

HOUSE CONCURRENT RESOLUTION NO. 7

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PHILLIPS, Vezey, Toohey, Bunde, Ogan, Mulder

Introduced: 1/25/95

Referred: Rules

A RESOLUTION

1 **Strongly urging the Governor to continue the lawsuit known as State of Alaska**
2 **v. Babbitt, C.A. No. 94-35480, and to pursue the State of Alaska's position that**
3 **the United States Secretary of the Interior and Secretary of Agriculture do not**
4 **have the authority to assume management of fish and wildlife on public land in**
5 **the State of Alaska.**

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

7 **WHEREAS** Tony Knowles, Governor of the State of Alaska, seeks to withdraw, with
8 prejudice, from the consideration of the United States Court of Appeals for the Ninth Circuit
9 in State of Alaska v. Babbitt, C.A. No. 94-35480, the issue of whether the United States
10 Secretary of the Interior and Secretary of Agriculture have the authority to assume
11 management of fish and wildlife for subsistence purposes, or any other purposes, on public
12 land in the State of Alaska; and

13 **WHEREAS** the United States Secretary of the Interior and Secretary of Agriculture
14 do not have, under the Alaska Statehood Act, the authority to assume management of fish and
15 wildlife on public land in the State of Alaska, nor has the United States Congress or the

1 Alaska State Legislature specifically authorized any modification to existing management
2 authority over fish and wildlife; and

3 **WHEREAS** the State of Alaska was admitted into the Union on January 3, 1959,
4 under the Alaska Statehood Act, that incorporated the Alaska Statehood Compact, approved
5 by the citizens of the Territory of Alaska; and

6 **WHEREAS** the Alaska Statehood Compact sets out the rights and obligations of the
7 State of Alaska and is a contract between two sovereigns that, by its terms, may not be
8 unilaterally altered by either party; and

9 **WHEREAS**, under the Alaska Statehood Compact, the State of Alaska, not the federal
10 government, has the authority to administer and manage the fish and wildlife resources of
11 Alaska; and

12 **WHEREAS** because the Alaska Statehood Compact is a contract between the citizens
13 of the State of Alaska and the United States, only the Alaska State Legislature, as the people’s
14 representative, has the legal authority to agree to alter the terms of the Alaska Statehood
15 Compact; and

16 **WHEREAS** the Alaska State Legislature believes Governor Knowles’ withdrawal of
17 this issue from consideration will adversely affect the sovereignty of the State of Alaska and
18 the delicate balance of federal and state power agreed upon in the Alaska Statehood Compact;
19 and

20 **WHEREAS** the United States District Court judge specifically recognized both the
21 merits of the claims of the State of Alaska on the management issue and the need to have his
22 decision reviewed by the United States Court of Appeals for the Ninth Circuit; and

23 **WHEREAS** the Alaska State Legislature believes Governor Knowles’ withdrawal of
24 this issue from consideration will result in the federal usurpation of the State of Alaska’s
25 ability to govern the management of fish and wildlife on public land in its territory in
26 violation of the Alaska Statehood Compact; and

27 **WHEREAS** the Alaska State Legislature believes Governor Knowles’ refusal to
28 advocate this issue constitutes a failure to defend the Constitution of the State of Alaska that
29 protects the rights and benefits of all of the citizens of the State of Alaska equally;

30 **BE IT RESOLVED** that the Alaska State Legislature exhorts Governor Knowles to
31 continue to advocate this issue before the United States Court of Appeals for the Ninth

1 Circuit; and be it

2 **FURTHER RESOLVED** that, if Governor Knowles declines to continue defending
3 the right of the State of Alaska to govern the management of fish and wildlife on public land
4 in its territory as well as the protections afforded by the Constitution of the State of Alaska,
5 the Alaska State Legislature will intervene as a representative of the citizens of the State of
6 Alaska to continue the lawsuit and advocate the position that the Secretary of the Interior and
7 the Secretary of Agriculture do not have the authority to assume management of fish and
8 wildlife on public land in the State of Alaska.