

105TH CONGRESS
2D SESSION

H. R. 3987

To protect and conserve deer and elk and to provide for consistent and equitable hunting laws in the State of Washington.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 1998

Mrs. LINDA SMITH of Washington introduced the following bill; which was referred to the Committee on Resources

A BILL

To protect and conserve deer and elk and to provide for consistent and equitable hunting laws in the State of Washington.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deer and Elk Protec-
5 tion Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) dramatic economic changes have taken place
9 in the State of Washington since Indian tribes
10 signed treaties with the Federal Government and, as

1 a result of those changes, Indians and Indian tribes
2 in the State of Washington no longer rely on hunt-
3 ing deer and elk for subsistence; and

4 (2) the consistent enforcement of laws and reg-
5 ulations pertaining to hunting deer and elk through-
6 out the State of Washington on all land outside of
7 Indian reservations is necessary for the conservation
8 of deer and elk and to protect public safety.

9 (b) PURPOSE.—The purpose of this Act is to improve
10 conservation and enhance the management of deer and elk
11 and to augment public safety in the State of Washington
12 by providing for uniform enforcement of certain State laws
13 regulating hunting consistent with the statewide vote of
14 approval of Washington State Initiative 456 on November
15 6, 1984.

16 **SEC. 3. DEFINITIONS.**

17 As used in this Act—

18 (1) the term “hunting” has the meaning given
19 that term by the laws of the State of Washington;

20 (2) the term “Indian” means any individual
21 who is a member of a recognized Indian tribe;

22 (3) the term “Indian reservation” includes—

23 (A) all lands within the limits of any
24 Indian reservation; and

1 (B) lands to which title is either held in
2 trust by the United States for the benefit of
3 any Indian tribe or individual or held by any
4 Indian tribe or individual subject to restriction
5 by the United States against alienation;

6 (4) the term “Indian tribe” means any Indian
7 tribe, band, nation, pueblo, or other organized group
8 or community, which is recognized as eligible for the
9 special programs and services provided by the
10 United States to Indians because of their status as
11 Indians;

12 (5) the term “State” means the State of Wash-
13 ington;

14 (6) the term “taking” means capturing, killing,
15 or collecting; and

16 (7) the terms “transport” and “transportation”
17 mean to move, convey, carry, or ship by any means,
18 or to deliver or receive for the purpose of movement,
19 conveyance, carriage, or shipment.

20 **SEC. 4. APPLICATION OF STATE LAW.**

21 (a) IN GENERAL.—The laws and regulations of the
22 State restricting or regulating sex, areas, season, and bag
23 limits for the hunting, taking, possession, transportation,
24 or sale of deer and elk are declared necessary for conserva-
25 tion and shall apply to and be enforceable against Indians

1 and Indian tribes outside of the boundaries of an Indian
2 reservation that is in the State, in the same manner and
3 to the same extent as such laws and regulations apply to
4 other persons.

5 (b) AUTHORITY OF STATE.—The authority granted
6 by this section shall be in addition to the authority of the
7 State on the date preceding the date of the enactment of
8 this Act to enact and enforce fish and game laws. Notwith-
9 standing the provisions of sections 401 and 402 of the
10 Act of April 11, 1968 (25 U.S.C. 1321 and 1322, respec-
11 tively), or any other Act or treaty, the consent of an
12 Indian tribe shall not be necessary in order for the State
13 to exercise the authority granted by this section.

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