dealing with the more complex issues than a long term solution.

Stewart: As a matter of policy, I do not like to see the constitution amended, unless it's absolutely necessary. And especially in the form of an amendment that puts restrictions on everybody having equal rights. I would hope that some route would be found where you didn't have to do that. But, as with limited entry, it may be your only alternative. I

think I'm not very helpful to you. I think it would be desirable if you had staff people trained in this field that could attempt to come up with a statute that would pass muster under the tests that was laid down by the court in McDowell, and what the existing constitution requires, but if you can't find language that would do that, then your alternative is the amendment.

Hudson: What's your analysis of the strict interpretation of rural subsistence preferences in ANILCA? You know, judging....basing back from where we came from as a state.

Stewart: I wouldn't presume to say. George would be more qualified than I. I'd have to have the ANILCA language before me and look at the cases it's interpreting and I've not done that. I'm not an expert.

Rogers: Yeah, I'd have to check the language too, Bill, but it....again, we're concerned about the definition of rural as a very valid one. It depends on how you define it and of course, we were dealing in that legislation with a particular group of Alaskans rather than where they lived. We were trying to settle aboriginal land claims which included subsistence use.

Navarre: George, the federal definition that there intending to use now is 2500 or below is rural, 7,000 or above in non-rural, absent any others, that I guess, findings, indicate otherwise. And the areas between 2500 and 7,000 are going to be determined based on, I guess, looking at a lot of different criteria and testimony to determine whether or not it fits the rural type of.....

Rogers: What we're talking about when we say rural is a way of life, as well as....I mean we think Robin's done that very

clearly. Talking about his old people who live in an urban, by definition, center for a living what would be considered an rural life style and this is one of the things that we find all over Alaska not just in your constituency. I'd have to re-reexamine that sort of attempt to sort of arbitrarily set the limits. It's a very tough one. I don't like to have just, what is it the census does, just one criteria for cutting it off. They have to, because they deal with statistics, we deal with people. The rural development resources court that Tom mentioned, we tried to factor in size and isolation, but then that, again, precludes your constituency. And it has to be done on the basis of how the resources are used, for what purpose. But, I'm not answering your question.

Mike Navarre

This is Mike Navarre, and they, I guess they have indicated that it's not going to be simply an arbitrary number. What they've indicated is that's what their starting point is going to be, but then they're going to factor in other criteria to try to determine whether or not it truly fits a non-rural or rural designation that they've arbitrarily used at the starting.

Rogers:

When we get the 19...which census is this? .....1990 return's then, I'm going to be very interested in going through all the socio and economic indicators because in the last several decades, in fact every time I live here, every decade, you have to redefine Alaska. I think precisely what we are going to have to be doing here is not just defining rural, but defining what Alaska is. And I do think that those returns are going to be very useful if they use them right.

Hudson:

This is Bill Hudson. It was rather interesting this morning when we listened to the federal managers. The

Federal Fish and Game people. They said that they picked the 2,500 as a figure out of the bureau of census. Their definition of anything over that was urban and then they picked 7,000 on the basis...in the old law Ketchikan was included in the 5 that were not rural, that were urban, considered urban, was Anchorage, Fairbanks, Ketchikan and Juneau and at that time Ketchikan had about 7,000 population, so they choose the census figures as the bottom hand and the 7,000 predicated upon that. So everybody is scrapping for some sort of an arbitrary definition. Which is why I really believe that the legislature is empowered, and should be responsible enough to really try to figure out a definition that, in fact, does what is the proper thing to do. You know that settles this thing to some extent and I think that would even help the future court cases.

Rogers: I think that has to come in the form of a statutory change. Not necessarily a change in the constitution.

Hudson: One of the possibilities, that seems to me, is...both you gentlemen speak of uses rather than user. But then if you do that, it seems to me that you would probably have to license people to make that use. (Several voices talking at once - indiscernible) Special licenses for the use that you might have to set up much more of a bureaucracy than you now have to arrive licensing. Look at the problem that limited entry had to determine with cases. And the courts still have issues about who is and who's not entitled to a permit.

Rogers: And that is true, your honor, and I think that certainly there are other and misuse of economic situations such as indicated on the permanent fund application and other wide-spread literally encompassing, all encompassing, types of things out there. And I know that's something that's

very likely is going to be involved in this, but I don't know any other way out of it. The value of the equal access, if I might just one quick one, the value of the equal access perhaps is maybe just as legitimate today as when it was incorporated originally. If that intent is carried forward. If the original intent is carried forward so that the "intent" of equal access was to make certain that all of Alaskan's had an opportunity to the resources for legitimate development or for, you know, public policy, or public interest development and not necessarily as a curtailment of the other subsistence uses.

Leman:

This is Loren Leman. Mr. Rogers you went through some interesting numbers on demographics, and I don't have the length of your history, I don't recall the mid-thirties, but I do talk to my dad who tells me many of the same stories and I do remember the mid-fifties and I can attest to what you two are representing about subsistence use going on and it just wasn't considered to be a big deal. In fact, in the community where I was raised, people would subsistence fish and typically share the early kings that were caught or reds as one were. And it just became a "thing", you know, you'd share that. That typically was done and set a net in front of a trap and now if you did that, you'd probably get shot. But then it wasn't a big deal, you know. In fact we'd even scoff at the inefficiency that some people would go through in doing it. But things are different now. But one of the things you didn't mention, and I think it's 'cuz you didn't talk about native vs. non-native, but an interesting statistic is that Anchorage is now the largest native community in the state. One of the problems I'm having, and I know Rep. Taylor talked about it, is that the proposal that was presented to us for a vote, the closing days of last session, really didn't provide for accommodating for these people and many of which I think depend on

subsistence. I've been to potlatches here in Anchorage, I don't know exactly how they got it. I don't know if it's subsistence, or commercial, or sport, or poaching or however, but it's certainly a part of their lifestyle. I'd certainly like to make sure that those people, in addition to those native people, those non-native people who really do depend on subsistence may live in Anchorage or other urban areas would have access. But at the same time I'm concerned about opening up and creating 500,000 users who all of a sudden, because if it's available, become subsistence users under a more liberal standard than the sport or recreational type regulations that we have. So, it's a...this issue is complex to me. There's not an easy answer and I appreciate what you're saying and I think of mine as more of a comment than a question. If you have any response to any of those thoughts I'd appreciate it.

Rogers:

This again is something I think that if when we get the 1990 census that we can see what has been happening. There has been an increased urbanization of native population. And the native population, as I indicated, has since WWII expanded very rapidly, almost explosively. And a great deal of that population is, as you indicate, Anchorage is the largest native community in Alaska. Southeast Alaska we have two, in addition to the regional and village corporations we have two urban corporations. These are natives who live in Sitka and Juneau who have, in a sense, asked to be incorporated because they are no longer living the life style of the village. They're living a different lifestyle. However, the traditions are still there as you point out. Potlatches and so on. Where very much is...where those of us European have certain traditions that we observe. On \_\_\_\_\_ (Burnis?) night I wear a kilt for example and that sort of silly thing, but then that's important too. There is, when we're talking about the use

of a resource, when you become urban, you change your lifestyle. You still may have traditions, but your lifestyle, the way you live can change from the way you life when you lived in the villages. And it is something that is very complex. It is something, as I said earlier, that we have to redefine Alaska every ten years. That we're going to be faced with this again. And looking at the native population, how they fit into the scheme of things. That's a very important point to bring out. The people who have traditionally been rural to become urban. Their particular place in the scheme.

Navarre: Representative Taylor.

Taylor: Thank you Mr. Chairman. I am concerned that as we continue to struggle with this problem, that we maintain before us the...what I think is the crucial issue..or the crucial word here, that's "resources". There's only a argument over how many caribou are going to be shot in a given herd while there's still a herd of caribou. If there's no longer a herd of caribou, there's no reason to argue about who's gonna get 'em, 'cuz they're gone. They're destroyed. The way we maintain that herd of caribou or that salmon run into a given stream is what we've felicitously, I think in this state call management, because I think we do a very poor job of managing our resources. And what we really usually do is manage man's activity as a predator on those resources. We don't do anything about the bears or the wolves. They won't let us touch those. They'll let us talk about what man's impact is on the resource, so what we really do is, we don't regulate the resource, we regulate men. How they're going to approach this. It would seem to me that if you have some scientific basis for the management of fish and management of ungulates in Alaska, then it ought to bear some resemblance to a scientific proposition that says we need to

maintain 'x' amount of these critters wondering around so the herd will continue to grow and be sustained. We call that sustained yield. But that's our bottom line. We can't allow any more than that to be taken. And it shouldn't matter at that point. What the use is that man might put to it. Whether it's recreational, livelihood or lifestyle. We can't kill them all off. Some where's above that limit we've got to have...we've got to establish some priorities. And as our populations, as you've indicated George, have been expanding in both our urban and our rural areas, with what appears to be a fluctuating, but somewhat finite game and fish resource. We're ending up with a conflict between...of being...we're being asked as legislators to establish who shall get this resource and have access to it and who shall not. And as you have indicated to do it just on the arbitrary basis of how many people happen to congregate together in a given community, really doesn't have to say anything about their lifestyles, who they are, what use they'll put the resource to. It doesn't say any of those things. And yet if we attempt to come up with another series of definitions, we run into the bureaucratic problem of how in the world do we administer this monster? What if instead we manage the resource and the use made of the resource, as opposed to the individual people who may, at given times, choose to use it. Limit the taking the resource itself. As opposed to limiting the takers, and their ability to do it. One suggestion that had been made, I think Senator Halford made it, was people want to go shoot at caribou on one side of the Brooks Range, let him eat it there. If they can't eat it there, they want to take it someplace else, but we don't allow them to transport it out, then they'll probably not going to fly all the way up there and shoot a caribou for the fun of killing it. If we impose something like that now on the Kenai River, it probably wouldn't work. A whole bunch of people live in that area,

and you could probably have a greater impact on it than what would be healthy for the resource. But it seems to me, that with tunnel vision, say some groups of people living in certain areas shall have unlimited source to the resource. Someplace, whether it's the federal government or us, we've got to manage that resource so's not to kill it off.

Rogers:

Well, I would assume that that was inherent in this thing. That they would not have unlimited use of the resource. It's very much like the North Pacific Fisheries Council trying to regulate the extended fishing zone. You first of all determine what they determine optimum yield. Which is different than the maximum sustained yield. Then you put the total allowable catch, then you divide that out among the catchers. The object being, of course, to Americanize the catching. And very much the same sort of thing here is once you've established in a pseudo-scientific way of what the allowable take shall be, then you set up priorities as to how much will be allocated to each potential user of the resource. And that's when the squeeze comes, of course. And that's where, when we were talking about the constitutional convention and the discussion there the four men that....Delegate Dugan gave us their names for the ones that were constantly pushing for the....giving the priorities to the subsistence use and the commercial use second and the recreational third. That's an allocation format. What...I agree with you, first of all you've got to establish...the resource has got to be managed. The resource has to be sustained. You don't allow anyone just to go in there and arbitrarily destroy the resources simply because they have a prior right established by law. But you start with that.

Taylor:

The state of Washington, Oregon and Idaho, now...between the treaty tribes and the Boldt decision are trying to figure

out what 50% of their fishing resources...now, by the way, it's also a game resource and there's unlimited hunting going on in the state of Washington, of the elk and deer populations at night using the spotlight, the spokes at night\_\_\_\_\_. They attempted to come up with something about, oh, you could take 4 elk to a family. They couldn't figure out how to distribute what a family was. They got into arguments about that, how to make them count how many elk they were killing and so on. So I think we're going to see some population decreases as far as their \_\_\_\_\_ populations down there in the near future. Probably as significant as what they've done with our salmon. But if I got...I believe this is an example of what would fit Alaska very well, we got a very long river system with villages all along that river system that have relied for years and years, throughout history practically, that we know of, on a salmon run returning into that stream and being able to take the food they needed from that stream. Now those populations are growing according to the newspaper article today and according to your testimony based on census records, they're growing and growing significantly. Is the run growing? I don't know. Only my fisheries managers can tell me that and I don't know how many \_\_\_\_\_ (wiers?) they have in there to tell us. Is it growing or declining or whatever? We got to rely on some of the local people to tell us that. My good friend Mr. Hoffman sitting down here is very concerned about the fact that his people don't think they've been getting a very good cut out of the management of that resource in this State. It's just like you indicated historically years ago that a commercial take at the mouth of that stream, seems to be so large that there aren't enough fish that make it up the stream that they get what is fair share. Well, I'm sympathetic to what he's saying there. I'm concerned about that and their livelihood depends on that. How they're going to get by the winter

maybe. The state of Washington, they decide, basically faced with kinda the same problem. Vote decision, we're allowed to take any..a 50% of our fish, we'll decide to take them half way up the river..they find they can't open up a fishing season down there, until "X" number of fish have been caught in a given area. This raises all kinds of havoc on how you're gonna manage the fishery and what you're gonna do with it. I can see very similar problems occurring right here every time we attempt to \_\_\_\_\_ . Not that the people up the river shouldn't get the fish. I don't think anybody in this legislature would deny them that or suggest that they shouldn't have that. Still what do we do with one of the largest industries in the state sitting right of the shore here and they're all sitting there with their hands folded and people out of work because we're waiting for 25 sockeye to make it far enough up the stream so we can say the fishery can now open. Maybe there's another solution. Maybe we we'll require the guy taking the commercial fish out here to certain that they get up. The next year we adjust the time opening and so on. I guess I'm suggesting that we try to work within regions upon specific resource problems with specific uses to which that resource is put as opposed to trying to paint this state with one broad brush. My theory is you paint it with one broad brush, you're going to end up with unique problems of excluding people from this all over this state, which I don't think any of us would like. If we...Will Hensley suggested this a couple three years ago and many people reacted opposed to it, other people thought it was a pretty good idea. I'll throw it out here for your consideration. What about utilizing our regional fish and game boards? By giving them a more expanded role to play other than just being advisory to our Fish and Game Board? So that those regional boards could begin to make allocation decisions at least on subsistence basis. And to determine what is a fair use and a fair

amount of caribou to be taken in a given area. What the fair use of salmon is, and how many should be taken in a given area. Would they not be better located to make those kinds of decisions than me sitting in Juneau trying to tell somebody how many caribou they can shoot on the north side of the Brooks Range? That's my suggestion. I'd like your comments on whether or not we should \_\_\_\_\_ at the same time.

Rogers: I think it's certainly one that we should definitely consider, because otherwise we end up with, as you \_\_\_\_\_ arbitrary definition, arbitrary decision making, which you turn a crank and a decision comes out without any human input.

Navarre: Thank you. Mr. Stewart, you have any comment?

Stewart: No, I just, ...I don't think I have any more to offer to you.

Navarre: I'd like to thank you for participating Mr. Stewart and Mr. Rogers. At this time I want to invite Jim Dugan, who is the delegate to the Constitutional Convention to offer a comment he would like with respect to the historical. \_\_\_\_\_ to adjourn as soon as we are finished here and reconvene at about 1:15.

~~Dugan~~  
Dugan:

Mike had to do this since he's my nephew. I wanted to clear up...I have quite a little to say about this, but I'm only going to attempt to clear up the reason that the Constitutional Convention didn't go into this matter any further than they did. When the Natural Resources Committee and all other committees were, of course, trying to develop their particular part of the constitution, they would hold hearings within the constitutional group themselves

periodically, just to kind of straighten out their thinking and so on. In a preliminary session a couple of....Muktuk Marston, who was the commander of the Eskimo Scouts, made a very eloquent plea, to be sure that his people, the Eskimos, were treated as equal of everybody else. Not equal people, but equal under the policy that we were setting. Truman Endberg, who was the union business agent for the Commercial Fishermen in Dillingham recognized very well, and stated so, that subsistence was a necessity. Anyhow, Bill Egan, as he would do from time to time as the President of the Constitutional Convention, would step....

# STATEWIDE POLL—A CLOSER LOOK AT THE ANCHORAGE AREA

POLICY ANALYSTS, LIMITED CONDUCTED A RANDOM STATEWIDE TELEPHONE SAMPLE OF 608 ADULTS. THE FOLLOWING IS A BREAKDOWN OF POLL NUMBERS IN SIX AREAS OF ANCHORAGE.

## FEDERAL MANAGEMENT VS. STATE MANAGEMENT

If you could choose between letting the federal government continuing management of subsistence on most Alaska land or transferring this responsibility of managing subsistence to the State government—would you choose the federal or State government?

ANCHORAGE FINDINGS		ANCHORAGE BREAKDOWNS					
		Sand Lake	Downtown/ N Midtown/ Mtn. View	East Anchorage	South Anchorage/ Girdwood	Midtown	Eagle River/ Chugiak
Federal	18.0%	17.5%	20.6%	25.6%	12.3%	15.1%	15.2%
State	77.0%	80.1%	75.8%	69.5%	79.3%	78.1%	84.8%
Don't know	4.9%	2.4%	3.6%	4.9%	8.4%	6.8%	

## VOTE OF PEOPLE OR LEGISLATIVE ACTION?

The State of Alaska has been trying to resolve the issue of subsistence for several years. Do you think the subsistence issue should be settled by a vote of the people on a constitutional amendment or by legislative action in Juneau and Washington, D.C.

ANCHORAGE FINDINGS		ANCHORAGE BREAKDOWNS					
		Sand Lake	Downtown/ N Midtown/ Mtn. View	East Anchorage	South Anchorage/ Girdwood	Midtown	Eagle River/ Chugiak
Amendment	74.5%	79.6%	70.7%	76.3%	72.1%	74.0%	77.9%
Legislation	21.1%	18.0%	23.6%	23.7%	20.8%	15.1%	22.1%
Don't know	4.3%	2.4%	5.8%		7.1%	10.9%	

## STATE CONSTITUTIONAL AMENDMENT?

Do you favor or oppose a state constitutional amendment transferring federal control over subsistence to the State of Alaska?

ANCHORAGE FINDINGS	
Favor	73.8%
Oppose	18.9%
Don't know	7.2%

ANCHORAGE BREAKDOWNS						
	Sand Lake	Downtown/ N Midtown/ Mtn View	East Anchorage	South Anchorage/ Girdwood	Midtown	Eagle River/ Chugiak
Favor	80.1%	77.2%	67.3%	74.9%	74.0%	70.3%
Oppose	12.1%	17.4%	27.8%	13.3%	15.8%	29.7%
Don't know	7.8%	5.4%	4.9%	11.84%	10.2%	

## PEOPLE'S CHOICE VS. FEDERAL CONTROL?

Which of the following two approaches would you rather see?

A. A comprehensive constitutional amendment which would place the State of Alaska in complete charge of subsistence and would take effect after a majority of Alaskan voters approved the proposal in a statewide election, or

B. Action by the Alaska Legislature which would have the state and federal governments share control over Alaska's subsistence program, and require additional action in both Washington, D.C. and Juneau?

ANCHORAGE FINDINGS	
A	74.0%
B	20.6%
Don't know	5.3%

ANCHORAGE BREAKDOWNS						
	Sand Lake	Downtown/ N Midtown/ Mtn. View	East Anchorage	South Anchorage/ Girdwood	Midtown	Eagle River/ Chugiak
A	79.6%	76.0%	76.6%	61.4%	80.8%	82.9%
B	20.4%	20.4%	21.9%	25.7%	15.8%	10.3%
Don't know		3.6%	1.5%	12.9%	3.4%	6.8%

## IS THE FEDERAL GOVERNMENT DOING A GOOD JOB?

The federal government currently manages resources, including hunting, fishing, and subsistence, on the 220 million acres it owns in Alaska. How good a job is the federal government doing? Would you say the federal government is doing a very good job, somewhat good job, somewhat poor job, or very poor job of managing its Alaskan land?

ANCHORAGE FINDINGS	
Good	36.2%
Poor	41.3%
Neutral	9.4%
Don't know	13.0%

ANCHORAGE BREAKDOWNS						
	Sand Lake	Downtown/ N Midtown/ Mtn View	East Anchorage	South Anchorage/ Girdwood	Midtown	Eagle River/ Chugiak
Good	37.1%	37.7%	37.6%	34.7%	37.0%	32.3%
Poor	35.2%	44.5%	42.2%	46.0%	22.6%	48.3%
Neutral	20.4%	2.2%	13.0%	5.5%	15.1%	4.2%
Don't know	7.3%	15.6%	7.1%	13.9%	25.3%	15.2%

## SUBSISTENCE

Until December of 1990 (two and one-half years ago), Alaskan law defined subsistence use as providing a priority for rural Alaskans, over urban Alaskans, in the taking of fish and game for personal consumption as food, clothing, fuel, or tools.

Do you favor or oppose amending Alaska's State Constitution to allow a priority for rural Alaskans in the taking of fish and game for subsistence use?

ANCHORAGE FINDINGS	
Favor	55.0%
Oppose	33.1%
Don't know	11.9%

ANCHORAGE BREAKDOWNS						
	Sand Lake	Downtown/ N Midtown/ Mtn View	East Anchorage	South Anchorage/ Girdwood	Midtown	Eagle River/ Chugiak
Favor	49.2%	58.5%	62.4%	47.0%	66.4%	49.8%
Oppose	34.7%	30.7%	28.3%	41.2%	19.2%	39.2%
Don't know	16.1%	10.8%	9.3%	11.8%	14.3%	11.0%

*Wild Biology  
Alaska Outdoor Council  
6/16/92*

Ref: conamdmnt.mss

## CONCERNS WITH A CONSTITUTIONAL AMENDMENT ON SUBSISTENCE

- EQUAL RIGHTS AND COMMON USE -- Equal rights and common use of fish and game protected by the constitution must NOT be compromised. There is no assurance that any proposed constitutional amendment will not compromise those protections.
- RETURN OF STATE MANAGEMENT -- Amending the state Constitution to comply with ANILCA does not return state management authority. It ratifies management by federal rules (ANILCA) enforced by federal courts. State management is not returned until state regulations are enforced through state court proceedings.
- "RURAL", "NATIVE", "NO NET LOSS/RURAL PLUS" priority options -- Any of these discriminatory criteria can be promoted as the basis for a priority if any constitutional amendment is proposed. All are unacceptable and inconsistent with the interests of the majority of Alaskans. Discrimination based on local or rural residency will lead to "Indian country" status--tribal governments in control of regulations and tribal members exempt from state/borough taxation.
- CONSTITUTIONALITY OF GOVERNOR'S SUBSISTENCE BILL -- A constitutional amendment is not needed to "legalize" SB 443/HB 552.
- SUBSISTENCE AND SOVEREIGNTY -- Consistent with their "no net loss" policy, AFN will undoubtedly oppose any ANILCA amendment that does not protect a "community/group based" priority and federal court oversight. Both points are related to their quest for "Indian country" status.
- ANILCA AMENDMENTS before CONSTITUTIONAL CHANGE: A LEVERAGE FOR ANILCA CHANGE -- A constitutional amendment acceptable to the majority of Alaskans will not be acceptable to AFN, nor will it persuade them to support ANILCA changes. A constitutional amendment opposed by AFN but acceptable to the majority of Alaskans MAY encourage our Congressional delegation to support amending ANILCA in spite of AFN objection. Do we have any commitment from them?
- COST/BENEFIT ANALYSIS -- With regard to any proposal that would link constitutional change to ANILCA change: A cost/benefit analysis balancing potential loss of constitutional protection against beneficial changes to ANILCA must be kept foremost in mind. Principles of individual rights and equal protection must never be

sacrificed. Group (community) rights must never supersede individual rights. Group rights and federal court intervention both argue for Indian country status and both must be eliminated through amendment to ANILCA.

- PUBLIC PARTICIPATION -- Unlike the Governor's bill, proposed constitutional amendments and ANILCA amendments circulated by the Governor's office were not developed through broad public participation.
- CHANGING ANILCA -- There is no guarantee that Congress will "fix" ANILCA if Alaska's Constitution is changed. It would be outrageous to compromise Constitutional protection of Alaskans' equal rights and common use of fish and game by amending the Constitution in a future hope of getting ANILCA changed. Nonetheless, ANILCA must be changed to remove the discriminatory rural priority, to remove its inherent arguments for "Indian country", to correct bad resource management provisions, and to eliminate unconstitutional judicial oversight.
- SUBSISTENCE IS NOT "...essentially a native issue" as stated by AFN. If subsistence has a priority over all other uses, then everyone who uses fish and game or their habitats is affected. When a "rural" priority leads to "Indian country", as the 9th Circuit made clear would be the case, then every current or future tax paying citizen is affected.

PROPOSED AMMENDMENT

ARTICLE I; SECTION 24: SUBSISTENCE

THIS CONSTITUTION DOES NOT PROHIBIT THE STATE FROM GRANTING PREFERENCE ON THE BASIS OF LOCATION OF RESIDENCE WITHIN ALASKA REGARDING ALLOCATION OF FISH + GAME + FLORA HARVESTING RIGHTS + PRIVELEGES + RESPONSIBILITIES.

THIS PROPOSED AMMENDMENT IS BASED UPON ARTICLE I; SECTION 23: RESIDENT PREFERENCE

SUBMITTED BY  
WILL HALE  
WILLOW, ALASKA.



*Integrity, Pride in Heritage, Progress*

ALASKA FEDERATION OF NATIVES, INC.

## PRESS RELEASE

FOR IMMEDIATE RELEASE

CONTACT: Jeff Silverman, 274-3611

NR92-17

### STATEWIDE NATIVE COMMUNITY CALLS FOR CONSTITUTIONAL AMENDMENT

More than 500 representatives of the statewide Native community voted unanimously to oppose the current draft of Governor Hickel's subsistence bill Tuesday and demanded a constitutional amendment to preserve subsistence users' priority.

Alaska Natives, who gathered for a two-day Subsistence Summit sponsored by AFN and RurAL CAP, also adopted a comprehensive package of guiding principles and directives on the subsistence issue, including the appointment of a new subsistence steering committee with representatives from all of Alaska's twelve Native regions. The new committee will present a unified Native voice in dealing with the state and federal governments, using the newly adopted principles as a guide.

Village leaders attending the Summit have sent a clear message that the Native community is unwilling to take any more losses on the subsistence issue. A "No Net Loss" addendum to the guiding principles outlines in detail the protections that presently exist for subsistence users.

Following is the package of principles adopted at the Summit and the "No Net Loss" addendum.



Official Business

# Alaska State Legislature

## Alaska Legislature

Pouch V  
State Capitol  
Juneau, Alaska 99811

### NEWS RELEASE

FOR IMMEDIATE RELEASE  
May 6, 1992

Contact: Sandra Borbridge  
465-3732

#### BUSH CAUCUS INTRODUCES SOLUTION TO SUBSISTENCE CRISIS

JUNEAU--Legislation today was introduced in both houses of the legislature by the members of the Bush caucus addressing Alaska's subsistence crisis. The bills propose an amendment to Alaska's constitution, comply with the Alaska National Interest Lands Claim Act (ANILCA), regain state management of fish and game resources and create a subsistence board to set subsistence regulations and policies.

"Alaskans are becoming increasingly polarized by the subsistence issue," said Sen. Al Adams, D-Kotzebue. "It's time to face the fact that the only way for Alaska to regain management of its resources on federal lands is a constitutional amendment permitting statutory protection of subsistence hunting and fishing. Otherwise, the impasse will continue."

Under the Senate-House plan, there would be a new subsistence board appointed by the Governor from a list of three names submitted by each of the 12 regional councils. The board would determine which areas of the state are rural, which fish and game populations are subject to subsistence uses, how much may be harvested, which stocks and populations are appropriate for urban subsistence uses and set other regulations pertinent to subsistence resources.

"This legislation responds to concerns raised by people in my district as well as the AFN Subsistence Summit," said Rep. Georgianna Lincoln, co-chair of the Bush caucus. "It has always been our feeling that we cannot adequately address a single management system without a constitutional amendment."

Unlike the subsistence plan submitted to the legislature by the Hickel

MORE-

administration, the plan introduced by lawmakers does not require amending the Alaska National Interest Lands Claim Act. It provides subsistence uses by rural and urban residents, allowing all eligible users to participate near their residences. The Hickel plan provides for subsistence uses by rural and urban residents, but does not allow urban residents to participate near their residences.

"I think everyone agrees that subsistence users need guaranteed protection," said Sen. Lyman Hoffman, co-chair of the Bush caucus. "This subsistence legislation is the most direct way of accomplishing that, as well as eliminating the confusion caused by the dual management system we now have. If you are in favor of protecting subsistence and states' rights, then this bill is for you. The bottom line is that subsistence must be protected."

The plan by Bush lawmakers includes all fish stocks and game populations which have been customarily and traditionally used for subsistence. The Hickel plan eliminates those fish stocks and game populations which have been customarily and traditionally used in urban areas.

The plan introduced today protects subsistence use by requiring that regulations be consistent with customary and traditional patterns in ways which cause the least adverse impact on subsistence users. The plan requires the boards to provide for subsistence uses when harvestable surpluses exist.

The Hickel plan provides wide discretion to the boards to regulate subsistence uses in ways which may not reflect customary and traditional patterns. It also provides wide discretion to the boards to decide when to find that harvestable surpluses exist and, therefore, when to provide for subsistence uses.

A new subsistence board ensures more attention to subsistence and reduces the impact from competing uses. It also ensures provides greater authority and more direction to local users through regional councils.

The Hickel plan maintains the existing board system, which places subsistence uses in competition with other uses.

The plan by lawmakers is endorsed by the Alaska Federation of Natives representing more than 200 communities in Alaska. In addition, Commonwealth North, the public policy think tank created in part by Gov. Hickel, has endorsed the concept of a state constitutional amendment. The Anchorage Chamber of Commerce voted in support of the Commonwealth North resolution approving a constitutional amendment.

# The Anchorage Times

"Putting Alaska first"

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## TIME FOR DECISIONS

### Floundering on subsistence

**S**UBSISTENCE HASN'T been making the headlines in recent weeks, but that doesn't mean it has fallen off the list of urgent priorities facing Alaska. If anything, the urgency for action increases substantially with each passing day.

Time is running out for the Alaska Legislature to take action. Time is drawing near for the permanent federal regulation of fish and game management.

Federal fish and game managers, councils, regulations and restrictions are about to permanently replace the state's management policies — not only within the 60 percent of the state that is federal land, but possibly reaching onto state and private lands as well. Lawsuits now pending in federal courts challenge the state's authority to manage fish, especially migrating salmon, on any Alaska waterway.

The special lifestyle considerations afforded Alaskans under unique federal land management laws are going to be challenged more and more as federal managers rule the domain. Prohibitions on hunting, as well as restrictions on commercial and subsistence fishing, won't be far off. The potential consequences are devastating for commercial, sport and subsistence users of Alaska's fish and game resources.

**THE SOLUTION** to the subsistence dilemma can be as simple or as complicated as Alaskans want to make it. Following the Alaska Supreme Court ruling two years ago that threw out the state's subsistence preference law as being unconstitutional, the cleanest solution that presented itself was to amend the Alaska Constitution.

Alaskans were denied the opportunity to vote on that option because some members of the Legislature and other state leaders believed there would be a better way — one that involved compromise among all affected parties. That plan entails a new set of subsistence regulations and potential changes to both the state constitution and federal law — possible only if there exists a consensus among the different Alaska interests.

A few weeks ago, following completion of many months of work by the governor's subsistence advisory council, there was reason for optimism that such an alternative was possible. However, as the plan undergoes public

scrutiny, its shortcomings draw more attention than the merits of the process that produced it.

Today, the two sides of the debate that had come together under the governor's guidance in a fragile truce to work things out appear to be retrenching into their former positions.

**GOV. HICKEL** deserves much credit for pushing the process along for the alternative solution. But as the time runs shorter, and the laudable goal of compromise remains no closer, perhaps Alaskans best begin considering the original option for resolving the issue.

The Alaska Federation of Natives is holding a subsistence summit in Anchorage Monday and Tuesday to assess the current situation and make its recommendation. The governor should listen closely. Legislators, already burdened with a fiscal crisis and an election year, must contemplate the consequences of their action — or inaction — on subsistence this session.

As each day passes, it appears more and more obvious that the best action may be to involve the whole state in the decision-making process, to ask Alaskans what they want to do. The best way to accomplish this would be to propose a constitutional amendment, put it on the ballot and let the people decide.

## SPEAKING OUT



Norris



Brown



Johnson

**Q: Should there be a constitutional amendment to provide subsistence preference for rural residents?**

• "I definitely think so, because I'm an Alaskan. I live here."

—Robert Norris, Girdwood

• "Yes. They're out there living off the land. They're out there in the bush and they've got to live. It's not like they can go to restaurants or Safeway stores."

—Tyrone Brown, Anchorage

• "That's a tough one. It's an urban/rural question. But, yes, I do think so. People choose a rural lifestyle and subsistence is part of it."

—Nancy Johnson, Anchorage



MAY -1 REC'D

April 29, 1992

The Honorable Georgianna Lincoln  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Rep. Lincoln:

Commonwealth North is deeply concerned about the issue of subsistence and the divisions it creates among the people of Alaska. We have engaged in substantial discussion and debate on the issue and strongly conclude that this issue must be resolved with all due haste. To this end, the Board of Directors, acting as a representative body of the membership of Commonwealth North, passed the enclosed resolution.

We urge you, and all your fellow legislators, to do all in your power to effect the necessary compromises and take the actions outlined in the resolution this year.

Sincerely,

Richard F. Barnes  
President

Enclosure

*Founding Co-Chairmen Governor Walter J. Hickel and the late Governor William A. Egan  
Richard F. Barnes, President • Judith M. Brady, Vice President • Dr. Lee Gorsuch, Vice President  
Jeff Lowenfels, Vice President • Susan Ruddy, Secretary • Michael E. Stone, Treasurer • Bill Allen • Robert B. Atwood  
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Marc Langland • Loren H. Lounsbury • Stephen McAlpine • Bill McHugh • Governor Bill Sheffield  
William J. Tobin • Dr. F. Thomas Trotter • Robert M. Walp*

A COMMONWEALTH NORTH RESOLUTION  
ON  
THE ISSUE OF SUBSISTENCE

WHEREAS, the state of Alaska needs to regain unitary management authority over fish and game resources from the Federal Government and the citizens of Alaska need to develop a consensus on the issue of access to fish and game resources for subsistence purposes; and

WHEREAS, the Governor and the Subsistence Advisory Council, along with other groups in the State, have worked diligently to address the unique issues faced by Alaska regarding access to resources for subsistence; and

WHEREAS, the Alaska Legislature has before it numerous proposals which seek to resolve the issues surrounding subsistence;

BE IT RESOLVED, that Commonwealth North strongly supports the efforts of the Governor, his Council and others who are addressing the subsistence issue and commends all those who have undertaken the effort to resolve the subsistence problems facing the State.

BE IT FURTHER RESOLVED, that the Alaska State Legislature take immediate steps to ensure passage during this session of:

1. A Constitutional Amendment to go before the voters which designates subsistence as the priority use of Alaska's fish and game resources, and which specifically confers on the Legislature the necessary authority to grant a preference to and among Alaska residents in the taking of fish and game for subsistence use based upon criteria such as customary and traditional use, direct dependence, local residence, availability of alternative resources, or some combination thereof; and

2. An appropriate subsistence bill to implement the Constitutional Amendment which contains the intent expressed by HB 552 and SB 443, in order to protect all Alaskans whose survival depends most directly on the continued harvest of fish and game resources; and

3. Whatever actions are necessary to ensure unitary state management of all fish and game resources, upon adoption of the above described Constitutional Amendment and State statute.

BE IT FURTHER RESOLVED, that Commonwealth North takes this action with the goal of creating unity among Alaskans, so we can channel all of our efforts towards the development of a productive future, unencumbered by regional or ethnic division.

May 5, 1992

To: The Honorable Governor Walter J. Hickel & Members of the  
Alaska State Legislature  
From: The Anchorage Chamber of Commerce  
Re: The Issue of Subsistence

**Anchorage Chamber of Commerce  
Support For Commonwealth North Resolution  
On The Issue of Subsistence**

During the Anchorage Chamber of Commerce board meeting of May 1, 1992, after review of the Commonwealth North resolution and discussion the board voted to support the resolution on the issue of subsistence recently passed by Commonwealth North.

The board views subsistence as an issue vitally important to all Alaskans. The Subsistence issue has the potential to divide Alaskans. The Chamber feels an equitable and speedy resolution of the issue is in the best interest of all Alaskans.

The Chamber feels the steps outlined in the Commonwealth North resolution are appropriate and should be acted upon.

HAR

12



FISCAL NOTE

BILL NO. HR 12

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

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

Title: "Relating to inhalant abuse."

Sponsor: House HESS

Requestor: Office of the Governor

Department Affected: Department of Law

BRU: Prosecution, Legal Services

Component: Criminal Justice Litigation, Operations

COMPONENT SERIAL 

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

and 9 3

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director  
Division: Administrative Services

Phone: 465-3672  
Date: May 5, 1992

Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Date: May 5, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HR 12

House Resolution No. 12 requests the governor to direct the Department of Law and the Alaska Division of Alcoholism and Drug Abuse to work with most of the private not-for-profit organizations concerned with drug abuse to determine the appropriate means of model legislation that would promote awareness and prevention of inhalant abuse, provide intervention by enforcement officials, and facilitate placement of a minor in an appropriate facility for education and treatment. The Department of Law can provide legislation drafting assistance from its existing staff without additional cost. The department cannot, however, provide for any travel costs due to current and projected budget restraints. Therefore any communications between the various organizations to be involved in this effort must be accomplished as inexpensively as possible.



Official Business

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

**Kevin "Pat" Parnell**

University - Midtown, District 10

(907) 465-2647

State Capitol, Rm. 128

Juneau, AK 99801-1182

TO: Representative Dave Donley, Chair  
House Judiciary Committee

FROM: Rep. Kevin "Pat" Parnell *PK*

DATE: April 29, 1992

RE: Scheduling for House Resolution 12

I would greatly appreciate your scheduling HR 12, relating to inhalant abuse. Inhalant abuse is fast becoming a dangerous problem in Alaska, with the current trend running to minors abusing toxic vapors four times the national average.

This Resolution would ask that the Governor to direct the Alaska division of alcoholism and drug abuse and the Department of Law to work with the Alaska Medical Association, the Alaska for Drug-Free Youth, the regional health corporations, the Substance Abuse Directors Association, the Alaska Council on the Prevention of Alcohol and Drug Abuse, and the Association of Rural Alcohol and Drug Abuse Providers to determine the most appropriate means of model legislation.

I thank you for your consideration of my request.



Official Business

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

**Kevin "Pat" Parnell**

University - Midtown, District 10

(907) 465-2647  
State Capitol, Rm. 128  
Juneau, AK 99801-1182

## SPONSOR STATEMENT for HR 12

I have asked the House Health, Education, and Social Services Committee to introduce HR 12, relating to inhalant abuse, because of the increasing need for action in the area of inhalants, and continuing abuse thereof.

When people think about inhaling a toxic vapor, there is a need to understand the dangers of this action. Recently a 12-year-old boy in Nome died from sniffing gasoline with his two friends. This was followed by three men, who died sniffing laughing gas in Los Angeles, California.

Inhaling toxic vapors is an ever-increasing problem in the United States. It is more prevalent in Alaska. According to the Alaska Council on the Prevention of Alcohol and Drug Abuse, Alaska abuse rate is almost four times the national average in children who have used inhalants.

HR 12 addresses the need for model legislation regarding the act of inhaling toxic vapors, because most toxic vapors used are legal. The resolution urges various groups around the state to pool their ideas together to form legislation that would help fight the current trend of inhalant abuse.



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

**Kevin "Pat" Parnell**

University - Midtown, District 10

(907) 465-2647

State Capitol, Rm. 128

Juneau, AK 99801-1182

### LIST MATERIALS FOR HR 12

1. Sponsor Statement.
2. News Articles:
  - a. Anchorage Times, "Inhalant abuse on the rise," by Pamela Stock, (Jan. 25, 1992).
  - b. Anchorage Daily News, "A Death in Nome: And a call to action," Editorial, (Feb. 24, 1992).
  - c. Anchorage Daily News, "Boy dies after sniffing gas," Police Report, (Feb. 22, 1992).
  - d. Juneau Empire, "Team up, beat inhalant abuse," by Margaret Thomas, (March 1992).
  - e. Anchorage Times, "3 men found dead from laughing gas," Nation Section, (March 7, 1992).
  - f. Tundra Drums, "Youth found dead near open gasoline container," author unknown, (August 18, 1988).
  - g. Tundra Drums, "Doy dies at party," author unknown, (July 18, 1988).
5. Prevention Express, List of Inhalants and what products they are in.
6. All About Sniffing, by the "Do It Now Foundation."
7. Testimony given in the (H) HESS committee by Sara Gray, Student Assistance Counselor, Ronalda Cadiante, Assistant Principal at Marie Drake Middle School, April 7, 1992.

Testimony on House Bill 499  
April 7, 1992

Sara Gray, Student Assistance Counselor,  
Ronalda Cadiente, Assistant Principal/Counselor  
Marie Drake Middle School

We support House Bill No. 499 because we believe that it will strengthen our effort in working with youth in regard to alcohol and drug prevention. Most Elementary and Middle School children respect the law. We believe the fact there is no current legal ramifications to using inhalants minimizes their danger in the children's mind. This bill would provide a clear message to children that to use inhalants as a mind altering substance will result in serious consequences.

This bill also sends a message that we, as adults, have the responsibility of protecting our youth. Toxic vapors are quickly addicting and so severely damaging to users, that prevention must be our first goal. This bill represents a prevention approach which is even more critical when we realize treatment is lengthy, costly, and generally ineffective.

We must also be cognizant of the fact that since most products used are readily available. It would be impossible to prohibit access to the numerous substances. This makes prevention efforts the most effective tool to rely upon.

Marie Drake Middle School has a population of 510 students. During this year alone we have worked with 12 students who have been identified as inhalant users. These students have identified others in their peer group who have participated with them in using inhalants. We do not have the means to project actual numbers, however, a local treatment provider conducted a personal survey of seven adolescents from our school who are in recovery. These students reported approximately 75 students at Marie Drake Middle School along have abused inhalants. One of them had conducted a private list and personally knew of 54 classmates who had abused inhalants. Some of the substances used included rubbing alcohol, peroxide, nail polish and remover, glue, spray paint (black only), diesel gas, markers for white boards, burned weeds (of any kind), rubber cement, scotch guard, Pam kitchen spray, aerosol whipping cream, paint thinner, and aerosol hair spray.

We would like to share with you how inhalant users impact our school by providing a profile these students. Inhalant use crosses all socio-economic, gender, and racial boundaries. We have had opportunity to observe similarities in behavior among students who we know have used Inhalants. These students display a wandering behavior which includes skipping class and roaming the school halls. This, of course impacts their academic performance. These students demonstrate low performance in the classroom and exhibit little or no motivation. In more extreme cases, the student begins skipping school entirely and running away from home. High absenteeism, and lack of academic performance prevails. Emotionally, these students experience mood swings, depression, defiance, and ambivalence. While we are frustrated in searching for solutions, we are also sympathetic with parents who are unable to carry any parental role with their child. These children do not respond to persons in a role of authority. Unfortunately, the only way these students eventually receive assistance, is by committing a criminal offense and become part of the social services system. We have witnessed this time and time again.

We support this bill as a bill which recognizes the real and present danger which attracts a growing number of users among our youth.

## ALCOHOL HIDDEN INGREDIENT IN NUMBER OF MEDICINES

She was prim and proper ... a real lady, polite and soft spoken. Her clothes weren't expensive, but she was neat and fashionable for a woman in her sixties.

The check-out clerk in the supermarket bagged her groceries, helped her out the door and turned to me with a bemused smile. "That's the second bottle of NyQuil this week," she said. "She's been buying the stuff like it's going out of style. Could her cold really last for four months?"

While it's entirely possible that this sweet, silver-haired lady had a persistent evening cough, it could also be that she was using this over-the-counter cold remedy as a nightcap.

NyQuil contains 25% alcohol (equal to 50 proof) combined with cough suppressant, decongestant, pain reliever and the antihistamine doxylamine. A nip of NyQuil could become a habit for some folks who, like our supermarket shopper, would probably never dream of drinking liquor.

Around the turn of the century, a lot of strait-laced ladies' relied on Lydia E. Pinkham's Vegetable Compound, which was widely promoted for "women's problems." Many of these women disapproved quite strongly of drinking and would have been shocked to realize that their favorite tonic was stronger than wine.

Just last week, we learned of a foreman who sipped Listerine throughout the day. No doubt he would have been fired had he guzzled beer or whiskey so openly, but his boss was unaware the mouthwash was more than 25% alcohol.

Many popular liquid medications do contain substantial amounts of alcohol. Comtrex Liquid, for example, is 20% alcohol, nearly as much as NyQuil.

While this may not be dangerous in itself, if people take the cold remedy at the recommended dose for a limited time, it can pose a problem for those who must take prescription medicines that don't mix well with alcohol. They should beware of cough syrups such as terpin hydrate elixir (more than 80 proof) as well as cold remedies, including Contac Severe Cold Formula and Dristan Ultra Colds Formula. Liquid iron or amin formulas also may contain alcohol.

(Continued on back page)

## INHALANT UPDATE

National surveys show inhalant use ranks third behind alcohol and marijuana. The most effective way to fight solvent use is through prevention and education efforts. When inhaled, most commonly abused vaporous substances act as central nervous system depressants. They disturb vision, impair judgment and reduce muscle control. Inhalant use can cause permanent brain damage and even death. Here's a list of products that young people might sniff. This information is provided to heighten awareness of the potential for abuse of these common and easily obtainable products. Please use this information discreetly and appropriately.

### ADDITIVES

gasoline additives

### ADHESIVES

building supply adhesives

false eyelash adhesives

fingernail adhesives

PCV pipe adhesives

### AGENTS

engine drying agents

### CEMENTS

household cement

model cement (glue)

### CLEANERS

auto body cleaners

car engine cleaners

electronic equipment cleaners

gun cleaning solvent

window cleaner

### COATINGS

aerosol leather coatings

frying pan/pot coatings

### DE-ICERS

windshield de-icers

### FLUIDS

brake fluid

charcoal starter fluid

fire extinguisher fluid

lighter fluid

power steering fluid

printer fluid

transmission fluid

### FUELS

lantern fuel

stove fuel

### GASOLINE

### HARDENERS

fingernail hardener

### MARKERS

felt tip markers

dry erase marker

### OCTANE BOOSTERS

### PAINTS

aerosol paint

lacquer paint

liquid paint

### PENS

fast-drying pens

### POLISH

fingernail polish

shoe polish

### PRODUCTS

fiberglass refinishing products

photographic chemical products

resin products

shoe shine products

water proofing products

### PROPELLANT GASES

fluorocarbons

hydrocarbons

### REMOVERS

asphalt remover

fingernail polish remover

paint remover

stain remover

tar remover

### SEALANT

tire sealant

### STRIPPERS

paint strippers

varnish strippers

### SUPPLIES

air supplies

household cleaning supplies

furniture refinishing supplies

### THINNERS

paint thinner

### VARNISH

furniture varnish

wood varnish

Reported to Alcohol and Drug Abuse Pulse Beats,  
August 1988, by Parents in Action in Nebraska.



Rec'd  
3/18/92



(Above) First National Bank Vice President, Todd West, presents "Team Up!..." basketball to Floyd Dryden Middle School student.



(Right) Press conference held at East High School officially kicks off awareness campaign.

## "Team Up! Beat Sniffing!"

Alaska Council urges all Alaskans to "team up" against inhalant abuse by supporting awareness campaign

of students who had used inhalants or knew of someone now using," Jeanne Fischer, assistant principal at East High School said. Fischer believes the positive manner in which the campaign is being presented encourages students to come forth and share much more effectively than "scare tactics" that are often used in connection with other drug campaigns.

Alaskan youth are facing dangerous times right now with inhalant abuse be-

(Continued on Page 6)

**D**uring the past two months, 12 to 18 year old youth who live in Fairbanks, Gambell, Valdez, Napakiak and hundreds of other Alaskan communities began receiving urgent information about inhalant abuse through the Alaska Council's "Team Up! Beat Sniffing!" campaign. The drug awareness campaign was officially kicked off in Anchorage and is now moving with full force through 318 schools in the state.

"Team Up! Beat Sniffing!" was unveiled on January 24 before students, teachers and media representatives at a press conference held at East High School

in Anchorage. Alaska Council staff members explained the purpose of the state-wide campaign and cautioned students about the dangers of sniffing harmful fumes from a variety of commercial products ranging from fuels to non-stick fry pan coatings. Participants were challenged to join the team to "beat sniffing" not only in Anchorage, but in all regions of the state. On February 3, a similar presentation was held at Floyd Dryden Middle School in Juneau where Bette O' Moor, the Alaska Council's Executive Director, warned 150 students about the health risks of inhalant abuse.

"We were astounded at the number

### What's Inside?

Drug Information	2
Library Resources	8
Legislative Information	10
Visual Views	12
Coming Events	15

(Continued from Page 1)



**"We were astounded at the number of students who had used inhalants or knew of someone now using,"**

**Jeanne Fischer,  
Assistant Principal  
East High School!  
Anchorage**

*(Left) Executive Director, Bette O'Moor, is interviewed by KIMO-TV, Anchorage. (Center) Members of East High School's Native Culture Club basketball team are honored at the campaign kick-off. (Below) Campaign posters and basketballs now being sent to schools.*

coming the fastest growing drug problem in the state. In fact, the percentage of junior high and high school students in Alaska who have used inhalants is reported to be higher than that of teenage users nationwide. This is why the Alaska Council is determined to reach as many youth as possible with their message.

*"Team Up! Beat Sniffing!"* attempts to refocus attention on the growing problem and to raise public awareness that inhalant abuse is a total community issue requiring cooperation and commitment from many to address it successfully. Parents, educators, community health organizations and especially youth-at-risk are being asked to join in a comprehensive effort to prevent future abuse from occurring.

The campaign has the potential to reach hundreds of Alaskans and Alaskan families. Beyond a simple lecture approach, it creatively involves youth by linking its prevention message to a healthy activity enjoyed by many—basketball. Posters featuring East High School's Native Culture Club basketball team are being distributed to schools along with purple-and-white basketballs imprinted with the *"Team Up! Beat Sniffing!"* slogan. In addition, a variety of resources for adults are blanketing the state including informational brochures, fact sheets, inhalant abuse research papers, nationwide studies and more.



Funding for the basketballs and their distribution to schools comes from First National Bank of Anchorage and MarkAir Inc. To lend further support, First National Bank has asked several of their Branch Vice Presidents to coordinate presentations of the *"Team Up! Beat Sniffing!"* campaign in schools where branches are located.

"The campaign is really raising the awareness level among students and educators," East High's Jeanne Fischer said. "We were surprised at the kind of information it brought out."

To learn more about the campaign and preventing inhalant abuse in Alaska, contact the Alaska Council at 257-9330.



...the side prod. something called *tolerance*.  
This means a sniffer has to keep using larger and  
larger amounts to achieve the same effects. This  
increases the poisonous effects of sniffing—and  
causes damage to the body.

And there's always the danger of overdose. In fact,  
overdose is one of the most serious dangers of

---

Sniffing can cause both kinds of  
overdose: *big ones and little ones.*

---

...because it happens so quickly, without  
warning. It isn't like most other kinds of drug  
overdose, which can happen a little bit at a time. An  
instant overdose happens all at once, then stays  
away.

---

### Reasons Why (& Why Not)

If sniffing is so bad, how come so many kids do it?  
Well, there are a couple of main reasons.

Some people don't know any better. They might think  
just because the tubes and cans that inhalants  
come in are legal that sniffing must not be too big a

They're wrong. Sniffing can be dangerous for all the  
reasons we've talked about and because it's habit-  
forming. That means that people who start out  
just for fun keep on sniffing because they don't  
know how to have fun without it.

...it to be cool. They might start sniffing  
just for fun because they think it  
is something so  
— and cool.

...think that getting messed up on chemicals  
is just what they're adults or something. But it  
just proves that they're as messed up as  
messed-up adults.

...wants to be one of those?

### Choosing Now

Still, no matter how many reasons people have for  
sniffing, there's one good reason for not sniffing and  
it's this: Sniffing messes people up.

That's why we recommend that you think about all of  
the things we've talked about in this pamphlet and  
choose now about sniffing. Your decision whether to  
sniff or not is too important to just stumble into or to  
let your friends make for you.

And when you choose about sniffing, why not choose  
not to use?

There are just too many good smells in the world. Why  
waste them?

### All About

# Sniffing



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*A Special Report for Young People*

---

This is one in a series of publications on substance abuse  
and health from Do It Now Foundation. Please write or call  
for a complete list of available titles.

**din**  
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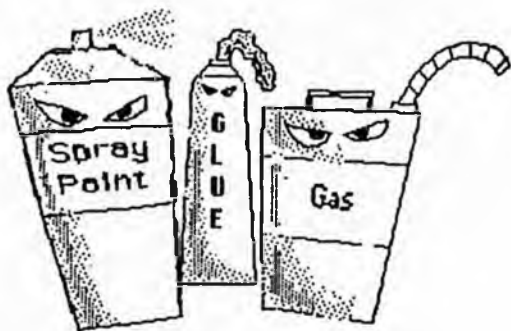
## Good Smells & Bad Smells

There are a lot of things to smell in the world.

There's the smell of cut grass in the park or popcorn at the movies. There's the smell of a brand-new book on the first day of school or the smell of rain on a hot summer day. Those are all good smells.

There are other smells, too, and not all of them are as nice.

One of those not-nice things are chemicals, called **Inhalants**. They're called inhalants because they



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**Gunk Patrol:** Inhalants are more alike than different—especially in the problems they can cause.

---

can be inhaled (or sniffed) into the lungs, where they produce weird effects—like drugs and alcohol.

That's what this pamphlet is all about. In it, we'll talk about how inhalants work—and why they're *not* something to sniff at.

In fact, in this whole world of good smells and bad smells, inhalants can be one of the worst smells of all.

## Introducing Inhalants

So what are inhalants?

Basically, they're a lot of *different* things that work alike, more or less.

For the record, though, inhalants fall into three main groups. These are:

- Solvents
- Aerosols
- Nitrites and nitrous oxide

The **solvents** group includes everyday things like glue and gasoline, paint and paint thinner, and typewriter correction fluid.

**Aerosols** include other everyday-but-dangerous things that come in spray cans, such as hairsprays and deodorants, cooking oils, and spray paint.

The **nitrites** group includes non-everyday chemicals like *butyl nitrite* (sometimes sold legally as "liquid incense" or "room deodorizer") and a gas called *nitrous oxide*.

Even though the chemicals used as inhalants are made for a lot of different reasons, one purpose that none is intended for is being sniffed inside people's noses. But lots of people—especially younger people—put them there, anyway.

And that's where the trouble starts.

## Facts & Effects

All inhalants are pretty much the same in the way they work. Each changes the way the brain works by slowing the flow of oxygen and replacing it with the chemical that's sniffed.

The other effects of inhalants are alike, too. A person may feel drunk, numb, and dizzy all at the same time, just from breathing the fumes (usually from a rag or from a paper or plastic bag) of a particular chemical.

And if that sounds like fun, you have to remember that inhalants are also alike in another important way: They cause problems for people.

Here's how it happens:

When they're sniffed, inhalants usually go to work in a matter of seconds, as they pass from the outside world into the lungs and bloodstream.

From there, they're rushed to the brain and heart, kidneys and liver, where they affect the way the



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**Monsters to Go:** Sniffing can cause all kinds of problems—from hallucinations to heart attacks.

---

body's vital organs do their work. That's where the real problems start.

What sort of problems? *Both kinds of problems:* big ones and little ones.

## The Problem Parade

Examples of little problems include slowed reflexes, double vision, and ringing in the ears. Inhalants can also cause *delusions* (which means believing things that aren't true) and *hallucinations*, which means seeing or hearing things that aren't really there.

Then there are bigger problems.

For starters, there's always the risk of long-term damage to the kidneys, brain, and liver. These organs usually don't like the toxic (or poisonous) effects of inhalants—and don't mind letting the rest of the body know about it.

82/5  
5/6  
VA

### Breakdown of chemical inhalant use

(8th-12th grade sampling)

▶ Gasoline	28.4%
▶ Glue	22.6%
▶ Removers (paint, polish, etc.)	17.5%
▶ Sprays (paint, etc.)	17.1%
▶ Polish (shoe, fingernail, etc.)	6.6%
▶ Other	7.8%

# Inhalant abuse on the rise

By PAMELA STOCK

X 1,25-92

TIMES WRITER

East Anchorage High School student Jazyk Sharpe saw lots of kids with their noses pressed to gasoline tanks when he lived in Kotzebue. James Young saw fellow students sniffing typewriter correction fluid and getting high off the fumes of felt-tipped pens in class.

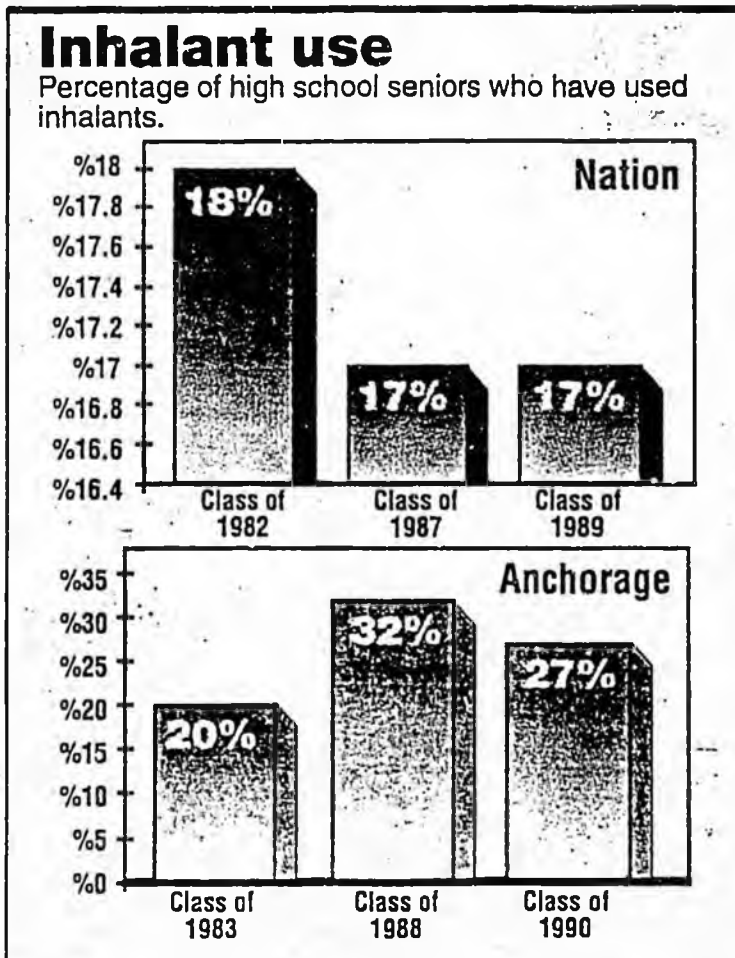
"You see it all the time, once they start doin' it, they keep at it all through class," said Young, 16, a member of the East Anchorage High School Native Culture Club basketball team.

The basketball team, featured in an anti-sniffing poster, and about 80 students of the school's Elitnaurvik Within East program participated Friday morning in the unveiling of a new campaign to increase awareness about the dangers of inhalant abuse.

"Our main message to you is not to start," said Bette O'Moor, executive director of the Alaska Council on the Prevention of Alcohol and Drug Abuse, at the East High School library.

The numbers of youths and adults sniffing glue, ink, paint, gasoline, hair spray and other household products is increasing more than the number of people snorting cocaine, smoking crack

See Sniff, back page



SOURCE: Anchorage School District/Alaska Council for the Prevention of Drug Abuse



Times photos by RUSS KENDALL

Members of the Alaska Council on the Prevention of Alcohol and Drug Abuse speak to East High students about the dangers of inhalants.

# Sniff

Continued from page A1

or using other drugs, O'Moor said. Inhalant abuse is increasing in both rural and urban areas.

"The products are cheap, easy to get and legal," said Sheryl Snyder, public information assistant for the council.

But the fast high that comes with the whiffs can be deadly.

"It's a drug that can kill you the first time," Snyder said.

O'Moor recited a litany of inhalant-related deaths.

"The body of a 14-year-old boy was found a week after he was last seen with his nose pressed to the gasoline tank; two teens died in a village near Bethel; a 3-year-old child ... suffered permanent brain damage," she said.

Sniffing inhalants leads to dizziness and blurred vision and kills brain cells. It is difficult to tell how many deaths have resulted from sniffing fumes because there is no formal tracking procedure of inhalant-related deaths, she said.

Inhalants are addictive and users often start at a young age and continue through adulthood, O'Moor said. Like other addictive

'The body of a 14-year-old boy was found a week after he was last seen with his nose pressed to the gasoline tank; two teens died in a village near Bethel; a 3-year-old child ... suffered permanent brain damage.'

— Bette O'Moor

Alaska Council on the Prevention of Alcohol and Drug Abuse

drugs, inhalants are considered "gateway drugs" that can lead to other drug abuses.

About a third of the students meeting at the East High library Friday morning said they knew people who had sniffed.

"Maybe they start by accident," said Sharpe, 18, who said he saw preteen-age children sniffing inhalants in the villages around Kotzebue.

He said he inhaled the fumes of gasoline when he was filling the gas tank in his three-wheeler, but he did not get high or hooked.

"All I got was a headache," he said.



Bette O'Moor, executive director of the Alaska Council on the Prevention of Alcohol and Drug Abuse, speaks at the East Anchorage High School library on Friday.

# A death in Nome

## *And a call to action*

It was just a small story in Saturday's paper, a police report out of Nome about a boy who died after sniffing gasoline. It took only six sentences, and it was easy to miss, just like it's easy to dismiss sniffing gasoline and glue and spray paint. After all, we never hear about them in the war on drugs. How much of a problem can they be?

Here is the story behind the story:

The Nome boy who died was 12 years old. (Solvent abuse has been seen in children as young as 5.)

The boy had been with two friends, 11 and 14 years old. (A quarter of school-age Alaskans say they abuse inhalants. That's nearly four times the national average. And the Alaska Council on Prevention of Alcohol and Drug Abuse believes the number is even higher, according to feedback it's gotten from a brochure it recently distributed to schools across the state.)

The youngsters had been sniffing gasoline from a portable can. (Gasoline is the inhalant of choice in much of rural Alaska. Used for snowmachines and four-wheelers, it is cheap and available.)

Rescuers found the 12-year-old unconscious and were unable to revive him. (Sniffing gasoline can result in instant death, on the first or 10th or 100th time a person inhales the fumes. The heart simply stops beating. And it can kill its victims in other ways. They can die after choking on their vomit or passing out on a frigid night or lighting a cigarette while soaked with gasoline.)

The other two boys lived. (But inhaling gasoline and other solvents can impair thinking and memory, causing irritable and confused behavior. It can permanently damage the brain, the lungs, the liver and the kidney.)

Sniffing gasoline has a lot in common with abusing alcohol. People do it out of boredom or frustration or because they feel inferior or because their friends do it. And, like abusing alcohol, sniffing gasoline carries a high price.

Only sniffing gasoline, more than any other drug, is the escape of the poor and the powerless. Here in Alaska, it's the drug of the young. And it deserves our attention.

#3

POLICE REPORT ADN 2/22/92

**Boy dies after sniffing gas**

NOME — Authorities said a 12-year-old boy was dead after he and two companions were sniffing gasoline. Rescuers alerted Thursday night found the boy lying unconscious underneath some trailers used as apartments. Efforts to revive him on the spot failed. He was pronounced dead later at an area hospital. The victim's name was not released. Authorities said he and two companions — aged 11 and 14 — were sniffing gas from a portable can.

# Inhalant abuse

By MARGARET THOMAS

THE JUNEAU EMPIRE

Organizers of a statewide inhalant-awareness campaign had pictured a rural teen-ager in colorful clothes riding a snow machine into the sunset under the slogan, "Follow Your Dreams."

But when they tested the idea in rural Alaska, kids convinced them it was dumb.

"They actually laughed at us," said Sheryl Snyder of the Alaska Council on Prevention of Alcohol and Drug Abuse in Anchorage, which is sponsoring the campaign. Many teens ride snow machines out of town and stop to get high on fumes from the gas tanks, the council was told.

It proved once again that adults, as well as kids, need educating about a form of chemical abuse known as "sniffing." There's no lurking dealer; no powder, pipes or pills to tip parents; the danger is as invisible as gasoline fumes.

Eventually, coordinators of the awareness campaign settled on a basketball theme and the slogan, "Team Up! Beat Sniffing." The program got started last month in Anchorage and is moving statewide.

Last week, Bette O'Moor, council director, spoke to about 150 students at Juneau's Floyd Dryden Middle School, and other Juneau schools will receive packets of information about inhalants for distribution to students, teachers and parents, Snyder said.

O'Moor told students at Floyd Dryden to "learn the warning signs," though she didn't tell them which substance are dangerous. Professionals are worried that naming the products teens use to get high could contribute to the problem.

A 1989 survey by the University of Alaska Anchorage indicated that one-quarter of Alaska teen-agers in grades seventh through 12th have tried sniffing. That's more than 3.7 times the national average.

The problem is especially serious in the Bush, Snyder said. Illegal drugs are expensive in rural areas, but gasoline is easy to find.

In Southeast Alaska, sniffing is less common, said Don Dapceвич, chemical dependency administrator for the city-borough of Juneau. "It certainly hasn't been prevalent and it certainly doesn't match our problem with alcohol and marijuana," he said.

Adults generally are unaware of the habit, and teens often are unaware of the hazards, Snyder said. Fuels, paints, household cleaners and aerosol sprays give off fumes that are intoxicating and addictive, she said.

Users soak rags with solvents or spray aerosols into a bag and inhale the fumes. Breathing the chemicals can cause lung disorders, kidney failure, brain damage and death.

"The range of substances used is so dramatic you couldn't possibly put warnings on every label," Dapceвич said.

But what adults can do is be aware of the signs of inhalant abuse, the council said. The breath of users sometimes smells like chemicals and they may develop a rash or ulcers around the mouth and nose. Red, teary eyes, slurred speech, a frequent cough, an unsteady gait and weight loss are other side effects.

Users also report nausea, headaches, nosebleeds, increased light sensitivity, double vision and ringing in the ears.

#4

JUNEAU  
EMPIRE  
MARCH 1992

## **NATION**

---

### **3 men found dead from laughing gas**

LOS ANGELES — Lethal doses of laughing gas apparently killed three young men whose bodies were found by police in a pickup truck early today, police said.

The three, all believed to be around 20 years old, were found about 4:30 a.m. in a pickup truck parked in the Chatsworth area, said officer J. McClard.

"It looked like an accidental thing," McClard said. "They were doing something they shouldn't have been doing."

McClard said the victims, who have not been identified, were inhaling nitrous oxide, a colorless gas that is frequently used in combination with oxygen as a light anesthetic during dental work, childbirth or minor surgery.

It was unclear where the victims got the gas.

The men were not immediately identified.

AUG-18-1988

Tundra Drums

#5

Client No. 416

# Youth found dead near open gasoline container

ANCHORAGE (AP) — When last seen alive, 14-year-old Freddy George was wandering the streets of Pilot Station in the middle of the night.

A police officer told the boy to go home, but instead he went to a ramshackle cabin near the Yukon River used to store fishing gear.

The Alaska State Troopers say Freddy George apparently died that night after inhaling fumes from an open can of gasoline.

John Evan and his son, Freddy, 12, found his body the next morning on Aug. 10 as they prepared to go fishing.

"When I first saw him, I thought he was sleeping. I couldn't recognize him for awhile," Evan said. "I asked my Freddy to come see who it was. I've been feeling pretty bad about that."

Freddy George often stayed out late, said Patrick Nick, the village public safety officer. When the boy went home, it was usually to his married sister's house. He and his sister and their mother, Sarah, were the only living members of the immediate family, Nick said.

The boy is the second in the Yukon Delta to die in recent weeks after inhaling gas fumes. A 14-year-old Emmonak boy died during a party in late July after he reportedly drank homemade liquor and inhaled gasoline fumes.

Officials said gas-sniffing is a dangerous form of substance abuse that can be addictive and sometimes leads to death from asphyxiation.

"That goes on in the Delta," said Trooper Capt. Glenn Godfrey, who heads the agency's rural law enforcement effort.

"Quite often, it's youngsters, teenagers and pre-teens, who are experimenting with substances. The potential of that being fatal is very high. You get a quick high and all of a sudden, it's too late."

"There's no trend," said Godfrey, who formerly served with the Troopers in Bethel. "I don't see an inordinate number of people dying from sniffing gas. It's nothing we are taking lightly."

Evan said he has been troubled ever since the morning he found the boy's body.

"That's the first time I've found somebody like that," he said. "It's pretty hard to take. I didn't want to go fishing. When I got home, I called the priest. I talked to him. I didn't want to keep it in me. If you keep it inside, it seems to get worse."

TUNDRA  
DRUMS  
9/18/88

#6

QUALITY SERVICES

Date JUL 18 1986

Tundra Drums

Client No.     

## Boy dies at party

ANCHORAGE (AP) — A 14-year-old Emmonak boy died during a weekend party near his village after he reportedly drank home-brewed liquor and sniffed gasoline, the Alaska State Troopers reported.

Troopers identified the youth as Robert Hamilton.

They said he had been at a party with other youths on a beach along the Yukon River early Sunday. He passed out and could not be revived, troopers said.

An autopsy was scheduled for Tuesday in Anchorage.

S B

3

**( ) USE COMMITTEE REPORT**

(7)

Date Referred: May 13, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 5-18-91

The JUDICIARY Committee considered:

CSSB 3(JUD)

CS FOR SENATE BILL NO. 3 (JUDICIARY)

VULNERABLE ADULTS AND ELDER ABUSE

"An Act relating to protection of elderly persons from harm."

**RECOMMENDATIONS:**

[ ] the same title

be replaced with \_\_\_\_\_

[ ] a new title

[ ] have attached amendments(s)

do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

If so  zero fiscal note(s) H:SS-4-15-91; LAW 4-2-91  
Court-3-29-91; Pub SAF-3/29/91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Larry Matthews</i>	<input checked="" type="checkbox"/>				
<i>Kevin P. O'Rourke</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>William J. O'Neil</i>	<input checked="" type="checkbox"/>				

*William J. O'Neil*  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

No. 6  
 Bill Version: CS SB 3 (JUD)  
 (S) Publish Date: 4/15/91

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL 1**

Revision Date: \_\_\_\_\_ Dept. Affected Health and Social Services  
 Title: An Act relating to protection of BRU: Family Services  
elderly persons from harm. Component: All components  
 Sponsor: Kerttula  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0254

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>REVENUE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUNDING:**

(Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: **NONE**

**ANALYSIS:** (Attach a separate page if necessary)

Implementation of the provisions of this committee substitute for Senate Bill No. 3 will have no fiscal impact on the Division of Family and Youth Services.

Prepared by: Michael L. Price, Director  
 Division: Family and Youth Services  
 Approved by Commissioner: Toni Branstetter for  
 Agency: Department of Health and Social Services

Phone: 465-3170  
 Date: 4/12/91  
 Date: 4/12/91

Distribution (by preparer):  
 Legislative Finance            OMB  
 Legislative Sponsor            Impacted Agency(ies)  
 Requestor

Revision Date: \_\_\_\_\_  
Title: An Act relating to protection of elderly persons from harm.  
Sponsor: Senator Kerttula  
Requestor: Senate Judiciary

Department Aff  
BRU: Village Public Safety Officers  
Component: Contracts

COMPONENT SERIAL NO. 

	5	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Gayle A. Horetski Phone: 465-4322  
Division: Office of the Commissioner Date: 3/27/91  
Approved by Commissioner: Gayle A. Horetski for Richard L. Burton  
Agency: Department of Public Safety Date: 3/27/91

FISCAL NOTE

No. 4

Bill Version: CSS B3(JUD)

(S) Publish Date: 3/29/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to protection of BRU: Trial Courts  
eldering persons from harm Components: \_\_\_\_\_  
 Sponsor: Kerttula  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

000   000	000   768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

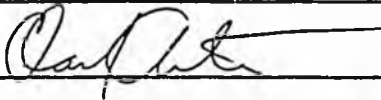
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
 Division: Alaska Court System Date: 03/22/91

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 03/22/91  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "An Act relating to protection of elderly persons from harm." BRU: Legal Services  
 Component: Operations  
 Sponsor: Senator Kerttula  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 

		9	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: March 27, 1991  
 Approved by Commissioner: Richard I. Pegues/for  
 Agency: Department of Law Date: March 27, 1991  
 Approved by Commissioner: Charles E. Cole, Attorney General

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No.     CSSB 3 (Jud)    

This bill amends AS 47.24.020(a) and AS 47.24.020(b) to provide that, before an investigation of a report of harm to an elderly person can be terminated, a face-to-face interview with the elderly person who is the subject of the report must be conducted. Although this mandatory personal interview may result in some additional cases of harm against an elderly person, the number of new cases is not expected to be great enough to require any additional legal resources. The bill is intended, rather, to prevent an elderly person from being coerced into requesting the termination of an investigation. Consequently, there will not be a fiscal impact for the Department of Law.

**( ) USE COMMITTEE REPORT**

(7)

Date Referred: April 17, 1991

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 5-10-91

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

CSSB 3(JUD)

CS FOR SENATE BILL NO. 3 (JUDICIARY)

VULNERABLE ADULTS AND ELDER ABUSE

"An Act relating to protection of elderly persons from harm."

**RECOMMENDATIONS:**

be replaced with CSSB 3 (JUD)  the same title  
[ ] a new title

[ ] have attached amendments(s)

do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

(x4)  zero fiscal note(s) DHSS 4/12/91 DOL 3/27/91  
AK COURT SYS 3/22/91 DPS 3/27/91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cheri Davis</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>Mary Miller</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i> (LINCOLN)			
<i>Betty Davis</i>	<input checked="" type="checkbox"/>				
<i>J. B. Gonzales</i>	<input checked="" type="checkbox"/>	(GONZALES)			
<i>[Signature]</i>	<input checked="" type="checkbox"/>	(CARNEY)			

*[Signature]*  
CO-CHAIRMAN'S SIGNATURE (LINCOLN)

## MEMORANDUM

TO: Rep. Pat Carney, Co-Chair  
Rep. Georgianna Lincoln, Co-Chair  
House HESS Committee

RE: SB 3 -  
Elder Abuse

FR: Senator Jay Kerttula

D: April 22, 1991

I would appreciate it if you would schedule Senate Bill 3, relating to Elder Abuse.

Alaska Statute 47.24.020 requires the Department of Health and Social Services to investigate reports of elder abuse, interview the elderly person and prepare a written report. The law directs the department to stop the investigation at the elderly person's request.

Senate Bill 3 requires an in-person interview prior to termination of an investigation of elder abuse. While this requirement is implied in existing statute, the long-term care ombudsman has stated that many investigations are currently terminated after telephone interviews. The long-term care ombudsman testified to situations of older Alaskans who were subjected to extended periods of abuse after being coerced by their abuser into requesting termination of investigations over the telephone. Senate Bill 3 clarifies the meaning of "personal interview" which is required by existing statute.

Senate Bill 3 has a "0" fiscal note from the Department of Health and Social Services and is supported by both the administration and the long-term care ombudsman.

Thank you for your consideration of this request.

*SPONSOR statement*

Senate Bill 3 is aimed at helping alleviate the first problem, and I urge the Senate HESS Committee to pass the bill. For your information I have attached some background information on elder abuse which was contained in report which Legislative Research did at my request. I have also attached several newspaper articles on the topic for your information.

HISTORY IN THE SENATE

HISTORY IN THE HOUSE

1991  
1/21 Read first time and referred to:  
HES and Judiciary

2/4 HES RPT( ) CS 4 DP NR DNP AM  
New Title Same Title Previous FN  
FN  OFN To Jud

3/29 Jud RPT(  ) CS 5 DP NR DNP AM  
New Title Same Title Previous FN  
1 FN 2 OFN To Rules

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

4/12 R Rules Calendar( ) CS AM Other  
New Title Same Title Previous FN  
FN  OFN New FN

4/15 Read second time

4/15  CS Adopted Jud New Title  
Amended  Advanced

4/15 Read third time

Letter of Intent adopted  
Return to second for specific amendment

4/15 PASSED EFD Same \_\_\_ or  
Yeas 17 Yeas  
Nays Nays  
Excused 2 Excused  
Absent 1 Absent

Reconsideration  
Reconsideration not taken up

PASSED EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

4/15 Reported correctly engrossed  
Signed by President, to House  
Nancy Green  
Secretary of the Senate

1991  
4/17 Read first time and referred to:  
HES Jud Fin

RPT CS( ) New Title  
DP DNP NR AM  
FN OFN Previous FN

RPT CS( ) New Title  
DP DNP NR AM  
FN OFN Previous FN

RPT CS( ) New Title  
DP DNP NR AM  
FN OFN Previous FN

Read second time  
CS( ) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

Intent adopted

Reconsideration  
Reconsideration not taken up

PASSED ON RECON. EFD Same \_\_\_ or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

Intent adopted

Reported correctly engrossed, signed by the Speaker  
and returned to the Senate

Chief Clerk of the House

## **ELDER ABUSE BACKGROUND**

Nationally, the most common forms of elder abuse are physical abuse (including neglect) and financial exploitation. They are followed by emotional abuse or neglect, and sexual abuse. Elders also are often victims of self-neglect. Elders who are abused physically may be beaten, slapped, cut, burned or shoved; they may be deprived of food, supervision or medical care; they may be sexually abused; or they may be forcibly confined to a bed, a chair or a room. Those who are emotionally abused may be assaulted or threatened verbally. They also may be frightened, humiliated, intimidated, isolated or treated as children.

### **Profiles of the Typical Victim and Elder Abuser**

The typical victim is a frail, 75-year-old woman who cannot care for herself. The victim generally depends on the family or an unrelated person for care and protection. Victims may have a drinking problem and a tendency to take the blame for the abuse. They may be excessively loyal to the caregiver. They may also have a history of abuse and be unpleasant or demanding.

The typical abuser is under stress, has a substance abuse problem, and frequently was abused as a child. Three out of four elder abusers are members of the victim's family. The son of the victim is the most likely abuser, followed by the daughter of the victim.

Data from the National Aging Resource Center on Elder Abuse indicate that two-thirds of the victims in reported cases in 1988 were female. Almost one-third of the abusers were adult children of the abused (30 percent). About 15 percent of abusers were the abused's spouse and about 13 percent were identified as the "service provider." Other reported abusers included friends or neighbors, other relatives, siblings and grandchildren.

### **Reporting**

Most elder abuse is not reported, and this situation is worsening.. In 1980, an estimated one in six cases were reported; in 1985, one in five were reported; and in 1990, one in eight were reported. Nationally, elder abuse is far less likely to be reported than child abuse.

Alaska reports the second highest rate of elder abuse among the 43 states (including Washington, D.C.) with mandatory reporting laws. Alaska reports 9.18 cases of abuse per 1,000 elderly residents. If national estimates hold true for Alaska (one case reported for every eight which occurs), there were about 2,200 actual cases of elder abuse in Alaska in 1988. In that year, 273 cases were reported.

## ADULT PROTECTIVE SERVICES

### INCIDENCE

In the fall of last year, the Division of Family and Youth Services in collaboration with the Older Alaskan's Commission sponsored the first Adult Protective Services Conference held in Alaska. More than 100 concerned Alaskans attended.

Dr. Sue Parkins of St. Vincent Medical Center of Toledo, Ohio, spoke on Elder Abuse: A Front Line and National Perspective. She noted that Alaska's reporting of abused and neglected elders and other vulnerable adults is higher than reporting in other states. Yet she also noted that the actual incidence of abuse and neglect to elders is believed to be much higher than the number reported in any state.

Alaska's abused and neglected vulnerable adult profile can be seen in the attached chart of statistics. Due to a transition in statistical record keeping, adult protective services reports of harm statistics after 1989 are not available.

In the conference last fall, Dr. Parkins indicated nationally there are 9.8 incidents reported per 1000 seniors or about 10 per thousand. About one in eight cases of abuse are actually reported, so perhaps 80 cases per 1000 seniors would reflect actual incidence of abuse and neglect. National incidence for abused dependent adults younger than age 65 is not available. Conferees set about exploring actual incidence and an Alaskan response to the problem. Rough projections for Alaska's elder abuse situation follow:

CITY	# SENIORS	PROJECTED ELDER ABUSE/YEAR
Statewide	20,000	1,600
Anchorage	7,300	584
Fairbanks	2,300	184
Mat-Su	1,600	128
Kenai	1,900	152
Juneau	1,200	96
Bethel	700	56
Wrangell/Petersburg	500	40

All other communities in Alaska: probably fewer than 40 cases.

### PROTECTIVE SERVICES RESPONSE

As the state agency responsible to carry out protective services, the Division of Family and Youth Services or grantee in the case on Manniilaq or Kavarek generally conducts the following activities:

- (1) the operation of a system to receive reports and referrals of suspected elder abuse, as defined by state law (i.e., abandonment, abuse, neglect, and economic harm); younger vulnerable adults are included under the division's Title XX Plan;

*Adult Protective Services*

- (2) the investigation of cases of maltreatment by gathering evidence from the victim, family members, appropriate professionals, neighbors and friends, and others determined to be appropriate;
- (3) the substantiation or unsubstantiation of abuse reports based on evidence and agency policy;
- (4) the provision of emergency services to victims or their family members, as needed and as resources permit;
- (5) the administration of assessments, tests, or evaluations, as needed;
- (6) the preparation of legal procedures, as needed;
- (7) the referral of cases to treatment and rehabilitation programs, substitute care programs, long-term care programs, and law enforcement agencies, as appropriate;
- (8) arrangements for the removal of the victim or the perpetrator from the home, when necessary;
- (9) the provision of support, protective, and advocacy services;
- (10) the training of agency staff, related professions, and volunteers;
- (11) the administration of public awareness programs; and
- (12) the collection of statistics for clients and services.

There are currently three workers specializing in Adult Protective Services (two in Anchorage and one in Fairbanks). In all other areas of the state adult protective services are provided by staff who are assigned to provide protective services to both children and adults.

## ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

<u>Age</u>	<u>FY87</u>	<u>FY88</u>	<u>FY89</u>	<u>FY90*</u>
18-59	609	577	568	362
60 & up	1326	1326	1272	894
 <u>Sex</u>				
Female	1268	1289	1256	810
Male	666	656	625	446
 <u>Race</u>				
AK Native	792	790	672	461
Black	58	59	69	42
Caucasian	1020	1000	976	603
Unknown	65	91	117	148
 <u>Services Turnover</u>				
Clients Exiting				
System in the FY	556	438	445	177
Clients Began in the FY	301	487	446	122
Clients Continued Thru				
to the next FY	554	543	569	871
Clients Interrupted				
During the FY	87	47	51	2
Clients Entered and				
Exited in the FY	437	428	371	84
 <u>Homemaker Services</u>				
Number of Clients	1260	1430	1363	76
 <u>Adult Foster Care</u>				
Number of Clients	27	41	38	28
 <u>Adult Residential Care</u>				
Number of Clients	66	69	70	77

\*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered services to "at risk" elders and vulnerable adults under the APS program.