

Amended: 6/26/90
Offered: 6/26/90
Referred: Rules

6-2485H

Original sponsor(s): SEN. KELLY, Sturgulewski, Duncan, Binkley, Fischer

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 555 (Resources) am

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. The Alaska State Legislature respect-
16 fully requests the Alaska Supreme Court to stay the effect of its decision
17 in McDowell v. State, 785 P.2d 1 (Alaska 1989).

18 * Sec. 2. COMMISSION ON SUBSISTENCE USE OF FISH AND GAME ESTABLISHED.

19 (a) There is established in the Department of Fish and Game the Commission
20 on Subsistence Use of Fish and Game. The commission consists of nine
21 voting members. The voting members of the commission serve without compen-
22 sation, but are entitled to per diem and travel expenses authorized for
23 boards and commissions under AS 39.20.180. Voting members of the commis-
24 sion serve until the repeal of this Act as provided under sec. 3 of this
25 Act.

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

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

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

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

7 (4) three members representing the public, appointed by the
8 governor; each public member shall be appointed from a different judicial
9 district.

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

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

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

18 * Sec. 3. The Commission on Subsistence Use of Fish and Game shall
19 study the question of how to best resolve the issue of subsistence use of
20 fish and game in the state. The commission shall recommend to the legis-
21 lature definitions for "rural," "customary trade and barter," "wild renew-
22 able resources," and other key terms used in federal and state laws, and
23 shall make recommendations as to when a subsistence preference should be
24 implemented, and how and to whom the preference should be applied. The
25 commission shall report its findings and recommendations to the legislature
26 no later than the 10th legislative day of the First Session of the Eigh-
27 teenth Alaska State Legislature. The commission's report may include
28 recommended changes in state and federal laws and regulations.

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

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