

SENATE BILL NO. 108

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR OLSON

Introduced: 3/19/21

Referred: State Affairs, Community & Regional Affairs

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 uncodified 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"

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

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

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

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

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

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

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

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

18 **Sec. 44.03.040. Reconciliation with other statutes. AS 44.03.010 - 44.03.040**
 19 **do** [THIS CHAPTER DOES] not alter the geographic area to which a statute of the
 20 state applies if the statute specifies the area precisely in miles or by another numerical
 21 designation of distance or position. Nothing in the statute or in **AS 44.03.010 -**
 22 **44.03.040** [THIS CHAPTER] is a waiver or relinquishment of jurisdiction over or
 23 ownership by the state of an area to which jurisdiction or ownership extends under
 24 another provision or rule of law.

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

26 **Article 2. Intergovernmental Relations with Tribes.**

27 **Sec. 44.03.100. Recognition of tribes.** The state recognizes the special and
 28 unique relationship that the United States government has with federally recognized
 29 tribes and specifically recognizes the relationship between the United States
 30 government and federally recognized tribes in the state. The state recognizes all tribes
 31 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).