

HOUSE JOINT RESOLUTION NO. 33

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MASEK, Toohey, James, Bunde, Ogan

Introduced: 3/1/95

Referred: Judiciary

A RESOLUTION

**1 Requesting the Congress to amend Title VIII of the Alaska National Interest
2 Lands Conservation Act.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS provisions of Title VIII of the Alaska National Interest Lands
**5 Conservation Act (ANILCA; Public Law 96-487) arbitrarily divide the residents of Alaska into
6 groups based on the population and economic characteristics of the communities where they
7 live; and**

8 WHEREAS the purpose of this division is to allocate access to the fish and wildlife
**9 of Alaska for subsistence uses among residents of Alaska without individual regard to the
10 resident's traditional or historic use of or need to engage in subsistence uses of fish and
11 wildlife; and**

12 WHEREAS such allocations of the fish and wildlife resources of Alaska are contrary
**13 to the principles of common use of and equal access to fish and wildlife that are inherent in
14 the Constitution of the State of Alaska; thus the State of Alaska is constitutionally barred from
15 complying with the provisions of Title VIII of ANILCA; and**

16 WHEREAS the Secretary of the Interior and the Secretary of Agriculture have relied

1 on provisions of Title VIII of ANILCA to preempt state authority over subsistence uses of fish
2 and wildlife on the public lands and navigable waters in Alaska; and

3 **WHEREAS** the Secretary of the Interior and the Secretary of Agriculture require that
4 the State of Alaska amend its constitution to conform to the provisions of Title VIII of
5 ANILCA as a precondition to the relinquishment of authority over subsistence uses of fish and
6 wildlife on public lands and navigable waters in Alaska; and

7 **WHEREAS** the Alaska State Legislature has steadfastly resisted pressure from federal
8 agencies to amend the Constitution of the State of Alaska to conform to federal legislation that
9 does not recognize the principles of common use of and equal access to state-owned or state-
10 managed natural resources; and

11 **WHEREAS** the Alaska State Legislature acknowledges and wholeheartedly supports
12 the efforts of the 104th Congress to eliminate such blatant and onerous federal intrusions into
13 the affairs of sovereign states;

14 **BE IT RESOLVED** that the Alaska State Legislature respectfully and ardently
15 requests the Congress to revise Title VIII of the Alaska National Interest Lands Conservation
16 Act to incorporate the principles of common use of and equal access to fish and wildlife
17 resources for subsistence uses; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature also respectfully requests
19 the Congress to mandate that the Secretary of the Interior and the Secretary of Agriculture
20 return authority for management of subsistence uses of fish and wildlife in Alaska to the State
21 of Alaska.

22 **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President
23 of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker
24 of the U.S. House of Representatives; the Honorable Bob Dole, Majority Leader of the U.S.
25 Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators,
26 and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
27 Congress.