

**SENATE JOINT RESOLUTION NO. 101 am H(fld H)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SPECIAL SESSION**

**BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Amended: 5/31/98**

**Amended: 5/28/98**

**A RESOLUTION**

**1 Proposing amendments to the Constitution of the State of Alaska relating to**  
**2 establishing a priority for subsistence uses of fish and wildlife; and providing for**  
**3 an 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 subsistence, takes effect on the earlier of October 1, 2002 or the date  
3 of a final nonappealable judgment or order by a federal court deciding whether or not  
4 the rural subsistence priority in Title VIII, Alaska Native Interest Lands Conservation  
5 Act (P.L. 96-487), as amended, violates the Constitution of the United States.

6 (b) Section 19 of Article VIII, regarding subsistence, is repealed on the date  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

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

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