

**CS FOR HOUSE BILL NO. 109(WTR)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON WORLD TRADE AND STATE/FEDERAL RELATIONS

Offered: 3/17/99

Referred: Resources

Sponsor(s): REPRESENTATIVES OGAN, Dyson, Green, Kohring, Cowdery, Austerman, Harris, Grussendorf, James, Porter, Coghill, Whitaker, Mulder, Williams, Sanders

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to management of fish and game in Glacier Bay National Park  
2 and Preserve and navigable waters."

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

4 \* **Section 1.** AS 16.20.010 is amended to read:

5 **Sec. 16.20.010. Legislative recognition.** The legislature recognizes that

6 (1) the state has jurisdiction over all fish and game in the state except  
7 in those areas where it has assented to federal control;

8 (2) the state has not assented to federal control of fish and game in

9 (A) those areas **that** [WHICH] were set apart as National Bird  
10 and Wildlife Refuges while the state was a United States territory; **and**

11 **(B) Glacier Bay National Park and Preserve or the navigable**  
12 **waters within or adjoining the park and preserve;**

13 (3) special recognition of the value to the state and the nation of areas  
14 of unspoiled habitat and the game characteristic to it will be demonstrated by

1           designating as state game refuges those federal lands **that** [WHICH] were National  
2           Bird and Wildlife Refuges or Ranges at the time that Alaska achieved statehood.

3       \* **Sec. 2.** AS 16.20.010 is amended by adding a new subsection to read:

4           (b) In recognition of the fact that the state has not assented to federal control  
5           of fish and game in Glacier Bay National Park and Preserve or the navigable waters  
6           within or adjoining the park and preserve, that the power to control the management  
7           of fish and game within the boundaries of the state is an incident of state sovereignty,  
8           and that the federal government cannot commandeer the lawmaking processes of the  
9           states to compel the state to enact and enforce a federal regulatory program, an agency,  
10          employee, or agent of the state may not expend funds to adopt, enforce, or otherwise  
11          assist in the implementation of the federal regulatory program for control of fish and  
12          game in the park and preserve or the navigable waters within or adjoining the park and  
13          preserve. This subsection does not prohibit an agency, employee, or agent of the state  
14          from taking action necessary to protect life or property or from commenting on  
15          proposed federal statutes or regulations.