

Original sponsor(s): SEN. JONES, Faiks

1 IN THE SENATE BY THE RULES COMMITTEE
 2 CS FOR SENATE CONCURRENT RESOLUTION NO. 62 (Rules)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 SIXTEENTH LEGISLATURE - FIRST SPECIAL SESSION

5 Relating to the subsistence priority
 6 required under the Alaska National
 7 Interest Lands Conservation Act.

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

9 WHEREAS the Alaska National Interest Lands Conservation Act (ANILCA)
 10 requires subsistence uses to be given priority on federal land in Alaska
 11 over the taking of subsistence resources for other purposes; and

12 WHEREAS under ANILCA only rural residents are entitled to the subsis-
 13 tence priority; and

14 WHEREAS the Alaska Supreme Court held in McDowell v. State, 785 P.2d 1
 15 (Alaska 1989), that the state law granting a subsistence priority to rural
 16 residents violates secs. 3, 15, and 17 of art. VIII of the state constitu-
 17 tion; and

18 WHEREAS, unless the state implements the subsistence preference, the
 19 federal government is required under ANILCA to take over subsistence re-
 20 source management on federal land from the state; and

21 WHEREAS it has not been determined whether the subsistence priority in
 22 ANILCA violates the federal constitution;

23 BE IT RESOLVED by the Alaska State Legislature that the Governor is
 24 respectfully requested to file an original action in the United States
 25 Supreme Court on behalf of the State of Alaska to determine the constitu-
 26 tionality of the subsistence priority under ANILCA and requesting that the
 27 federal government be enjoined from assuming management over subsistence
 28 resources on federal land in Alaska pending a final determination; and be
 29 it

1 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
2 quests the Alaska Supreme Court to stay the effect of its decision in
3 McDowell v. State, 785 P.2d 1 (Alaska 1989), until a final decision is
4 rendered by the United States Supreme Court on the constitutionality of
5 ANILCA.

6 COPIES of this resolution shall be sent to the Honorable George Bush,
7 President of the United States; the Honorable Richard Thornburgh, Attorney
8 General of the United States; the Honorable Ted Stevens and the Honorable
9 Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Repre-
10 sentative, members of the Alaska delegation in Congress; the Honorable
11 Steve Cowper, Governor of the State of Alaska; and to the Honorable Warren
12 W. Matthews, Chief Justice of the Alaska Supreme Court.