

WILDLIFE LICENSE FEE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

AN ACT RELATING TO FISH AND GAME; SPECIFYING ELIGIBILITY REQUIREMENTS FOR FREE FISHING LICENSES.

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

AMENDS:

23-19-2, as last amended by Chapter 145, Laws of Utah 1996

23-19-14, as last amended by Chapter 207, Laws of Utah 1991

23-19-16, as last amended by Chapter 242, Laws of Utah 1998

23-19-36, as last amended by Chapters 174 and 375, Laws of Utah 1997

23-19-39, as last amended by Chapter 18, Laws of Utah 1990

23-19-42, as last amended by Chapter 242, Laws of Utah 1998

REPEALS:

23-19-37, as last amended by Chapter 21, Laws of Utah 1996

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

Section 1. Section **23-19-2** is amended to read:

23-19-2. License and certificate forms prescribed by Wildlife Board.

(1) The Wildlife Board shall prescribe the form of license or certificate of registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

(2) Any license issued pursuant to Section 23-19-36 [~~or 23-19-37~~] shall be designated as such by a code number and shall contain no reference to the licensee's disability.

Section 2. Section **23-19-14** is amended to read:

23-19-14. Persons residing in certain institutions authorized to fish without license.

(1) The Division of Wildlife Resources shall permit [~~persons committed to the custody of~~] a person to fish without a license if:

(a) the person resides in:

(i) the Utah State Developmental Center in American Fork [~~the state hospital~~], youth

~~detention center, mental health center, group homes, halfway houses, and industrial school, as determined in advance by the director of the division of wildlife resources, to fish without a license if:];~~

~~[(1) the institution notifies the Division of Wildlife Resources in writing at least 10 days in advance of the time and place such persons will fish; and]~~

~~(ii) the state hospital;~~

~~(iii) a veteran's hospital;~~

~~(iv) a veteran's nursing home;~~

~~(v) a mental health center;~~

~~(vi) an intermediate care facility for the mentally retarded;~~

~~(vii) a group home licensed by the Department of Human Services and operated under contract with the Division of Services for People with Disabilities; or~~

~~(viii) another similar institution approved by the division;~~

~~[(2) such persons are] (b) the person is properly supervised by a representative of the institution [whose name is specified in the notice.]; and~~

~~(c) the institution obtains from the division a certificate of registration that specifies:~~

~~(i) the date and place where the person will fish; and~~

~~(ii) the name of the institution's representative who will supervise the person fishing.~~

~~(2) The institution must apply for the certificate of registration at least ten days before the fishing outing.~~

Section 3. 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, 23-19-34.5, 23-19-34.7, and 23-19-36[; and 23-19-37] may be obtained only from the division.

Section 4. Section **23-19-36** is amended to read:

23-19-36. Disabled, mentally impaired, terminally ill persons, and children in the

custody of the state -- License to fish for free.

(1) A resident who is blind, paraplegic, or otherwise permanently disabled so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a free license to fish upon~~[-(a)]~~ furnishing satisfactory proof of this fact to the Division of Wildlife Resources~~[-; and -(b) payment of a fee of 50 cents]~~.

(2) A resident who is a mentally retarded person and is not eligible under Section 23-19-14 to fish without a license may receive a free license to fish upon~~[-(a)]~~ furnishing verification of mental retardation, as defined in Section 62A-5-101, from a physician~~[-; and -(b) payment of a fee of \$5]~~.

(3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:

(a) upon furnishing verification from a physician; and

(b) if he qualifies for assistance under any low income public assistance program administered by a state agency.

(4) A child placed in the custody of the state by a court order may receive a free fishing license upon furnishing verification of custody to the Division of Wildlife Resources.

Section 5. Section **23-19-39** is amended to read:

23-19-39. Additional appropriation.

~~[There shall be annually appropriated]~~ The division each year shall request the Legislature to appropriate from the General Fund in the appropriations act, for deposit in the Wildlife Resources Restricted Account, a sum equal to the total of the fees, as determined by the previous year's license sales, that would have otherwise been collected for fishing licenses had full fees been paid by those 65 years of age or older~~[-; those blind, paraplegic, or otherwise permanently disabled, or mentally retarded, and for]~~ or those who received free fishing privileges [granted] under the provisions of [Sections] Section 23-19-14[-;] or 23-19-36[-; and 23-19-37].

Section 6. 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, 23-19-34.7, and 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 7. Repealer.

This act repeals:

Section **23-19-37, Disabled veterans -- Free fishing license.**