

1 **WILDLIFE RESOURCES CODE -**
2 **APPLICATION TO INDIANS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Beverly Ann Evans**

6 AN ACT RELATING TO WILDLIFE RESOURCES CODE; DEFINING TERMS; AND
7 AUTHORIZING THE GOVERNOR TO ENTER INTO CERTAIN HUNTING, FISHING, AND
8 TRAPPING AGREEMENTS WITH INDIAN TRIBES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 ENACTS:

11 **23-13-12.5**, Utah Code Annotated 1953

12 REPEALS:

13 **23-13-12**, as enacted by Chapter 46, Laws of Utah 1971

14 *Be it enacted by the Legislature of the state of Utah:*

15 Section 1. Section **23-13-12.5** is enacted to read:

16 **23-13-12.5. Agreement with tribe.**

17 (1) As used in this section, "tribe" means a federally recognized:

18 (a) Indian tribe; or

19 (b) Indian band.

20 (2) (a) Subject to the requirements of this section, the governor may enter into an
21 agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting,
22 fishing, or trapping right claim that is:

23 (i) based on:

24 (A) a treaty;

25 (B) an aboriginal right; or

26 (C) other recognized federal right; and

27 (ii) on lands located within the state.

28 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection
29 (2)(a) may not exempt any person from the requirements of this title.

30 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a tribe
31 that is a party to the agreement or a member of that tribe from:

32 (i) Section 23-16-5, placing a limit of one of any species of big game during a license year;

33 (ii) Section 23-16-6, commencement date of the general deer season;

34 (iii) a hunter or furharvester education requirement under Chapter 19, Licenses, Permits,
35 and Tags;

36 (iv) an age restriction under Chapter 19, Licenses, Permits, and Tags;

37 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license
38 or permit;

39 (vi) obtaining a wildlife habitat authorization, license, or permit required under this title
40 to hunt, trap, or fish; or

41 (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is not
42 inconsistent with this title.

43 (d) An agreement permitted under Subsection (2)(a) shall:

44 (i) be in writing;

45 (ii) be signed by:

46 (A) the governor; and

47 (B) the governing body of the tribe that:

48 (I) is designated by the tribe; and

49 (II) may bind the tribe to the terms of the agreement;

50 (iii) be conditioned on obtaining any approval required by federal law;

51 (iv) state the effective date of the agreement;

52 (v) provide that the governor shall renegotiate the agreement if the agreement is or
53 becomes inconsistent with a state statute for which an exemption is not authorized under this
54 section; and

55 (vi) include any accommodation made by the tribe that:

56 (A) is agreed to by the tribe;

57 (B) is reasonably related to the agreement; and

58 (C) concerns the management and use of wildlife resources or habitat.

59 (e) Prior to executing an agreement under this Subsection (2), the governor shall consult
60 with:
61 (i) the division; and
62 (ii) the chair of the Wildlife Board created in Section 23-14-2.
63 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
64 governor or the governor's designee shall present the proposed agreement to the Native American
65 Legislative Liaison Committee at a meeting of the Native American Legislative Liaison
66 Committee.
67 Section 2. **Repealer.**
68 This act repeals:
69 Section **23-13-12, Indians subject to code.**

Legislative Review Note
as of 2-1-00 3:47 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel