

SB

171

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 5/4/95

Topic: 9564 Joint _____

Time: 9:07 am/pm Time Adjourned: _____ am/pm

ROLL CALL:	PRES	ABS	TIME	AR	_____	_____	_____
Rep. Joe Green	✓	_____	_____	_____	_____	_____	_____
Rep. Bill Williams	✓	_____	_____	_____	_____	_____	_____
Rep. Scott Ogan	✓	_____	_____	_____	_____	_____	_____
Rep. Alan Austerman	✓	_____	_____	_____	_____	_____	_____
Rep. Ramona Barnes	_____	_____	_____	_____	_____	_____	_____
Rep. John Davies	✓	_____	_____	_____	_____	_____	_____
Rep. Pete Kott	✓	_____	_____	_____	_____	_____	_____
Rep. Eileen MacLean	_____	_____	_____	_____	_____	_____	_____
Rep. Irene Nicholia	_____	_____	_____	_____	_____	_____	_____

Other Legislators Present _____

AGENDA:

Bill No.	Short Title	Action Taken
<u>SB 171</u>	<u>Extend Current Substructure Law</u>	<u>Out CSB 171 (RES)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

OTHER

HOUSE RESOURCES

5/1/95

Tape # 95-64, Side A, #000

Call to order @ 9:07 A.M. Green

SB 171 extend current subs. law

Green - ident exc. ln. 10

Davis MOVE Adopt Senate version

Davis - MOVE ^{CS} SB 171 Out
No Obj.

Adjourn 9:10 A.M.

HOUSE COMMITTEE REPORT

5/4/95
Rules

(9)
Date Referred: May 2, 1995

FURTHER REFERRALS:

Date of Committee Action: 5/4/95

The RESOURCES Committee considered:

CSSB 171(RES)

CS FOR SENATE BILL NO. 171(RES)

EXTEND CURRENT SUBSISTENCE LAW

"An Act extending the date for a review of and a report on the current law regarding subsistence use of fish and game and delaying the repeal of the current law regarding subsistence use of fish and game; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

^{SENATE} zero fiscal note(s) F+G 4/29/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>J. N. Davis</i>	Davis	+			
<i>R. Kott</i>	Kott			✓	
<i>A. Ogan</i>	Ogan	x			
<i>W. Austerman</i>	Austerman			✓	
<i>W. Williams</i>	Williams	x			
<i>J. Green</i>	Green	-			
		(4)		(2)	

CHAIR'S SIGNATURE

J. Green
Green



Alaska State Legislature

Session:
State Capitol
Juneau AK 99801-1182

Interim:
716 W 4th Avenue
Anchorage AK 99501-2133

SPONSOR STATEMENT

SB 171 "An Act relating to subsistence use of fish and game."

Under terms of the Act by which the state's 1992 subsistence law was enacted (Sec.3, CH.1, SSSLA 1992), the 1992 law will be repealed on October 1, 1995. It will then be replaced by its predecessor, the 1986 subsistence law. This "sunset" provision was premised on the expectation that the legislature would consider reinstating the 1992 law following a review by the Governor. Unfortunately, this review has not been completed.

Although there are many similarities between the 1986 and the 1992 versions of Alaska's subsistence law, there are some significant differences which favor the 1992 law.

First, the 1992 law incorporates the concept of "nonsubsistence areas". These are areas or communities where dependence on subsistence is not a principal characteristic of the economy, culture and way of life of the community or area, as determined by the Boards of Fisheries and Game based on several specific criteria. This allows the Boards to identify places such as the Anchorage bowl or parts of the Kenai Peninsula where the subsistence priority does not apply. Although this provision has been challenged in court and its operation temporarily stayed, the Alaska Supreme Court has not yet ruled, so it is entirely possible that this provision may still be viable.

A second major advantage of the 1992 law is its definition of "customary and traditional" and "customary trade". These definitions are lacking in the 1986 law and hence are a continuous focus of controversy and litigation. The definitions in the 1992 law recognize prior interpretations of the Boards and give them latitude to further refine those definitions. The definition of

"customary trade" and its legislative history clarify that trade is noncommercial and also requires the Boards to identify and provide for those trades.

Another advantage of maintaining the 1992 law is that all Board regulations will remain intact. If the law is allowed to sunset, the Board will be required to review all regulations for consistency with the 1986 subsistence law. This will be a time-consuming, expensive process that will disrupt the Boards' regulatory meetings and create public confusion. This disruption should not occur until the legislature decides that it prefers to return to the provisions of the 1986 law.

The 1992 law is also superior to the 1986 version because it provides clarification that the Boards are not required to quantify an exact harvestable surplus of fish or game -- a task usually biologically impossible. The Boards do, however, have to identify the portion of harvestable surplus that is reasonably necessary for subsistence use.

In sum, the clarifying definitions alone make the 1992 law an improvement over the 1986 law. In addition, the 1992 law's "nonsubsistence area" provision may well be upheld by the Alaska Supreme Court. Reverting to the 1986 law will be costly to the state and its citizens, both in terms of money and public confusion, and will serve no purpose.

HB 312 should be passed to simply extend the state's 1992 subsistence law. This would retain the status quo until the Supreme Court rules on the validity of the "nonsubsistence areas" and a complete review of the 1992 law by the Governor's office has been completed.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 171

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Extend current subsistence law BRU: Subsistence
 Component: Subsistence
 Sponsor: Senate Resources
 Requester: Senate Resources COMPONENT SERIAL NO. 483

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Geron Bruce *GB* Phone: 465-8143
 Division: Commissioner's Office Date: 4/28/95
 Approved by Commissioner: Frank Rue *Geron Bruce Jr.* Date: 4/28/95
 Agency: Fish and Game

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