

ALASKA STATE LEGISLATURE

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REPRESENTATIVE TIFFANY ZULKOSKY DISTRICT 38

House Bill 123 – An Act Providing for State Recognition of Federally Recognized Tribes

Sectional

Section 1: This section adds legislative finding and intent language.

Section 2: This section is a technical change and could have been included in a revisor's bill. In 2016, provisions from chapter 14 of title 25 of the United States Code were reorganized. As a result, the Federally Recognized Indian Tribe List Act of 1994 received a different section number in the U.S. Code. The operative provision of this bill in Section 4 of the bill references this act. The proposed new statute in Section 4 cross references AS 23.20.520 and so Legislative Legal is suggesting that the new section number in the U.S. Code be updated in this statute.

Sections 3 and 4. Sections 2 and 3 are technical changes. The proposed new statute of this bill was deemed to be codified in AS 44.03 by Legislative Legal. This chapter of title 44 contains only four statutes that deal with state ownership and jurisdiction of offshore water and submerged lands and rules of statutory construction for the chapter. Because the proposed new statute of this bill is a completely different concept than the existing statutes within AS 44.03, clarifying language was inserted to accommodate the proposed new statute within this chapter.

Section 5. This section contains the proposed new statute which acknowledges the unique status tribes have with the federal government and makes it the State's official policy that the State recognizes the federally recognized tribes within the state of Alaska. The list of federally recognized tribes is codified in the U.S. Code and this statute references that act. This section makes clear that this recognition is in no way intended to affect the federal trust responsibility the U.S. Government extends to tribes nor is it an attempt to create a state trust responsibility to tribes.

Section 6: Adds an immediate effective date.

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