

**SENATE JOINT RESOLUTION NO. 36**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/10/00

Referred: Resources, Judiciary, Finance

**A RESOLUTION**

1 Proposing amendments to the Constitution of the State of Alaska relating to use  
2 of renewable resources for subsistence by residents.

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

4 \* **Section 1.** Article VIII, sec. 4, Constitution of the State of Alaska, is amended to read:

5 **Section 4. Sustained Yield.** (a) Fish, forests, wildlife, grasslands, and all  
6 other replenishable resources belonging to the State shall be utilized, developed, and  
7 maintained on the sustained yield principle, subject to preferences among beneficial  
8 uses.

9 (b) The legislature may, consistent with the sustained yield principle,  
10 provide a preference to and among residents to take a wild renewable resource  
11 for subsistence uses on the basis of customary and traditional use, direct  
12 dependence, the availability of alternative resources, the place of residence, or  
13 proximity to the resource. When the harvestable surplus of the resource is not  
14 sufficient to provide for all beneficial uses, other beneficial uses shall be limited  
15 to protect subsistence uses.

16 \* **Sec. 2.** Article XV, Constitution of the State of Alaska, is amended by adding a new

1 section to read:

2                   **Section 30. Effective Date of Subsistence Amendment.** If the amendment  
3 to Section 4 of Article VIII, regarding use of renewable resources for subsistence, is  
4 adopted at the 2000 general election, the amendment takes effect immediately on  
5 certification of the election returns by the lieutenant governor.

6    \* **Sec. 3. PURPOSE.** The purpose of the amendments proposed by this resolution is to  
7 allow for a preference for subsistence uses of fish, wildlife, and other renewable natural  
8 resources; to ensure state management of fish and wildlife throughout the state; to address the  
9 constitutional issues identified by the Alaska Supreme Court in McDowell v. State of Alaska,  
10 785 P.2d 1 (Alaska 1989) and State v. Kenaitze Indian Tribe, 894 P.2d 632 (Alaska 1995);  
11 and to bring the state into compliance with Title VIII, Alaska National Interest Lands  
12 Conservation Act (PL. 96-487).

13    \* **Sec. 4.** The amendments proposed by this resolution shall be placed before the voters of  
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the  
15 State of Alaska, and the election laws of the state.