

**HOUSE JOINT RESOLUTION NO. 2**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE WEYHRAUCH**

**Introduced: 1/21/03**

**Referred: Resources, Judiciary, Finance**

**A RESOLUTION**

1 **Proposing amendments to the Constitution of the State of Alaska relating to use of**  
2 **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 \* **Sec. 2.** Article VIII, sec. 4, Constitution of the State of Alaska, is amended by adding a  
10 new subsection to read:

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

1     \* **Sec. 3.** Article XV, Constitution of the State of Alaska, is amended by adding a new  
2 section to read:

3             **Section 30. Effective Date of Subsistence Amendment.** If the amendments  
4 to Section 4 of Article VIII, regarding use of renewable resources for subsistence, are  
5 adopted at the 2004 general election, the amendments take effect immediately on  
6 certification of the election returns by the lieutenant governor.

7     \* **Sec. 4.** PURPOSE. The purpose of the amendments proposed by this resolution is to  
8 allow for a preference for subsistence uses of fish, wildlife, and other renewable natural  
9 resources; to ensure state management of fish and wildlife throughout the state; to address the  
10 constitutional issues identified by the Alaska Supreme Court in McDowell v. State of Alaska,  
11 785 P.2d 1 (Alaska 1989) and State v. Kenaitze Indian Tribe, 894 P.d. 632 (Alaska 1995); and  
12 to allow the state to come into compliance with Title VIII, Alaska National Interest Lands  
13 Conservation Act (PL. 96-487).

14     \* **Sec. 5.** 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.