

HB

600

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

Bill No. HB 600

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to subsistence hunting BRU: Trial Courts
 and fishing... Components: _____
 Sponsor: Barnes
 Requestor: _____ COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	15.0	10.0	5.0	2.5	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	15.0	10.0	5.0	2.5	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	15.0	10.0	5.0	2.5	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	15.0	10.0	5.0	2.5	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

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 Division: Alaska Court System Date: 06/16/92

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *A.H. Snowden II* Date: 06/16/92
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System

HB 600

Analysis

ANALYSIS

This legislation provides a statutory priority for subsistence use of fish and game, relative to other consumptive uses of the state's fish and game resources.

Because of the continuing controversies surrounding this issue, it can be anticipated that the bill will face a vigorous legal challenge if it is enacted. It can also be anticipated that regulations adopted to implement this legislation will face legal challenge.

The fiscal note reflects pro tem judge costs that will be incurred in handling these matters expeditiously.

M E M O R A N D U M

DATE: June 16, 1992
TO: House Resources Committee Members
FROM: Representative Ramona Barnes
RE: Testimony with respects to House Bill (HB) 600

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Mr. Chairman, members of the Committee, who loses when a race war begins? Alaska, Mr. Chairman, and Alaskans, not just Native, rural, or urban Alaskans, but all Alaskans. That Mr. Chairman and members of the Committee, is what HB 600 is designed to prevent.

The following sections of Alaska's Constitution provide the basis of this Bill:

Article VIII, Sec. 2: GENERAL AUTHORITY. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Article VIII, Sec. 3: COMMON USE. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

Article VIII, Sec. 15, in relevant part: No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. . .

Article VIII, Sec. 17. UNIFORM APPLICATION. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

Article VIII, Sec. 4. SUSTAINED YIELD. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Section 1 of House Bill 600 amends AS 16.05.251(e) to include subsistence uses and further establishes the criteria for allocations for subsistence uses. Also, Section 1, lines 10 through 14 states that the Board of Fisheries may consider as appropriate the criteria established in this Bill.

Section 2 allows the Board of Fisheries to establish under their regulatory authority the criteria for determining the individuals who may take fish for subsistence uses.

Section 3 amends AS 16.05.255(a) in accordance with their regulatory powers to establish criteria consistent with AS 16.05.258 as to which individuals may take game for subsistence uses.

Section 4 amends AS 16.05.258(a) to direct the Board of Fish & Board of Game to identify fish stocks and game populations, or portions of stocks and populations, that are customarily and traditionally used for subsistence in each area identified by the Boards.

Section 5 directs the Board of Fish and Board of game to allocate by regulation the the percentages of stock or population that may be taken for subsistence, personal, sports and commercial uses. The percentage allocated must give a preference to satisfy subsistence uses.

Section 6 establishes the methods for subsistence fishing.

Section 7 amends AS 16.05.940(30) to say "subsistence uses" means the taking of, hunting for, or possession of game for subsistence uses by means defined by the Board of Game.

Section 8 amends AS 16.05.940(31) to include an individual who significantly depends on the resource and defines customary and traditional uses.

In short, House Bill 600 is based upon the following:

1. Article VIII, Section 4 of the Constitution;
2. the portion of the law that was severed under McDowell vs. State and not declared unconstitutional;
3. the regulatory powers of the Board of Fish and Board of Game;
and
4. the sustained yield provisions of the Constitution.

Thank you Mr. Chairman and members of the Committee.