

SCOMM

119:6

REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

MEMORANDUM

TO: Representative Ramona Barnes
Chair, House World Trade and State & Federal Relations

FROM: Representative Scott Ogan 

DATE: February 25, 1999

RE: Hearing Request for House Bill 109 Glacier Bay National Park

At your earliest convenience please schedule HB 109 for a hearing.

HB 109 adds Glacier Bay National Park to existing statute (AS 16.20.010) affirming the State of Alaska has not assented to federal control in this area.

Attachments.

SPONSOR STATEMENT

House Bill 109

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

HB 109 adds Glacier Bay National Park to existing statute (AS 16.20.010) affirming the State of Alaska has not assented to federal control in that area.

The existing statute recognizes the state has jurisdiction over all fish and game within state boundaries except in those areas where it has assented to federal control.

HB 109 also adds a section to AS 16.20.010 which includes language from a U.S Supreme Court case, *New York v. United States (1992)*, "...the federal government cannot commandeer the lawmaking process of the states to compel the state to enact and enforce a federal regulatory program."

The new section further strengthens the state's position with language asserting the state may not expend funds to adopt, enforce, or otherwise assist in the implementation of the federal regulatory program for control of fish and game in the park.

Recent activity by the U.S. Department of Interior sparked the introduction of this bill. HB 109 affirms that the State of Alaska supports continuing traditional activities, such as commercial and subsistence fishing, in Glacier Bay National Park and Preserve.

Article 01. STATE GAME REFUGES

Sec. 16.20.010. Legislative recognition.

The legislature recognizes that

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

(2) the state has not assented to federal control of fish and game in those areas which were set apart as National Bird and Wildlife Refuges while the state was a United States territory;

(3) special recognition of the value to the state and the nation of areas of unspoiled habitat and the game characteristic to it will be demonstrated by designating as state game refuges those federal lands which were National Bird and Wildlife Refuges or Ranges at the time that Alaska achieved statehood.

History -

(Sec. 1 ch 114 SLA 1960)

Collateral Refs -

38 C.J.S., Game, Sec. 7, 8, 15.

Article Notes -

Opinions of the Attoreny General. For a discussion of the authority of the Department of Natural Resources and

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date (Note if correction) _____ Dept. Affected: Fish and Game
 Title Glacier Bay National Park BRU Sport Fish
 Component Sport Fish
 Sponsor Representative Ogan
 Requester House WTR Component Serial No. 464

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Enactment of this bill will not affect the Division of Sport Fish therefore a zero fiscal note is being submitted.

Prepared by Kevin Delaney, Director
 Division Sport Fish
 Approved by Commissioner Gerard Bruce
 Agency Alaska Department of Fish and Game

Phone 465-4180
 Date 2/25/99
 Date 3/1/99

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FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 109

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
Title GLACIER BAY NATIONAL PARK BRU Commercial Fisheries
Component Southeast Region Fish Management
Sponsor Rep. Ogan
Requester House WTR Component Serial No. 2167

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Duffy, Acting Deputy Director Kevin C. Duffy Phone 465-6151
Division Division of Commercial Fisheries Date/Time 3/1/99 4:14 PM
Approved by Commissioner Frank Rue Date 3/1/99
Agency Alaska Department of Fish and Game

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FISCAL NOTE

STATE OF ALASKA

BILL NO: HB109

1999 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
Title: An Act relating to management of fish and game BRU: Fish and Wildlife Protection
in Glacier Bay National Park and Preserve Component: Detachments
Sponsor: Representative Ogan,
Requestor: H. WORLD TRADE COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 99) impact: \$ -0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill is inconsistent with divisional objectives, but will not adversely impact the budget.

Prepared By: Lieutenant Howard R. Starbard Phone: 746-9107
Division: Fish and Wildlife Protection Date: February 26, 1999
Approved by Commissioner:  Date: 3-4-99
Agency: Ronald L. Otte, Department of Public Safety

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AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE OGAN

TO: HB 109

- 1 Page 2, line 13, following "preserve.":
- 2 Insert "This subsection does not prohibit an agency, employee, or agent of the state
- 3 from taking action necessary to protect life or property or from commenting on proposed
- 4 federal statutes or regulations."

Amend. passed
yes - 11X
Pass -
NO -