

**S B**

**553**

LETTER OF INTENT  
FOR  
CS FOR SENATE BILL 553

It is the intent of this committee that in carrying out its duties under this section, the Boards should not consider it appropriate to aggregate communities for the purposes of determining rural status merely because the communities are located within the same borough or rural educational attendance area.

*Adopted*

AMENDMENT  
CS SB 553 (Res) am

by NAVARRE

Page 1 line 13 after "uses"

, on the development and diversity of the economy, transportation systems,  
communication links, community infrastructure, educational and cultural institutions,  
government institutions, and on other similar factors

# FISCAL NOTE

SB 553

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Subsistence Commission

Agency Affected: Dept. of Fish and Game  
BRU: Subsistence

Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Components: Subsistence

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	-0-	-0-	-0-			
TRAVEL	-0-	-0-	-0-			
CONTRACTUAL	-0-	-0-	-0-			
SUPPLIES	-0-	-0-	-0-			
EQUIPMENT	-0-	-0-	-0-			
LAND & STRUCTURES	-0-	-0-	-0-			
GRANTS, CLAIMS	-0-	-0-	-0-			
MISCELLANEOUS	-0-	-0-	-0-			
TOTAL OPERATING	-0-	-0-	-0-			

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-			
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-			

**POSITIONS:**

FULL-TIME	n/a	n/a	n/a			
PART-TIME	n/a	n/a	n/a			
TEMPORARY	n/a	n/a	n/a			

**ANALYSIS :** (Attach a separate page if necessary)

\_\_\_\_\_

Prepared by: \_\_\_\_\_  
Division: \_\_\_\_\_

Phone: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Commissioner: Garrey Peska, Chief of Staff  
Agency: \_\_\_\_\_

Date: 6/26/90

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

Rural  
Definition to SB 553

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 (3) 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.