

**SENATE JOINT RESOLUTION NO. 101 am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SPECIAL SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Amended: 5/28/98

Introduced: 5/26/98

**A RESOLUTION**

1 **Proposing amendments to the Constitution of the State of Alaska authorizing a**  
2 **priority for subsistence uses of fish and wildlife that is based on place of**  
3 **residence; and providing for an effective date.**

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 may, consistent with the  
8 sustained yield principle, provide a priority for subsistence uses in the taking of fish  
9 and wildlife based on place of residence.

10 \* **Sec. 2.** Article XV, Constitution of the State of Alaska, is amended by adding new  
11 sections to read:

12 **Section 29. Effective Date of Subsistence Amendment.** (a) Section 19 of  
13 Article VIII, regarding a priority for subsistence uses of fish and wildlife, takes effect  
14 on the day following the later of the date of a final decision of a federal court in cases

1 described in (b) of this section that the Congress of the United States acted within the  
 2 scope of its constitutional authority by enacting the Alaska National Interest Lands  
 3 Conservation Act (P.L. 96-487), which included the following:

- 4 (1) a rural resident preference for subsistence uses of fish and wildlife;
- 5 (2) a preemption of state authority over the management of fish and  
 6 wildlife on federal public lands in the State; and
- 7 (3) other provisions.

8 (b) A final decision as described in (a) of this section may occur only in  
 9 Alaska Legislative Council v. Babbitt, Civil No. 1:98CV0069(JR), United States  
 10 District Court for the District of Columbia, or in another case filed within one year  
 11 after the dismissal of Alaska Legislative Council v. Babbitt under circumstances that  
 12 do not produce a final decision as described in (a) of this section, including but not  
 13 limited to lack of standing of all plaintiffs.

14 (c) For the purposes of (a) of this section, the date of a final decision is

- 15 (1) the date the time for appellate review of the decision expires  
 16 without request for appellate review; or
- 17 (2) for a final decision by the Supreme Court of the United States, the  
 18 date of the decision itself.

19 **Section 30. Subsistence Litigation.** The governor whose term of office  
 20 begins at noon on the first Monday of December 1998 shall, within three months from  
 21 the beginning of the governor's term of office, bring a legal action in the United States  
 22 Supreme Court challenging the constitutionality of the Alaska National Interest Lands  
 23 Conservation Act (P.L. 96-487), which included provisions that establish a rural  
 24 resident preference for subsistence uses of fish and wildlife and that preempt State  
 25 authority over management of fish and wildlife on federal public lands in the State.  
 26 This legal action shall address conflicts between the sovereignty of the State and the  
 27 federal government regarding the authority to manage or regulate all fish and wildlife  
 28 resources in the State and the navigable waters of the State. The governor shall also  
 29 join existing litigation that challenges the Alaska National Interest Lands Conservation  
 30 Act (P.L. 96-487). The governor shall vigorously pursue the litigation described in  
 31 this section.

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