

SENATE BILL NO. 90

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR TAYLOR

Introduced: 2/26/99

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act providing that the state has exclusive jurisdiction to manage fish and
2 game; providing that the state is the only entity to which the federal government
3 may delegate jurisdiction over management of fish and game; and providing that
4 a state agency or employee may not engage in law enforcement activities to
5 enforce a federal law that preempts or supersedes state management of fish and
6 game."

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

8 * **Section 1.** AS 16.05 is amended by adding a new section to read:

9 **Sec. 16.05.005. State management of fish and game.** (a) Fish and game
10 resources within the boundaries of the state are subject to the exclusive management
11 jurisdiction of the state as exercised through the Department of Fish and Game, the
12 Board of Fisheries, and the Board of Game under the laws of the state.

13 (b) Except as expressly provided under state law, a person, group, business

1 entity, government agency, or municipality may not exercise authority over the
2 management of fish or game in the state.

3 (c) If the federal government is found by a court of competent jurisdiction to
4 have authority to manage a species of fish or game within the boundaries of the state,
5 the state, as the sole legal entity under state law that is authorized to exercise
6 jurisdiction over fish and game management, is the only legal entity to which the
7 federal government may transfer, delegate, surrender, abandon, or administer federal
8 authority over management of fish or game within the boundaries of the state.

9 (d) Notwithstanding any other provision of law, a state agency or employee
10 may not engage in police activities or other law enforcement activities to enforce a
11 federal law that preempts or supersedes state management of fish and game.