

Judiciary bucks feds with "needs base"

Tundra Times staff

The Senate Judiciary Committee has adopted an amendment — tying subsistence rights to income level — which is almost certain to put the bill in conflict with federal law.

But that seems to be precisely the intent of the amendment. Sen. Rick Halford, R-Chugiak, was quoted as saying, "I think there is a clash with federal law," and that he hoped "the federal government will re-assess its guidelines."

Assistant state attorney general Larri Spengler said the needs test would conflict with the Alaska National Interest Lands Conservation Act

(ANILCA), which forbids income requirements to be imposed upon rural residents.

The bill (SCS CSHB288) would require Alaskans to have a yearly income of \$5,600 or less in order to qualify for subsistence rights.

The state has been warned by the U.S. Department of the Interior that it has until June 1 of this year to pass a subsistence law that guarantees a preference to residents of Alaska's rural communities. If the Legislature has not passed such legislation by June 1, the federal government will take over management of fish and game on

federal lands, which make up over 50 percent of the state.

Halford, however, is not worried by that prospect. He says that missing the deadline "probably won't matter" because the federal government has a better fish and wildlife management plan than Alaska has had since the state Supreme Court's *Madison* ruling a year ago.

Gov. Bill Sheffield, who introduced the original bill that passed the state House last session, was quick to denounce Halford's needs-based scheme as "political gamesmanship" and said the state Senate is bucking federal policies the wrong way.

"It's just an attempt to play politics

They must turn in a petition with 50 signatures to get on the ballot.

Kotzebue would have five assembly seats, with Noatak, Kivalina, Noorvik, Baird Mountains and Kiana getting three seats. One more seat would be filled from the rest of the Kobuk area. Ambler, Shugnak, and Kobuk.

Two more seats would be filled from Selawick, Buckland, Deering, Fink Creek, Candle, the Selawick area, and Baldwin Peninsula.

If approved, the new borough would

with it (subsistence) in the eleventh hour," the governor said last Tuesday. Sheffield went on to say that, "Clearly, a needs-based law is not in compliance with federal law ... if you don't like subsistence, that's a federal problem and you deal with it there."

Halford denied that his amendment was political gamesmanship, saying he has long advocated a needs test.

House Speaker Ben Grussendorf, D-Sitka, said "Needs-based subsistence just won't cut it," and promised that if the bill passed the Senate in its present state, it would be tied up in a conference committee in the House.

exercise powers of education, assessment and tax collection, and land planning.

The new borough would receive \$300,000 in start-up costs from the state in its first year, \$200,000 in its second and \$100,000 in its third.

According to briefs filed in the application for detachment, the greatest portion of the \$21.6 million budget — \$20 million — will be spent for education.