

REGULATION ON HUNTING COUGAR OR BEAR

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael R. Styler

AN ACT RELATING TO WILDLIFE RESOURCES; ELIMINATING THE REQUIREMENT TO OBTAIN A SMALL GAME LICENSE TO TAKE COUGAR OR BEAR; MAKING TECHNICAL AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

23-13-2, as last amended by Chapter 265, Laws of Utah 1996

23-19-17, as last amended by Chapter 242, Laws of Utah 1998

23-19-24, as last amended by Chapter 242, Laws of Utah 1998

23-19-25, as last amended by Chapter 242, Laws of Utah 1998

23-19-26, as last amended by Chapter 242, Laws of Utah 1998

ENACTS:

23-19-22.5, Utah Code Annotated 1953

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

Section 1. Section **23-13-2** is amended to read:

23-13-2. Definitions.

As used in this title:

(1) "Activity regulated under this title" means any act, attempted act, or activity prohibited or regulated under any provision of Title 23 or the rules, and proclamations promulgated thereunder pertaining to protected wildlife including:

- (a) fishing;
- (b) hunting;
- (c) trapping;
- (d) taking;
- (e) permitting any dog, falcon, or other domesticated animal to take;
- (f) transporting;

- (g) possessing;
 - (h) selling;
 - (i) wasting;
 - (j) importing;
 - (k) exporting;
 - (l) rearing;
 - (m) keeping;
 - (n) utilizing as a commercial venture; and
 - (o) releasing to the wild.
- (2) "Aquatic animal" has the meaning provided in Section 4-37-103.
- (3) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.
- (4) "Aquaculture facility" has the meaning provided in Section 4-37-103.
- (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that one person may legally take during one day.
- (6) "Big game" means species of hoofed protected wildlife.
- (7) "Carcass" means the dead body of an animal or its parts.
- (8) "Certificate of registration" means a document issued under this title, or any rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.
- (9) "Closed season" means the period of time during which the taking of protected wildlife is prohibited.
- (10) "Conservation officer" means a full-time, permanent employee of the Division of Wildlife Resources who is POST certified as a peace or a special function officer.
- (11) "Division" means the Division of Wildlife Resources.
- (12) (a) "Domicile" means the place:
- (i) where an individual has a fixed permanent home and principal establishment;
 - (ii) to which the individual if absent, intends to return; and

(iii) in which the individual and the individual's family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

(b) To create a new domicile an individual must:

(i) abandon the old domicile; and

(ii) be able to prove that a new domicile has been established.

(13) "Endangered" means wildlife designated as such pursuant to Section 3 of the federal Endangered Species Act of 1973.

(14) "Fee fishing facility" has the meaning provided in Section 4-37-103.

(15) "Feral" means an animal which is normally domesticated but has reverted to the wild.

(16) "Fishing" means to take fish or crayfish by any means.

(17) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and Castoridae families, except coyote and cougar.

(18) "Game" means wildlife normally pursued, caught, or taken by sporting means for human use.

(19) (a) "Guide" means a person who receives compensation or advertises services for assisting another person to take protected wildlife.

(b) Assistance under Subsection (a) includes the provision of food, shelter, or transportation, or any combination of these.

(20) "Guide's agent" means a person who is employed by a guide to assist another person to take protected wildlife.

(21) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any means.

(22) "Intimidate or harass" means to physically interfere with or impede, hinder, or diminish the efforts of an officer in the performance of the officer's duty.

~~[(23) "License" means the primary document granting authority to engage in activities under:]~~

~~[(a) this title; or]~~

~~[(b) a rule or proclamation of the Wildlife Board.]~~

~~[(24)]~~ (23) "Nonresident" means a person who does not qualify as a resident.

~~[(25)]~~ (24) "Open season" means the period of time during which protected wildlife may be legally taken.

~~[(26)]~~ (25) "Pecuniary gain" means the acquisition of money or something of monetary value.

~~[(27)]~~ (26) "Permit" means a ~~[secondary]~~ document, including a stamp, which ~~[(a)]~~ requires a license as a prerequisite to its issuance; and ~~(b)~~ grants authority to engage in specified activities under this title or a rule or proclamation of the Wildlife Board.

~~[(28)]~~ (27) "Person" means an individual, association, partnership, government agency, corporation, or an agent of the foregoing.

~~[(29)]~~ (28) "Possession" means actual or constructive possession.

~~[(30)]~~ (29) "Possession limit" means the number of bag limits one individual may legally possess.

~~[(31)]~~ (30) (a) "Private fish installation" means a body of water where privately owned, protected aquatic wildlife are propagated or kept.

(b) "Private fish installation" does not include any aquaculture facility or fee fishing facility.

~~[(32)]~~ (31) "Private wildlife farm" means an enclosed place where privately owned birds or furbearers are propagated or kept and which restricts the birds or furbearers from:

(a) commingling with wild birds or furbearers; and

(b) escaping into the wild.

~~[(33)]~~ (32) "Proclamation" means the publication used to convey a statute, rule, policy, or pertinent information as it relates to wildlife.

~~[(34)]~~ (33) (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection (3), except as provided in Subsection (b).

(b) "Protected aquatic wildlife" does not include aquatic insects.

~~[(35)]~~ (34) (a) "Protected wildlife" means wildlife as defined in Subsection (49), except as provided in Subsection (b).

(b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel, jack rabbit, muskrat, and raccoon.

~~[(36)]~~ (35) "Released to the wild" means to turn loose from confinement.

~~[(37)]~~ (36) (a) "Resident" means a person who:

(i) has been domiciled in the state of Utah for six consecutive months immediately preceding the purchase of a license; and

(ii) does not claim residency for hunting, fishing, or trapping in any other state or country.

(b) A Utah resident retains Utah residency if that person leaves this state:

(i) to serve in the armed forces of the United States or for religious or educational purposes; and

(ii) complies with Subsection (a)(ii).

(c) (i) A member of the armed forces of the United States and dependents are residents for the purposes of this chapter as of the date the member reports for duty under assigned orders in the state if the member:

(A) is not on temporary duty in this state; and

(B) complies with Subsection (a)(ii).

(ii) A copy of the assignment orders must be presented to a wildlife division office to verify the member's qualification as a resident.

(d) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this chapter if the student:

(i) has been present in this state for 60 consecutive days immediately preceding the purchase of the license; and

(ii) complies with Subsection (a)(ii).

(e) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in any other state or country.

(f) An absentee landowner paying property tax on land in Utah does not qualify as a resident.

~~[(38)]~~ (37) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging, or trading.

~~[(39)]~~ (38) "Small game" means species of protected wildlife:

(a) commonly pursued for sporting purposes; and

(b) not classified as big game, aquatic wildlife, or furbearers and excluding cougar and bear.

[(40)] (39) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for human consumption.

[(41)] (40) "Spotlighting" means throwing or casting the rays of any spotlight, headlight, or other artificial light on any highway or in any field, woodland, or forest while having in possession a weapon by which protected wildlife may be killed.

[(42)] (41) "Tag" means a card, label, or other identification device issued for attachment to the carcass of protected wildlife.

[(43)] (42) "Take" means to:

(a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill any protected wildlife; or

(b) attempt any action referred to in Subsection (a).

[(44)] (43) "Threatened" means wildlife designated as such pursuant to Section 3 of the federal Endangered Species Act of 1973.

[(45)] (44) "Trapping" means taking protected wildlife with a trapping device.

[(46)] (45) "Trophy animal" means an animal described as follows:

- (a) deer - any buck with an outside antler measurement of 24 inches or greater;
- (b) elk - any bull with six points on at least one side;
- (c) bighorn, desert, or rocky mountain sheep - any ram with a curl exceeding half curl;
- (d) moose - any bull;
- (e) mountain goat - any male or female;
- (f) pronghorn antelope - any buck with horns exceeding 14 inches; or
- (g) bison - any bull.

[(47)] (46) "Waste" means to abandon protected wildlife or to allow protected wildlife to spoil or to be used in a manner not normally associated with its beneficial use.

[(48)] (47) "Water pollution" means the introduction of matter or thermal energy to waters within this state which:

- (a) exceeds state water quality standards; or

(b) could be harmful to protected wildlife.

[(49)] (48) "Wildlife" means:

- (a) crustaceans, including brine shrimp and crayfish;
- (b) mollusks; and
- (c) vertebrate animals living in nature, except feral animals.

Section 2. 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 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 3. Section **23-19-22.5** is enacted to read:

23-19-22.5. Cougar or bear hunting permit.

(1) A person 12 years of age or older, upon paying the fee prescribed by the Wildlife Board, may receive a permit to take cougar or bear as provided by rules of the Wildlife Board.

(2) One dollar of each cougar or bear permit fee collected from a resident shall be used for the hunter education program.

Section 4. 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 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 the small game hunting license fee shall be used [as provided in Section 23-19-17] for the hunter education program.

(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 5. 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 the small game hunting license fee shall be used [as provided in Section 23-19-17] for the hunter education program.

(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 6. 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 7. **Effective date.**

This act takes effect on July 1, 1999.

