

Offered: 4/19/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 288 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the taking of fish and game for  
7 subsistence and personal use; and providing for an  
8 effective date."

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

10 \* Section 1. FINDINGS. The legislature finds that

11 (1) the taking of fish stocks and game populations for personal  
12 and family consumption and related uses is essential to the health, safety,  
13 and general welfare of Alaskans domiciled in rural communities or rural  
14 areas in which the taking of fish and game for such uses is a significant  
15 part of the economy of the community or area; and

16 (2) the taking of fish stocks and game populations for personal,  
17 sport, and commercial uses is also of economic and recreational importance  
18 to Alaskans who reside anywhere in the state.

19 \* Sec. 2. AS 16.05.251(a) is amended to read:

20 (a) The Board of Fisheries may adopt regulations it considers  
21 advisable in accordance with the Administrative Procedure Act (AS 44.-  
22 62) for

23 (1) setting apart fish reserve areas, refuges and sanctu-  
24 aries in the waters of the state over which it has jurisdiction,  
25 subject to the approval of the legislature;

26 (2) establishing open and closed seasons and areas for the  
27 taking of fish;

28 (3) setting quotas, bag limits, harvest levels, and sex and  
29 size limitations on the taking of fish;

1 (4) establishing the means and methods employed in the  
2 pursuit, capture and transport of fish;

3 (5) establishing marking and identification requirements  
4 for means used in pursuit, capture and transport of fish;

5 (6) classifying as commercial fish, sport fish, personal  
6 use fish, or predators or other categories essential for regulatory  
7 purposes;

8 (7) watershed and habitat improvement, and management,  
9 conservation, protection, use, disposal, propagation and stocking of  
10 fish;

11 (8) investigating and determining the extent and effect of  
12 disease, predation, and competition among fish in the state, exercis-  
13 ing control measures considered necessary to the resources of the  
14 state;

15 (9) prohibiting and regulating the live capture, posses-  
16 sion, transport, or release of native or exotic fish or their eggs;

17 (10) establishing seasons, areas, quotas and methods of  
18 harvest for aquatic plants;

19 (11) establishing the times and dates during which the  
20 issuance of fishing licenses, permits and registrations and the trans-  
21 fer of permits and registrations between registration areas is  
22 allowed; however, this paragraph does not apply to permits issued or  
23 transferred under AS 16.43;

24 (12) personal use fishing.

25 \* Sec. 3. AS 16.05.940(23) is amended to read:

26 (23) "subsistence uses" means the customary and traditional  
27 noncommercial uses [IN ALASKA] of wild, renewable resources by a  
28 resident domiciled in a rural area of the state for direct personal or  
29 family consumption as food, shelter, fuel, clothing, tools, or

1 transportation, for the making and selling of handicraft articles out  
2 of nonedible by-products of fish and wildlife resources taken for  
3 personal or family consumption, and for the customary trade, barter,  
4 or sharing for personal or family consumption; in [FOR THE PURPOSES  
5 OF] this paragraph [,]

6 (A) "family" means all persons related by blood,  
7 marriage, or adoption, and any person living within the household  
8 on a permanent basis;

9 (B) "rural area" means a community or area of the  
10 state in which the taking of fish or wildlife for personal or  
11 family consumption is a significant characteristic of the economy  
12 of the community or area;

13 \* Sec. 4. AS 16.05.940 is amended by adding a new paragraph to read:

14 (28) "personal use fishing" means the taking, fishing for,  
15 or possession of finfish, shellfish, or other fishery resources, by  
16 Alaska residents for personal use and not for sale or barter, with  
17 gill or dip net, seine, fish wheel, long line, or other similar means  
18 defined by the Board of Fisheries.

19 \* Sec. 5. The legislature shall independently assess the impacts of  
20 sections 1 - 4 during the period from May 13, 1985 through January 1, 1986  
21 to determine the nature of any disruptions to the lawful resident taking of  
22 fish and game caused by the definitions of "subsistence uses" or "rural  
23 area." Before January 1, 1986, the Department of Fish and Game shall  
24 report in writing to the legislature on the effects of sections 1 - 4.  
25 Before May 15, 1986, the legislature will take corrective action to address  
26 any such disruptions identified by either legislative or administrative  
27 assessment.

28 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
29 10.070(c).