

HOUSE JOINT RESOLUTION NO. 41

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/15/02

Referred: Resources, Judiciary, Finance

A RESOLUTION

1 **Proposing an amendment to the Constitution of the State of Alaska relating to providing**
2 **for priorities for and among subsistence uses in the allocation of fish, wildlife, and other**
3 **renewable resources.**

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. Priorities for Subsistence Uses.** (a) The policy of the State of
8 Alaska is to recognize the subsistence tradition of the indigenous peoples of Alaska
9 and to accord a priority to customary and traditional subsistence uses in the allocation
10 of fish, wildlife, and other renewable resources.

11 (b) The legislature shall provide that, whenever it is necessary under the
12 sustained yield principle to impose any restrictions on the taking of a fish, wildlife, or
13 other renewable resource, the customary and traditional subsistence uses of that
14 resource by rural residents in the area of the State in which those customary and
15 traditional uses have occurred shall receive priority over all other consumptive uses of

1 the resource. When a renewable resource is not sufficient to satisfy all customary and
2 traditional subsistence uses, priorities among subsistence users shall be based on
3 customary and direct dependence on the resource as the mainstay of livelihood,
4 proximity to the resource, and the availability of alternative resources.

5 (c) The legislature may grant lower priorities for subsistence uses to other
6 residents of the State who demonstrate customary and traditional use of a fish,
7 wildlife, or other renewable resource. These priorities may be granted so long as they
8 do not diminish the subsistence priority of rural residents of the State.

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