

Introduced: 4/5/78
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 915

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing subsistence as the priority use of
7 fish and game."

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

9 * Section 1. INTENT. The legislature finds that the maximum benefit
10 realizable from fish, wildlife, and plant resources lies in the utilization,
11 development, and conservation of those resources for subsistence, and de-
12 clares as public policy that fish, wildlife and plant resources may be util-
13 ized, developed, and conserved for other beneficial uses only if there is
14 adequate provision in law and in fact for the full satisfaction of the needs
15 of subsistence users. The legislature further finds that unregulated sub-
16 sistence use of fish and wildlife poses a threat to the viability of fish and
17 wildlife resources, and declares its intention that fish and game be uti-
18 lized, developed and conserved for subsistence in a manner consistent with
19 the sustained-yield principle.

20 * Sec. 2. AS 16.05.251 is amended by adding a new subsection to read:

21 (b) Notwithstanding any other provision of law, no regulations
22 permitting the taking of fish for beneficial uses other than subsistence
23 may be adopted unless provision exists under law or regulations whereby
24 subsistence users of the fish may fully satisfy their needs. The Board
25 of Fisheries shall exercise the rule-making power conferred under (a) of
26 this section to adopt regulations permitting the subsistence taking of
27 fish unless the board determines that biological evidence indicates that
28 adoption of such regulations is likely to affect a fishery resource in
29 such a manner that it would fall below the level determined adequate for

1 sustained yield. Regulations adopted shall include regulations inter-
2 preting the meaning of the term "subsistence" as that term is defined in
3 AS 16.05.940(26).

4 * Sec. 3. AS 16.05.255 is amended by adding a new subsection to read:

5 (b) Notwithstanding any other provision of law, no regulations
6 permitting the taking of game for beneficial uses other than subsistence
7 may be adopted unless provision exists under law or regulations whereby
8 subsistence users of game may fully satisfy their needs. The Board of
9 Game shall exercise the rule-making power conferred under (a) of this
10 section and sec. 257 of this chapter to adopt regulations permitting the
11 subsistence taking of game unless the board determines that biological
12 evidence indicates that adoption of such a regulation is likely to
13 affect a game resource in such a manner that it would fall below the
14 level determined adequate for sustained yield. Regulations adopted
15 shall include regulations interpreting the meaning of the term "subsistence"
16 as that term is defined in AS 16.05.940(26).

17 * Sec. 4. AS 16.05.257(a) is amended to read:

18 (a) The Board of Game, at its regularly scheduled annual meeting,
19 shall consider [MAY ADOPT] regulations providing for subsistence hunting
20 in a game management unit or subunit or a portion of a unit or subunit
21 upon

22 (1) recommendation of the department, based on biological
23 evidence;

24 (2) the majority vote of the active local advisory committees
25 for that game management unit or subunit;

26 (3) the written petition of not less than 100 interested
27 residents of that game management unit or subunit; or

28 (4) the written petition of not less than 25 interested
29 residents of an area which is requested for establishment as a subsistence

1 tence area within a game management unit or subunit.

2 * Sec. 5. AS 16.05.257(h)(2) is repealed and re-enacted to read:

3 (2) "subsistence hunting area" means an area in which only
4 subsistence hunting is permitted.

5 * Sec. 6. AS 16.05.940 is amended by adding a new paragraph to read:

6 (26) "subsistence" means the harvesting of fish, wildlife, and
7 plant resources by persons residing in the vicinity of the resources, on
8 a noncommercial basis to meet physical or cultural needs.

9 * Sec. 7. AS 16.05.221 is amended to read:

10 Sec. 16.05.221. BOARDS OF FISHERIES AND GAME. (a) For purposes
11 of the conservation and development of the fishery resources of the
12 state, there is created the Board of Fisheries composed of seven members
13 appointed by the governor, subject to confirmation by a majority of the
14 members of the legislature in joint session. The appointed members
15 shall be residents of the state and shall be appointed without regard to
16 political affiliation or geographical location of residence; however,
17 one member so appointed must be nominated by subsistence users of fish.
18 The commissioner is not a member of the Board of Fisheries, but shall be
19 ex officio secretary.

20 (b) For purposes of the conservation and development of the game
21 resources of the state, there is created a Board of Game composed of
22 seven members appointed by the governor, subject to confirmation by a
23 majority of the members of the legislature in joint session. The ap-
24 pointed members shall be residents of the state, and shall be appointed
25 without regard to political affiliation or geographical location of
26 residence; however, one member so appointed must be nominated by subsis-
27 tence users of game. The commissioner is not a member of the Board of
28 Game, but shall be ex officio secretary.

29 * Sec. 8. AS 16.05.290 is amended to read:

1 Sec. 16.05.290. COMPENSATION OF BOARD MEMBERS. Each member of a
2 board is entitled to travel expenses, [AND \$100] per diem, and \$100 in
3 compensation for each day going to and from and for each day in actual
4 attendance at board meetings and other meetings or conferences autho-
5 rized by a board.

6 * Sec. 9. AS 16.05.257(e) and 16.05.940(17) are repealed.
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