

1 **WILDLIFE LICENSING AMENDMENTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Leonard M. Blackham**

5 AN ACT RELATING TO WILDLIFE RESOURCES; INCREASING COMPENSATION FOR
6 WILDLIFE LICENSE AGENTS; ELIMINATING THE WILDLIFE HABITAT
7 AUTHORIZATION; INCREASING FEES FOR FISHING AND HUNTING LICENSES AND
8 PERMITS, DEDICATED HUNTER PROGRAM CERTIFICATES OF REGISTRATION, AND
9 WILDLIFE HERITAGE CERTIFICATES; REQUIRING A PORTION OF LICENSE, PERMIT,
10 CERTIFICATE OF REGISTRATION, AND WILDLIFE HERITAGE CERTIFICATE FEES TO
11 BE DEPOSITED IN THE WILDLIFE HABITAT ACCOUNT; EXPRESSING LEGISLATIVE
12 INTENT REGARDING THE EXPENDITURE OF CERTAIN REVENUES; PROVIDING AN
13 EFFECTIVE DATE; AND PROVIDING A COORDINATION CLAUSE.

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

15 AMENDS:

16 **23-13-2**, as last amended by Chapter 209, Laws of Utah 1999

17 **23-19-8**, as last amended by Chapter 145, Laws of Utah 1996

18 **23-19-15**, as last amended by Chapter 259, Laws of Utah 1995

19 **23-19-16**, as last amended by Chapters 7 and 128, Laws of Utah 1999

20 **23-19-17**, as last amended by Chapter 209, Laws of Utah 1999

21 **23-19-17.5**, as last amended by Chapter 259, Laws of Utah 1995

22 **23-19-24**, as last amended by Chapter 209, Laws of Utah 1999

23 **23-19-25**, as last amended by Chapter 209, Laws of Utah 1999

24 **23-19-26**, as last amended by Chapter 209, Laws of Utah 1999

25 **23-19-40**, as last amended by Chapter 7, Laws of Utah 1999

26 **23-19-42**, as last amended by Chapter 128, Laws of Utah 1999

27 **23-19-43**, as enacted by Chapter 259, Laws of Utah 1995

28 **23-26-4**, as enacted by Chapter 267, Laws of Utah 1993

29 **53-2-107**, as enacted by Chapter 281, Laws of Utah 1997

30 ENACTS:

31 **23-19-47**, Utah Code Annotated 1953

32 This act enacts uncodified material.

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

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

35 **23-13-2. Definitions.**

36 As used in this title:

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

40 (a) fishing;

41 (b) hunting;

42 (c) trapping;

43 (d) taking;

44 (e) permitting any dog, falcon, or other domesticated animal to take;

45 (f) transporting;

46 (g) possessing;

47 (h) selling;

48 (i) wasting;

49 (j) importing;

50 (k) exporting;

51 (l) rearing;

52 (m) keeping;

53 (n) utilizing as a commercial venture; and

54 (o) releasing to the wild.

55 (2) "Aquatic animal" has the meaning provided in Section 4-37-103.

56 (3) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
57 amphibians.

58 (4) "Aquaculture facility" has the meaning provided in Section 4-37-103.

59 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that
60 one person may legally take during one day.

61 (6) "Big game" means species of hoofed protected wildlife.

62 (7) "Carcass" means the dead body of an animal or its parts.

63 (8) "Certificate of registration" means a document issued under this title, or any rule or
64 proclamation of the Wildlife Board granting authority to engage in activities not covered by a
65 license, permit, or tag.

66 (9) "Closed season" means the period of time during which the taking of protected wildlife
67 is prohibited.

68 (10) "Conservation officer" means a full-time, permanent employee of the Division of
69 Wildlife Resources who is POST certified as a peace or a special function officer.

70 (11) "Dedicated hunter program" means a program that provides:

71 (a) expanded hunting opportunities;

72 (b) opportunities to participate in projects that are beneficial to wildlife; and

73 (c) education in hunter ethics and wildlife management principles.

74 [(11)] (12) "Division" means the Division of Wildlife Resources.

75 [(12)] (13) (a) "Domicile" means the place:

76 (i) where an individual has a fixed permanent home and principal establishment;

77 (ii) to which the individual if absent, intends to return; and

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

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

81 (i) abandon the old domicile; and

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

83 [(13)] (14) "Endangered" means wildlife designated as such pursuant to Section 3 of the
84 federal Endangered Species Act of 1973.

85 [(14)] (15) "Fee fishing facility" has the meaning provided in Section 4-37-103.

86 [(15)] (16) "Feral" means an animal which is normally domesticated but has reverted to
87 the wild.

88 [(16)] (17) "Fishing" means to take fish or crayfish by any means.

89 [(17)] (18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae,

90 and Castoridae families, except coyote and cougar.

91 ~~[(18)]~~ (19) "Game" means wildlife normally pursued, caught, or taken by sporting means
92 for human use.

93 ~~[(19)]~~ (20) (a) "Guide" means a person who receives compensation or advertises services
94 for assisting another person to take protected wildlife.

95 (b) Assistance under Subsection ~~(20)~~(a) includes the provision of food, shelter, or
96 transportation, or any combination of these.

97 ~~[(20)]~~ (21) "Guide's agent" means a person who is employed by a guide to assist another
98 person to take protected wildlife.

99 ~~[(21)]~~ (22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by
100 any means.

101 ~~[(22)]~~ (23) "Intimidate or harass" means to physically interfere with or impede, hinder, or
102 diminish the efforts of an officer in the performance of the officer's duty.

103 ~~[(23)]~~ (24) "Nonresident" means a person who does not qualify as a resident.

104 ~~[(24)]~~ (25) "Open season" means the period of time during which protected wildlife may
105 be legally taken.

106 ~~[(25)]~~ (26) "Pecuniary gain" means the acquisition of money or something of monetary
107 value.

108 ~~[(26)]~~ (27) "Permit" means a document, including a stamp, which grants authority to
109 engage in specified activities under this title or a rule or proclamation of the Wildlife Board.

110 ~~[(27)]~~ (28) "Person" means an individual, association, partnership, government agency,
111 corporation, or an agent of the foregoing.

112 ~~[(28)]~~ (29) "Possession" means actual or constructive possession.

113 ~~[(29)]~~ (30) "Possession limit" means the number of bag limits one individual may legally
114 possess.

115 ~~[(30)]~~ (31) (a) "Private fish installation" means a body of water where privately owned,
116 protected aquatic wildlife are propagated or kept.

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

119 ~~[(31)]~~ (32) "Private wildlife farm" means an enclosed place where privately owned birds
120 or furbearers are propagated or kept and which restricts the birds or furbearers from:

121 (a) commingling with wild birds or furbearers; and

122 (b) escaping into the wild.

123 [(32)] (33) "Proclamation" means the publication used to convey a statute, rule, policy, or
124 pertinent information as it relates to wildlife.

125 [(33)] (34) (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection
126 (3), except as provided in Subsection (34)(b).

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

128 [(34)] (35) (a) "Protected wildlife" means wildlife as defined in Subsection (49), except
129 as provided in Subsection (35)(b).

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

132 [(35)] (36) "Released to the wild" means to turn loose from confinement.

133 [(36)] (37) (a) "Resident" means a person who:

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

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

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

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

140 (ii) complies with Subsection (37)(a)(ii).

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

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

145 (B) complies with Subsection (37)(a)(ii).

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

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

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

152 (ii) complies with Subsection (37)(a)(ii).

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

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

157 [~~(37)~~] (38) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act
158 of selling, bartering, exchanging, or trading.

159 [~~(38)~~] (39) "Small game" means species of protected wildlife:

160 (a) commonly pursued for sporting purposes; and

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

163 [~~(39)~~] (40) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for
164 human consumption.

165 [~~(40)~~] (41) "Spotlighting" means throwing or casting the rays of any spotlight, headlight,
166 or other artificial light on any highway or in any field, woodland, or forest while having in
167 possession a weapon by which protected wildlife may be killed.

168 [~~(41)~~] (42) "Tag" means a card, label, or other identification device issued for attachment
169 to the carcass of protected wildlife.

170 [~~(42)~~] (43) "Take" means to:

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

173 (b) attempt any action referred to in Subsection (43)(a).

174 [~~(43)~~] (44) "Threatened" means wildlife designated as such pursuant to Section 3 of the
175 federal Endangered Species Act of 1973.

176 [~~(44)~~] (45) "Trapping" means taking protected wildlife with a trapping device.

177 [~~(45)~~] (46) "Trophy animal" means an animal described as follows:

178 (a) deer - any buck with an outside antler measurement of 24 inches or greater;

179 (b) elk - any bull with six points on at least one side;

180 (c) bighorn, desert, or rocky mountain sheep - any ram with a curl exceeding half curl;

181 (d) moose - any bull;

182 (e) mountain goat - any male or female;

183 (f) pronghorn antelope - any buck with horns exceeding 14 inches; or

184 (g) bison - any bull.

185 [(46)] (47) "Waste" means to abandon protected wildlife or to allow protected wildlife to
186 spoil or to be used in a manner not normally associated with its beneficial use.

187 [(47)] (48) "Water pollution" means the introduction of matter or thermal energy to waters
188 within this state which:

189 (a) exceeds state water quality standards; or

190 (b) could be harmful to protected wildlife.

191 [(48)] (49) "Wildlife" means:

192 (a) crustaceans, including brine shrimp and crayfish;

193 (b) mollusks; and

194 (c) vertebrate animals living in nature, except feral animals.

195 Section 2. Section **23-19-8** is amended to read:

196 **23-19-8. Signature on documents -- Considered under oath -- Prohibition on use of**
197 **unsigned documents.**

198 (1) A person's signature on a license, permit, tag, or certificate of registration[~~or habitat~~
199 ~~authorization~~] is certification of that person's eligibility to use the license, permit, tag, or certificate
200 of registration[~~or habitat authorization~~] for the purpose intended by this title.

201 (2) The signature need not be notarized but shall be considered to be made under oath.

202 (3) A person may not use an unsigned license, permit, tag, or certificate of registration[~~or~~
203 ~~habitat authorization~~].

204 Section 3. Section **23-19-15** is amended to read:

205 **23-19-15. License agents -- Authority -- Bond -- Compensation -- Violations.**

206 (1) The director of the division may designate wildlife license agents to sell licenses,
207 permits, and tags.

208 (2) Wildlife license agents may:

209 (a) sell licenses, permits, and tags to all eligible applicants, except those licenses, permits,
210 and tags specified in Subsection 23-19-16(2) which may be sold only by the division; and

211 (b) collect a fee for each license, permit, or tag sold.

212 (3) A wildlife license agent shall receive [~~4% of the total revenue the wildlife license agent~~
213 ~~collects from the sale of wildlife licenses, permits, and tags~~];

214 (a) for any wildlife license, permit, or tag having a fee of \$10 or less, 50 cents for each
215 wildlife license, permit, or tag sold; and

216 (b) for any wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.

217 (4) The division may require wildlife license agents to obtain a bond in a reasonable
218 amount.

219 (5) (a) On or before the 10th day of each month, each wildlife license agent shall:

220 (i) report all sales to the division; and

221 (ii) submit all of the fees obtained from the sale of licenses, permits, and tags less the
222 remuneration provided in Subsection (3).

223 (b) If a wildlife license agent fails to pay the amount due, the division may assess a penalty
224 of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month.

225 If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of
226 100% of the total amount due together with interest.

227 (c) All fees, except the remuneration provided in Subsection (3), shall:

228 (i) be kept separate and apart from the private funds of the wildlife license agents; and

229 (ii) belong to the state of Utah.

230 (6) A wildlife license agent may not intentionally:

231 (a) misdate a license, permit, or tag; or

232 (b) issue a license to any person until that person furnishes proof of having passed a
233 division approved hunter education course as provided in Section 23-19-11.

234 (7) Violation of any provision of this section is a class B misdemeanor and may be cause
235 for revocation of the wildlife license agent authorization.

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

237 **23-19-16. Licenses obtained from agents of division.**

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

240 (2) Licenses provided for in Sections 23-19-17.5, 23-19-34.7, and 23-19-36 may be
241 obtained only from the division.

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

243 **23-19-17. Fishing and hunting license -- Resident 12 or older -- Use of fee.**

244 (1) A resident 12 years of age or older, upon payment of the fee prescribed in Section

245 23-19-40, may receive a combination license to fish and to hunt for small game as provided in the
246 rules of the Wildlife Board.

247 (2) One dollar of the combination license fee shall be used for the hunter education
248 program in any of the following:

249 (a) instructor and student training;

250 (b) assisting local organizations with development;

251 (c) maintenance of existing facilities; or

252 (d) operation and maintenance of the hunter education program.

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

255 [~~(a)~~] (i) to acquire pen-raised birds; or

256 [~~(b)~~] (ii) to capture and transplant upland game species.

257 (b) The combination license fee revenue designated for the upland game program by
258 Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the
259 upland game program as provided by Sections 23-19-43 and 23-19-47.

260 Section 6. Section **23-19-17.5** is amended to read:

261 **23-19-17.5. Lifetime hunting and fishing licenses.**

262 (1) Lifetime licensees born after December 31, 1965, must be certified under Section
263 23-19-11 before engaging in hunting.

264 (2) A lifetime license shall remain valid if the residency of the lifetime licensee changes
265 to another state or country.

266 (3) (a) A lifetime license may be used in lieu of an annual [~~wildlife habitat,~~] small game[~~;~~
267 ~~and~~] or fishing license.

268 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag of
269 the lifetime licensee's choice for one of the following general season deer hunts:

270 (i) archery;

271 (ii) rifle; or

272 (iii) muzzleloader.

273 (c) A lifetime licensee is subject to each requirement for special hunting and fishing
274 permits and tags, except as provided in Subsection (3)(b).

275 (4) The Wildlife Board may adopt rules necessary to carry out the provisions of this

276 section.

277 Section 7. Section **23-19-24** is amended to read:

278 **23-19-24. Small game hunting license -- Resident 14 or older -- Use of fee.**

279 (1) A resident 14 years of age or older, upon payment of the fee prescribed in Section
280 23-19-40, may receive a license to hunt small game.

281 (2) One dollar of the small game hunting license fee shall be used for the hunter education
282 program.

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

285 [~~(a)~~] (i) to acquire pen-raised birds; or

286 [~~(b)~~] (ii) to capture and transplant upland game species.

287 (b) The small game license fee revenue designated for the upland game program by
288 Subsection (3)(a) is in addition to any small game license fee revenue that may be used for the
289 upland game program as provided by Sections 23-19-43 and 23-19-47.

290 Section 8. Section **23-19-25** is amended to read:

291 **23-19-25. Small game hunting license -- Resident 12 or 13 -- Use of fee.**

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

294 (2) One dollar of the small game hunting license fee shall be used for the hunter education
295 program.

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

298 [~~(a)~~] (i) to acquire pen-raised birds; or

299 [~~(b)~~] (ii) to capture and transplant upland game species.

300 (b) The small game license fee revenue designated for the upland game program by
301 Subsection (3)(a) is in addition to any small game license fee revenue that may be used for the
302 upland game program as provided by Sections 23-19-43 and 23-19-47.

303 Section 9. Section **23-19-26** is amended to read:

304 **23-19-26. Small game hunting license -- Nonresident 12 or older -- Use of fee.**

305 (1) A nonresident 12 years of age or older, upon payment of the fee prescribed in Section
306 23-19-40, may receive a license to hunt small game.

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

309 [(a)] (i) to acquire pen-raised birds; or

310 [(b)] (ii) to capture and transplant upland game species.

311 (b) The small game license fee revenue designated for the upland game program by
312 Subsection (2)(a) is in addition to any small game license fee revenue that may be used for the
313 upland game program as provided by Sections 23-19-43 and 23-19-47.

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

315 **23-19-40. Fees for licenses.**

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

319 WILDLIFE LICENSE FEE SCHEDULE

| 320 | Type of License | Age and Time | Fee |
|-----|--------------------|---------------------|--------------------------|
| 321 | RESIDENT | | |
| 322 | Combination | 12 years or older | [\$28.00] <u>\$31.75</u> |
| 323 | Fishing | Under 65 (Season) | [20.00] <u>23.75</u> |
| 324 | | 65 years or older | [9.00] <u>13.75</u> |
| 325 | | (Season) | |
| 326 | | Any age (1-day) | [6.00] <u>6.75</u> |
| 327 | | Any age (7-day) | [11.00] <u>14.75</u> |
| 328 | Small Game | 12-13 years | [7.00] <u>10.75</u> |
| 329 | | 14 years or older | [13.00] <u>16.75</u> |
| 330 | Furbearer | Any age | [25.00] <u>29.00</u> |
| 331 | [Wildlife Habitat] | [14 years or older] | [5.75] |
| 332 | NONRESIDENT | | |
| 333 | Fishing | Any age (Season) | [42.00] <u>45.75</u> |
| 334 | | Any age (1-day) | [7.00] <u>7.75</u> |
| 335 | | Any age (7-day) | [17.00] <u>20.75</u> |
| 336 | Small Game | 12 years or older | [41.00] <u>44.75</u> |
| 337 | Furbearer | Any age | [150.00] <u>154.00</u> |

| | | | |
|-----|----------|-------------------|-------|
| 338 | Falconry | 14 years or older | 15.00 |
| 339 | | (5-day) | |

| | | | |
|-----|--------------------|---------------------|--------|
| 340 | [Wildlife Habitat] | [14 years or older] | [5.75] |
|-----|--------------------|---------------------|--------|

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

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

343 **23-19-42. Search and rescue surcharge.**

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

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

348 [~~(ii) reciprocal fishing stamps; and]~~

349 [~~(iii) one day fishing licenses.]~~

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

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

355 [~~(3)(a)] (1) In addition to the fees imposed under this chapter, there is imposed a 25 cent
356 surcharge on each [annual wildlife habitat authorization] fishing, small game, or combination
357 license listed in Section 23-19-40.~~

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

360 Section 12. Section **23-19-43** is amended to read:

361 **23-19-43. Wildlife Habitat Account -- Contents -- Use of fund monies.**

362 (1) There is created a restricted account within the General Fund known as the Wildlife
363 Habitat Account.

364 (2) The contents of the account shall consist of:

365 (a) revenue from the sale of [~~wildlife habitat authorization;~~] licenses, permits, stamps,
366 certificates of registration, and Wildlife Heritage certificates as provided in Section 23-19-47; and

367 [~~(b) the balance of any money remaining in the Big Game Habitat Account upon its
368 closure;]~~

369 ~~[(c) the balance of any money remaining in the Upland Game Account upon its closure;]~~
370 ~~[(d) any money deposited as dedicated credits for the waterfowl program; and]~~
371 ~~[(e)]~~ (b) interest and earnings on account monies.

372 (3) Revenue from the sale of ~~[wildlife habitat authorizations]~~ licenses, permits, stamps,
373 certificates of registration, and Wildlife Heritage certificates that is deposited to the account
374 pursuant to Section 23-19-47 shall be used by the division, after appropriation by the Legislature,
375 as provided in Subsections (4) through (6).

376 (4) (a) Each year up to \$70,000 or 4% of the annual deposits to the account, whichever
377 amount is greater, shall be allocated for the development, restoration, and preservation of wetlands
378 that are beneficial to waterfowl.

379 (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the
380 Legislature for use by a nonprofit conservation organization for wetland development projects
381 within the state that benefit waterfowl.

382 (5) (a) Each year up to \$230,000 or 12% of the annual deposits to the account, whichever
383 amount is greater, shall be allocated to upland game projects as follows:

384 (i) the control of predators;

385 (ii) the development, improvement, restoration, or maintenance of critical habitat through
386 the establishment of landowner incentives, cooperative programs, or other means;

387 (iii) the acquisition or preservation of critical habitat;

388 (iv) landowner habitat education and assistance programs;

389 (v) public access to private lands; and

390 (vi) upland game transplant and reintroduction programs.

391 (b) As used in this section "upland game" means pheasant, quail, chukar, partridge, sage
392 grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse, ptarmigan, mourning
393 dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

394 (c) Monies allocated to upland game may not be used for the acquisition, development,
395 improvement, restoration, or maintenance of habitat within commercial hunting areas.

396 (d) No more than 5% of the monies allocated to upland game may be used for landowner
397 habitat education programs.

398 (e) The monies allocated to upland game shall be used for programs and activities relating
399 to upland game species based generally upon the proportion of average annual hunter participation

400 for each species.

401 (f) Projects for which free public access is assured shall receive first priority for funding
402 from monies allocated to upland game.

403 (g) Projects for which public access is assured shall receive second priority for funding
404 from monies allocated to upland game.

405 (6) The remaining money in the account shall be used for the following purposes:

406 (a) the enhancement, acquisition, preservation, protection, and management of aquatic and
407 terrestrial wildlife habitat; and

408 (b) to improve access for fishing and hunting.

409 (7) The division shall seek the advice and recommendations of the Habitat Council,
410 created by the division, regarding the expenditure of account monies.

411 Section 13. Section **23-19-47** is enacted to read:

412 **23-19-47. Portion of revenue from license, permit, stamp, certificate of registration,**
413 **and Wildlife Heritage certificate fees deposited in Wildlife Habitat Account.**

414 (1) Fifty cents of the fee charged for any of the following licenses or stamps shall be
415 deposited in the Wildlife Habitat Account created in Section 23-19-43:

416 (a) a one-day fishing license; or

417 (b) a one-day fishing stamp.

418 (2) Three dollars and fifty cents of the fee charged for any of the following licenses or
419 permits shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

420 (a) a fishing license, except any one-day fishing license;

421 (b) a small game license;

422 (c) a combination license;

423 (d) a furbearer license; or

424 (e) a fishing permit, except any fish stamp.

425 (3) Four dollars and seventy-five cents of the fee charged for any of the following
426 certificates of registration, permits, or Wildlife Heritage certificates shall be deposited in the
427 Wildlife Habitat Account created in Section 23-19-43:

428 (a) a certificate of registration for the dedicated hunter program, except a certificate of
429 registration issued to a lifetime licensee;

430 (b) a big game permit;

- 431 (c) a bear permit;
432 (d) a cougar permit;
433 (e) a turkey permit;
434 (f) a muskrat permit; or
435 (g) a Wildlife Heritage certificate.

436 Section 14. Section **23-26-4** is amended to read:

437 **23-26-4. Wildlife Heritage certificate -- Benefits -- Use of revenue.**

438 (1) (a) A resident or nonresident, 12 years of age or older, upon payment of [~~\$15~~] \$20, may
439 receive a Wildlife Heritage certificate.

440 (b) A resident or nonresident, under 12 years of age, upon payment of [~~\$5~~] \$10, may
441 receive a Wildlife Heritage certificate.

442 (2) The Wildlife Heritage certificate allows the holder to receive the benefits and
443 participate in the activities of the Wildlife Heritage program as determined by the Wildlife Board
444 and the division.

445 (3) Revenue from the sale of Wildlife Heritage certificates shall be used for activities and
446 projects that fulfill the program's purposes as specified in Section 23-26-2, including:

447 (a) information and education;

448 (b) the establishment and enhancement of nonconsumptive wildlife management areas that
449 are managed consistent with Section 23-14-18;

450 (c) wildlife and ecosystem research; and

451 (d) administration, development, and promotion of the program.

452 (4) Revenue from the sale of Wildlife Heritage certificates may be used for emergency
453 feeding of wildlife.

454 Section 15. Section **53-2-107** is amended to read:

455 **53-2-107. Search and Rescue Financial Assistance Program -- Uses -- Rulemaking**
456 **-- Distribution.**

457 (1) "Reimbursable expenses," as used in this section, means those reasonable costs
458 incidental to search and rescue activities, not including any salary or overtime paid to any person
459 on a regular or permanent payroll, including permanent part-time employees, of any agency or
460 political subdivision of the state, including:

461 (a) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

462 (b) replacement and upgrade of search and rescue equipment;
463 (c) training of search and rescue volunteers; and
464 (d) any other equipment or expenses necessary or appropriate for conducting search and
465 rescue activities.

466 (2) There is created the Search and Rescue Financial Assistance Program within the
467 division.

468 (3) (a) The program shall be funded from the following revenue sources:

469 (i) any voluntary contributions to the state received for search and rescue operations;

470 (ii) monies received by the state under [Subsection] Section 23-19-42[(3)] and Section
471 41-22-34; and

472 (iii) appropriations made to the program by the Legislature.

473 (b) All funding for the program shall be nonlapsing.

474 (4) The director shall use the monies to reimburse counties for all or a portion of each
475 county's reimbursable expenses for search and rescue operations subject to:

476 (a) the approval of the Search and Rescue Advisory Board as provided in Section
477 53-2-104;

478 (b) monies available in the program; and

479 (c) rules made under Subsection (7).

480 (5) Program monies may not be used to reimburse for any paid personnel costs or paid man
481 hours spent in emergency response and search and rescue related activities.

482 (6) The Legislature finds that these funds are for a general and statewide public purpose.

483 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
484 rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, consistent
485 with this act, establishing:

486 (a) the costs that qualify as reimbursable expenses;

487 (b) the procedures of agencies to submit expenses and be reimbursed; and

488 (c) a formula to govern the distribution of available monies between counties based on:

489 (i) the total qualifying expenses submitted;

490 (ii) the number of search and rescue incidents per county population;

491 (iii) the number of victims that reside outside the county; and

492 (iv) the number of volunteer hours spent in each county in emergency response and search

493 and rescue related activities per county population.

494 Section 16. **Fee schedule.**

495 (1) The following fees for certificates of registration, Wildlife Heritage certificates,
 496 permits, tags, and stamps issued by the Division of Wildlife Resources shall be in effect from
 497 January 1, 2001 through December 31, 2001.

498 Certificate of Registration

| | | |
|-----|--|----------------|
| 499 | <u>Resident Dedicated Hunter, 2 Yr. (14-17)</u> | <u>\$70.00</u> |
| 500 | <u>Resident Dedicated Hunter, 3Yr. (14-17)</u> | <u>105.00</u> |
| 501 | <u>Resident Dedicated Hunter, 2 Yr. (18+)</u> | <u>120.00</u> |
| 502 | <u>Resident Dedicated Hunter, 3 Yr. (18+)</u> | <u>180.00</u> |
| 503 | <u>Nonresident Dedicated Hunter, 2 Yr. (14-17)</u> | <u>416.00</u> |
| 504 | <u>Nonresident Dedicated Hunter, 3 Yr. (14-17)</u> | <u>634.00</u> |
| 505 | <u>Nonresident Dedicated Hunter, 2 Yr. (18+)</u> | <u>566.00</u> |
| 506 | <u>Nonresident Dedicated Hunter, 3 Yr. (18+)</u> | <u>867.00</u> |
| 507 | <u>Lifetime License Dedicated Hunter, 2 Yr (14-17)</u> | <u>25.00</u> |
| 508 | <u>Lifetime License Dedicated Hunter, 3 Yr (14-17)</u> | <u>37.50</u> |
| 509 | <u>Lifetime License Dedicated Hunter, 2 Yr (18+)</u> | <u>50.00</u> |
| 510 | <u>Lifetime License Dedicated Hunter, 3 Yr (18+)</u> | <u>75.00</u> |

511 Wildlife Heritage Certificate

| | | |
|-----|----------------------------|----------------|
| 512 | <u>Juvenile (Under 12)</u> | <u>\$10.00</u> |
| 513 | <u>Adult (12+)</u> | <u>20.00</u> |

514 Deer Permits / Tags

| | | |
|-----|--|----------------|
| 515 | <u>Resident General Season Deer</u> | <u>\$35.00</u> |
| 516 | <u>Nonresident General Season Deer</u> | <u>208.00</u> |
| 517 | <u>Resident Antlerless Deer</u> | <u>20.00</u> |
| 518 | <u>Nonresident Antlerless Deer</u> | <u>83.00</u> |
| 519 | <u>Resident Two-Doe Antlerless</u> | <u>35.00</u> |
| 520 | <u>Nonresident Two-Doe Antlerless</u> | <u>161.00</u> |
| 521 | <u>Resident Depredation</u> | <u>20.00</u> |

522 Landowners Depredation / Mitigation

| | | |
|-----|-------------|----------------|
| 523 | <u>Deer</u> | <u>\$25.00</u> |
|-----|-------------|----------------|

| | | |
|-----|--|----------------|
| 524 | <u>Elk</u> | <u>60.00</u> |
| 525 | <u>Pronghorn</u> | <u>25.00</u> |
| 526 | <u>Fishing Permits / Stamps</u> | |
| 527 | <u>Two-Pole</u> | <u>\$14.00</u> |
| 528 | <u>Set-Line</u> | <u>14.00</u> |
| 529 | <u>Wyoming Flaming Gorge</u> | <u>10.00</u> |
| 530 | <u>Arizona Lake Powell</u> | <u>8.00</u> |
| 531 | <u>Nonresident 1-Day Fishing</u> | <u>6.00</u> |
| 532 | <u>Big Game Permits / Tags</u> | |
| 533 | <u>Deer</u> | |
| 534 | <u>Resident Limited Entry</u> | <u>\$48.00</u> |
| 535 | <u>Nonresident Limited Entry</u> | <u>408.00</u> |
| 536 | <u>Resident High Country Buck Deer</u> | <u>43.00</u> |
| 537 | <u>Nonresident High Country Buck Deer</u> | <u>258.00</u> |
| 538 | <u>Resident Premium Limited Entry Deer</u> | <u>133.00</u> |
| 539 | <u>Nonresident Premium Limited Entry Deer</u> | <u>508.00</u> |
| 540 | <u>Resident CWMU Buck Deer</u> | <u>35.00</u> |
| 541 | <u>Nonresident CWMU Buck Deer</u> | <u>208.00</u> |
| 542 | <u>Resident CWMU Limited Entry Deer</u> | <u>48.00</u> |
| 543 | <u>Nonresident CWMU Limited Entry Deer</u> | <u>408.00</u> |
| 544 | <u>Resident CWMU Premium Limited Entry Deer</u> | <u>133.00</u> |
| 545 | <u>Nonresident CWMU Premium Limited Entry Deer</u> | <u>508.00</u> |
| 546 | <u>Resident CWMU Antlerless Deer</u> | <u>20.00</u> |
| 547 | <u>Nonresident CWMU Antlerless Deer</u> | <u>83.00</u> |
| 548 | <u>Resident CWMU Two-Doe Antlerless Deer</u> | <u>35.00</u> |
| 549 | <u>Nonresident CWMU Two-Doe Antlerless Deer</u> | <u>161.00</u> |
| 550 | <u>Elk</u> | |
| 551 | <u>Resident Archery</u> | <u>\$60.00</u> |
| 552 | <u>Resident General Bull</u> | <u>60.00</u> |
| 553 | <u>Resident Limited Entry Bull</u> | <u>180.00</u> |
| 554 | <u>Resident Control</u> | <u>60.00</u> |

| | | |
|-----|--|-----------------|
| 555 | <u>Resident Depredation</u> | <u>60.00</u> |
| 556 | <u>Resident Muzzleloader Hunter Choice</u> | <u>60.00</u> |
| 557 | <u>Resident Limited Entry Archery Bull Auxiliary</u> | <u>20.00</u> |
| 558 | <u>Resident CWMU Any Bull</u> | <u>180.00</u> |
| 559 | <u>Resident CWMU Spike Bull</u> | <u>60.00</u> |
| 560 | <u>Resident CWMU Antlerless</u> | <u>60.00</u> |
| 561 | <u>Nonresident Archery</u> | <u>333.00</u> |
| 562 | <u>Nonresident General Bull</u> | <u>333.00</u> |
| 563 | <u>Nonresident Limited Entry Bull</u> | <u>483.00</u> |
| 564 | <u>Nonresident Control</u> | <u>208.00</u> |
| 565 | <u>Nonresident Muzzleloader Hunter Choice</u> | <u>333.00</u> |
| 566 | <u>Nonresident Archery Bull Auxiliary</u> | <u>20.00</u> |
| 567 | <u>Nonresident CWMU Any Bull</u> | <u>483.00</u> |
| 568 | <u>Nonresident CWMU Spike Bull</u> | <u>333.00</u> |
| 569 | <u>Nonresident CWMU Antlerless</u> | <u>208.00</u> |
| 570 | <u>Antelope</u> | |
| 571 | <u>Resident Limited Buck</u> | <u>\$50.00</u> |
| 572 | <u>Nonresident Limited Buck</u> | <u>233.00</u> |
| 573 | <u>Resident Limited Doe</u> | <u>20.00</u> |
| 574 | <u>Resident Depredation</u> | <u>15.00</u> |
| 575 | <u>Nonresident Limited Doe</u> | <u>135.00</u> |
| 576 | <u>Resident Archery Buck</u> | <u>50.00</u> |
| 577 | <u>Nonresident Archery Buck</u> | <u>233.00</u> |
| 578 | <u>Resident CWMU Buck</u> | <u>50.00</u> |
| 579 | <u>Nonresident CWMU Buck</u> | <u>233.00</u> |
| 580 | <u>Resident CWMU Doe</u> | <u>20.00</u> |
| 581 | <u>Nonresident CWMU Doe</u> | <u>135.00</u> |
| 582 | <u>Moose</u> | |
| 583 | <u>Resident Bull</u> | <u>\$308.00</u> |
| 584 | <u>Resident Antlerless</u> | <u>208.00</u> |
| 585 | <u>Resident CWMU Bull</u> | <u>308.00</u> |

| | | |
|-----|---|-----------------|
| 586 | <u>Resident CWMU Antlerless</u> | <u>208.00</u> |
| 587 | <u>Nonresident Bull</u> | <u>1,008.00</u> |
| 588 | <u>Nonresident Antlerless</u> | <u>708.00</u> |
| 589 | <u>Nonresident CWMU Bull</u> | <u>1,008.00</u> |
| 590 | <u>Nonresident CWMU Antlerless</u> | <u>708.00</u> |
| 591 | <u>Bison</u> | |
| 592 | <u>Resident</u> | <u>\$408.00</u> |
| 593 | <u>Nonresident</u> | <u>1,008.00</u> |
| 594 | <u>Resident Antelope Island</u> | <u>1,105.00</u> |
| 595 | <u>Nonresident Antelope Island</u> | <u>2,605.00</u> |
| 596 | <u>Bighorn Sheep</u> | |
| 597 | <u>Resident Desert Bighorn</u> | <u>\$508.00</u> |
| 598 | <u>Resident Rocky Mountain Bighorn</u> | <u>508.00</u> |
| 599 | <u>Nonresident Desert Bighorn</u> | <u>1,008.00</u> |
| 600 | <u>Nonresident Rocky Mountain Bighorn</u> | <u>1,008.00</u> |
| 601 | <u>Rocky Mountain Goat</u> | |
| 602 | <u>Resident Rocky Mountain</u> | <u>\$408.00</u> |
| 603 | <u>Nonresident Rocky Mountain</u> | <u>1,008.00</u> |
| 604 | <u>Cougar / Bear Permit</u> | |
| 605 | <u>Resident Cougar</u> | <u>\$58.00</u> |
| 606 | <u>Resident Bear</u> | <u>83.00</u> |
| 607 | <u>Resident Bear (Archery-Bait)</u> | <u>83.00</u> |
| 608 | <u>Resident Cougar Pursuit</u> | <u>30.00</u> |
| 609 | <u>Resident Bear Pursuit</u> | <u>30.00</u> |
| 610 | <u>Nonresident Cougar Pursuit</u> | <u>30.00</u> |
| 611 | <u>Nonresident Bear Pursuit</u> | <u>30.00</u> |
| 612 | <u>Cougar or Bear Damage</u> | <u>30.00</u> |
| 613 | <u>Nonresident Cougar</u> | <u>258.00</u> |
| 614 | <u>Nonresident Bear</u> | <u>308.00</u> |
| 615 | <u>Nonresident Bear (Archery-Bait)</u> | <u>308.00</u> |
| 616 | <u>Muskrats</u> | |

| | | |
|-----|----------------------------------|-----------------|
| 617 | <u>Over 1000 anticipated</u> | <u>\$155.00</u> |
| 618 | <u>500 - 1000 anticipated</u> | <u>105.00</u> |
| 619 | <u>100 - 500 anticipated</u> | <u>55.00</u> |
| 620 | <u>Less than 100 anticipated</u> | <u>30.00</u> |

621 Turkey

| | | |
|-----|----------------------------------|----------------|
| 622 | <u>Resident Limited Entry</u> | <u>\$30.00</u> |
| 623 | <u>Nonresident Limited Entry</u> | <u>55.00</u> |

624 Sportsman Permits

625 The successful applicants will pay the fee associated with the resident
 626 fee for that particular species.

| | | |
|-----|---------------------------------------|-----------------|
| 627 | <u>Resident Bull Moose</u> | <u>\$308.00</u> |
| 628 | <u>Resident Hunter's Choice Bison</u> | <u>408.00</u> |
| 629 | <u>Resident Desert Bighorn Ram</u> | <u>508.00</u> |
| 630 | <u>Resident Bull Elk</u> | <u>135.00</u> |
| 631 | <u>Resident Buck Deer</u> | <u>133.00</u> |
| 632 | <u>Resident Buck Pronghorn</u> | <u>50.00</u> |

633 Falconry Permits

| | | |
|-----|--|----------------|
| 634 | <u>Resident Capture - Apprentice Class</u> | <u>\$25.00</u> |
| 635 | <u>Resident Capture - General Class</u> | <u>45.00</u> |
| 636 | <u>Resident Capture - Master Class</u> | <u>45.00</u> |
| 637 | <u>Nonresident Capture - General Class</u> | <u>110.00</u> |
| 638 | <u>Nonresident Capture - Master Class</u> | <u>110.00</u> |

639 (2) It is the intent of the Legislature that a portion of the revenue from elk permit fees be
 640 used for winter feeding of elk to prevent:

- 641 (a) damage by elk to agricultural crops and rangelands; and
 642 (b) highway accidents caused by elk.

643 **Section 17. Effective date.**

644 This act takes effect on January 1, 2001.

645 **Section 18. Coordination clause.**

646 (1) If this bill and S.B. 1, Appropriations Act, both pass, it is the intent of the Legislature
 647 that the certificate of registration, Wildlife Heritage certificate, permit, tag, and stamp fees listed

648 in Section 16 of this bill supercede the corresponding certificate of registration, Wildlife Heritage
649 certificate, permit, tag, and stamp fees listed in S.B. 1, Appropriations Act.

650 (2) If this bill and S.B. 62, Wildlife Resources Code - Application to Indians, both pass,
651 it is the intent of the Legislature that S.B. 62, Wildlife Resources Code - Application to Indians
652 be amended as follows:

653 Page 2, Line 34: After "obtaining a" delete "wildlife habitat authorization,"

Legislative Review Note
as of 2-10-00 3:57 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel