

# Subsistence amendment fails in special session

## Federal takeover started July 1

by Geoff Kennedy  
for the Tundra Times

The special session produced nothing but a commission to study subsistence.

The Legislature adjourned July 8 without replacing Alaska's subsistence law. A proposed constitutional amendment failed by four votes in the House, and a move to rescind that vote failed by one vote. Then lawmakers decided to adjourn without solving Alaska's subsistence dilemma.

The 1980 Alaska National Interest Lands Conservation Act required a subsistence preference for rural residents, but last December the state Supreme Court said such a preference unconstitutionally discriminates against urban residents.

Cowper, Reps. Lyman Hoffman, D-Bethel, and George Jacko, D-Pedro Bay, proposed constitutional amendments to ensure the state law conforms to federal law.

But the amendments failed to win the necessary two-thirds' vote in the state House and never reached the floor of the Senate during the regular session.

Cowper called a special session to convene June 25. The Senate this time passed a constitutional amendment, 14 to 6. But the amendment failed in the House by a 23 to 17 vote, four votes short of passage.

While lawmakers were deliberating, the federal government took over management of fish and game on its

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lands in Alaska. The Legislature had failed to meet the July 1 deadline the state Supreme Court imposed on lawmakers to replace the subsistence law.

Proponents had argued that a takeover would erode Alaskans' hunting and fishing rights, unless the state amended its constitution to conform to federal law.

Opponents had argued the state should leave its constitution alone and instead sue the federal government to overturn the rural preference provided by ANILCA.

The measure passed in the Senate by gathering support from Republicans as well as Democrats. But Republican opposition stiffened in the House.

On the last day of the special session, a motion to rescind the previous vote fell short of the necessary two-thirds majority by one vote.

Three House Democrats who had voted against the constitutional amendment voted to rescind the previous vote: Mark Boyer of Fairbanks, Ron Larson of Palmer and Curt Menard of Wasilla.

The 14 lawmakers who opposed the motion to rescind were all Republicans: Ramona Barnes, Virginia Collins, Walt Furnace, Alyce Hauley, Loren Leman, Terry Martin, Fritz Pettyjohn and Jim Zawacki, all of Anchorage; Cheri Davis of Ketchikan; Mike Miller of North Pole; Randy Phillips of Eagle River; Bert Sharp of Fairbanks; Dick Shultz of

Tok; and Robin Taylor of Wrangell.

Congress knew what it was doing when it enacted ANILCA 10 years ago, said Robert Willard, president of the Southeast Native Subsistence Commission.

"The Legislature's denying a rural preference confirms the congressional attitude that the state is not ready to accommodate the subsistence lifestyle of the Alaska Natives," Willard said in a prepared statement.

"It's ridiculous. The Legislature relinquishes control of 60 percent of Alaska, all on account of 8 percent of its citizens taking less than 4 percent of the resources. In the Southeast, less than 1 percent of the salmon is used by subsistence users," he said.

"The effort was all for naught," said Cowper. "It was a moderate amendment. It was not anything coercive; it did not co-opt the Legislature in any way."

Julie Katka, president of the Alaska Federation of Natives, was very disappointed.

"A very small number of people held back the entire Legislature from taking action, despite all the opinion polls that showed their constituents favored a constitutional amendment," she said.

But rural preference opponents oppose it more strongly than most supporters support it, she said.

"Their support of that doesn't translate either into sending public opinion messages or traveling down to Juneau to testify."