

**WILDLIFE LICENSE FEES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael R. Styler**

AN ACT RELATING TO WILDLIFE RESOURCES; CREATING THE STATE FISH HATCHERY MAINTENANCE ACCOUNT AND SPECIFYING THE CONTENTS AND USE OF ACCOUNT MONIES; ALLOCATING LICENSE FEES FOR THE UPLAND GAME PROGRAM; INCREASING FEES FOR FISHING, SMALL GAME, AND FALCONRY LICENSES AND THE WILDLIFE HABITAT AUTHORIZATION; ELIMINATING THE COMMERCIAL BIRD AREA LICENSE; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

- 23-17-6**, as enacted by Chapter 46, Laws of Utah 1971
- 23-19-1**, as last amended by Chapter 128, Laws of Utah 1997
- 23-19-16**, as last amended by Chapter 259, Laws of Utah 1995
- 23-19-17**, as last amended by Chapter 259, Laws of Utah 1995
- 23-19-24**, as last amended by Chapter 131, Laws of Utah 1988
- 23-19-25**, as last amended by Chapter 131, Laws of Utah 1988
- 23-19-26**, as last amended by Chapter 76, Laws of Utah 1986
- 23-19-34.5**, as last amended by Chapter 76, Laws of Utah 1986
- 23-19-40**, as last amended by Chapter 259, Laws of Utah 1995
- 23-19-42**, as last amended by Chapter 281, Laws of Utah 1997

ENACTS:

- 23-15-14**, Utah Code Annotated 1953

REPEALS:

- 23-19-34**, as last amended by Chapter 126, Laws of Utah 1983

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

Section 1. Section **23-15-14** is enacted to read:

**23-15-14. State Fish Hatchery Maintenance Account -- Contents -- Use of account**

monies.

(1) There is created a restricted account within the General Fund known as the State Fish Hatchery Maintenance Account.

(2) The following monies shall be deposited into the account:

(a) \$2.00 of each fishing license fee or combination license fee as listed in Section 23-19-40;  
and

(b) interest and earnings on account monies.

(3) Money in the account shall be used by the division, after appropriation by the Legislature, for major repairs or replacement of facilities and equipment at fish hatcheries owned and operated by the division for the production and distribution of fish to enhance sport fishing opportunities in the state.

Section 2. Section **23-17-6** is amended to read:

**23-17-6. Commercial hunting area -- Registration -- Requirements for hunters.**

(1) (a) Any person desiring to [~~establish, maintain, or~~] operate a commercial hunting area within this state to permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for authorization to do so[~~; and the~~].

(b) The Wildlife Board [~~is authorized to~~] may issue the applicant a certificate of registration [~~for the purpose according to such rules and regulations concerning the operation of~~] to operate a commercial hunting [areas] area in accordance with rules prescribed by the [~~Wildlife~~] board.

(c) The Wildlife Board [~~is empowered to~~] may determine the number of commercial hunting areas [~~to be authorized~~] that may be established in each county of the state.

(2) Any certificate of registration issued under Subsection (1) [~~of this section~~] shall [~~authorize~~] specify the species of birds that the applicant [to] may propagate, keep, and release for shooting on the area covered by the [authorization such birds as the Wildlife Board may determine, and the] certificate of registration. The applicant may charge a fee for harvesting [~~such~~] these birds.

(3) [~~All persons~~] (a) Any person hunting within the state on any commercial hunting area must [~~be in possession of a valid combination license, small game license, or commercial hunting area license.~~];

(i) be at least 12 years old;

(ii) possess proof of passing a division-approved hunter education course, if the person was born after December 31, 1965; and

(iii) have the permission of the owner or operator of the commercial hunting area.

(b) The operator of a commercial hunting area shall verify that each hunter on the commercial hunting area meets the requirements of Subsections (3)(a)(i) and (3)(a)(ii).

(4) Hunting on commercial hunting areas shall be permitted only during the commercial hunting area season prescribed by the Wildlife Board.

Section 3. Section **23-19-1** is amended to read:

**23-19-1. Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- Free fishing day.**

(1) A person may not engage in hunting, trapping, fishing, or seining protected wildlife or in the sale, trade, or barter of protected wildlife or their parts without first having procured the necessary licenses, certificates of registration, permits, and tags as provided under this chapter and having at the same time the licenses, certificates of registration, permits, and tags on his or her person, except as provided under Subsection (3).

(2) (a) Except as provided in Subsection (2)(b) a person may not:

(i) lend, transfer, sell, give, or assign licenses, certificates of registration, permits, or tags belonging to the person or the rights granted by licenses, certificates of registration, permits, or tags; or

(ii) use or attempt to use a license, certificate of registration, permit, or tag of another person.

(b) The Wildlife Board may make exceptions to the prohibitions specified in Subsection (2)(a) for purposes of:

(i) transporting wildlife; or

(ii) taking a deer or elk for a person who is blind or a quadriplegic.

(3) [~~The Wildlife Board may establish each year a free fishing day under rules prescribed by the board.~~] No license, certificate of registration, permit, or tag is required to:

(a) fish on a free fishing day which the Wildlife Board may establish each year under rules

prescribed by the board:

(b) fish at a private fish installation operated in accordance with Section 23-15-10; or

(c) hunt birds on a commercial hunting area that the owner or operator is authorized to propagate, keep, and release for shooting pursuant to a certificate of registration issued under Section 23-17-6.

Section 4. Section **23-19-16** is amended to read:

**23-19-16. Licenses obtained from agents of division.**

(1) Licenses provided for in Sections 23-19-17 through 23-19-27 and 23-19-42 may be obtained from the division or one of its authorized wildlife license agents.

(2) Licenses provided for in Sections 23-19-17.5, ~~[23-19-34,]~~ 23-19-34.5, 23-19-34.7, 23-19-36, and 23-19-37 may be obtained only from the division~~[-except the Wildlife Board may specifically designate agents to dispense commercial hunting area licenses authorized by Section 23-19-34].~~

Section 5. Section **23-19-17** is amended to read:

**23-19-17. Fishing and hunting license -- Resident 12 or older -- Use of fee.**

(1) A resident 12 years of age or older, upon payment of the fee prescribed in Section 23-19-40, may receive a combination license to fish and to hunt for small game, cougar, and bear, as provided in the rules of the Wildlife Board.

(2) One dollar of ~~[that fee shall be utilized]~~ the combination license fee shall be used for the hunter education program in any of the following:

- (a) instructor and student training;
- (b) assisting local organizations with development;
- (c) maintenance of existing facilities; or
- (d) operation and maintenance of the hunter education program.

(3) Fifty cents of the combination license fee shall be used for the upland game program as follows:

- (a) to acquire pen-raised birds; or
- (b) to capture and transplant upland game species.

Section 6. Section **23-19-24** is amended to read:

**23-19-24. Small game hunting license -- Resident 14 or older -- Use of fee.**

(1) A resident of the age of 14 years or older, upon payment of the fee prescribed in Section 23-19-40, may receive a license to hunt small game, cougar, and bear.

(2) One dollar of [~~this fee shall be utilized~~] the small game hunting license fee shall be used as provided in Section 23-19-17.

(3) Fifty cents of the small game hunting license fee shall be used for the upland game program as follows:

(a) to acquire pen-raised birds; or

(b) to capture and transplant upland game species.

Section 7. Section **23-19-25** is amended to read:

**23-19-25. Small game hunting license -- Resident 12 or 13 -- Use of fee.**

(1) A resident under the age of 14 years and 12 years of age or older, upon payment of the fee prescribed in Section 23-19-40, may receive a license to hunt small game, cougar, and bear.

(2) One dollar of [~~this fee shall be utilized~~] the small game hunting license fee shall be used as provided in Section 23-19-17.

(3) Fifty cents of the small game hunting license fee shall be used for the upland game program as follows:

(a) to acquire pen-raised birds; or

(b) to capture and transplant upland game species.

Section 8. Section **23-19-26** is amended to read:

**23-19-26. Small game hunting license -- Nonresident 12 or older -- Use of fee.**

(1) A nonresident 12 years of age or older, upon payment of the fee prescribed in Section 23-19-40, may receive a license to hunt small game, cougar, and bear.

(2) Fifty cents of the small game hunting license fee shall be used for the upland game program as follows:

(a) to acquire pen-raised birds; or

(b) to capture and transplant upland game species.

Section 9. Section **23-19-34.5** is amended to read:

**23-19-34.5. Falconry license -- Residents 14 or older may obtain license -- License for falconry meet for nonresidents -- Wildlife Board approval required for falconry meet -- Small game license required for protected game.**

(1) Any resident 14 years of age or older, upon paying the fee prescribed in Section 23-19-40, may receive a license to hold falcons and engage in the sport of falconry on nongame wildlife species. [Nonresidents]

(2) A nonresident entering Utah to participate in the sport of falconry at an organized meet shall obtain a license as provided in Section 23-19-34.7.

(3) Organizers of a falconry meet must apply to and receive approval from the Wildlife Board in order to conduct an organized falconry meet [for which such nonresident licenses may be issued. Nonresidents in Utah for falconry activities other than a meet may be exempted from the provisions of this section as determined by the Wildlife Board].

(4) (a) Any person engaging in the sport of falconry on protected small game species shall possess, in addition to the falconry license, a license for taking small game.

(b) Any nonresident who has been issued a license pursuant to Section 23-19-34.7 is not required to possess a small game license in order to take small game during the five-day period of [his] the license.

Section 10. Section **23-19-40** is amended to read:

**23-19-40. Fees for licenses.**

(1) Residents and nonresidents may engage in hunting, fishing, trapping, bird hunting in commercial areas, and falconry upon obtaining a license through the payment of one or more of the following applicable fees:

WILDLIFE LICENSE FEE SCHEDULE

Type of License	Age and Time	Fee
RESIDENT		
Combination	12 years or older	<del>[\$25.00]</del> <u>\$28.00</u>
Fishing	Under 65 (Season)	<del>[+18.00]</del> <u>20.00</u>

	65 years or older	9.00
	(Season)	
	Any age (1-day)	<del>[4.00]</del> <u>6.00</u>
	Any age (7-day)	<del>[9.00]</del> <u>11.00</u>
Small Game	12-13 years	<del>[6.00]</del> <u>7.00</u>
	14 years or older	<del>[12.00]</del> <u>13.00</u>
Furbearer	Any age	25.00
Falconry	14 years or older	<del>[10.00]</del> <u>15.00</u>
<del>[Commercial Bird Area</del>	<del>12 years or older</del>	<del>5.00]</del>
Wildlife Habitat	14 years or older	<del>[5.00]</del> <u>5.75</u>
<b>NONRESIDENT</b>		
Fishing	Any age (Season)	<del>[40.00]</del> <u>42.00</u>
	Any age (1-day)	<del>[5.00]</del> <u>7.00</u>
	Any age (7-day)	<del>[15.00]</del> <u>17.00</u>
Small Game	12 years or older	<del>[40.00]</del> <u>41.00</u>
Furbearer	Any age	150.00
Falconry	14 years or older	<del>[10.00]</del> <u>15.00</u>
	(5-day)	
<del>[Commercial Bird Area</del>	<del>12 years or older</del>	<del>5.00]</del>
Wildlife Habitat	14 years or older	<del>[5.00]</del> <u>5.75</u>

(2) Statewide fish stamps or fees may not be imposed without legislative approval.

Section 11. Section **23-19-42** is amended to read:

**23-19-42. Wildlife habitat authorization -- Surcharge.**

(1) (a) A person 14 years of age or older must purchase an annual wildlife habitat authorization before purchasing a wildlife heritage certificate or any license or permit required by this title, except:

- (i) those licenses provided for in Sections 23-19-17.5, ~~[23-19-34,]~~ 23-19-34.7, 23-19-36, and 23-19-37;

- (ii) reciprocal fishing stamps; and
- (iii) one day fishing licenses.

(b) A person 13 years of age may purchase a wildlife habitat authorization for the purpose of purchasing a big game permit if that person's 14th birthday falls within the calendar year for which the permit is issued.

(2) A person must purchase only one wildlife habitat authorization each year regardless of the number of licenses or permits purchased during that year.

(3) (a) In addition to the fees imposed under this chapter, there is imposed a 25 cent surcharge on each annual wildlife habitat authorization.

(b) This surcharge shall be deposited in the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created under Section 53-2-107.

**Section 12. Repealer.**

This act repeals:

**Section 23-19-34, Bird hunting license for commercial hunting areas -- Twelve or older.**

**Section 13. Effective date.**

This act takes effect on January 1, 1999.