

HOUSE BILL NO. 295

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES HODGINS, Kohring

Introduced: 1/12/98

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to enforcement of subsistence hunting and fishing laws."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.65 is amended by adding a new section to read:

4 **Article 11. Miscellaneous Provisions.**

5 **Sec. 18.65.900. Enforcement of subsistence hunting and fishing laws.** (a)

6 Notwithstanding AS 18.65.090, the Department of Public Safety may not enforce, or
7 directly assist the enforcement of, a federal statute or regulation governing eligibility
8 to engage in subsistence hunting or fishing in the state if the statute could not be
9 enacted by the state or the regulation could not be adopted by a state department or
10 agency because the statute or regulation violates either the Constitution of the State of
11 Alaska or the Constitution of the United States.

12 (b) An employee or law enforcement agent of a state department other than
13 the Department of Public Safety or of a state agency or a police officer employed by
14 a municipality may not enforce, or directly assist the enforcement of, a federal statute
15 or regulation governing eligibility to engage in subsistence hunting or fishing in the

1 state if the statute could not be enacted by the state or the regulation could not be
2 adopted by a state department or agency because the statute or regulation violates
3 either the Constitution of the State of Alaska or the Constitution of the United States.

4 (c) A person, including an employee or law enforcement agent of a federal
5 department or agency may not enforce, or directly assist the enforcement of, a federal
6 statute or regulation governing eligibility to engage in subsistence hunting or fishing
7 in the state if the statute could not be enacted by the state or the regulation could not
8 be adopted by a state department or agency because the statute or regulation violates
9 either the Constitution of the State of Alaska or the Constitution of the United States.