

CS FOR HOUSE BILL NO. 221(TRB)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS

Offered: 2/19/20

Referred: Community and Regional Affairs

Sponsor(s): REPRESENTATIVES KOPP, Edgmon, Ortiz, Story, Fields, Kreiss-Tomkins, Foster, Hannan, Claman, Zulkosky, LeDoux, Lincoln, Spohnholz, Hopkins, Johnston, Tarr, Tuck, Stutes, Josephson, Drummond

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for state recognition of federally recognized tribes; and providing for**
2 **an effective date."**

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

4 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
5 to read:

6 LEGISLATIVE FINDINGS AND INTENT. (a) The history of tribes in the state
7 predates the United States and predates territorial claims to land in the state by both the
8 United States and Imperial Russia. Indigenous people have inhabited land in the state for
9 multiple millennia, since time immemorial or before mankind marked the passage of time.

10 (b) It is the intent of the legislature to exercise the legislature's constitutional policy-
11 making authority and acknowledge through formal recognition the federally recognized tribes
12 in the state.

13 * **Sec. 2.** AS 23.20.520(13) is amended to read:

14 (13) "federally recognized tribe"

(A) means a tribe that is recognized by the United States Secretary of the Interior to exist as an Indian tribe under **25 U.S.C. 5131** [25 U.S.C. 479A] (Federally Recognized Indian Tribe List Act of 1994);

(B) includes any subdivision, subsidiary, or business enterprise wholly owned by a federally recognized tribe;

* **Sec. 3.** AS 44.03.030 is amended to read:

Sec. 44.03.030. Construction of AS 44.03.010 - 44.03.040 [CHAPTER].
AS 44.03.010 - 44.03.040 do [THIS CHAPTER DOES] not limit or restrict

(1) the jurisdiction of the state over a person or subject inside or outside the state that is exercisable by reason of citizenship, residence, or another reason recognized by law;

(2) jurisdiction over or ownership of other water or land under other water inside or forming part of the boundaries of the state;

(3) legislative jurisdiction of the United States over an area to which legislative jurisdiction is ceded by the state and **that** [WHICH] remains in the ownership of the United States.

* **Sec. 4.** AS 44.03.040 is amended to read:

Sec. 44.03.040. Reconciliation with other statutes. AS 44.03.010 - 44.03.040 do [THIS CHAPTER DOES] not alter the geographic area to which a statute of the state applies if the statute specifies the area precisely in miles or by another numerical designation of distance or position. Nothing in the statute or in **AS 44.03.010 - 44.03.040** [THIS CHAPTER] is a waiver or relinquishment of jurisdiction over or ownership by the state of an area to which jurisdiction or ownership extends under another provision or rule of law.

* **Sec. 5.** AS 44.03 is amended by adding a new section to read:

Article 2. Intergovernmental Relations with Tribes.

Sec. 44.03.100. Recognition of tribes. The state recognizes the special and unique relationship that the United States government has with federally recognized tribes and specifically recognizes the relationship between the United States government and federally recognized tribes in the state. The state recognizes all tribes in the state that are federally recognized under 25 U.S.C. 5130 and 5131. Nothing in

1 this section diminishes the United States government's trust responsibility or other
2 obligations to federally recognized tribes in the state or creates a concurrent trust
3 relationship between the state and federally recognized tribes. In this section,
4 "federally recognized tribe" has the meaning given in AS 23.20.520.

5 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).