

BY REP. ULMER, Goll, Brown

1 IN THE HOUSE

2

HOUSE JOINT RESOLUTION NO. 100

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SPECIAL SESSION

5

Proposing amendments to the Constitution

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of the State of Alaska relating to the

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taking of fish and wildlife for sub-

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sistence and personal use.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. Article VIII, Constitution of the State of Alaska, is
11 amended by adding a new section to read:

12 SECTION 19. TAKING OF FISH AND WILDLIFE FOR SUBSISTENCE AND
13 PERSONAL USE. Laws enacted as Chapter 52, Session Laws of Alaska
14 1986, "An Act relating to the taking of fish and wildlife for subsis-
15 tence and personal use; and providing for an effective date," together
16 with any laws passed by the First Special Session of the Sixteenth
17 Alaska State Legislature to comply with the subsistence priority for
18 rural residents required in 16 U.S.C. 3112 - 3115, are valid under
19 this constitution.

20 * Sec. 2. Article VIII, Constitution of the State of Alaska, is amended
21 by adding a new section to read:

22 SECTION 20. SUBSISTENCE PREFERENCE. Consistent with the sus-
23 tained yield principle, the legislature may grant a preference in the
24 taking of fish and wildlife for subsistence uses by residents of
25 Alaska based upon community or regional characteristics, and when
26 necessary to protect subsistence uses, may allocate subsistence re-
27 sources based on customary and direct dependence, local residence, and
28 availability of alternative resources.

29 * Sec. 3. Section 1 of this resolution is repealed and if sec. 1 of

1 this resolution has taken effect art. VIII, sec. 19, Constitution of the
2 State of Alaska, is repealed.

3 * Sec. 4. Section 1 of this resolution takes effect immediately upon
4 the effective date of a final decision by a court of competent jurisdiction
5 that an Act passed by the First Special Session of the Sixteenth Alaska
6 State Legislature relating to a subsistence preference either

7 (1) fails to satisfy the requirements for a subsistence prefer-
8 ence under 16 U.S.C. 3112 - 3115; or

9 (2) is invalid under the state or federal constitution.

10 * Sec. 5. Notwithstanding sec. 4 of this resolution, secs. 2 and 3 of
11 this resolution take effect if

12 (1) a court of competent jurisdiction determines in a final
13 decision that an Act passed during the First Special Session of the Six-
14 teenth Alaska State Legislature relating to a subsistence preference either

15 (A) fails to satisfy the requirements for a subsistence
16 preference under 16 U.S.C. 3112 - 3115; or

17 (B) is invalid under the state or federal constitution; and

18 (2) a federal court of competent jurisdiction determines in a
19 final decision that the requirements for a rural subsistence preference
20 under 16 U.S.C. 3112 - 3115 are valid.

21 * Sec. 6. If a federal court of competent jurisdiction determines in a
22 final decision that the requirements for a rural subsistence preference
23 under 16 U.S.C. 3112 - 3115 are invalid, secs. 1 - 5 of this resolution are
24 repealed, and if sec. 1 of this resolution has taken effect, art. VIII,
25 sec. 19, Constitution of the State of Alaska is repealed, and if sec. 2 of
26 this resolution has taken effect, art. VIII, sec. 20, Constitution of the
27 State of Alaska, is repealed.

28 * Sec. 7. For the purposes of secs. 4 - 6 of this resolution, "final
29 decision" means the final judgment or order of a court if the time for

1 appealing the decision has expired or no appeal of the decision may be
2 taken.

3 * Sec. 8. The amendments proposed in secs. 1 and 2 of this resolution
4 and the provisions of secs. 3 - 7 of this resolution, shall be placed
5 before the voters of the state as one ballot proposition at the next
6 general election in conformity with art. XIII, sec. 1, Constitution of the
7 State of Alaska, and the election laws of the state.