

HOUSE JOINT RESOLUTION NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SPECIAL SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 7/20/98

Referred: Rules

A RESOLUTION

1 **Proposing an amendment to the Constitution of the State of Alaska relating to**
2 **establishing a priority for subsistence uses of fish and wildlife; and relating to**
3 **the effective date and repeal of the subsistence amendment.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Article VIII, Constitution of the State of Alaska, is amended by adding a new
6 section to read:

7 **Section 19. Subsistence Priority.** The legislature shall, consistent with the
8 sustained yield principle, provide a priority for subsistence uses of a fish or wildlife
9 resource by residents of a community or area that is substantially dependent on fish
10 and wildlife for nutritional and other subsistence uses. The priority may be based on
11 place of residence.

12 * **Sec. 2.** Article XV, Constitution of the State of Alaska, is amended by adding a new
13 section to read:

14 **Section 29. Effective Date and Repeal of Amendment.** (a) If adopted by

1 the voters at the 1998 general election, the amendment set out in Section 19 of Article
2 VIII, regarding a subsistence priority, takes effect on October 1, 2000.

3 (b) Section 19 of Article VIII, regarding a subsistence priority, is repealed on
4 the date of a final, nonappealable judgment or order by a federal court deciding that
5 the rural subsistence priority in Title VIII, Alaska National Interest Lands Conservation
6 Act, P.L. 96-487, as amended, violates the Constitution of the United States.

7 (c) In (b) of this section, "final, nonappealable judgment or order" means a
8 judgment or an order that cannot be appealed because all possible appeals, including
9 a petition for certiorari to the United States Supreme Court, have been taken or the
10 time for taking an appeal has expired without appeal.

11 * **Sec. 3.** The amendments proposed by this resolution shall be placed before the voters of
12 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
13 State of Alaska, and the election laws of the state.