

1 **WILDLIFE AMENDMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Allen M. Christensen**

5 House Sponsor: \_\_\_\_\_

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**LONG TITLE**

7 **General Description:**

8 This bill allows the Wildlife Board to set the starting date for the general deer season.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ repeals the provision that establishes the commencement date for the general deer  
12 season; and

13 ▶ makes technical changes.

14 **Monies Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **23-13-12.5**, as last amended by Laws of Utah 2002, Chapter 70

21 REPEALS:

22 **23-16-6**, as enacted by Laws of Utah 1971, Chapter 46

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

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

25 **23-13-12.5. Agreement with a tribe.**



- 28 (1) As used in this section, "tribe" means a federally recognized:
- 29 (a) Indian tribe; or
- 30 (b) Indian band.
- 31 (2) (a) Subject to the requirements of this section, the governor may enter into an
- 32 agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting,
- 33 fishing, or trapping right claim that is:
- 34 (i) based on:
- 35 (A) a treaty;
- 36 (B) an aboriginal right; or
- 37 (C) other recognized federal right; and
- 38 (ii) on lands located within the state.
- 39 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection
- 40 (2)(a) may not exempt any person from the requirements of this title.
- 41 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a
- 42 tribe that is a party to the agreement or a member of that tribe from:
- 43 (i) Section 23-16-5, placing a limit of one of any species of big game during a license
- 44 year;
- 45 (ii) [~~Section 23-16-6,~~] the commencement date of the general deer season;
- 46 (iii) a hunter or furharvester education requirement under Chapter 19, Licenses,
- 47 Permits, and Tags;
- 48 (iv) an age restriction under Chapter 19, Licenses, Permits, and Tags;
- 49 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license
- 50 or permit;
- 51 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or
- 52 (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is
- 53 not inconsistent with this title.
- 54 (d) An agreement permitted under Subsection (2)(a) shall:
- 55 (i) be in writing;
- 56 (ii) be signed by:
- 57 (A) the governor; and
- 58 (B) the governing body of the tribe that:

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

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**Legislative Review Note**  
 as of 1-8-08 12:49 PM

**Office of Legislative Research and General Counsel**

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**S.B. 59 - Wildlife Amendments**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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