

**Senator Beverly Ann Evans** proposes the following substitute bill:

**INDIAN AFFAIRS RELATED AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Beverly Ann Evans**

**This act modifies the Wildlife Resources Code to address issues affecting Indians. This act modifies the process for review of certain agreements with Indian tribes. This act makes technical changes.**

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

AMENDS:

**23-13-12.5**, as enacted by Chapter 164, Laws of Utah 2000

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

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

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

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

(a) Indian tribe; or

(b) Indian band.

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

(i) based on:

(A) a treaty;

(B) an aboriginal right; or

(C) other recognized federal right; and

(ii) on lands located within the state.

(b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection



26 (2)(a) may not exempt any person from the requirements of this title.

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

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

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

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

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

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

36 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or

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

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

40 (i) be in writing;

41 (ii) be signed by:

42 (A) the governor; and

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

44 (I) is designated by the tribe; and

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

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

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

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

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

52 (A) is agreed to by the tribe;

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

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

55 (e) Prior to executing an agreement under this Subsection (2), the governor shall consult  
56 with:

- 57 (i) the division; and
- 58 (ii) the chair of the Wildlife Board created in Section 23-14-2.
- 59 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
- 60 governor or the governor's designee shall [~~present the proposed agreement~~] provide a copy of the
- 61 agreement in the form that the agreement will be executed to:
- 62 (i) the chairs of the Native American Legislative Liaison Committee [~~at a meeting of the~~
- 63 ~~Native American Legislative Liaison Committee.]; and~~
- 64 (ii) the Office of Legislative Research and General Counsel.