

Original sponsor(s): Rules/Governor

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 599 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SPECIAL SESSION
5 A BILL
6 For an Act entitled: "An Act relating to subsistence uses of fish and
7 wildlife, relating to the definition of 'rural area,'
8 and creating the Subsistence Review Commission; and
9 providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. The Subsistence Review Commission is established.
12 * Sec. 2. The Subsistence Review Commission shall review all aspects of
13 state and federal laws relating to subsistence uses of fish, wildlife, and
14 other natural resources, and the implementation of those laws, including
15 the effects of Alaskans' use of and state management of, fish and wildlife.
16 This review must include an examination of
17 (1) what subsistence is and who should qualify as a subsistence
18 user;
19 (2) the most appropriate way to provide for subsistence in
20 Alaska;
21 (3) what a subsistence priority is and how it should be imple-
22 mented;
23 (4) what constitutes "customary trade and barter" as those terms
24 are used in federal and state subsistence laws, the potential for increases
25 in the sale of subsistence harvests, and the resulting effect on other
26 users under those provisions;
27 (5) the roles of the Board of Fisheries, Board of Game, and the
28 regional councils and advisory committees in enabling local users to par-
29 ticipate in the decision-making process with respect to local resources and

1 in bringing local concerns to the attention of the boards; and

2 (6) what changes, if any, there should be in state and federal
3 laws relating to subsistence uses of fish, wildlife, and other natural
4 renewable resources.

5 * Sec. 3. The Subsistence Review Commission shall report its findings
6 and any recommendations for needed changes to the governor and the legis-
7 lature no later than January 15, 1993.

8 * Sec. 4. (a) The Subsistence Review Commission consists of nine
9 members appointed by the governor, to include

10 (1) a representative of each of the following:

11 (A) the Board of Fisheries or the Board of Game,

12 (B) the Fish and Game regional council system,

13 (C) organizations representing

14 (i) Alaska Natives,

15 (ii) sportsmen's groups and

16 (iii) commercial fishing interests, and

17 (2) four public members.

18 (b) A majority of the commission constitutes a quorum for conducting
19 official business of the commission.

20 (c) The governor may appoint additional non-voting, ex-officio
21 members representing state and federal agencies.

22 (d) Members of the commission who are not state or federal employees
23 are entitled to transportation and per diem expenses as provided in AS 39.-
24 20.180.

25 * Sec. 5. AS 16.05.258 is amended by adding a new subsection to read:

26 (g) The Board of Fisheries and Board of Game, meeting jointly
27 under AS 16.05.315, shall adopt by regulation a definition of "rural
28 area" for purposes of managing subsistence uses of fish and game under
29 this chapter. The definition of "rural area" adopted under this

1 subsection must be consistent with the requirements of 16 U.S.C.
2 3113 - 3115 in order that the state may retain management of fish and
3 game on federal land.

4 * Sec. 6. AS 16.05.940(26) is repealed.

5 * Sec. 7. The Alaska State Legislature finds that it is in the best
6 interest of all citizens of the state to retain state subsistence laws as
7 those laws existed before December 22, 1989, until the citizens of the
8 state have voted on an amendment to the Alaska State Constitution relating
9 to a subsistence preference at the 1990 general election. The Alaska State
10 Legislature respectfully requests the Alaska Supreme Court to stay the
11 effect of its decision in McDowell v. State, 785 P.2d 1 (Alaska 1989) until
12 the lieutenant governor certifies the election returns of the 1990 general
13 election on an amendment to the Alaska State Constitution relating to a
14 subsistence preference.

15 * Sec. 8. Sections 1 - 4 of this Act are repealed upon the filing of
16 the Subsistence Review Commission's report with the governor and the legis-
17 lature as provided in sec. 3 of this Act.

18 * Sec. 9. Sections 1 - 4, 7 and 8 of this Act take effect immediately
19 under AS 01.10.070(c).

20 * Sec. 10. Sections 5 and 6 of this Act take effect upon approval by
21 the voters in the 1990 general election of a constitutional amendment
22 relating to a subsistence preference.