

**HOUSE JOINT RESOLUTION NO. 78**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE IVAN**

**Introduced: 2/18/92**

**Referred: Resources, Judiciary, Finance**

**A RESOLUTION**

**1 Proposing amendments to the Constitution of the State of Alaska relating to subsistence  
2 uses of fish and wildlife by Alaska residents; and providing for an effective date."**

**3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

**6 SECTION 19. SUBSISTENCE USES OF FISH AND WILDLIFE.** Consistent with the  
**7 sustained yield principle, the legislature may grant a preference to and among Alaska residents  
8 in the taking of fish and wildlife for subsistence uses on the basis of community or area  
9 characteristics, geography, customary and traditional use, direct dependence, local residence, or  
10 the availability of alternative resources.**

**11 \* Sec. 2.** In addition to authorizing the legislature to enact laws granting a preference for subsistence  
**12 uses, the amendment proposed in sec. 1 of this resolution validates, ratifies, and reinstates state  
13 subsistence laws, including the definitions and subsistence preference for rural residents in ch. 52, SLA  
14 1986, that were struck down by or as the result of the decision of the Alaska Supreme Court in  
15 McDowell v. State, 785 P.2d 1 (Alaska 1989), and that are consistent with federal laws relating to  
16 subsistence uses.**

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

3           **SECTION 29. EFFECTIVE DATE OF SUBSISTENCE AMENDMENT.** Section 19 of  
4 Article VIII, regarding subsistence uses of fish and game, takes effect immediately upon  
5 certification of the election returns by the lieutenant governor.

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