

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

1 IN THE SENATE

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SENATE JOINT RESOLUTION NO. 78

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

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Proposing an amendment to the Consti-

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tution of the State of Alaska relating

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to subsistence uses of fish and wildlife

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by rural residents.

9 BE IT ENACTED 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. SUBSISTENCE USES OF FISH AND WILDLIFE. Nothing in
13 this constitution prohibits the legislature from limiting the taking
14 of fish and wildlife for subsistence uses to rural residents, and from
15 providing for the allocation of that taking among rural residents on
16 the basis of local or community residence, availability of alternative
17 resources, and customary and direct dependence on a fish or wildlife
18 population as the mainstay of livelihood.

19 * Sec. 2. The intent of the amendment proposed by this resolution is to
20 validate, ratify, and reinstate any provisions of the new statutes and
21 amendments enacted by ch. 52, SLA 1986, and of any regulations adopted
22 under those statutes and amendments, which otherwise might have to be
23 declared invalid under the Alaska Supreme Court's decision in McDowell v.
24 State, 785 P.2d 1 (Alaska 1989), and to explicitly reverse the effect of
25 the McDowell decision as to those provisions and regulations.

26 * Sec. 3. The amendment proposed by this resolution, and the intent of
27 the amendment as set out in this resolution, shall be placed before the
28 voters of the state as one ballot proposition at the next general election
29 in conformity with art. XIII, sec. 1, Constitution of the State of Alaska,

1 and the election laws of the state.