

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

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR 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 Commission on Subsistence Use of Fish and Game is
13 established.
14 * Sec. 2. The Commission on Subsistence Use of Fish and Game shall
15 review all aspects of state and federal laws relating to subsistence uses
16 of fish, wildlife, and other natural resources, and the implementation of
17 those laws, including the effects of Alaskans' use of and state management
18 of fish and wildlife. This review must include an examination of
19 (1) what subsistence is and who should qualify as a subsistence
20 user;
21 (2) the most appropriate way to provide for subsistence in
22 Alaska;
23 (3) what a subsistence priority is and how it should be imple-
24 mented;
25 (4) what constitutes "customary trade and barter" as that term
26 is used in federal and state subsistence laws, the potential for increases
27 in the sale of subsistence harvests, and the resulting effect on other
28 users under those provisions;
29 (5) the roles of the Board of Fisheries, Board of Game, and the

1 regional councils and advisory committees in enabling local users to par-
2 ticipate in the decision-making process with respect to local resources and
3 in bringing local concerns to the attention of the boards; and

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

7 * Sec. 3. The Commission on Subsistence Use of Fish and Game shall
8 report its findings and any recommendations for needed changes to the
9 governor and the legislature no later than January 15, 1993.

10 * Sec. 4. (a) The Commission on Subsistence Use of Fish and Game
11 consists of nine voting members appointed by the governor, to include

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

13 (A) the Fish and Game regional council system;

14 (B) organizations representing

15 (i) Alaska Natives,

16 (ii) sportsmen's groups, and

17 (iii) commercial fishing interests; and

18 (2) one member who is a subsistence user; and

19 (3) four public members; one public member shall be appointed
20 from each judicial district.

21 (b) A majority of the voting members of the commission constitutes a
22 quorum for conducting official business of the commission.

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

26 (d) The governor shall appoint one member of the Board of Fisheries
27 and one member of the Board of Game as ex officio nonvoting members of the
28 commission.

29 (e) The governor may appoint additional nonvoting, ex officio members

1 representing state and federal agencies.

2 (f) Voting members of the commission who are not state or federal
3 employees are entitled to transportation and per diem expenses as provided
4 in AS 39.20.180.

5 * Sec. 5. 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),
12 until the lieutenant governor certifies the election returns of the 1990
13 general election on an amendment to the Alaska State Constitution relating
14 to a subsistence preference.

15 * Sec. 6. Sections 1 - 4 of this Act are repealed upon the filing of
16 the report of the Commission on Subsistence Use of Fish and Game with the
17 governor and the legislature as provided in sec. 3 of this Act.

18 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).