

1 **DEER HUNT OPENING SEASON DATE**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Stephen D. Clark**

7 **LONG TITLE**

8 **General Description:**

9 This bill repeals the statutory provision specifying a deer hunting season
10 commencement date.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ repeals the section in statute which specifies a deer hunting season commencement
14 date; and
- 15 ▶ deletes a provision referencing this section relating to tribal agreements.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **23-13-12.5**, as last amended by Chapter 70, Laws of Utah 2002

23 REPEALS:

24 **23-16-6**, as enacted by Chapter 46, Laws of Utah 1971

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

27 Section 1. Section **23-13-12.5** is amended to read:



28 **23-13-12.5. Agreement with a tribe.**

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

- 30 (a) Indian tribe; or
- 31 (b) Indian band.

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

- 35 (i) based on:
 - 36 (A) a treaty;
 - 37 (B) an aboriginal right; or
 - 38 (C) other recognized federal right; and
- 39 (ii) on lands located within the state.

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

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

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

46 [~~(ii)~~] ~~Section 23-16-6, commencement date of the general deer season;~~

47 [~~(iii)~~] (ii) a hunter or furharvester education requirement under Chapter 19, Licenses,
48 Permits, and Tags;

49 [~~(iv)~~] (iii) an age restriction under Chapter 19, Licenses, Permits, and Tags;

50 [~~(v)~~] (iv) paying a fee required under this title to obtain a hunting, fishing, or trapping
51 license or permit;

52 [~~(vi)~~] (v) obtaining a license or permit required under this title to hunt, trap, or fish; or

53 [~~(vii)~~] (vi) complying with a rule or proclamation of the Wildlife Board if the
54 exemption is not inconsistent with this title.

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

- 56 (i) be in writing;
- 57 (ii) be signed by:
 - 58 (A) the governor; and

- 59 (B) the governing body of the tribe that:
- 60 (I) is designated by the tribe; and
- 61 (II) may bind the tribe to the terms of the agreement;
- 62 (iii) be conditioned on obtaining any approval required by federal law;
- 63 (iv) state the effective date of the agreement;
- 64 (v) provide that the governor shall renegotiate the agreement if the agreement is or
- 65 becomes inconsistent with a state statute for which an exemption is not authorized under this
- 66 section; and
- 67 (vi) include any accommodation made by the tribe that:
- 68 (A) is agreed to by the tribe;
- 69 (B) is reasonably related to the agreement; and
- 70 (C) concerns the management and use of wildlife resources or habitat.
- 71 (e) Prior to executing an agreement under this Subsection (2), the governor shall
- 72 consult with:
- 73 (i) the division; and
- 74 (ii) the chair of the Wildlife Board created in Section 23-14-2.
- 75 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
- 76 governor or the governor's designee shall provide a copy of the agreement in the form that the
- 77 agreement will be executed to:
- 78 (i) the chairs of the Native American Legislative Liaison Committee; and
- 79 (ii) the Office of Legislative Research and General Counsel.
- 80 **Section 2. Repealer.**
- 81 This bill repeals:
- 82 **Section 23-16-6, Commencement date of general deer season.**

Legislative Review Note
as of 11-29-04 5:09 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0205

Deer Hunt Opening Season Date Amendments

21-Jan-05

7:39 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst