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Original sponsor(s): SEN. COGHILL

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 305 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subsistence uses of fish and  
7 game; and providing for an effective date."

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

9 \* Section 1. AS 16.05.940(26) is repealed and reenacted to read:

10 (26) "rural area"

11 (A) means a community or area with an aggregate popu-  
12 lation that is less than 2,500, unless the Board of Fisheries and  
13 the Board of Game jointly determine by a preponderance of evi-  
14 dence under the criteria adopted under (B) of this paragraph that  
15 the community or area is not rural;

16 (B) means a community or area with an aggregate popu-  
17 lation of not less than 2,500 and not more than 7,000 that is  
18 jointly determined by the Board of Fisheries and Board of Game to  
19 be rural under criteria adopted jointly by the Board of Fisheries  
20 and the Board of Game to determine the rural or nonrural charac-  
21 ter of the community or area by assessing

22 (i) the community or area economy, including wage  
23 and employment levels, cash income levels, and economic  
24 diversification and specialization;

25 (ii) fish and wildlife usage, including the vari-  
26 ety of species used, levels of participation in harvest  
27 activities, harvest levels, and related factors;

28 (iii) transportation and communication links with  
29 other communities and areas, including variety and frequency

1 of services, and related factors;

2 (iv) community or area infrastructure and services  
3 available, including health care, water, sewer, electricity,  
4 and education;

5 (v) population stability and other demographic  
6 considerations;

7 (vi) form of local government; and

8 (vii) presence in the community or area of state or  
9 federal government representatives; and

10 (C) does not include a community or area with an  
11 aggregate population of more than 7,000;

12 \* Sec. 2. AS 16.05.940 is amended by adding a new paragraph to read:

13 (36) "aggregate population" means the number of residents  
14 within an incorporated community or area designated for purposes of  
15 the federal census and the functionally integrated, continuously  
16 settled road-connected area surrounding the incorporated community or  
17 area designated for purposes of the federal census.

18 \* Sec. 3. AS 16.05.090(c), 16.05.094, 16.05.251(d), 16.05.255(d),  
19 16.05.258, 16.05.259, 16.05.330(c), 16.05.930(e), 16.05.940(2), 16.05.-  
20 940(26), 16.05.940(29), 16.05.940(30), and 16.05.940(31) are repealed.

21 \* Sec. 4. The division of legal services of the Legislative Affairs  
22 Agency shall prepare a bill containing appropriate amendments to the Alaska  
23 Statutes correcting references to "subsistence," "subsistence uses," "sub-  
24 sistence users," and similar terms in order to conform to the provisions of  
25 this Act. The bill shall be presented to the House and Senate Rules Com-  
26 mittees for introduction on the first day of the First Session of the  
27 Seventeenth Alaska State Legislature.

28 \* Sec. 5. NONSEVERABILITY. Notwithstanding AS 01.10.030, if a pro-  
29 vision of AS 16.05.090(c), 16.05.094, 16.05.251(d), 16.05.255(d),  
CSSSSB 305(Res)

1 16.05.258, 16.05.259, 16.05.330(c), 16.05.930(e), 16.05.940(2), 16.05.-  
2 940(26) as amended by sec. 1 of this Act, AS 16.05.940(29), 16.05.940(30),  
3 16.05.940(31), or 16.05.940(36) as enacted by sec. 2 of this Act, is held  
4 invalid by the decision of a court of competent jurisdiction, then that  
5 provision is not severable from other provisions of AS 16.05 listed in this  
6 section.

7 \* Sec. 6. Sections 1, 2, and 5 of this Act take effect only if an  
8 amendment to the Constitution of the State of Alaska relating to subsis-  
9 tence uses of fish and wildlife is approved by the voters of the state at  
10 the 1990 general election.

11 \* Sec. 7. Sections 3 and 4 of this Act take effect only if an amendment  
12 to the Constitution of the State of Alaska relating to subsistence uses of  
13 fish and wildlife is submitted to and disapproved by the voters at the 1990  
14 general election.

15 \* Sec. 8. This Act takes effect upon certification of election returns  
16 for the 1990 general election by the lieutenant governor.  
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