

SENATE BILL NO. 91

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 relating to enforcement of subsistence hunting and fishing laws; and
2 repealing the authority of the commissioner of fish and game to assist in the
3 enforcement of federal laws and regulations pertaining to fish and game."

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

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

6 **Article 11. Miscellaneous Provisions.**

7 **Sec. 18.65.950. Enforcement of subsistence hunting and fishing laws.** (a)
8 Notwithstanding AS 18.65.090, the Department of Public Safety may not enforce, or
9 directly assist the enforcement of, a federal statute or regulation governing eligibility
10 to engage in subsistence hunting or fishing in the state if the statute could not be
11 enacted by the state or the regulation could not be adopted by a state department or
12 agency because the statute or regulation violates either the Constitution of the State of
13 Alaska or the Constitution of the United States.

14 (b) An employee or law enforcement agent of a state department other than

1 the Department of Public Safety or of a state agency or a police officer employed by
2 a municipality may not enforce, or directly assist the enforcement of, a federal statute
3 or regulation governing eligibility to engage in subsistence hunting or fishing in the
4 state if the statute could not be enacted by the state or the regulation could not be
5 adopted by a state department or agency because the statute or regulation violates
6 either the Constitution of the State of Alaska or the Constitution of the United States.

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

13 * **Sec. 2.** AS 16.05.050(a)(1) is repealed.