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FILED MAR 2 1999

SENATE FILE 264
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 124)

Passed Senate, Date ^(P. 824) 3/29/99 Passed House, Date ^(P. 1117) 4/7/99
Vote: Ayes 48 Nays 1 Vote: Ayes 95 Nays 0
Approved April 20, 1999

A BILL FOR

1 An Act relating to the regulatory authority of the natural
2 resource commission on the Sac and Fox tribe of the
3 Mississippi in Iowa settlement in Tama county.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 264

DET

1 Section 1. Section 481A.38, Code 1999, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4. Except for regulatory authority
4 exercised by the commission pursuant to the federal Migratory
5 Bird Treaty Act, the federal Migratory Bird Stamp Hunting Act,
6 the United States list of endangered or threatened native fish
7 and wildlife as contained in 50 C.F.R., pt. 17, as amended to
8 October 1, 1997, or other federal law, the commission or the
9 department shall not exercise its regulatory authority
10 regarding seasons, bag limits, possession limits, locality,
11 the method of taking, or taking of fish or game birds or
12 animals, or fur-bearing animals by members of the Sac and Fox
13 tribe of the Mississippi in Iowa within the boundaries of the
14 Sac and Fox tribe settlement in Tama county.

15 EXPLANATION

16 This bill prohibits the natural resource commission and the
17 department of natural resources from exercising their
18 regulatory authority relating to seasons, bag limits,
19 possession limits, locality, the method of taking, or the
20 taking of fish or game birds or animals, or fur-bearing
21 animals by members of the Sac and Fox tribe of the Mississippi
22 in Iowa within the boundaries of the Sac and Fox tribe
23 settlement in Tama county.

24 The prohibition does not apply to regulatory authority
25 granted to the natural resource commission or the department
26 of natural resources pursuant to the federal Migratory Bird
27 Treaty Act, the federal Migratory Bird Stamp Hunting Act, the
28 United States list of endangered or threatened native fish and
29 wildlife as contained in 50 C.F.R., pt. 17, as amended to
30 October 1, 1997, or other federal law.

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SENATE FILE 264

S-3142

1 Amend Senate File 264 as follows:
2 1. Page 1, by striking lines 3 through 14 and
3 inserting the following:
4 "NEW SUBSECTION. 4. The department and the
5 commission shall exercise regulatory authority
6 regarding seasons, bag limits, possession limits,
7 locality, the method of taking, or the taking of fish
8 and wildlife by members of the Sac and Fox tribe of
9 the Mississippi in Iowa within the boundaries of the
10 Sac and Fox tribe settlement in Tama county only to
11 the extent provided in a written agreement between the
12 tribal council of the Sac and Fox tribe of the
13 Mississippi in Iowa and the department. The written
14 agreement shall not be construed to supersede or
15 impair the regulatory authority exercised by the
16 commission pursuant to the federal Migratory Bird
17 Treaty Act, the federal Migratory Bird Stamp Hunting
18 Act, the federal Endangered Species Act, or other
19 federal law. The department and the commission shall
20 not unreasonably fail to enter into an agreement and
21 shall pursue such an agreement in an expedient manner.
22 This subsection shall become effective upon signing of
23 the written agreement by the director of the
24 department and the chairperson of the Sac and Fox
25 tribe of the Mississippi in Iowa."

By MERLIN E. BARTZ

S-3142 FILED MARCH 24, 1999

adopted
3/29/99
(P. 824)

H-3/30/99 Nat. Res
H-3/30/99 do Pass

SENATE FILE 264
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 124)

(AS AMENDED AND PASSED BY THE SENATE MARCH 29, 1999)
ALL New Language by the Senate

Passed Senate, Date _____ Passed House, ^(P. 1117) Date 4/7/99
Vote: Ayes _____ Nays _____ Vote: Ayes 95 Nays 0
Approved April 20, 1999

A BILL FOR

1 An Act relating to the regulatory authority of the natural
2 resource commission on the Sac and Fox tribe of the
3 Mississippi in Iowa settlement in Tama county.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S.F. 264

1 Section 1. Section 481A.38, Code 1999, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4. The department and the commission
4 shall exercise regulatory authority regarding seasons, bag
5 limits, possession limits, locality, the method of taking, or
6 the taking of fish and wildlife by members of the Sac and Fox
7 tribe of the Mississippi in Iowa within the boundaries of the
8 Sac and Fox tribe settlement in Tama county only to the extent
9 provided in a written agreement between the tribal council of
10 the Sac and Fox tribe of the Mississippi in Iowa and the
11 department. The written agreement shall not be construed to
12 supersede or impair the regulatory authority exercised by the
13 commission pursuant to the federal Migratory Bird Treaty Act,
14 the federal Migratory Bird Stamp Hunting Act, the federal
15 Endangered Species Act, or other federal law. The department
16 and the commission shall not unreasonably fail to enter into
17 an agreement and shall pursue such an agreement in an
18 expedient manner. This subsection shall become effective upon
19 signing of the written agreement by the director of the
20 department and the chairperson of the Sac and Fox tribe of the
21 Mississippi in Iowa.

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AN ACT

RELATING TO THE REGULATORY AUTHORITY OF THE NATURAL
RESOURCE COMMISSION ON THE SAC AND FOX TRIBE OF THE
MISSISSIPPI IN IOWA SETTLEMENT IN TAMA COUNTY.

signing of the written agreement by the director of the
department and the chairperson of the Sac and Fox tribe of the
Mississippi in Iowa.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

Section 1. Section 481A.38, Code 1999, is amended by
adding the following new subsection:

NEW SUBSECTION. 4. The department and the commission
shall exercise regulatory authority regarding seasons, bag
limits, possession limits, locality, the method of taking, or
the taking of fish and wildlife by members of the Sac and Fox
tribe of the Mississippi in Iowa within the boundaries of the
Sac and Fox tribe settlement in Tama county only to the extent
provided in a written agreement between the tribal council of
the Sac and Fox tribe of the Mississippi in Iowa and the
department. The written agreement shall not be construed to
supersede or impair the regulatory authority exercised by the
commission pursuant to the federal Migratory Bird Treaty Act,
the federal Migratory Bird Stamp Hunting Act, the federal
Endangered Species Act, or other federal law. The department
and the commission shall not unreasonably fail to enter into
an agreement and shall pursue such an agreement in an
expedient manner. This subsection shall become effective upon

I hereby certify that this bill originated in the Senate and
is known as Senate File 264, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved  1999

THOMAS J. VILSACK
Governor