

Original sponsor(s): SEN. KELLY, Sturgulewski

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 555 (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 expressing the intent of the legislature with  
7 respect to an extension of the stay in McDowell v.  
8 State and establishing the Commission on Subsistence  
9 Use of Fish and Game; and providing for an effective  
10 date."

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

12 \* Section 1. The Alaska State Legislature finds that in order to avoid  
13 federal management of game after July 1, 1990, it is in the best interest  
14 of all citizens of the state to retain state subsistence laws as those laws  
15 existed before December 22, 1989, until the citizens of the state have  
16 voted on an amendment to the Alaska State Constitution relating to a sub-  
17 sistence preference at the 1990 general election. The Alaska State Legis-  
18 lature respectfully requests the Alaska Supreme Court to stay the effect of  
19 its decision in McDowell v. State, 785 P.2d 1 (Alaska 1989), until the  
20 lieutenant governor certifies the election returns of the 1990 general  
21 election on an amendment to the Alaska State Constitution relating to a  
22 subsistence preference.

23 \* Sec. 2. COMMISSION ON SUBSISTENCE USE OF FISH AND GAME ESTABLISHED.  
24 (a) There is established in the Department of Fish and Game the Commission  
25 on Subsistence Use of Fish and Game. The commission consists of nine  
26 voting members. The voting members of the commission serve without compen-  
27 sation, but are entitled to per diem and travel expenses authorized for  
28 boards and commissions under AS 39.20.180. Voting members of the commis-  
29 sion serve until the repeal of this Act as provided under sec. 3 of this

1 Act.

2 (b) The nine voting members of the commission are

3 (1) two members representing Alaska Natives, appointed by the  
4 governor, who shall consider nominations made by the Alaska Federation of  
5 Natives and other Native organizations;

6 (2) two members representing sport fishermen and hunters, ap-  
7 pointed by the governor, who shall consider nominations made by the Alaska  
8 Outdoor Council and other sport hunting and fishing organizations;

9 (3) two members representing commercial fishermen, appointed by  
10 the governor, who shall consider nominations made by the United Fishermen  
11 of Alaska and other commercial fishermen's organizations; and

12 (4) three members representing the public, appointed by the  
13 governor; each public member shall be appointed from a different judicial  
14 district.

15 (c) The speaker of the house of representatives, or the speaker's  
16 designee, and the president of the senate, or the president's designee,  
17 shall serve as ex officio, nonvoting members of the commission.

18 (d) The commission, by majority vote of the voting membership, shall  
19 elect a chair and other officers it considers necessary from among its  
20 voting membership.

21 (e) In this section, "commission" means the Commission on Subsistence  
22 Use of Fish and Game.

23 \* Sec. 3. The Commission on Subsistence Use of Fish and Game shall  
24 study the question of how to best resolve the issue of subsistence use of  
25 fish and game in the state. The commission shall recommend to the legis-  
26 lature definitions for "rural," "customary trade and barter," "wild renew-  
27 able resources," and other key terms used in federal and state laws, and  
28 shall make recommendations as to when a subsistence preference should be  
29 implemented, and how and to whom the preference should be applied. The

1 commission shall report its findings and recommendations to the legislature  
2 no later than the 10th legislative day of the First Session of the Eigh-  
3 teenth Alaska State Legislature. The commission's report may include  
4 recommended changes in state and federal laws and regulations.

5 \* Sec. 4. This Act is repealed January 21, 1993.

6 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).