



# LAWS OF ALASKA

1990

First Special Session

**Source**

HCS CSSB 555(Res) am H

**Chapter No.**

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**AN ACT**

Expressing the intent of the legislature with respect to an extension of the stay in McDowell v. State and establishing the Commission on Subsistence Use of Fish and Game; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 12

Approved by the Governor: July 23, 1990  
Actual Effective Date: July 24, 1990

AN ACT

Expressing the intent of the legislature with respect to an extension of the stay in McDowell v. State and establishing the Commission on Subsistence Use of Fish and Game; and providing for an effective date.

\* Section 1. The Commission on Subsistence Use of Fish and Game is established.

\* Sec. 2. The Commission on Subsistence Use of Fish and Game shall review all aspects of state and federal laws relating to subsistence uses of fish, wildlife, and other natural resources, and the implementation of those laws, including the effects of Alaskans' use of and state management of fish and wildlife. This review must include an examination of

(1) what subsistence is and who should qualify as a subsistence user;

(2) the most appropriate way to provide for subsistence in Alaska;

(3) what a subsistence priority is and how it should be implemented;

(4) what constitutes "customary trade and barter" as that term is used in federal and state subsistence laws, the potential for increases in the sale of subsistence harvests, and the resulting effect on other users under those provisions;

(5) the roles of the Board of Fisheries, Board of Game, and the

Chapter 1

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 11 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) three members who are subsistence users; 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  
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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. If the legislature proposes a constitutional amendment to the  
6 voters which allows the state to preclude further federal intervention, the  
7 Alaska State Legislature respectfully requests the Alaska Supreme Court to  
8 stay the effect of its decision in McDowell v. State, 785 P.2d 1 (Alaska  
9 1989), until the lieutenant governor certifies the election returns of the  
10 1990 general election on an amendment to the Alaska State Constitution  
11 relating to a subsistence preference.

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

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