

CS FOR SENATE BILL NO. 91(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/12/99
Referred: Finance

Sponsor(s): SENATOR TAYLOR

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 and except as provided in (c) of this section, the
9 Department of Public Safety may not enforce, or directly assist the enforcement of, a
10 federal statute or regulation governing eligibility to engage in subsistence hunting or
11 fishing in the state if the statute could not be enacted by the state or the regulation
12 could not be adopted by a state department or agency because the statute or regulation
13 violates either the Constitution of the State of Alaska or the Constitution of the United
14 States. This subsection does not apply to assistance provided to a federal law

1 enforcement officer by the Department of Public Safety that is necessary in the
2 unforeseen absence of available assistance from a federal source to avert a present and
3 substantial risk of physical harm to a person.

4 (b) Except as provided under (a) of this section, an employee or law
5 enforcement agent of a state department or of a state agency or a police officer
6 employed by a municipality may not enforce, or directly assist the enforcement of, a
7 federal statute or regulation governing eligibility to engage in subsistence hunting or
8 fishing in the state if the statute could not be enacted by the state or the regulation
9 could not be adopted by a state department or agency because the statute or regulation
10 violates either the Constitution of the State of Alaska or the Constitution of the United
11 States.

12 (c) This section does not apply to the enforcement of 16 U.S.C. 703 - 712
13 (Migratory Bird Treaty Act); 16 U.S.C. 773 - 773k (Northern Pacific Halibut Act of
14 1982); 16 U.S.C. 1361 - 1421h (Marine Mammal Protection Act); 16 U.S.C. 1531 -
15 1544 (Endangered Species Act); 16 U.S.C. 1801 - 1883 (Magnuson-Stevens Fishery
16 Conservation and Management Act); 16 U.S.C. 3631 - 3644 (Pacific Salmon Treaty
17 Act of 1985); or a regulation adopted under these statutes.

18 * **Sec. 2.** AS 16.05.050(a)(1) is repealed.