

Introduced: 6/13/81
Referred: Resources

1 IN THE SENATE

BY PARR

2 SENATE BILL NO. 598

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of fish and game re-
7 sources."

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

9 * Section 1. FINDINGS. (a) The legislature finds that

10 (1) fish and game resources are common property of all people of
11 the state, and that the use of these resources may not be denied on the
12 basis of race, creed, color, sex, national origin, or age;

13 (2) persons who are not dependent upon the use of fish and game
14 resources for survival may be denied the use of those resources when the
15 denial is necessary to protect the resources from depletion;

16 (3) the last persons to be denied use of fish and game resources
17 should be persons with low incomes who are dependent on the resources for
18 survival.

19 * Sec. 2. AS 16.05.050 is amended by adding a new paragraph to read:

20 (13) establish, and revise at annual intervals, a poverty
21 line income calculated by multiplying the official poverty line defined
22 by the federal Office of Management and Budget by the percentage change
23 in the bimonthly Consumer Price Index for all urban consumers for
24 Anchorage, Alaska, prepared by the Bureau of Labor Statistics, United
25 States Department of Labor, during the annual or other interval imme-
26 diately preceding the time at which the poverty line is established or
27 revision to it is made.

28 * Sec. 3. AS 16.05.251 is amended by adding new subsections to read:

29 (c) The Board of Fisheries shall adopt regulations in accordance

1 with the Administrative Procedure Act (AS 44.62) establishing criteria
2 by which a person's dependency on fishery resources for survival may be
3 established, including but not limited to,

4 (1) whether the income of the person is below the poverty
5 line income established by the Department of Fish and Game under AS 16.-
6 05.050(13);

7 (2) the lack of employment opportunity;

8 (3) the unavailability of food, clothing and shelter from
9 the usual commercial sources.

10 (d) The Board of Fisheries may not permit the taking of fishery
11 resources by persons who are not certified under AS 16.05.347 as being
12 dependent on fishery resources for survival unless the needs of persons
13 certified under AS 16.05.347 as being dependent on fishery resources
14 for survival are reasonably accommodated. In implementing this section,
15 the board may exercise any of the rule-making authority conferred by
16 (a)(1) - (12) of this section.

17 (e) The Board of Fisheries may not provide for differential
18 treatment of user groups except as provided in (d) of this section.

19 * Sec. 4. AS 16.05.255 is amended by adding new subsections to read:

20 (c) The Board of Game shall adopt regulations in accordance with
21 the Administrative Procedure Act (AS 44.62) establishing criteria by
22 which a person's dependency on game may be established, including but
23 not limited to,

24 (1) whether the income of the person is below the poverty
25 line income established by the Department of Fish and Game under AS 16.-
26 05.050(13);

27 (2) the lack of employment opportunity;

28 (3) the unavailability of food, clothing and shelter from
29 the usual commercial sources.

1 (d) The Board of Game may not permit the taking of game by persons
2 who are not certified under AS 16.05.347 as being dependent on game for
3 survival unless the needs of persons certified under AS 16.05.347 as
4 being dependent on game for survival are reasonably accommodated. In
5 implementing this section, the board may exercise any of the rule-making
6 authority conferred by (a)(1) - (10) of this section.

7 (e) The Board of Game may not provide for differential treatment
8 of user groups except as provided in (d) of this section.

9 * Sec. 5. AS 16.05.340(a)(5) is amended by adding a new subparagraph to
10 read:

11 (C) is to be certified as being dependent for survival
12 on fish and game resources under AS 16.05.347.

13 * Sec. 6. AS 16.05 is amended by adding a new section to read:

14 Sec. 16.05.347. CERTIFICATION OF DEPENDENCY. Upon application by
15 a resident the department shall certify whether the resident is depen-
16 dent for survival on fish and game resources under AS 16.05.251(c) or
17 16.05.255(c). The department may not charge a fee for certifying
18 dependency under this section. The department shall provide a stamp to
19 a person certified as being dependent for survival on fish and game and
20 require that stamp to be signed by the applicant and used in conjunction
21 with a license issued under AS 16.05.330 to a person certified as
22 dependent for survival on fish and game under this section.

23 * Sec. 7. The following laws are repealed; AS 16.05.090(c), 16.05.094,
24 16.05.251(b), 16.05.255(b), 16.05.257, 16.05.930(e), 16.05.940(17), (26),
25 and (27); and sec. 1, ch. 151, SLA 1978.