

# Senate File 239 - Introduced

SENATE FILE \_\_\_\_\_  
BY BLACK

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the exercise of regulatory authority by the  
2 department of natural resources and the natural resource  
3 commission within the boundaries of the Sac and Fox tribe  
4 settlement in Tama county, and providing for applicability and  
5 effective dates.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 TLSB 2276SS 82  
8 av/je/5

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1 1 Section 1. Section 481A.38, subsection 3, Code 2007, is  
1 2 amended to read as follows:  
1 3 3. The department and the commission shall exercise  
1 4 regulatory authority regarding seasons, bag limits, possession  
1 5 limits, locality, the method of taking, or the taking of fish  
1 6 and wildlife ~~by members of the Sac and Fox tribe of the~~  
1 7 ~~Mississippi in Iowa~~ within the boundaries of the Sac and Fox  
1 8 tribe settlement in Tama county only to the extent provided in  
1 9 a written agreement between the tribal council of the Sac and  
1 10 Fox tribe of the Mississippi in Iowa and the department. The  
1 11 written agreement shall not be construed to supersede or  
1 12 impair the regulatory authority exercised by the commission  
1 13 pursuant to the federal Migratory Bird Treaty Act, the federal  
1 14 Migratory Bird Stamp Hunting Act, the federal Endangered  
1 15 Species Act, or other federal law and shall not be construed  
1 16 to supersede or impair the regulatory authority exercised by  
1 17 the Sac and Fox tribe of the Mississippi in Iowa pursuant to  
1 18 any federal act, statute, or law. The department and the  
1 19 commission shall not unreasonably fail to enter into an  
1 20 agreement and shall pursue such an agreement in an expedient  
1 21 manner. This subsection shall become effective upon signing  
1 22 of the written agreement by the director of the department and  
1 23 the chairperson of the Sac and Fox tribe of the Mississippi in  
1 24 Iowa.  
1 25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of  
1 26 immediate importance, takes effect upon enactment.

### EXPLANATION

1 28 Code section 481A.38 is amended to provide that the  
1 29 department of natural resources and the natural resource  
1 30 commission are allowed to exercise regulatory authority over  
1 31 fishing and hunting in the Sac and Fox tribe settlement in  
1 32 Tama county only to the extent provided in a written agreement  
1 33 between the tribal council of the tribe and the department.  
1 34 In addition, such a written agreement shall not be construed  
1 35 to supersede or impair the regulatory authority exercised by  
2 1 the commission pursuant to the federal Migratory Bird Treaty  
2 2 Act, the federal Migratory Bird Stamp Hunting Act, the federal  
2 3 Endangered Species Act or other federal law, or the regulatory  
2 4 authority exercised by the tribe pursuant to any federal act,  
2 5 statute, or law.  
2 6 The bill shall apply to the exercise of regulatory  
2 7 authority by the department and the commission upon the  
2 8 signing of such a written agreement by the director of the  
2 9 department and the chairperson of the tribe.  
2 10 The bill takes effect upon enactment.  
2 11 LSB 2276SS 82  
2 12 av:nh/je/5.1