

1 **WILDLIFE RESOURCES AND WILDLIFE**

2 **BOARD AMENDMENTS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David L. Gladwell**

6 **This act modifies the Wildlife Resources Code to change the name of the Wildlife Board to**
7 **the Wildlife Commission and to change the name of Wildlife Board members to**
8 **commissioners.**

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

10 AMENDS:

11 **4-37-104**, as last amended by Chapter 302, Laws of Utah 1998

12 **4-37-105**, as last amended by Chapter 302, Laws of Utah 1998

13 **4-37-106**, as enacted by Chapter 153, Laws of Utah 1994

14 **4-37-108**, as last amended by Chapter 302, Laws of Utah 1998

15 **4-37-401**, as enacted by Chapter 153, Laws of Utah 1994

16 **4-37-402**, as enacted by Chapter 153, Laws of Utah 1994

17 **4-39-401**, as enacted by Chapter 302, Laws of Utah 1997

18 **23-13-2**, as last amended by Chapter 9, Laws of Utah 2001

19 **23-13-4**, as enacted by Chapter 46, Laws of Utah 1971

20 **23-13-5**, as last amended by Chapter 33, Laws of Utah 1973

21 **23-13-8**, as last amended by Chapter 76, Laws of Utah 1986

22 **23-13-11**, as last amended by Chapter 211, Laws of Utah 1995

23 **23-13-12.5**, as enacted by Chapter 164, Laws of Utah 2000

24 **23-13-13**, as last amended by Chapter 60, Laws of Utah 1975

25 **23-13-17**, as enacted by Chapter 307, Laws of Utah 1993

26 **23-14-1**, as last amended by Chapter 211, Laws of Utah 1995

27 **23-14-2**, as last amended by Chapter 276, Laws of Utah 1997



- 28 **23-14-2.5**, as enacted by Chapter 211, Laws of Utah 1995
- 29 **23-14-2.6**, as last amended by Chapter 276, Laws of Utah 1997
- 30 **23-14-3**, as last amended by Chapter 211, Laws of Utah 1995
- 31 **23-14-8**, as last amended by Chapter 211, Laws of Utah 1995
- 32 **23-14-13**, as last amended by Chapter 211, Laws of Utah 1995
- 33 **23-14-16**, as last amended by Chapter 30, Laws of Utah 1992
- 34 **23-14-18**, as last amended by Chapter 22, Laws of Utah 2001
- 35 **23-14-19**, as last amended by Chapter 211, Laws of Utah 1995
- 36 **23-14-21**, as enacted by Chapter 154, Laws of Utah 1998
- 37 **23-15-6**, as enacted by Chapter 46, Laws of Utah 1971
- 38 **23-15-7**, as enacted by Chapter 46, Laws of Utah 1971
- 39 **23-15-8**, as last amended by Chapter 153, Laws of Utah 1994
- 40 **23-15-9**, as enacted by Chapter 46, Laws of Utah 1971
- 41 **23-15-10**, as enacted by Chapter 46, Laws of Utah 1971
- 42 **23-15-13**, as last amended by Chapter 82, Laws of Utah 1997
- 43 **23-16-3.5**, as last amended by Chapter 140, Laws of Utah 1998
- 44 **23-16-4**, as last amended by Chapter 28, Laws of Utah 1995
- 45 **23-16-5**, as last amended by Chapter 211, Laws of Utah 1995
- 46 **23-16-7**, as last amended by Chapter 211, Laws of Utah 1995
- 47 **23-17-6**, as last amended by Chapter 242, Laws of Utah 1998
- 48 **23-17-7**, as enacted by Chapter 46, Laws of Utah 1971
- 49 **23-17-8**, as enacted by Chapter 46, Laws of Utah 1971
- 50 **23-17-9**, as enacted by Chapter 46, Laws of Utah 1971
- 51 **23-18-2**, as last amended by Chapter 76, Laws of Utah 1986
- 52 **23-18-3**, as enacted by Chapter 46, Laws of Utah 1971
- 53 **23-18-4**, as enacted by Chapter 46, Laws of Utah 1971
- 54 **23-18-6**, as enacted by Chapter 264, Laws of Utah 1993
- 55 **23-19-1**, as last amended by Chapter 204, Laws of Utah 1999
- 56 **23-19-2**, as last amended by Chapter 128, Laws of Utah 1999
- 57 **23-19-3**, as last amended by Chapter 211, Laws of Utah 1995
- 58 **23-19-9**, as repealed and reenacted by Chapter 224, Laws of Utah 2001

59 **23-19-9.5**, as last amended by Chapter 211, Laws of Utah 1995
60 **23-19-10**, as last amended by Chapter 33, Laws of Utah 1973
61 **23-19-13**, as last amended by Chapter 120, Laws of Utah 1995
62 **23-19-17**, as last amended by Chapter 22, Laws of Utah 2001
63 **23-19-17.5**, as last amended by Chapter 195, Laws of Utah 2000
64 **23-19-18**, as last amended by Chapter 22, Laws of Utah 2001
65 **23-19-21**, as last amended by Chapter 22, Laws of Utah 2001
66 **23-19-22**, as last amended by Chapter 259, Laws of Utah 1995
67 **23-19-22.5**, as enacted by Chapter 209, Laws of Utah 1999
68 **23-19-24**, as last amended by Chapter 22, Laws of Utah 2001
69 **23-19-25**, as last amended by Chapter 22, Laws of Utah 2001
70 **23-19-26**, as last amended by Chapter 22, Laws of Utah 2001
71 **23-19-27**, as last amended by Chapter 22, Laws of Utah 2001
72 **23-19-31**, as last amended by Chapter 28, Laws of Utah 1980
73 **23-19-32**, as last amended by Chapter 28, Laws of Utah 1980
74 **23-19-33**, as last amended by Chapter 28, Laws of Utah 1980
75 **23-19-34.5**, as last amended by Chapter 7, Laws of Utah 1999
76 **23-19-34.7**, as last amended by Chapter 22, Laws of Utah 2001
77 **23-19-35**, as last amended by Chapter 28, Laws of Utah 1980
78 **23-19-38**, as last amended by Chapter 140, Laws of Utah 1998
79 **23-19-40**, as last amended by Chapter 22, Laws of Utah 2001
80 **23-19-45**, as enacted by Chapter 179, Laws of Utah 1997
81 **23-20-3**, as last amended by Chapter 211, Laws of Utah 1995
82 **23-20-12**, as last amended by Chapter 60, Laws of Utah 1975
83 **23-20-14**, as last amended by Chapter 6, Laws of Utah 2000
84 **23-20-20**, as last amended by Chapter 131, Laws of Utah 1988
85 **23-20-27**, as enacted by Chapter 33, Laws of Utah 1973
86 **23-20-28**, as last amended by Chapter 211, Laws of Utah 1995
87 **23-20-30**, as last amended by Chapter 211, Laws of Utah 1995
88 **23-20-31**, as last amended by Chapter 294, Laws of Utah 2001
89 **23-21-1**, as enacted by Chapter 46, Laws of Utah 1971

90 **23-21-2.3**, as enacted by Chapter 218, Laws of Utah 1998
91 **23-21-5**, as last amended by Chapter 60, Laws of Utah 1975
92 **23-22-1**, as last amended by Chapter 140, Laws of Utah 1998
93 **23-22-3**, as last amended by Chapter 260, Laws of Utah 1992
94 **23-23-2**, as last amended by Chapter 94, Laws of Utah 2000
95 **23-23-3**, as last amended by Chapter 94, Laws of Utah 2000
96 **23-23-4**, as last amended by Chapter 258, Laws of Utah 1997
97 **23-23-5**, as last amended by Chapter 258, Laws of Utah 1997
98 **23-23-6**, as repealed and reenacted by Chapter 258, Laws of Utah 1997
99 **23-23-7**, as last amended by Chapter 160, Laws of Utah 2001
100 **23-23-9**, as last amended by Chapter 258, Laws of Utah 1997
101 **23-23-10**, as last amended by Chapter 44, Laws of Utah 2000
102 **23-24-1**, as last amended by Chapters 82 and 325, Laws of Utah 1997
103 **23-26-3**, as last amended by Chapter 243, Laws of Utah 1996
104 **23-26-4**, as last amended by Chapter 22, Laws of Utah 2001
105 **23-26-5**, as enacted by Chapter 267, Laws of Utah 1993
106 **63-34-3**, as last amended by Chapter 159, Laws of Utah 1996
107 **65A-2-5**, as enacted by Chapter 156, Laws of Utah 2000

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

109 Section 1. Section **4-37-104** is amended to read:

110 **4-37-104. Department's responsibilities.**

111 (1) The department is responsible for:

112 (a) the marketing and promotion of the state's aquaculture industry; and

113 (b) enforcing laws and rules made by the Wildlife [~~Board~~] Commission governing species
114 of aquatic animals which may be imported into the state or possessed or transported within the
115 state that are applicable to aquaculture or fee fishing facilities.

116 (2) Subject to the policies and rules of the Fish Health Policy Board, the department shall:

117 (a) act to prevent the outbreak and act to control the spread of disease-causing pathogens
118 among aquatic animals in aquaculture and fee fishing facilities; and

119 (b) act to prevent the spread of disease-causing pathogens from aquatic animals in, to be
120 deposited in, or harvested from aquaculture or fee fishing facilities to aquatic wildlife, other

121 animals, and humans.

122 Section 2. Section **4-37-105** is amended to read:

123 **4-37-105. Responsibilities of Wildlife Commission and Division of Wildlife**

124 **Resources.**

125 (1) The Wildlife [~~Board~~] Commission and Division of Wildlife Resources are responsible
126 for determining the species of aquatic animals which may be imported into, possessed, and
127 transported within the state.

128 (2) Subject to the policies and rules of the Fish Health Policy Board, the Wildlife [~~Board~~]
129 Commission and the Division of Wildlife Resources shall:

130 (a) act to prevent the outbreak and act to control the spread of disease-causing pathogens
131 among aquatic animals in public aquaculture facilities; and

132 (b) act to prevent the spread of disease-causing pathogens from aquatic animals in, to be
133 deposited in, or harvested from public aquaculture facilities and private ponds to aquatic wildlife,
134 other animals, and humans.

135 Section 3. Section **4-37-106** is amended to read:

136 **4-37-106. Cooperative agreements.**

137 In fulfilling their respective responsibilities under this chapter, the department, Division
138 of Wildlife Resources, and the Wildlife [~~Board~~] Commission may make memorandums of
139 understanding or enter into other agreements for mutual cooperation.

140 Section 4. Section **4-37-108** is amended to read:

141 **4-37-108. Prohibited activities.**

142 (1) Except as provided in this chapter, in the rules of the department made pursuant to
143 Section 4-37-109, rules of the Fish Health Policy Board made pursuant to Section 4-37-503, or in
144 the rules of the Wildlife [~~Board~~] Commission governing species of aquatic animals which may be
145 imported into, possessed, or transported within the state, a person may not:

146 (a) acquire, import, or possess aquatic animals intended for use in an aquaculture or fee
147 fishing facility;

148 (b) transport aquatic animals to or from an aquaculture or fee fishing facility;

149 (c) stock or propagate aquatic animals in an aquaculture or fee fishing facility; or

150 (d) harvest, transfer, or sell aquatic animals from an aquaculture or fee fishing facility.

151 (2) If a person commits an act in violation of Subsection (1) and that same act constitutes

152 wanton destruction of protected wildlife as provided in Section 23-20-4, the person is guilty of a
153 violation of Section 23-20-4.

154 Section 5. Section **4-37-401** is amended to read:

155 **4-37-401. Certificate of registration required to import aquatic animals for**
156 **aquaculture or fee fishing facilities.**

157 (1) A person may not import aquatic animals classified as controlled species by rules of
158 the Wildlife [Board] Commission into the state for use in aquaculture or fee fishing facilities
159 without first obtaining a certificate of registration from the department.

160 (2) The department shall:

161 (a) coordinate with the Division of Wildlife Resources in determining which species the
162 holder may import into the state; and

163 (b) specify those species on the certificate of registration.

164 (3) A person may not import species into the state that are not listed on the certificate of
165 registration.

166 Section 6. Section **4-37-402** is amended to read:

167 **4-37-402. Documentation required to import aquatic animals.**

168 Any aquatic animals classified as controlled species by rules of the Wildlife [Board]
169 Commission that are imported into the state for use in aquaculture or fee fishing facilities must be
170 accompanied by documentation indicating the following:

171 (1) the health approval number assigned by the department to the source facility;

172 (2) common or scientific names of the imported animals;

173 (3) name and address of the consignor and consignee;

174 (4) origin of shipment;

175 (5) final destination;

176 (6) number or pounds shipped;

177 (7) purpose for which shipped;

178 (8) method of transportation; and

179 (9) any other information required by the department.

180 Section 7. Section **4-39-401** is amended to read:

181 **4-39-401. Escape of domesticated elk -- Liability.**

182 (1) It is the owner's responsibility to try to capture any domesticated elk that may have

183 escaped.

184 (2) The escape of a domesticated elk shall be reported immediately to the state veterinarian
185 or a brand inspector of the Department of Agriculture who shall notify the Division of Wildlife
186 Resources.

187 (3) If the domesticated elk is not recovered within 72 hours of the escape, the Department
188 of Agriculture, in conjunction with the Division of Wildlife Resources, shall take whatever action
189 is necessary to resolve the problem.

190 (4) The owner shall reimburse the state or a state agency for any reasonable recapture costs
191 that may be incurred in the recapture or destruction of the animal.

192 (5) Any escaped domesticated elk taken by a licensed hunter in a manner which complies
193 with the provisions of Title 23, Wildlife Resources Code, and the rules of the Wildlife [~~Board~~]
194 Commission shall be considered to be a legal taking and neither the licensed hunter, the state, nor
195 a state agency shall be liable to the owner for the killing.

196 (6) The owner shall be responsible to contain the domesticated elk to ensure that there is
197 no spread of disease from domesticated elk to wild elk and that the genetic purity of wild elk is
198 protected.

199 Section 8. Section **23-13-2** is amended to read:

200 **23-13-2. Definitions.**

201 As used in this title:

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

205 (a) fishing;

206 (b) hunting;

207 (c) trapping;

208 (d) taking;

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

210 (f) transporting;

211 (g) possessing;

212 (h) selling;

213 (i) wasting;

- 214 (j) importing;
- 215 (k) exporting;
- 216 (l) rearing;
- 217 (m) keeping;
- 218 (n) utilizing as a commercial venture; and
- 219 (o) releasing to the wild.
- 220 (2) "Aquatic animal" has the meaning provided in Section 4-37-103.
- 221 (3) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
- 222 amphibians.
- 223 (4) "Aquaculture facility" has the meaning provided in Section 4-37-103.
- 224 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that
- 225 one person may legally take during one day.
- 226 (6) "Big game" means species of hoofed protected wildlife.
- 227 (7) "Carcass" means the dead body of an animal or its parts.
- 228 (8) "Certificate of registration" means a document issued under this title, or any rule or
- 229 proclamation of the Wildlife [~~Board~~] Commission granting authority to engage in activities not
- 230 covered by a license, permit, or tag.
- 231 (9) "Closed season" means the period of time during which the taking of protected wildlife
- 232 is prohibited.
- 233 (10) "Conservation officer" means a full-time, permanent employee of the Division of
- 234 Wildlife Resources who is POST certified as a peace or a special function officer.
- 235 (11) "Dedicated hunter program" means a program that provides:
- 236 (a) expanded hunting opportunities;
- 237 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 238 (c) education in hunter ethics and wildlife management principles.
- 239 (12) "Division" means the Division of Wildlife Resources.
- 240 (13) (a) "Domicile" means the place:
- 241 (i) where an individual has a fixed permanent home and principal establishment;
- 242 (ii) to which the individual if absent, intends to return; and
- 243 (iii) in which the individual, and the individual's family voluntarily reside, not for a special
- 244 or temporary purpose, but with the intention of making a permanent home.

- 245 (b) To create a new domicile an individual must:
- 246 (i) abandon the old domicile; and
- 247 (ii) be able to prove that a new domicile has been established.
- 248 (14) "Endangered" means wildlife designated as such pursuant to Section 3 of the federal
- 249 Endangered Species Act of 1973.
- 250 (15) "Fee fishing facility" has the meaning provided in Section 4-37-103.
- 251 (16) "Feral" means an animal which is normally domesticated but has reverted to the wild.
- 252 (17) "Fishing" means to take fish or crayfish by any means.
- 253 (18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
- 254 Castoridae families, except coyote and cougar.
- 255 (19) "Game" means wildlife normally pursued, caught, or taken by sporting means for
- 256 human use.
- 257 (20) (a) "Guide" means a person who receives compensation or advertises services for
- 258 assisting another person to take protected wildlife.
- 259 (b) Assistance under Subsection (20)(a) includes the provision of food, shelter, or
- 260 transportation, or any combination of these.
- 261 (21) "Guide's agent" means a person who is employed by a guide to assist another person
- 262 to take protected wildlife.
- 263 (22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
- 264 means.
- 265 (23) "Intimidate or harass" means to physically interfere with or impede, hinder, or
- 266 diminish the efforts of an officer in the performance of the officer's duty.
- 267 (24) "Nonresident" means a person who does not qualify as a resident.
- 268 (25) "Open season" means the period of time during which protected wildlife may be
- 269 legally taken.
- 270 (26) "Pecuniary gain" means the acquisition of money or something of monetary value.
- 271 (27) "Permit" means a document, including a stamp, which grants authority to engage in
- 272 specified activities under this title or a rule or proclamation of the Wildlife ~~[Board]~~ Commission.
- 273 (28) "Person" means an individual, association, partnership, government agency,
- 274 corporation, or an agent of the foregoing.
- 275 (29) "Possession" means actual or constructive possession.

276 (30) "Possession limit" means the number of bag limits one individual may legally possess.

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

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

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

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

284 (b) escaping into the wild.

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

287 (34) (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection (3),
288 except as provided in Subsection (34)(b).

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

290 (35) (a) "Protected wildlife" means wildlife as defined in Subsection (49), except as
291 provided in Subsection (35)(b).

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

294 (36) "Released to the wild" means to be turned loose from confinement.

295 (37) (a) "Resident" means a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

321 (39) "Small game" means species of protected wildlife:

322 (a) commonly pursued for sporting purposes; and

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

325 (40) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for human
326 consumption.

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

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

332 (43) "Take" means to:

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

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

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

338 (45) "Trapping" means taking protected wildlife with a trapping device.

339 (46) "Trophy animal" means an animal described as follows:

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

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

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

343 (d) moose - any bull;

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

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

346 (g) bison - any bull.

347 (47) "Waste" means to abandon protected wildlife or to allow protected wildlife to spoil

348 or to be used in a manner not normally associated with its beneficial use.

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

351 (a) exceeds state water quality standards; or

352 (b) could be harmful to protected wildlife.

353 (49) "Wildlife" means:

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

355 (b) mollusks; and

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

357 Section 9. Section **23-13-4** is amended to read:

358 **23-13-4. Captivity of protected wildlife unlawful.**

359 It is unlawful for any person to hold in captivity at any time any protected wildlife except

360 as provided by this [code] title or rules and regulations of the Wildlife [Board] Commission.

361 Section 10. Section **23-13-5** is amended to read:

362 **23-13-5. Importation or exportation and release of wildlife unlawful.**

363 It is unlawful for any person to import into or export from the state [~~of Utah~~] any species

364 of live native or exotic wildlife or to possess or release from captivity any such imported live

365 wildlife except as provided in this [code] title or the rules and regulations of the Wildlife [Board]

366 Commission without first securing written permission from the Division of Wildlife Resources.

367 Section 11. Section **23-13-8** is amended to read:

368 **23-13-8. Private wildlife farms.**

369 (1) Any person may establish and maintain private wildlife farms for propagating, rearing,
370 and keeping furbearers or birds classified as protected wildlife and may sell or dispose of wildlife
371 reared upon such farms except that disposal may not include release to the wild without first
372 securing written permission from the Wildlife [Board] Commission. Before establishing such farm,
373 a person shall obtain written authorization from the Division of Wildlife Resources in accordance
374 with rules established by the Wildlife [Board] Commission. Any wildlife which escapes from
375 private wildlife farms becomes the property of the state.

376 (2) This section does not apply to private fur farms established and maintained for rearing
377 domesticated, privately owned mink or chinchilla which were not acquired as wild animals from
378 any state or country, nor does it provide for the propagating, rearing, and keeping of any protected
379 wildlife other than those specified in this section.

380 Section 12. Section **23-13-11** is amended to read:

381 **23-13-11. Violations.**

382 (1) Unless otherwise provided, a violation of any provision of this title is a class B
383 misdemeanor.

384 (2) A violation of any rule or proclamation of the Wildlife [Board] Commission is a class
385 C misdemeanor.

386 Section 13. Section **23-13-12.5** is amended to read:

387 **23-13-12.5. Agreement with tribe.**

388 (1) As used in this section, "tribe" means a federally recognized:

- 389 (a) Indian tribe; or
390 (b) Indian band.

391 (2) (a) Subject to the requirements of this section, the governor may enter into an
392 agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting,
393 fishing, or trapping right claim that is:

394 (i) based on:

- 395 (A) a treaty;
396 (B) an aboriginal right; or
397 (C) other recognized federal right; and

398 (ii) on lands located within the state.

399 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection

400 (2)(a) may not exempt any person from the requirements of this title.

401 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a tribe
402 that is a party to the agreement or a member of that tribe from:

403 (i) Section 23-16-5, placing a limit of one of any species of big game during a license year;

404 (ii) Section 23-16-6, commencement date of the general deer season;

405 (iii) a hunter or furharvester education requirement under Chapter 19, Licenses, Permits,
406 and Tags;

407 (iv) an age restriction under Chapter 19, Licenses, Permits, and Tags;

408 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license
409 or permit;

410 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or

411 (vii) complying with a rule or proclamation of the Wildlife [~~Board~~] Commission if the
412 exemption is not inconsistent with this title.

413 (d) An agreement permitted under Subsection (2)(a) shall:

414 (i) be in writing;

415 (ii) be signed by:

416 (A) the governor; and

417 (B) the governing body of the tribe that:

418 (I) is designated by the tribe; and

419 (II) may bind the tribe to the terms of the agreement;

420 (iii) be conditioned on obtaining any approval required by federal law;

421 (iv) state the effective date of the agreement;

422 (v) provide that the governor shall renegotiate the agreement if the agreement is or
423 becomes inconsistent with a state statute for which an exemption is not authorized under this
424 section; and

425 (vi) include any accommodation made by the tribe that:

426 (A) is agreed to by the tribe;

427 (B) is reasonably related to the agreement; and

428 (C) concerns the management and use of wildlife resources or habitat.

429 (e) Prior to executing an agreement under this Subsection (2), the governor shall consult
430 with:

- 431 (i) the division; and
432 (ii) the chair of the Wildlife [~~Board~~] Commission created in Section 23-14-2.
433 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
434 governor or the governor's designee shall present the proposed agreement to the Native American
435 Legislative Liaison Committee at a meeting of the Native American Legislative Liaison
436 Committee.

437 Section 14. Section **23-13-13** is amended to read:

438 **23-13-13. Commercialization of wildlife unlawful.**

439 It shall be unlawful for any person to utilize wildlife as a commercial venture for financial
440 gain except as provided in this [~~code~~] title or under rules and regulations of the Wildlife [~~Board~~]
441 Commission.

442 Section 15. Section **23-13-17** is amended to read:

443 **23-13-17. Spotlighting of coyote, red fox, striped skunk, and raccoon -- County**
444 **ordinances -- Permits.**

445 (1) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon where
446 allowed by a county ordinance enacted pursuant to this section.

447 (2) The ordinance shall provide that:

448 (a) any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon must be
449 carried by the hunter;

450 (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not
451 be used to spotlight the animal; and

452 (c) while hunting with the use of an artificial light, the hunter may not occupy or operate
453 any motor vehicle.

454 (3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as
455 defined in Section 41-6-1.

456 (4) The ordinance may specify:

457 (a) the time of day and seasons when spotlighting is permitted;

458 (b) areas closed or open to spotlighting within the unincorporated area of the county;

459 (c) safety zones within which spotlighting is prohibited;

460 (d) the weapons permitted; and

461 (e) penalties for violation of the ordinance.

462 (5) (a) A county may restrict the number of hunters engaging in spotlighting by requiring
463 a permit to spotlight and issuing a limited number of permits.

464 (b) (i) A fee may be charged for a spotlighting permit.

465 (ii) Any permit fee shall be established by the county ordinance.

466 (iii) Revenues generated by the permit fee shall be remitted to the Division of Wildlife
467 Resources for deposit into the Wildlife Resources Account, except the Wildlife [Board]
468 Commission may allow any county that enacts an ordinance pursuant to this section to retain a
469 reasonable amount to pay for the costs of administering and enforcing the ordinance, provided this
470 use of the permit revenues does not affect federal funds received by the state under 16 U.S.C. Sec.
471 669 et seq., Wildlife Restoration Act and 16 U.S.C. Sec. 777 et seq., Sport Fish Restoration Act.

472 (6) A county may require hunters to notify the county sheriff of the time and place they
473 will be engaged in spotlighting.

474 (7) The requirement that a county ordinance must be enacted before a person may use
475 spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

476 (a) a person or his agent who is lawfully acting to protect his crops or domestic animals
477 from predation by those animals; or

478 (b) an animal damage control agent acting in his official capacity under a memorandum
479 of agreement with the division.

480 Section 16. Section **23-14-1** is amended to read:

481 **23-14-1. Division of Wildlife Resources -- Creation -- General powers and duties --**
482 **Limits on authority of political subdivisions.**

483 (1) (a) There is created the Division of Wildlife Resources within the Department of
484 Natural Resources under the administration and general supervision of the executive director of
485 the Department of Natural Resources.

486 (b) The Division of Wildlife Resources is the wildlife authority for Utah and is vested with
487 the functions, powers, duties, rights, and responsibilities provided in this title and other law.

488 (2) (a) Subject to the broad policymaking authority of the Wildlife [Board] Commission,
489 the Division of Wildlife Resources shall protect, propagate, manage, conserve, and distribute
490 protected wildlife throughout the state.

491 (b) The Division of Wildlife Resources is appointed as the trustee and custodian of
492 protected wildlife and may initiate civil proceedings, in addition to criminal proceedings provided

493 for in this title, to:

- 494 (i) recover damages;
- 495 (ii) compel performance;
- 496 (iii) compel substitution;
- 497 (iv) restrain or enjoin;
- 498 (v) initiate any other appropriate action; and
- 499 (vi) seek any appropriate remedies in its capacity as trustee and custodian.

500 (3) (a) If a political subdivision of the state adopts ordinances or regulations concerning
501 hunting, fishing, or trapping that conflict with this title or rules promulgated pursuant to this title,
502 state law shall prevail.

503 (b) Communities may close areas to hunting for safety reasons after confirmation by the
504 Wildlife [~~Board~~] Commission.

505 Section 17. Section **23-14-2** is amended to read:

506 **23-14-2. Wildlife Commission -- Creation -- Membership -- Terms -- Quorum --**
507 **Meetings -- Per diem and expenses.**

508 (1) There is created a Wildlife [~~Board~~] Commission which shall consist of seven
509 [~~members~~] commissioners appointed by the governor.

510 (2) (a) The [~~members of the board~~] commissioners shall have expertise or experience in
511 at least one of the following areas:

- 512 (i) wildlife management or biology;
- 513 (ii) habitat management, including range or aquatic;
- 514 (iii) business, including knowledge of private land issues; and
- 515 (iv) economics, including knowledge of recreational wildlife uses.

516 (b) Each of the areas of expertise under Subsection (2)(a) shall be represented by at least
517 one [~~member of the Wildlife Board~~] commissioner.

518 (3) (a) The governor shall select each [~~board member~~] commissioner from a list of
519 nominees submitted by the nominating committee pursuant to Section 23-14-2.5.

520 (b) No more than two [~~members~~] commissioners shall be from a single wildlife region
521 described in Subsection 23-14-2.6(1).

522 (c) The governor may request an additional list of at least two nominees from the
523 nominating committee if the initial list of nominees for a given position is unacceptable.

524 (d) (i) If the governor fails to appoint a ~~[board member]~~ commissioner within 60 days after
525 receipt of the initial or additional list, the nominating committee shall make an interim
526 appointment by majority vote.

527 (ii) The interim ~~[board member]~~ commissioner shall serve until the matter is resolved by
528 the committee and the governor or until the ~~[board member]~~ commissioner is replaced pursuant
529 to this chapter.

530 (e) Each appointment shall be confirmed by the Senate.

531 (4) (a) Except as required by Subsection (4)(b), as terms of current ~~[board members]~~
532 commissioners expire, the governor shall appoint each new ~~[member]~~ commissioner or
533 reappointed ~~[member]~~ commissioner to a six-year term.

534 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time
535 of appointment or reappointment, adjust the length of terms to ensure that:

536 (i) the terms of ~~[board members]~~ commissioners are staggered so that approximately 1/3
537 of the ~~[board]~~ commission is appointed every two years; and

538 (ii) ~~[members]~~ commissioners serving from the same region have staggered terms.

539 (c) If a vacancy occurs, the nominating committee shall submit two names, as provided
540 in Subsection 23-14-2.5(4), to the governor and the governor shall appoint a replacement for the
541 unexpired term.

542 (d) ~~[Board members]~~ Commissioners may serve only one term unless:

543 (i) the ~~[member]~~ commissioner is among the first board members appointed to serve four
544 years or less; or

545 (ii) the ~~[member]~~ commissioner filled a vacancy under Subsection (4)(c) for four years or
546 less.

547 (5) (a) The ~~[board]~~ commission shall elect a chair and a vice chair from its membership.

548 (b) Four ~~[members of the board]~~ commissioners shall constitute a quorum.

549 (c) The director of the Division of Wildlife Resources shall act as secretary to the ~~[board]~~
550 commission but shall not be a voting member of the ~~[board]~~ commission.

551 (6) (a) The Wildlife ~~[Board]~~ Commission shall hold a sufficient number of public meetings
552 each year to expeditiously conduct its business.

553 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
554 emergency situations.

555 (c) Meetings may be held at the Salt Lake City office of the Division of Wildlife Resources
556 or elsewhere as determined by the Wildlife ~~[Board]~~ Commission.

557 (7) (a) (i) ~~[Members]~~ Commissioners who are not government employees shall receive no
558 compensation or benefits for their services, but may receive per diem and expenses incurred in the
559 performance of the ~~[member's]~~ commissioner's official duties at the rates established by the
560 Division of Finance under Sections 63A-3-106 and 63A-3-107.

561 (ii) ~~[Members]~~ Commissioners may decline to receive per diem and expenses for their
562 service.

563 (b) (i) State government officer and employee ~~[members]~~ commissioners who do not
564 receive salary, per diem, or expenses from their agency for their service may receive per diem and
565 expenses incurred in the performance of their official duties from the board at the rates established
566 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

567 (ii) State government officer and employee ~~[members]~~ commissioners may decline to
568 receive per diem and expenses for their service.

569 (8) (a) The ~~[members of the Wildlife Board]~~ commissioners shall complete an orientation
570 course to assist them in the performance of the duties of their office.

571 (b) The Department of Natural Resources shall provide the course required under
572 Subsection (8)(a).

573 Section 18. Section **23-14-2.5** is amended to read:

574 **23-14-2.5. Wildlife Commission Nominating Committee -- Creation -- Membership**
575 **-- Terms -- Quorum.**

576 (1) There is created a Wildlife ~~[Board]~~ Commission Nominating Committee which shall
577 consist of 11 members.

578 (2) The governor shall appoint members to the nominating committee as follows:

579 (a) three members shall be appointed from a list of at least two nominees per position
580 submitted by the agriculture industry;

581 (b) three members shall be appointed from a list of at least two nominees per position
582 submitted by sportsmen groups;

583 (c) two members shall be appointed from a list of at least two nominees per position
584 submitted by nonconsumptive wildlife interests;

585 (d) one member shall be appointed from a list of at least two nominees submitted by

586 federal land management agencies;

587 (e) one local elected official shall be appointed from a list of at least two nominees
588 submitted by the Utah Association of Counties; and

589 (f) one range management specialist shall be appointed from a list of at least two nominees
590 submitted jointly by the Utah Chapter, Society of Range Management and the Utah Chapter,
591 Wildlife Society.

592 (3) Each wildlife region described in Subsection 23-14-2.6(1) shall be represented by at
593 least one member and no wildlife region may be represented by more than three members.

594 (4) The nominating committee shall nominate at least two, but not more than four,
595 candidates for each position or vacancy which occurs on the board.

596 (5) (a) Each member shall serve a four-year term.

597 (b) The nominating committee shall select a chair and vice chair from its membership.

598 (c) Six members shall constitute a quorum.

599 Section 19. Section **23-14-2.6** is amended to read:

600 **23-14-2.6. Regional advisory councils -- Creation -- Membership -- Duties -- Per diem**
601 **and expenses.**

602 (1) There are created five regional advisory councils which shall consist of 12 to 15
603 members each from the wildlife region whose boundaries are established for administrative
604 purposes by the division.

605 (2) The members shall include individuals who represent the following groups and
606 interests:

607 (a) agriculture;

608 (b) sportsmen;

609 (c) nonconsumptive wildlife;

610 (d) locally elected public officials;

611 (e) federal land agencies; and

612 (f) the public at large.

613 (3) The executive director of the Department of Natural Resources, in consultation with
614 the director of the Division of Wildlife Resources, shall select the members from a list of nominees
615 submitted by the respective interest group or agency.

616 (4) The councils shall:

617 (a) hear broad input, including recommendations, biological data, and information
618 regarding the effects of wildlife;

619 (b) gather information from staff, the public, and government agencies; and

620 (c) make recommendations to the Wildlife ~~Board~~ Commission in an advisory capacity.

621 (5) (a) Except as required by Subsection (5)(b), each member shall serve a four-year term.

622 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
623 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
624 council members are staggered so that approximately half of the council is appointed every two
625 years.

626 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
627 appointed for the unexpired term.

628 (7) The councils shall determine:

629 (a) the time and place of meetings; and

630 (b) any other procedural matter not specified in this chapter.

631 (8) Members of the councils shall complete an orientation course as provided in
632 Subsection 23-14-2(8).

633 (9) (a) (i) Members who are not government employees shall receive no compensation or
634 benefits for their services, but may receive per diem and expenses incurred in the performance of
635 the member's official duties at the rates established by the Division of Finance under Sections
636 63A-3-106 and 63A-3-107.

637 (ii) Members may decline to receive per diem and expenses for their service.

638 (b) (i) State government officer and employee members who do not receive salary, per
639 diem, or expenses from their agency for their service may receive per diem and expenses incurred
640 in the performance of their official duties from the council at the rates established by the Division
641 of Finance under Sections 63A-3-106 and 63A-3-107.

642 (ii) State government officer and employee members may decline to receive per diem and
643 expenses for their service.

644 (c) (i) Local government members who do not receive salary, per diem, or expenses from
645 the entity that they represent for their service may receive per diem and expenses incurred in the
646 performance of their official duties at the rates established by the Division of Finance under
647 Sections 63A-3-106 and 63A-3-107.

648 (ii) Local government members may decline to receive per diem and expenses for their
649 service.

650 Section 20. Section **23-14-3** is amended to read:

651 **23-14-3. Powers of division to determine facts -- Policymaking powers of Wildlife**
652 **Commission.**

653 (1) The Division of Wildlife Resources may determine the facts relevant to the wildlife
654 resources of this state.

655 (2) (a) Upon a determination of these facts, the Wildlife [~~Board~~] Commission shall
656 establish the policies best designed to accomplish the purposes and fulfill the intent of all laws
657 pertaining to wildlife and the preservation, protection, conservation, perpetuation, introduction,
658 and management of wildlife.

659 (b) In establishing policy, the Wildlife [~~Board~~] Commission shall:

660 (i) recognize that wildlife and its habitat are an essential part of a healthy, productive
661 environment;

662 (ii) recognize the impact of wildlife on man, his economic activities, private property
663 rights, and local economies;

664 (iii) seek to balance the habitat requirements of wildlife with the social and economic
665 activities of man;

666 (iv) recognize the social and economic values of wildlife, including fishing, hunting, and
667 other uses; and

668 (v) seek to maintain wildlife on a sustainable basis.

669 (c) (i) The Wildlife [~~Board~~] Commission shall consider the recommendations of the
670 regional advisory councils established in Section 23-14-2.6.

671 (ii) If a regional advisory council recommends a position or action to the Wildlife [~~Board~~]
672 Commission, and the Wildlife [~~Board~~] Commission rejects the recommendation, the Wildlife
673 [~~Board~~] Commission shall provide a written explanation to the regional advisory council.

674 (3) No authority conferred upon the Wildlife [~~Board~~] Commission by this title shall
675 supersede the administrative authority of the executive director of the Department of Natural
676 Resources or the director of the Division of Wildlife Resources.

677 Section 21. Section **23-14-8** is amended to read:

678 **23-14-8. Director -- Executive authority and control -- Power to declare emergency**

679 seasons.

680 The director of the Division of Wildlife Resources, under administrative supervision of the
681 executive director of the Department of Natural Resources, shall have:

682 (1) executive authority and control of the Division of Wildlife Resources so that policies
683 of the Wildlife [~~Board~~] Commission are carried out in accordance with the laws of this state;

684 (2) authority over all personnel matters;

685 (3) full control of all property acquired and held for the purposes specified in this title;

686 and

687 (4) authority to declare emergency closed or open seasons in the interest of the wildlife
688 resources of the state.

689 Section 22. Section **23-14-13** is amended to read:

690 **23-14-13. Wildlife Resources Account.**

691 (1) The Wildlife Resources Account within the General Fund is established.

692 (2) The following monies shall be deposited into the Wildlife Resources Account:

693 (a) revenue from the sale of licenses, permits, tags, and certificates of registration issued
694 under this title or a rule or proclamation of the Wildlife [~~Board~~] Commission, except as otherwise
695 provided by this title;

696 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
697 property acquired with revenue specified in Subsection (2)(a);

698 (c) revenue from fines and forfeitures for violations of this title or any rule, proclamation,
699 or order of the Wildlife [~~Board~~] Commission, minus court costs not to exceed the schedule adopted
700 by the Judicial Council;

701 (d) funds appropriated from the General Fund by the Legislature pursuant to Section
702 23-19-39;

703 (e) other monies received by the division under any provision of this title, except as
704 otherwise provided by this title; and

705 (f) interest, dividends, or other income earned on account monies.

706 (3) Monies in the Wildlife Resources Account shall be used for the administration of this
707 title.

708 Section 23. Section **23-14-16** is amended to read:

709 **23-14-16. Unexpended fund balances converted to general fund account.**

710 The state auditor and director of the Division of Finance shall, at the close of the fiscal
711 year, convert into the Wildlife Resources Account in the General Fund all unexpended balances
712 of the wildlife resources fund not legally obligated by contract or appropriated by the Wildlife
713 [~~Board~~] Commission for capital outlay projects or other programs which may extend beyond the
714 close of the fiscal year.

715 Section 24. Section **23-14-18** is amended to read:

716 **23-14-18. Establishment of seasons, locations, limits, and regulations by Wildlife**
717 **Commission.**

718 (1) To provide an adequate and flexible system of protection, propagation, introduction,
719 increase, control, harvest, management, and conservation of protected wildlife in this state and to
720 provide for the use and development of protected wildlife for public recreation and food supply
721 while maintaining a sustainable population of protected wildlife, the Wildlife [~~Board~~] Commission
722 shall determine the circumstances, time, location, means, and the amounts, and numbers of
723 protected wildlife which may be taken.

724 (2) The Wildlife [~~Board~~] Commission shall, except as otherwise specified in this code:

725 (a) fix seasons and shorten, extend, or close seasons on any species of protected wildlife
726 in any locality, or in the entire state, if the board finds that the action is necessary to effectuate
727 proper wildlife management and control;

728 (b) close or open areas to fishing, trapping, or hunting;

729 (c) establish refuges and preserves;

730 (d) regulate and prescribe the means by which protected wildlife may be taken;

731 (e) regulate the transportation and storage of protected wildlife, or their parts, within the
732 boundaries of the state and the shipment or transportation out of the state;

733 (f) establish or change bag limits and possession limits;

734 (g) prescribe safety measures and establish other regulations as may be considered
735 necessary in the interest of wildlife conservation and the safety and welfare of hunters, trappers,
736 fishermen, landowners, and the public;

737 (h) (i) prescribe when licenses, permits, tags, and certificates of registration shall be
738 required and procedures for their issuance and use; and

739 (ii) establish forms and fees for licenses, permits, tags, and certificates of registration; and

740 (i) prescribe rules and regulations as it may consider necessary to control the use and

741 harvest of protected wildlife by private associations, clubs, partnerships, or corporations, provided
742 the rules and regulations do not preclude the landowner from personally controlling trespass upon
743 the owner's properties nor from charging a fee to trespass for purposes of hunting or fishing.

744 (3) The Wildlife ~~[Board]~~ Commission may allow a season on protected wildlife to
745 commence on any day of the week except Sunday.

746 (4) The Wildlife ~~[Board]~~ Commission shall establish fees for licenses, permits, tags, and
747 certificates of registration in accordance with Section 63-38-3.2.

748 Section 25. Section **23-14-19** is amended to read:

749 **23-14-19. Rules, proclamations, and orders of the Wildlife Commission.**

750 The Wildlife ~~[Board]~~ Commission shall exercise its powers by making rules and issuing
751 proclamations and orders pursuant to this ~~[code]~~ title.

752 Section 26. Section **23-14-21** is amended to read:

753 **23-14-21. Transplants of big game, turkeys, or sensitive species.**

754 (1) The division may transplant big game, turkeys, or sensitive species only in accordance
755 with:

756 (a) a list of sites for the transplant of a particular species that is prepared and adopted in
757 accordance with Subsections (2) through (5);

758 (b) a species management plan, such as a deer or elk management plan adopted under
759 Section 23-16-7 or a recovery plan for a threatened or endangered species, provided that:

760 (i) the plan identifies sites for the transplant of the species or the lands or waters the
761 species are expected to occupy; and

762 (ii) the public has had an opportunity to comment and make recommendations on the plan;

763 or

764 (c) a legal agreement between the state and a tribal government that identifies potential
765 transplants.

766 (2) The division shall:

767 (a) consult with the landowner in determining the suitability of a site for the transplant of
768 a species;

769 (b) prepare a list of proposed sites for the transplant of species;

770 (c) provide notification of proposed sites for the transplant of species to:

771 (i) local government officials having jurisdiction over areas that may be affected by a

772 transplant; and

773 (ii) the Resource Development Coordinating Committee created in Section 63-28a-2.

774 (3) After receiving comments from local government officials and the Resource
775 Development Coordinating Committee, the division shall submit the list of proposed transplant
776 sites, or a revised list, to regional advisory councils for regions that may be affected by the
777 transplants of species.

778 (4) Each regional advisory council reviewing a list of proposed sites for the transplant of
779 species may submit recommendations to the Wildlife [~~Board~~] Commission.

780 (5) The Wildlife [~~Board~~] Commission shall approve, modify, or reject each proposal for
781 the transplant of a species.

782 (6) Each list of proposed transplant sites approved by the Wildlife [~~Board~~] Commission
783 shall have a termination date after which a transplant may not occur.

784 Section 27. Section **23-15-6** is amended to read:

785 **23-15-6. Pollution of waters unlawful.**

786 It is unlawful for any person to pollute any waters [~~deemed~~] considered necessary by the
787 Wildlife [~~Board~~] Commission for wildlife purposes or any waters containing protected aquatic
788 wildlife and stoneflies (Plecoptera), mayflies (Ephemoptera), dragonflies and damsel flies
789 (Odonata), water bugs (Hemiptera), caddis flies (Trichoptera), spongilla flies (Neuroptera), and
790 crustaceans. Provided further that each day of pollution shall constitute a separate offense.

791 Section 28. Section **23-15-7** is amended to read:

792 **23-15-7. Taking protected aquatic wildlife or eggs unlawful except as authorized.**

793 It is unlawful for any person to take any protected aquatic wildlife or eggs of same in any
794 of the waters of this state, except as provided by this [~~code~~] title or the rules and regulations of the
795 Wildlife [~~Board~~] Commission.

796 Section 29. Section **23-15-8** is amended to read:

797 **23-15-8. Seining or selling aquatic wildlife unlawful except as authorized.**

798 It is unlawful for any person to seine for any kind of protected aquatic wildlife in any of
799 the waters of this state or to sell protected aquatic wildlife except as prescribed by this title or rules
800 of the Wildlife [~~Board~~] Commission.

801 Section 30. Section **23-15-9** is amended to read:

802 **23-15-9. Possession or transportation of live aquatic wildlife unlawful except as**

803 **authorized -- Exceptions.**

804 It is unlawful for any person to possess or transport live protected aquatic wildlife except
805 as provided by this ~~[code]~~ title or the rules and regulations of the Wildlife ~~[Board]~~ Commission.
806 This section shall not apply to tropical and goldfish species intended for exhibition or commercial
807 purposes. Operators of properly registered private fish installations may transport live aquatic
808 wildlife specified by the Wildlife ~~[Board]~~ Commission in the operator's certificate of registration.

809 Section 31. Section **23-15-10** is amended to read:

810 **23-15-10. Private fish installation.**

811 It is unlawful for any person to develop or operate a private fish installation without first
812 securing a certificate of registration from the Division of Wildlife Resources and payment of fees
813 as specified by the Wildlife ~~[Board]~~ Commission. This private fish installation must be operated
814 under the rules and regulations specified by the Wildlife ~~[Board]~~ Commission, and no such
815 installations shall be developed on natural lakes or natural flowing streams, or reservoirs
816 constructed on natural stream channels.

817 Section 32. Section **23-15-13** is amended to read:

818 **23-15-13. Operation of aquaculture and fee fishing facilities.**

819 A person may engage in the following activities as provided by Title 4, Chapter 37,
820 Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and Food
821 and the Wildlife ~~[Board]~~ Commission:

- 822 (1) acquisition, importation, or possession of aquatic animals intended for use in an
823 aquaculture or fee fishing facility;
- 824 (2) transportation of aquatic animals to or from an aquaculture facility or to a fee fishing
825 facility;
- 826 (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility; and
827 (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing facility.

828 Section 33. Section **23-16-3.5** is amended to read:

829 **23-16-3.5. Damage to livestock forage, fences, or irrigation equipment on private**
830 **lands.**

831 (1) If big game animals are damaging livestock forage, fences, or irrigation equipment on
832 private land or are consuming livestock forage on private land, the landowner or lessee may
833 request the division to take action to prevent depredation.

834 (2) (a) Within a reasonable time, not to exceed 72 hours after receiving the request, the
835 division shall investigate the situation. If it appears that depredation by big game may continue,
836 the division may, after consulting with the landowner or lessee, take action appropriate for the
837 extent of damage experienced or expected. Action taken may include:

838 (i) sending a representative onto the premises to control or remove the animals;

839 (ii) scheduling a depredation hunt; or

840 (iii) issuing tags to the landowner or lessee for the harvest of big game animals causing
841 depredation.

842 (b) (i) The division shall specify the number and sex of the big game animals that may be
843 taken pursuant to Subsection (2)(a)(iii). Control efforts shall be directed toward antlerless animals,
844 sparing if possible, but not excluding, trophy animals.

845 (ii) Any tag issued for an antlered animal must be approved by the division director or the
846 director's designee.

847 (c) The division and the landowner or lessee shall jointly determine the number of animals
848 taken pursuant to Subsection (2)(a)(iii) of which the landowner or lessee may retain possession.

849 (3) (a) The division may implement the measures specified in Subsections (4) through (6)
850 to mitigate damage to livestock forage, if:

851 (i) actions taken to control or remove depredating big game are not successful or are not
852 likely to be successful; or

853 (ii) both the division and landowner or lessee determine the measure is preferable to
854 immediately controlling or removing big game animals.

855 (b) (i) The measures specified in Subsections (4) through (6) may also be used to mitigate
856 damage to fences or irrigation equipment on private land or cultivated crops from or upon cleared
857 and planted land, if:

858 (A) the landowner or lessee elects to not file a claim under Section 23-16-4; or

859 (B) the landowner or lessee and the division agree upon a combination of mitigation
860 measures to be used pursuant to Subsections (4) through (6) and a payment of damage under
861 Section 23-16-4.

862 (ii) The agreement must be made before a claim for damage is filed and the mitigation
863 measures are taken.

864 (iii) A landowner or lessee who elects to pursue mitigation through the measures specified

865 in Subsections (4) through (6) may not subsequently file a claim under Section 23-16-4, except as
866 provided by an agreement made under Subsection (3)(b)(i).

867 (c) In determining appropriate mitigation, the division shall consider:

868 (i) the extent of damage experienced or expected; and

869 (ii) any revenue the landowner derives from participation in a cooperative wildlife
870 management unit, use of landowner permits, and charging for hunter access.

871 (4) (a) (i) The division may issue tags to the landowner or lessee for the harvest of big
872 game on the owner's or lessee's land during a general or special season hunt authorized by the
873 Wildlife [~~Board~~] Commission.

874 (ii) In accordance with rules adopted by the Wildlife [~~Board~~] Commission, the division
875 may issue tags to groups of landowners or lessees for the harvest of big game on their lands during
876 a general or special season hunt authorized by the Wildlife [~~Board~~] Commission.

877 (b) Any tag issued for an antlered animal must be approved by the division director or the
878 director's designee.

879 (5) (a) (i) In accordance with rules adopted by the Wildlife [~~Board~~] Commission, the
880 division may allow a landowner or lessee to designate who shall receive big game permits to be
881 used for hunting on the owner's or lessee's land during a general or special season hunt authorized
882 by the Wildlife [~~Board~~] Commission.

883 (ii) In accordance with rules adopted by the Wildlife [~~Board~~] Commission, the division
884 may allow groups of landowners or lessees to designate who shall receive big game permits to be
885 used for hunting on their lands during a general or special season hunt authorized by the Wildlife
886 [~~Board~~] Commission.

887 (b) Any fee for accessing the owner's or lessee's land shall be determined by the owner or
888 lessee.

889 (6) (a) The division may enter into a conservation lease with the owner or lessee of private
890 lands for a fee or other remuneration as compensation for depredation.

891 (b) Any conservation lease entered into under this section shall provide that the claimant
892 may not unreasonably restrict hunting on the land or passage through the land to access public
893 lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by
894 big game.

895 Section 34. Section **23-16-4** is amended to read:

896 **23-16-4. Compensation for damage to crops, fences, or irrigation equipment --**
897 **Limitations -- Appeals.**

898 (1) The division may provide compensation to claimants for damage caused by big game
899 to:

900 (a) cultivated crops from or on cleared and planted land;

901 (b) fences on private land; or

902 (c) irrigation equipment on private land.

903 (2) For purposes of this section, "cultivated crops" includes crop residues that provide
904 forage value for livestock.

905 (3) To be eligible to receive compensation as provided in this section, the claimant must
906 notify the division of the damage within 72 hours after the damage is discovered.

907 (4) (a) The appraisal of the damage shall be made by the claimant and the division as soon
908 after notification as possible.

909 (b) If the claimant and the division are unable to agree on a fair and equitable damage
910 payment, they shall designate a third party, consisting of one or more persons familiar with the
911 crops, fences, or irrigation equipment and the type of game animals doing the damage, to appraise
912 the damage.

913 (5) (a) Notwithstanding Section 63-38-3.2, the total amount of compensation that may be
914 provided by the division pursuant to this section and the total cost of fencing materials provided
915 by the division to prevent crop damage may not exceed the legislative appropriation for fencing
916 material and compensation for damaged crops, fences, and irrigation equipment.

917 (b) Any claim of \$500 or less may be paid after appraisal of the damage as provided in
918 Subsection (4), unless the claim brings the total amount of claims submitted by the claimant in the
919 fiscal year to an amount in excess of \$500.

920 (c) Any claim in excess of \$500 or claim that brings the total amount of claims submitted
921 by the claimant in the fiscal year to an amount in excess of \$500 may not be paid until the total
922 amount of the approved claims of all the claimants and expenses for fencing materials for the fiscal
923 year are determined. If the total exceeds the amount appropriated by the Legislature pursuant to
924 Subsection (5)(a), claims in excess of \$500 or any claim that brings the total amount of a claimant's
925 claims in a fiscal year to an amount in excess of \$500 shall be prorated.

926 (6) The division may deny or limit compensation if the claimant:

927 (a) has failed to exercise reasonable care and diligence to avoid the loss or minimize the
928 damage; or

929 (b) has unreasonably restricted hunting on land under the claimant's control or passage
930 through the land to access public lands for the purpose of hunting, after receiving written
931 notification from the division of the necessity of allowing such hunting or access to control or
932 mitigate damage by big game.

933 (7) (a) The Wildlife [~~Board~~] Commission shall make rules specifying procedures for the
934 appeal of division actions under this section.

935 (b) Upon the petition of an aggrieved party to a final division action, the Wildlife [~~Board~~]
936 Commission may review the action on the record and issue an order modifying or rescinding the
937 division action.

938 (c) A qualified hearing examiner may be appointed for purposes of taking evidence and
939 making recommendations for a board order. The board shall consider the recommendations of the
940 examiner in making decisions.

941 (d) Board review of final agency action and judicial review of final board action shall be
942 governed by Title 63, Chapter 46b, Administrative Procedures Act.

943 Section 35. Section **23-16-5** is amended to read:

944 **23-16-5. Limit of one of any species of big game during license year.**

945 A person may take only one of any species of big game during a license year, regardless
946 of how many licenses or permits he purchases, except as otherwise provided by this [~~code~~] title
947 or proclamations of the Wildlife [~~Board~~] Commission.

948 Section 36. Section **23-16-7** is amended to read:

949 **23-16-7. Deer and elk management plans -- Division to confer with others -- Target**
950 **herd size objectives -- Completion date -- Reports.**

951 (1) The Division of Wildlife Resources shall:

952 (a) prepare a management plan for each deer and elk herd unit in the state; and

953 (b) submit the plans to the Wildlife [~~Board~~] Commission for their approval.

954 (2) Upon approval of a plan by the Wildlife [~~Board~~] Commission, the herd unit shall be
955 managed in accordance with the plan.

956 (3) In preparing the plans, the division shall confer with federal and state land managers,
957 private landowners, sportsmen, and ranchers.

958 (4) (a) Each management plan shall establish target herd size objectives.

959 (b) In establishing target herd size objectives, the division and board shall among other
960 factors:

961 (i) consider available information on each unit's range carrying capacity and ownership;

962 and

963 (ii) seek to balance relevant multiple uses for the range.

964 (5) Until a management plan for a herd unit is prepared in accordance with this section and
965 approved by the board, the herd unit shall be managed to maintain the herd size as range conditions
966 and available data dictate.

967 (6) (a) Management plans shall be prepared by the division and approved by the board by
968 the following dates:

969 (i) May 1, 1994 for elk; and

970 (ii) May 1, 1996 for deer.

971 (b) The division shall make:

972 (i) an annual progress report on the management plans to the Energy, Natural Resources
973 and Agriculture Interim Committee until the plans are completed; and

974 (ii) a final report to the committee:

975 (A) at the committee's May 1994 meeting for elk; and

976 (B) at the committee's May 1996 meeting for deer.

977 (7) The management plans may be revised as the division or board determines necessary.

978 Any revised plan shall be prepared in accordance with Subsections (3) and (4).

979 Section 37. Section **23-17-6** is amended to read:

980 **23-17-6. Commercial hunting area -- Registration -- Requirements for hunters.**

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

984 (b) The Wildlife [~~Board~~] Commission may issue the applicant a certificate of registration
985 to operate a commercial hunting area in accordance with rules prescribed by the board.

986 (c) The Wildlife [~~Board~~] Commission may determine the number of commercial hunting
987 areas that may be established in each county of the state.

988 (2) Any certificate of registration issued under Subsection (1) shall specify the species of

989 birds that the applicant may propagate, keep, and release for shooting on the area covered by the
990 certificate of registration. The applicant may charge a fee for harvesting these birds.

991 (3)(a) Any person hunting within the state on any commercial hunting area must:

992 (i) be at least 12 years old;

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

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

996 (b) The operator of a commercial hunting area shall verify that each hunter on the

997 commercial hunting area meets the requirements of Subsections (3)(a)(i) and (3)(a)(ii).

998 (4) Hunting on commercial hunting areas shall be permitted only during the commercial
999 hunting area season prescribed by the Wildlife ~~[Board]~~ Commission.

1000 Section 38. Section **23-17-7** is amended to read:

1001 **23-17-7. Falconry authorized.**

1002 The Wildlife ~~[Board]~~ Commission may authorize the practice of falconry within the state
1003 ~~[of Utah]~~ and the capturing and keeping in possession of birds to be used in the practice of falconry
1004 under rules and regulations specified by it.

1005 Section 39. Section **23-17-8** is amended to read:

1006 **23-17-8. Dog field meets.**

1007 It is lawful within the state ~~[of Utah]~~ to hold dog field meets or trials where dogs are
1008 permitted to work in exhibition or contest where the skill of dogs is demonstrated by locating or
1009 retrieving birds which have been obtained from a legal source. Before any meet or trial is held,
1010 application must be made in writing to the Division of Wildlife Resources, which may authorize
1011 the meet or trial under rules and regulations promulgated by the Wildlife ~~[Board]~~ Commission.

1012 Section 40. Section **23-17-9** is amended to read:

1013 **23-17-9. Training of dogs - Use of protected or privately owned wildlife.**

1014 The Wildlife ~~[Board]~~ Commission may authorize the use of protected wildlife or privately
1015 owned wildlife for the training of dogs within the state ~~[of Utah]~~ under rules and regulations it may
1016 promulgate.

1017 Section 41. Section **23-18-2** is amended to read:

1018 **23-18-2. Taking of furbearers.**

1019 Any person holding a furbearer license may take furbearers in accordance with the rules

1020 promulgated by the Wildlife ~~[Board]~~ Commission.

1021 Section 42. Section **23-18-3** is amended to read:

1022 **23-18-3. Trapping on lands controlled by division governed by Wildlife Commission.**

1023 All trapping on lands controlled by the Division of Wildlife Resources shall be governed
1024 by the Wildlife ~~[Board]~~ Commission.

1025 Section 43. Section **23-18-4** is amended to read:

1026 **23-18-4. Beaver damage -- Authorization to kill or trap.**

1027 Whenever it is apparent that beaver are doing damage to, or are a menace to, private
1028 property, any landowner or tenant may request authorization to kill or trap the beaver so involved[;
1029 ~~and the~~]. The Wildlife ~~[Board]~~ Commission is empowered to grant such authorization under
1030 conditions prescribed by it.

1031 Section 44. Section **23-18-6** is amended to read:

1032 **23-18-6. Taking red fox or striped skunk.**

1033 Red fox or striped skunk may be taken anytime without a license as provided by this title
1034 or rules or a proclamation of the Wildlife ~~[Board]~~ Commission.

1035 Section 45. Section **23-19-1** is amended to read:

1036 **23-19-1. Possession of licenses, certificates of registration, permits, and tags required**
1037 **-- Nonassignability -- Exceptions -- Free fishing day.**

1038 (1) A person may not engage in hunting, trapping, fishing, or seining protected wildlife
1039 or in the sale, trade, or barter of protected wildlife or their parts without first having procured the
1040 necessary licenses, certificates of registration, permits, and tags as provided under this chapter and
1041 having at the same time the licenses, certificates of registration, permits, and tags on his or her
1042 person, except as provided under Subsection (3).

1043 (2) (a) Except as provided in Subsection (2)(b) a person may not:

1044 (i) lend, transfer, sell, give, or assign licenses, certificates of registration, permits, or tags
1045 belonging to the person or the rights granted by licenses, certificates of registration, permits, or
1046 tags; or

1047 (ii) use or attempt to use a license, certificate of registration, permit, or tag of another
1048 person.

1049 (b) The Wildlife ~~[Board]~~ Commission may make exceptions to the prohibitions specified
1050 in Subsection (2)(a) for purposes of:

1051 (i) transporting wildlife;
1052 (ii) taking a deer or elk for a person who is blind or a quadriplegic; or
1053 (iii) transferring a certificate of registration to harvest brine shrimp and brine shrimp eggs
1054 to another person, if the certificate is transferred in connection with the sale or transfer of the brine
1055 shrimp harvest operation or the harvesting equipment, subject to the restrictions referred to under
1056 Subsection (2)(c).

1057 (c) (i) A certificate of registration to harvest brine shrimp and brine shrimp eggs may not
1058 be transferred without the approval of the division.

1059 (ii) Application to allow the transfer of a certificate of registration to harvest brine shrimp
1060 and brine shrimp eggs shall be made to the division on a form prescribed and furnished by it.

1061 (iii) The division may grant a transfer of a certificate of registration to harvest brine shrimp
1062 and brine shrimp eggs if the proposed transferee meets all the requirements necessary to obtain an
1063 original certificate of registration.

1064 (3) No license, certificate of registration, permit, or tag is required to:

1065 (a) fish on a free fishing day which the Wildlife [~~Board~~] Commission may establish each
1066 year under rules prescribed by the board;

1067 (b) fish at a private fish installation operated in accordance with Section 23-15-10; or

1068 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to
1069 propagate, keep, and release for shooting pursuant to a certificate of registration issued under
1070 Section 23-17-6.

1071 Section 46. Section **23-19-2** is amended to read:

1072 **23-19-2. License and certificate forms prescribed by Wildlife Commission.**

1073 (1) The Wildlife [~~Board~~] Commission shall prescribe the form of license or certificate of
1074 registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

1075 (2) Any license issued pursuant to Section 23-19-36 shall be designated as such by a code
1076 number and shall contain no reference to the licensee's disability.

1077 Section 47. Section **23-19-3** is amended to read:

1078 **23-19-3. Special tags as supplements to licenses and permits.**

1079 The division may issue, as supplements to appropriate licenses and permits, special tags
1080 for protected wildlife, as determined by the Wildlife [~~Board~~] Commission.

1081 Section 48. Section **23-19-9** is amended to read:

1082 **23-19-9. Suspension of license or permit privileges -- Suspension of certificates of**
1083 **registration.**

1084 (1) As used in this section, "license or permit privileges" means the privilege of applying
1085 for, purchasing, and exercising the benefits conferred by a license or permit issued by the division.

1086 (2) A hearing officer, appointed by the division, shall suspend a person's privilege of
1087 applying for, purchasing, and exercising the benefits conferred by one or more licenses or permits
1088 issued by the division if:

1089 (a) in a court of law, the person:

1090 (i) is convicted of:

1091 (A) violating this title or a rule of the Wildlife [~~Board~~] Commission;

1092 (B) killing or injuring domestic livestock while engaged in an activity regulated under this
1093 title; or

1094 (C) violating Section 76-10-508 while engaged in an activity regulated under this title;

1095 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no
1096 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

1097 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person
1098 enters into a diversion agreement which suspends the prosecution of the offense; and

1099 (b) the hearing officer determines the person committed the offense intentionally,
1100 knowingly, or recklessly, as defined in Section 76-2-103.

1101 (3) The Wildlife [~~Board~~] Commission shall make rules establishing guidelines for a
1102 hearing officer to consider in determining the type of license or permit privileges to suspend.

1103 (4) Except as provided in Subsection (5), a hearing officer shall suspend a person's license
1104 or permit privileges pursuant to Subsection (2) for the following time periods:

1105 (a) seven years for:

1106 (i) a felony conviction;

1107 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is held
1108 in abeyance pursuant to a plea in abeyance agreement; or

1109 (iii) being charged with an offense punishable as a felony, the prosecution of which is
1110 suspended pursuant to a diversion agreement;

1111 (b) five years for:

1112 (i) a class A misdemeanor conviction;

- 1113 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor, which
1114 plea is held in abeyance pursuant to a plea in abeyance agreement; or
- 1115 (iii) being charged with an offense punishable as a class A misdemeanor, the prosecution
1116 of which is suspended pursuant to a diversion agreement; and
- 1117 (c) three years for:
- 1118 (i) a class B misdemeanor conviction under Section 23-20-4;
- 1119 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor under
1120 Section 23-20-4, which plea is held in abeyance pursuant to a plea in abeyance agreement; or
- 1121 (iii) being charged with an offense punishable as a class B misdemeanor under Section
1122 23-20-4, the prosecution of which is suspended pursuant to a diversion agreement.
- 1123 (5) Suspension periods as set forth in Subsection (4) shall be doubled for offenses:
- 1124 (a) committed in violation of an existing suspension or revocation order issued by the
1125 courts, division, or Wildlife ~~[Board]~~ Commission; or
- 1126 (b) involving the unlawful taking of a trophy animal, as defined in Section 23-13-2.
- 1127 (6) (a) A hearing officer may suspend, pursuant to Subsection (2), a person's privilege to
1128 apply for, purchase, and exercise the benefits conferred by a particular license or permit only once
1129 for each single criminal episode, as defined in Section 76-1-401.
- 1130 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the
1131 suspension periods of any license or permit privileges of the same type suspended, pursuant to
1132 Subsection (2), shall run consecutively.
- 1133 (c) If a hearing officer suspends, pursuant to Subsection (2), license or permit privileges
1134 of the type that have been previously suspended by a court, a hearing officer, or the Wildlife
1135 ~~[Board]~~ Commission and the suspension period has not expired, the suspension periods shall run
1136 consecutively.
- 1137 (7) (a) A hearing officer, appointed by the division, shall suspend a person's privilege of
1138 applying for, purchasing, and exercising the benefits conferred by one or more licenses or permits
1139 issued by the division if:
- 1140 (i) within a five-year period, the person, on three or more occasions, in a court of law, is
1141 convicted or enters into a plea in abeyance agreement or diversion agreement as follows:
- 1142 (A) the person is convicted of an offense listed in Subsection (2)(a)(i) that is punishable
1143 as a class B or C misdemeanor;

1144 (B) the person enters into a plea in abeyance agreement in which the person pleads guilty
1145 or no contest to an offense listed in Subsection (2)(a)(i) that is punishable as a class B or C
1146 misdemeanor, and the plea is held in abeyance; or

1147 (C) the person is charged with an offense listed in Subsection (2)(a)(i) that is punishable
1148 as a class B or C misdemeanor, and the person enters into a diversion agreement, which suspends
1149 the prosecution of the offense;

1150 (ii) each conviction, plea in abeyance agreement, or diversion agreement listed in
1151 Subsection (7)(a)(i) originated from a separate single criminal episode; and

1152 (iii) a suspension or revocation order has not been previously issued as a result of any
1153 conviction, plea in abeyance agreement, or diversion agreement listed in Subsection (7)(a)(i).

1154 (b) An order of suspension may be issued, under this Subsection (7), on a strict liability
1155 basis.

1156 (c) A hearing officer shall suspend a person's license or permit privileges, pursuant to this
1157 Subsection (7), for a time period equal to the sum of the following:

1158 (i) one year for each:

1159 (A) class B misdemeanor conviction;

1160 (B) plea of guilty or no contest to an offense punishable as a class B misdemeanor, which
1161 plea is held in abeyance pursuant to a plea in abeyance agreement; or

1162 (C) charge of committing an offense punishable as a class B misdemeanor, the prosecution
1163 of which is suspended pursuant to a diversion agreement; and

1164 (ii) six months for each:

1165 (A) class C misdemeanor conviction;

1166 (B) plea of guilty or no contest to an offense punishable as a class C misdemeanor, which
1167 plea is held in abeyance pursuant to a plea in abeyance agreement; or

1168 (C) charge of committing an offense punishable as a class C misdemeanor, the prosecution
1169 of which is suspended pursuant to a diversion agreement.

1170 (8) (a) A hearing officer, appointed by the division, may suspend a person's privilege of
1171 applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:

1172 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as
1173 defined in Section 76-2-103, violated:

1174 (A) this title;

1175 (B) a rule or order of the Wildlife ~~[Board]~~ Commission;

1176 (C) the terms of a certificate of registration; or

1177 (D) the terms of a certificate of registration application or agreement; or

1178 (ii) the person, in a court of law:

1179 (A) is convicted of an offense that the hearing officer determines bears a reasonable
1180 relationship to the person's ability to safely and responsibly perform the activities authorized by
1181 the certificate of registration;

1182 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a
1183 reasonable relationship to the person's ability to safely and responsibly perform the activities
1184 authorized by the certificate of registration, and the plea is held in abeyance in accordance with a
1185 plea in abeyance agreement; or

1186 (C) is charged with an offense that the hearing officer determines bears a reasonable
1187 relationship to the person's ability to safely and responsibly perform the activities authorized by
1188 the certificate of registration, and prosecution of the offense is suspended in accordance with a
1189 diversion agreement.

1190 (b) All certificates of registration for the harvesting of brine shrimp eggs, as defined in
1191 Section 59-23-3, shall be suspended by a hearing officer, if the hearing officer determines the
1192 holder of the certificates of registration has violated Section 59-23-5.

1193 (c) Subsections (4), (5), and (6) do not apply to suspensions of certificates of registration.

1194 (9) The director shall appoint a qualified person as a hearing officer to perform the
1195 adjudicative functions provided in this section. The director may not appoint a division employee
1196 who investigates or enforces wildlife violations.

1197 (10) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply for,
1198 purchase, or exercise the benefits conferred by a license, permit, or certificate of registration.

1199 (b) The courts shall promptly notify the division of any suspension orders or
1200 recommendations entered.

1201 (c) The division, upon receiving notification of suspension from the courts, shall prohibit
1202 the person from applying for, purchasing, or exercising the benefits conferred by a license, permit,
1203 or certification of registration for the duration and of the type specified in the court order.

1204 (d) The hearing officer shall consider any recommendation made by a sentencing court
1205 concerning suspension before issuing a suspension order.

1206 (11) (a) A person may not apply for, purchase, possess, or attempt to exercise the benefits
1207 conferred by any permit, license, or certificate of registration specified in an order of suspension
1208 while that order is in effect. Any license possessed or obtained in violation of the order shall be
1209 considered invalid.

1210 (b) A person who violates Subsection (11)(a) is guilty of a class B misdemeanor.

1211 (12) Before suspension under this section, a person must be:

1212 (a) given written notice of any action the division intends to take; and

1213 (b) provided with an opportunity for a hearing.

1214 (13) (a) A person may file an appeal of a hearing officer's decision with the Wildlife
1215 [Board] Commission.

1216 (b) The Wildlife [Board] Commission shall review the hearing officer's findings and
1217 conclusions and any written documentation submitted at the hearing. The Wildlife [Board]
1218 Commission may:

1219 (i) take no action;

1220 (ii) vacate or remand the decision; or

1221 (iii) amend the period or type of suspension.

1222 (14) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry
1223 privileges consistent with Title 23, Chapter 25, Wildlife Violator Compact.

1224 (15) The Wildlife [Board] Commission may make rules to implement this section in
1225 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and Title 63,
1226 Chapter 46b, Administrative Procedures Act.

1227 Section 49. Section **23-19-9.5** is amended to read:

1228 **23-19-9.5. Warrant outstanding or failure to comply with citation -- Person not**
1229 **entitled to license, permit, tag, or certificate.**

1230 (1) A person may not purchase a license, permit, tag, or certificate of registration if:

1231 (a) there is an outstanding Utah warrant against him for failure to appear in answer to a
1232 summons for a violation of:

1233 (i) a provision of this title; or

1234 (ii) a rule, proclamation, or order of the Wildlife [Board] Commission; or

1235 (b) he has failed to comply with a wildlife citation in a state which is a party to the
1236 Wildlife Violator Compact set forth in Title 23, Chapter 25.

1237 (2) The division may allow a person referred to in Subsection (1) to purchase a license,
1238 permit, tag, or certificate of registration if satisfactory proof is given that:

1239 (a) the warrant is no longer outstanding; or

1240 (b) he has complied with the wildlife citation.

1241 Section 50. Section **23-19-10** is amended to read:

1242 **23-19-10. Duplicate license, permit, tag, or certificate of registration -- Affidavit**
1243 **required.**

1244 Whenever any unexpired license, permit, tag, or certificate of registration issued under the
1245 provisions of this [code] title is destroyed, lost, or stolen, the Division of Wildlife Resources may
1246 issue a duplicate license at a fee to be determined by the Wildlife [Board] Commission. To obtain
1247 the duplicate license, permit, tag, or certificate of registration, the applicant must complete an
1248 affidavit testifying to such loss, destruction or theft, and provide such other information as required
1249 by the Wildlife [Board] Commission.

1250 Section 51. Section **23-19-13** is amended to read:

1251 **23-19-13. Hunter and furharvester education training -- Fee.**

1252 The Wildlife [Board] Commission shall establish the fees to be assessed for obtaining
1253 instruction in hunter education and furharvester education.

1254 Section 52. Section **23-19-17** is amended to read:

1255 **23-19-17. Fishing and hunting license -- Resident 12 or older -- Use of fee.**

1256 (1) A resident 12 years of age or older, upon payment of the fee prescribed by the Wildlife
1257 [Board] Commission, may receive a combination license to fish and to hunt for small game as
1258 provided in the rules of the Wildlife [Board] Commission.

1259 (2) One dollar of the combination license fee shall be used for the hunter education
1260 program in any of the following:

1261 (a) instructor and student training;

1262 (b) assisting local organizations with development;

1263 (c) maintenance of existing facilities; or

1264 (d) operation and maintenance of the hunter education program.

1265 (3) (a) Fifty cents of the combination license fee shall be used for the upland game
1266 program as follows:

1267 (i) to acquire pen-raised birds; or

1268 (ii) to capture and transplant upland game species.

1269 (b) The combination license fee revenue designated for the upland game program by
1270 Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the
1271 upland game program as provided by Sections 23-19-43 and 23-19-47.

1272 Section 53. Section **23-19-17.5** is amended to read:

1273 **23-19-17.5. Lifetime hunting and fishing licenses.**

1274 (1) Lifetime licensees born after December 31, 1965, must be certified under Section
1275 23-19-11 before engaging in hunting.

1276 (2) A lifetime license shall remain valid if the residency of the lifetime licensee changes
1277 to another state or country.

1278 (3) (a) A lifetime license may be used in lieu of an annual small game or fishing license.

1279 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag of
1280 the lifetime licensee's choice for one of the following general season deer hunts:

1281 (i) archery;

1282 (ii) rifle; or

1283 (iii) muzzleloader.

1284 (c) A lifetime licensee is subject to each requirement for special hunting and fishing
1285 permits and tags, except as provided in Subsection (3)(b).

1286 (4) The Wildlife [~~Board~~] Commission may adopt rules necessary to carry out the
1287 provisions of this section.

1288 Section 54. Section **23-19-18** is amended to read:

1289 **23-19-18. Fishing license -- Season.**

1290 (1) A person 14 years of age or older, upon payment of the fee prescribed by the Wildlife
1291 [~~Board~~] Commission, may receive a season fishing license.

1292 (2) A person under 14 years of age may:

1293 (a) fish without a license and take a 1/2 bag and possession limit; or

1294 (b) purchase a license and take a full bag and possession limit.

1295 (3) A resident 65 years of age or older, upon payment of the fee prescribed by the Wildlife
1296 [~~Board~~] Commission, may receive a season fishing license.

1297 Section 55. Section **23-19-21** is amended to read:

1298 **23-19-21. Fishing license -- Limited number of days.**

1299 (1) A person, upon paying the fee prescribed by the Wildlife [~~Board~~] Commission, may
1300 receive a license to fish:

1301 (a) for one day; or

1302 (b) for seven consecutive days.

1303 (2) The effective date shall be indicated on the license.

1304 Section 56. Section **23-19-22** is amended to read:

1305 **23-19-22. Big game hunting permit.**

1306 (1) A person 14 years of age or older, upon paying the fee prescribed by the Wildlife
1307 [~~Board~~] Commission, may receive a permit to hunt big game as provided by rules of the Wildlife
1308 [~~Board~~] Commission.

1309 (2) A person 13 years of age may obtain a permit to hunt big game if that person's 14th
1310 birthday falls within the calendar year for which the permit is issued.

1311 (3) One dollar of each big game permit fee collected from a resident shall be used for the
1312 hunter education program as provided in Section 23-19-17.

1313 Section 57. Section **23-19-22.5** is amended to read:

1314 **23-19-22.5. Cougar or bear hunting permit.**

1315 (1) A person 12 years of age or older, upon paying the fee prescribed by the Wildlife
1316 [~~Board~~] Commission, may receive a permit to take cougar or bear as provided by rules of the
1317 Wildlife [~~Board~~] Commission.

1318 (2) One dollar of each cougar or bear permit fee collected from a resident shall be used for
1319 the hunter education program.

1320 Section 58. Section **23-19-24** is amended to read:

1321 **23-19-24. Small game hunting license -- Resident 14 or older -- Use of fee.**

1322 (1) A resident 14 years of age or older, upon payment of the fee prescribed by the Wildlife
1323 [~~Board~~] Commission, may receive a license to hunt small game.

1324 (2) One dollar of the small game hunting license fee shall be used for the hunter education
1325 program.

1326 (3) (a) Fifty cents of the small game hunting license fee shall be used for the upland game
1327 program as follows:

1328 (i) to acquire pen-raised birds; or

1329 (ii) to capture and transplant upland game species.

1330 (b) The small game license fee revenue designated for the upland game program by
1331 Subsection (3)(a) is in addition to any small game license fee revenue that may be used for the
1332 upland game program as provided by Sections 23-19-43 and 23-19-47.

1333 Section 59. Section **23-19-25** is amended to read:

1334 **23-19-25. Small game hunting license -- Resident 12 or 13 -- Use of fee.**

1335 (1) A resident under the age of 14 years and 12 years of age or older, upon payment of the
1336 fee prescribed by the Wildlife ~~[Board]~~ Commission, may receive a license to hunt small game.

1337 (2) One dollar of the small game hunting license fee shall be used for the hunter education
1338 program.

1339 (3) (a) Fifty cents of the small game hunting license fee shall be used for the upland game
1340 program as follows:

1341 (i) to acquire pen-raised birds; or

1342 (ii) to capture and transplant upland game species.

1343 (b) The small game license fee revenue designated for the upland game program by
1344 Subsection (3)(a) is in addition to any small game license fee revenue that may be used for the
1345 upland game program as provided by Sections 23-19-43 and 23-19-47.

1346 Section 60. Section **23-19-26** is amended to read:

1347 **23-19-26. Small game hunting license -- Nonresident 12 or older -- Use of fee.**

1348 (1) A nonresident 12 years of age or older, upon payment of the fee prescribed by the
1349 Wildlife ~~[Board]~~ Commission, may receive a license to hunt small game.

1350 (2) (a) Fifty cents of the small game hunting license fee shall be used for the upland game
1351 program as follows:

1352 (i) to acquire pen-raised birds; or

1353 (ii) to capture and transplant upland game species.

1354 (b) The small game license fee revenue designated for the upland game program by
1355 Subsection (2)(a) is in addition to any small game license fee revenue that may be used for the
1356 upland game program as provided by Sections 23-19-43 and 23-19-47.

1357 Section 61. Section **23-19-27** is amended to read:

1358 **23-19-27. Furbearer license -- Resident or nonresident.**

1359 A resident or nonresident, upon payment of the fee prescribed by the Wildlife ~~[Board]~~
1360 Commission, may receive a license to take furbearers.

1361 Section 62. Section **23-19-31** is amended to read:

1362 **23-19-31. Resident fur dealer registration.**

1363 A resident, upon application to the Wildlife [~~Board~~] Commission, may be registered as a
1364 fur dealer.

1365 Section 63. Section **23-19-32** is amended to read:

1366 **23-19-32. Nonresident fur dealer registration.**

1367 A nonresident, upon application to the [~~wildlife board~~] Wildlife Commission, may be
1368 registered as a fur dealer.

1369 Section 64. Section **23-19-33** is amended to read:

1370 **23-19-33. Registration of fur dealer's agent.**

1371 Any person who is employed by a fur dealer as a fur buyer in the field, upon application
1372 to the Wildlife [~~Board~~] Commission, may be registered as a fur dealer's agent.

1373 Section 65. Section **23-19-34.5** is amended to read:

1374 **23-19-34.5. Falconry certificate of registration -- Residents 14 or older may obtain**
1375 **certificate of registration -- License for falconry meet for nonresidents -- Wildlife**
1376 **Commission approval required for falconry meet -- Small game license required to take**
1377 **protected game.**

1378 (1) Any resident 14 years of age or older, upon application to the division, may receive a
1379 certificate of registration to hold falcons and engage in the sport of falconry on nongame wildlife
1380 species.

1381 (2) A nonresident entering Utah to participate in the sport of falconry at an organized meet
1382 shall obtain a license as provided in Section 23-19-34.7.

1383 (3) Organizers of a falconry meet must apply to and receive approval from the Wildlife
1384 [~~Board~~] Commission in order to conduct an organized falconry meet.

1385 (4) (a) Any person engaging in the sport of falconry on protected small game species shall
1386 possess, in addition to the falconry certificate of registration, a license for taking small game.

1387 (b) Any nonresident who has been issued a license pursuant to Section 23-19-34.7 is not
1388 required to possess a small game license in order to take small game during the five-day period of
1389 the license.

1390 Section 66. Section **23-19-34.7** is amended to read:

1391 **23-19-34.7. Nonresident falconry meet license.**

1392 (1) A nonresident 14 years of age or older may participate in a falconry meet in this state
1393 upon payment of a fee prescribed by the Wildlife [~~Board~~] Commission.

1394 (2) A nonresident falconry meet license shall be valid only for five consecutive days, the
1395 dates to be designated on the license. The holder of the license may engage in the sport of falconry
1396 on nongame wildlife species and small game species, during the specified five-day period.

1397 Section 67. Section **23-19-35** is amended to read:

1398 **23-19-35. Seining registration.**

1399 Any person, upon application to the Wildlife [~~Board~~] Commission, may be registered to
1400 seine.

1401 Section 68. Section **23-19-38** is amended to read:

1402 **23-19-38. Sales of licenses, certificates, or permits final -- Exceptions -- Reallocation**
1403 **of surrendered permits.**

1404 (1) Sales of all licenses, certificates, or permits are final, and no refunds may be made by
1405 the division except as provided in Subsection (2).

1406 (2) The division may refund the amount of the license, certificate, or permit if:

1407 (a) the division or the Wildlife [~~Board~~] Commission discontinues the activity for which
1408 the license, certificate, or permit was obtained;

1409 (b) the division determines that it has erroneously collected a fee;

1410 (c) (i) a person is not able to participate in a permitted activity due to illness or injury;

1411 (ii) the person furnishes verification of illness or injury from a physician; and

1412 (iii) the permit is surrendered before the season for which the permit was issued begins;

1413 or

1414 (d) the person to whom the license, certificate, or permit is issued dies prior to that person's
1415 being able to participate in the activity for which the license, certificate, or permit was obtained.

1416 (3) The division director may reallocate surrendered permits in accordance with rules
1417 adopted by the Wildlife [~~Board~~] Commission.

1418 Section 69. Section **23-19-40** is amended to read:

1419 **23-19-40. Fees for licenses.**

1420 (1) Residents and nonresidents may engage in hunting, fishing, trapping, bird hunting in
1421 commercial areas, and falconry upon obtaining a license through the payment of one or more of
1422 the following applicable fees:

WILDLIFE LICENSE FEE SCHEDULE			
1423	Type of License	Age and Time	Fee
1424	RESIDENT		
1425	Combination	12 years or older	\$31.75
1426	Fishing	Under 65 (Season)	23.75
1427		65 years or older	13.75
1428		(Season)	
1429		Any age (1-day)	6.75
1430		Any age (7-day)	14.75
1431	Small Game	12-13 years	10.75
1432		14 years or older	16.75
1433	Furbearer	Any age	29.00
1434	NONRESIDENT		
1435	Fishing	Any age (Season)	45.75
1436		Any age (1-day)	7.75
1437		Any age (7-day)	20.75
1438	Small Game	12 years or older	44.75
1439	Furbearer	Any age	154.00
1440	Falconry	14 years or older	15.00
1441		(5-day)	

1442 (2) Statewide fish stamps or fees may not be imposed without legislative approval.

1443 (3) Notwithstanding the provisions of Sections 23-19-17, 23-19-18, 23-19-21, 23-19-24,
 1444 23-19-25, 23-19-26, 23-19-27, and 23-19-34.7 authorizing the Wildlife [~~Board~~] Commission to
 1445 prescribe license fees, the fees listed in Subsection (1) shall be in effect through December 31,
 1446 2002.

1447 (4) Notwithstanding the provisions of Section 23-26-4 authorizing the Wildlife [~~Board~~]
 1448 Commission to prescribe fees for Wildlife Heritage certificates, through December 31, 2002:

1449 (a) a resident or nonresident, 12 years of age or older, upon payment of \$20, may receive
 1450 a Wildlife Heritage certificate; and

1451 (b) a resident or nonresident, under 12 years of age, upon payment of \$10, may receive a
 1452 Wildlife Heritage certificate.

1454 Section 70. Section **23-19-45** is amended to read:

1455 **23-19-45. Fees and certificates of registration to harvest brine shrimp eggs.**

1456 (1) The Wildlife [~~Board~~] Commission may not impose fees to harvest brine shrimp eggs
1457 other than certificate of registration fees.

1458 (2) Each person holding certificates of registration for the harvesting of brine shrimp eggs
1459 in the 1996-97 harvesting season may obtain the same number of certificates of registration for the
1460 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.

1461 Section 71. Section **23-20-3** is amended to read:

1462 **23-20-3. Taking, transporting, selling, or purchasing protected wildlife illegal except**
1463 **as authorized -- Penalty.**

1464 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife [~~Board~~]
1465 Commission, a person may not:

1466 (a) take or permit his dog to take:

1467 (i) protected wildlife or their parts;

1468 (ii) an occupied nest of protected wildlife; or

1469 (iii) an egg of protected wildlife;

1470 (b) transport, ship, or cause to be shipped protected wildlife or their parts;

1471 (c) sell or purchase protected wildlife or their parts; or

1472 (d) possess protected wildlife or their parts unaccompanied by a valid license, permit, tag,
1473 certificate of registration, bill of sale, or invoice.

1474 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of
1475 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally
1476 taken and is illegally held in possession.

1477 (3) A person is guilty of a class B misdemeanor if he:

1478 (a) violates any provision of Subsection (1); and

1479 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

1480 Section 72. Section **23-20-12** is amended to read:

1481 **23-20-12. Airplanes or terrestrial or aquatic vehicles -- Use in taking wildlife**
1482 **unlawful -- Exceptions.**

1483 It is unlawful for any person to take any wildlife from an airplane or any other airborne
1484 vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other

1485 recreational vehicles, except as provided by this [~~code~~] title or in the rules and regulations of the
1486 Wildlife [~~Board~~] Commission. Provided, however, that an individual validly licensed to hunt who
1487 is a paraplegic, or otherwise permanently disabled so as to be permanently confined to a
1488 wheelchair or the use of crutches, may be authorized to hunt from a vehicle under terms and
1489 conditions specified by the Wildlife [~~Board~~] Commission.

1490 Section 73. Section **23-20-14** is amended to read:

1491 **23-20-14. Definitions -- Posted property -- Hunting by permission -- Entry on private**
1492 **land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers**
1493 **-- Promotion of respect for private property.**

1494 (1) As used in this section:

1495 (a) "Division" means the Division of Wildlife Resources.

1496 (b) "Cultivated land" means land which is readily identifiable as:

1497 (i) land whose soil is loosened or broken up for the raising of crops;

1498 (ii) land used for the raising of crops; or

1499 (iii) pasturage which is artificially irrigated.

1500 (c) "Permission" means written authorization from the owner or person in charge to enter
1501 upon private land that is either cultivated or properly posted, and must include:

1502 (i) the signature of the owner or person in charge;

1503 (ii) the name of the person being given permission;

1504 (iii) the appropriate dates; and

1505 (iv) a general description of the property.

1506 (d) "Properly posted" means that "No Trespassing" signs or a minimum of 100 square
1507 inches of bright yellow, bright orange, or fluorescent paint are displayed at all corners, fishing
1508 streams crossing property lines, roads, gates, and rights-of-way entering the land. If metal fence
1509 posts are used, the entire exterior side must be painted.

1510 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:

1511 (i) without the permission of the owner or person in charge, enter upon privately owned
1512 land that is cultivated or properly posted;

1513 (ii) refuse to immediately leave the private land if requested to do so by the owner or
1514 person in charge; or

1515 (iii) obstruct any entrance or exit to private property.

1516 (b) "Hunting by permission cards" will be provided to landowners by the division upon
1517 request.

1518 (c) A person may not post:

1519 (i) private property he does not own or legally control; or

1520 (ii) land that is open to the public as provided by Section 23-21-4.

1521 (3) (a) A person convicted of violating any provision of Subsection (2) may have his
1522 license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of
1523 the violation, revoked by a hearing officer.

1524 (b) A hearing officer may construe any subsequent conviction which occurs within a
1525 five-year period as a flagrant violation and may prohibit the person from obtaining a new license,
1526 tag, certificate of registration, or permit for a period of up to five years.

1527 (4) Subsection (2)(a) does not apply to peace or conservation officers in the performance
1528 of their duties.

1529 (5) (a) The division shall provide information regarding owners' rights and sportsmen's
1530 duties:

1531 (i) to anyone holding licenses, certificates of registration, tags, or permits to take wildlife;
1532 and

1533 (ii) by using the public media and other sources.

1534 (b) The restrictions in this section relating to trespassing shall be stated in all hunting and
1535 fishing proclamations issued by the Wildlife ~~Board~~ Commission.

1536 (6) Any person who violates any provision of Subsection (2) is guilty of a class B
1537 misdemeanor.

1538 Section 74. Section **23-20-20** is amended to read:

1539 **23-20-20. Children accompanied by adults while hunting with weapon.**

1540 (1) As used in this section, "accompanied" means at a distance within which visual and
1541 verbal communication is maintained for the purposes of advising and assisting.

1542 (2) A person under the age of 14 years must be accompanied by his parent or legal
1543 guardian, or other responsible person of the age of 21 years or older and approved by his parent
1544 or guardian, while hunting with any weapon.

1545 (3) A person of at least 14 years of age and under 16 years of age must be accompanied
1546 by his parent or legal guardian, or other responsible person of the age of 21 years or older and

1547 approved by his parent or guardian, while hunting big game with any weapon.

1548 (4) A person of at least 14 years of age and under 16 years of age must be accompanied
1549 by a person of the age of 21 years or older while hunting wildlife, other than big game, with any
1550 weapon.

1551 (5) A person under the age of 12 years is not permitted to hunt for protected wildlife
1552 except as provided by rules of the Wildlife [~~Board~~] Commission.

1553 Section 75. Section **23-20-27** is amended to read:

1554 **23-20-27. Alteration of license, permit, tag, or certificate a misdemeanor.**

1555 Any person who at any time alters or changes in any manner, with intent to defraud, any
1556 license, permit, tag, or certificate of registration issued under provisions of this [~~code~~] title or
1557 action of the Wildlife [~~Board~~] Commission is guilty of a misdemeanor.

1558 Section 76. Section **23-20-28** is amended to read:

1559 **23-20-28. Search warrants.**

1560 (1) A search warrant may be issued by a magistrate to search for any property which may
1561 constitute evidence of any violation of the provisions of this [~~code~~] title, rules, regulations, or
1562 proclamations of the Wildlife [~~Board~~] Commission upon an affidavit of any person.

1563 (2) The search warrant shall be directed to a conservation officer or a peace officer,
1564 directing him to search for evidence and to bring it before the magistrate.

1565 (3) A search warrant shall not be issued except upon probable cause supported by oath or
1566 affirmation, particularly describing the place, person, or thing to be searched for and the person
1567 or thing to be seized.

1568 (4) The warrant shall be served in the daytime, unless there is reason to believe that the
1569 service of the search warrant is required immediately because a person may:

1570 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;

1571 (b) destroy or conceal evidence of the commission of any violation; or

1572 (c) injure another person or damage property.

1573 (5) The search warrant may be served at night if:

1574 (a) there is reason to believe that a violation may occur at night; or

1575 (b) the evidence of the violation may not be available to the officers serving the warrant
1576 during the day.

1577 Section 77. Section **23-20-30** is amended to read:

1578 **23-20-30. Tagging requirements.**

1579 (1) The Wildlife [~~Board~~] Commission may make rules that require the carcass of certain
1580 species of protected wildlife to be tagged.

1581 (2) The carcass of any species of protected wildlife required to be tagged must be tagged
1582 before the carcass is moved from or the hunter leaves the site of kill.

1583 (3) To tag a carcass, a person shall:

1584 (a) completely detach the tag from the license or permit;

1585 (b) completely remove the appropriate notches to correspond with:

1586 (i) the date the animal was taken; and

1587 (ii) the sex of the animal; and

1588 (c) attach the tag to the carcass so that the tag remains securely fastened and visible.

1589 (4) A person may not:

1590 (a) remove more than one notch indicating date or sex; or

1591 (b) tag more than one carcass using the same tag.

1592 Section 78. Section **23-20-31** is amended to read:

1593 **23-20-31. Requirement to wear hunter orange.**

1594 (1) As used in this section:

1595 (a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,
1596 except as provided in Subsection (1)(a)(ii).

1597 (ii) "Centerfire rifle hunt" does not include:

1598 (A) a bighorn sheep hunt;

1599 (B) a mountain goat hunt;

1600 (C) a hunt requiring the hunter to possess a statewide conservation permit; or

1601 (D) a hunt requiring the hunter to possess a statewide sportsman permit.

1602 (b) "Statewide conservation permit" means a permit:

1603 (i) issued by the division;

1604 (ii) distributed through a nonprofit organization founded for the purpose of promoting
1605 wildlife conservation; and

1606 (iii) valid:

1607 (A) on open hunting units statewide; and

1608 (B) for the species of big game and time period designated by the Wildlife [~~Board~~]

1609 Commission.

1610 (c) "Statewide sportsman permit" means a permit:

1611 (i) issued by the division through a public draw; and

1612 (ii) valid:

1613 (A) on open hunting units statewide; and

1614 (B) for the species of big game and time period designated by the Wildlife [Board]

1615 Commission.

1616 (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material

1617 while hunting any species of big game, except as provided in Subsection (3).

1618 (b) Hunter orange material must be worn on the head, chest, and back.

1619 (c) A camouflage pattern in hunter orange does not meet the requirements of Subsection

1620 (2)(a).

1621 (3) A person is not required to wear hunter orange material during an archery,

1622 muzzle-loader, mountain goat, or bighorn sheep hunt, unless a centerfire rifle hunt is in progress

1623 in the same area.

1624 Section 79. Section **23-21-1** is amended to read:

1625 **23-21-1. Acquisition of lands, waters, and rights-of-way -- Authority of division.**

1626 The Division of Wildlife Resources shall have the power to acquire lands, waters, and

1627 rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or any other lawful

1628 means, for authorized activities of the Division of Wildlife Resources as outlined by this [code]

1629 title and the rules and regulations of the Wildlife [Board] Commission.

1630 Section 80. Section **23-21-2.3** is amended to read:

1631 **23-21-2.3. Review and adoption of management plans.**

1632 (1) The division shall submit the draft management plan to the Resource Development

1633 Coordinating Committee created in Section 63-28a-2 and the Habitat Council created by the

1634 division for their review and recommendations.

1635 (2) The division shall submit the draft management plan and any recommendations

1636 received from the Resource Development Coordinating Committee and the Habitat Council to:

1637 (a) the regional advisory council for the wildlife region in which the lands covered by the

1638 management plan are located; and

1639 (b) the regional advisory council for any wildlife region that may be affected by the

1640 management plan.

1641 (3) Each regional advisory council reviewing the draft management plan may make
1642 recommendations to the division director.

1643 (4) The division director has authority to adopt the management plan, adopt the plan with
1644 amendments, or reject the plan.

1645 (5) At the request of the division director or any member of the Wildlife [~~Board~~]
1646 Commission, the Wildlife [~~Board~~] Commission may review a management plan to determine
1647 whether the plan is consistent with board policies.

1648 (6) The division director may amend a management plan in accordance with
1649 recommendations made by the Wildlife [~~Board~~] Commission.

1650 Section 81. Section **23-21-5** is amended to read:

1651 **23-21-5. State-owned lands authorized for use as wildlife management areas, fishing**
1652 **waters, and for other recreational activities.**

1653 The Wildlife [~~Board~~] Commission is authorized to use any and all unsurveyed state-owned
1654 lands below the 1855 meander line of the Great Salt Lake within the following townships for the
1655 creation, operation, maintenance, and management of wildlife management areas, fishing waters,
1656 and other recreational activities.

1657 Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West, S.L.B.
1658 and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4 West,
1659 S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North, Range 3
1660 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2 North, Range
1661 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.; Township 2 North,
1662 Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B. and M.; Township 3
1663 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West, S.L.B. and M.; Township
1664 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2 West, S.L.B. and M.; Sections
1665 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4 West, S.L.B. and M.; Township 5
1666 North, Range 3 West, S.L.B. and M.; Township 5 North, Range 4 West, S.L.B. and M.; Sections
1667 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5 West, S.L.B. and M.; Township 6 North, Range
1668 5 West, S.L.B. and M.; Township 6 North, Range 4 West, S.L.B. and M.; Township 6 North,
1669 Range 3 West, S.L.B. and M.; Township 7 North, Range 5 West, S.L.B. and M.; Township 7
1670 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Township

1671 7 North, Range 2 West, S.L.B. and M.; Township 8 North, Range 5 West, S.L.B. and M.;

1672 Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and

1673 M.; Township 8 North, Range 2 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B.

1674 and M.; Township 9 North, Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West,

1675 S.L.B. and M.; Township 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range

1676 9 West, S.L.B. and M.; Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township

1677 10 North, Range 10 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B.

1678 and M.; North 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

1679 Section 82. Section **23-22-1** is amended to read:

1680 **23-22-1. Cooperative agreements and programs authorized.**

1681 (1) The Division of Wildlife Resources may enter into cooperative agreements and

1682 programs with other state agencies, federal agencies, states, educational institutions,

1683 municipalities, counties, corporations, organized clubs, landowners, associations, and individuals

1684 for purposes of wildlife conservation.

1685 (2) Cooperative agreements that are policy in nature must be:

1686 (a) approved by the executive director of the Department of Natural Resources; and

1687 (b) reviewed by the Wildlife ~~[Board]~~ Commission.

1688 Section 83. Section **23-22-3** is amended to read:

1689 **23-22-3. Reciprocal agreements with other states.**

1690 (1) The Wildlife ~~[Board]~~ Commission is authorized to enter into reciprocal agreements

1691 with other states to:

1692 (a) license and regulate fishing, hunting, and related activities; and

1693 (b) promote and implement wildlife management programs.

1694 (2) Reciprocal agreements must be approved by the executive director of the Department

1695 of Natural Resources.

1696 Section 84. Section **23-23-2** is amended to read:

1697 **23-23-2. Definitions.**

1698 As used in this chapter:

1699 (1) "Cooperative wildlife management unit" or "unit" means a generally contiguous area

1700 of land open for hunting small game, waterfowl, cougar, or big game which is registered in

1701 accordance with this chapter and rules of the Wildlife ~~[Board]~~ Commission.

1702 (2) (a) "Cooperative wildlife management unit agent" means a person appointed by a
1703 landowner, landowner association, or landowner association operator to perform the functions
1704 described in Section 23-23-9.

1705 (b) For purposes of this chapter, a cooperative wildlife management unit agent may not:

1706 (i) be appointed by the division or the state;

1707 (ii) be an employee or agent of the division;

1708 (iii) receive compensation from the division or the state to act as a cooperative wildlife
1709 management unit agent; or

1710 (iv) act as a peace officer or perform any duties of a peace officer without qualifying as
1711 a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

1712 (3) "Cooperative wildlife management unit authorization" means a card, label, ticket, or
1713 other identifying document authorizing the possessor to hunt small game or waterfowl in a
1714 cooperative wildlife management unit.

1715 (4) "Cooperative wildlife management unit permit" means a permit authorizing the
1716 possessor to hunt cougar or big game in a cooperative wildlife management unit.

1717 (5) "Division" means the Division of Wildlife Resources.

1718 (6) "Landowner association" means a landowner or an organization of owners of private
1719 lands who operates a cooperative wildlife management unit.

1720 (7) (a) "Landowner association operator" means a person designated by a landowner
1721 association to operate the cooperative wildlife management unit.

1722 (b) For purposes of this chapter, a landowner association operator may not:

1723 (i) be appointed by the division; or

1724 (ii) be an employee or agent of the division.

1725 Section 85. Section **23-23-3** is amended to read:

1726 **23-23-3. Rulemaking authority of Wildlife Commission.**

1727 The Wildlife [~~Board~~] Commission is authorized to make and enforce rules applicable to
1728 cooperative wildlife management units organized for the hunting of small game, waterfowl,
1729 cougar, or big game that in its judgment are necessary to administer and enforce the provisions of
1730 this chapter.

1731 Section 86. Section **23-23-4** is amended to read:

1732 **23-23-4. Operation by landowner association.**

1733 A landowner association shall operate a cooperative wildlife management unit as
1734 prescribed by this chapter and the rules of the Wildlife ~~[Board]~~ Commission.

1735 Section 87. Section **23-23-5** is amended to read:

1736 **23-23-5. Certificate of registration -- Renewal.**

1737 (1) A landowner association may not establish or operate a cooperative wildlife
1738 management unit without first obtaining a certificate of registration from the Wildlife ~~[Board]~~
1739 Commission.

1740 (2) The Wildlife ~~[Board]~~ Commission may renew annually certificates of registration if
1741 the landowner association has previously complied with this chapter and the rules of the Wildlife
1742 ~~[Board]~~ Commission.

1743 Section 88. Section **23-23-6** is amended to read:

1744 **23-23-6. Season dates -- Boundaries -- Review by councils and board.**

1745 (1) The Wildlife ~~[Board]~~ Commission shall establish season dates and boundaries for each
1746 cooperative wildlife management unit.

1747 (2) Season dates may differ from general statewide season dates.

1748 (3) At least every five years, cooperative wildlife management units containing public land
1749 will be reviewed by the regional advisory councils and the Wildlife ~~[Board]~~ Commission.

1750 Section 89. Section **23-23-7** is amended to read:

1751 **23-23-7. Permits -- Acreage and lands that may be included -- Posting of boundaries.**

1752 (1) The division shall provide cooperative wildlife management unit authorizations for
1753 hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

1754 (2) At least 50% of the cooperative wildlife management unit authorizations for hunting
1755 small game or waterfowl provided to a cooperative wildlife management unit shall be offered for
1756 sale to the general public at the times and places designated on the application for a certificate of
1757 registration.

1758 (3) (a) Cooperative wildlife management units organized for hunting small game or
1759 waterfowl shall consist of private land.

1760 (b) At least 75% of the acreage within the boundaries of each cooperative wildlife
1761 management unit organized for the hunting of small game or waterfowl shall be open to hunting
1762 by holders of valid authorizations.

1763 (4) (a) The division may issue cooperative wildlife management unit permits for hunting

1764 cougar or big game to permittees:

1765 (i) qualifying through a public drawing; or

1766 (ii) named by the cooperative wildlife management unit operator.

1767 (b) The Wildlife [~~Board~~] Commission may specify by rule those persons who are eligible

1768 to draw a cooperative wildlife management unit permit in a public drawing.

1769 (5) (a) Cooperative wildlife management units organized for hunting cougar or big game

1770 shall consist of private land to the extent practicable. Public land may be included within a

1771 cooperative wildlife management unit if:

1772 (i) the public land is completely surrounded by private land or is otherwise inaccessible

1773 to the general public;

1774 (ii) including public land is necessary to establish a readily identifiable boundary; or

1775 (iii) including public land is necessary to achieve cougar or big game management

1776 objectives.

1777 (b) If any public land is included within a cooperative wildlife management unit:

1778 (i) the landowner association shall meet applicable federal or state land use requirements

1779 on the public land; and

1780 (ii) the Wildlife [~~Board~~] Commission shall increase the number of permits or hunting

1781 opportunities made available to the general public to reflect the proportion of public lands to

1782 private lands within the cooperative wildlife management unit.

1783 (6) Each landowner association shall:

1784 (a) clearly post all boundaries of the unit by displaying signs containing information

1785 prescribed by rule of the Wildlife [~~Board~~] Commission at the locations specified in Subsection

1786 23-20-14(1)(d); and

1787 (b) provide a written copy of its guidelines to each holder of an authorization or permit.

1788 Section 90. Section **23-23-9** is amended to read:

1789 **23-23-9. Agents -- Appointment -- Identification -- Refusal of entry by agent.**

1790 (1) A landowner association may appoint cooperative wildlife management unit agents to

1791 protect private property of the cooperative wildlife management unit.

1792 (2) Each cooperative wildlife management unit agent shall wear or have in his or her

1793 possession a form of identification prescribed by the Wildlife [~~Board~~] Commission which indicates

1794 he or she is a cooperative wildlife management unit agent.

1795 (3) A cooperative wildlife management unit agent may refuse entry into private lands
1796 within a cooperative wildlife management unit to any person, except an owner of land within the
1797 unit and his or her employees, who:

1798 (a) does not have in his or her possession a cooperative wildlife management unit
1799 authorization or permit;

1800 (b) endangers or has endangered human safety;

1801 (c) damages or has damaged private property within a cooperative wildlife management
1802 unit; or

1803 (d) fails or has failed to comply with reasonable rules of a landowner association.

1804 (4) In performing the functions described in this section, a cooperative wildlife
1805 management unit agent shall comply with the relevant laws of this state.

1806 Section 91. Section **23-23-10** is amended to read:

1807 **23-23-10. Possession of permits and licenses by hunter -- Restrictions.**

1808 (1) A person may not hunt in a cooperative wildlife management unit without having in
1809 his or her possession:

1810 (a) a valid cooperative wildlife management unit authorization or permit or other permit
1811 as authorized by the [~~wildlife board~~] Wildlife Commission; and

1812 (b) the necessary hunting licenses, tags, and stamps.

1813 (2) A cooperative wildlife management unit authorization or permit:

1814 (a) entitles the holder to hunt only in the unit specified on the authorization or permit
1815 pursuant to rules and proclamations of the Wildlife [~~Board~~] Commission and does not entitle the
1816 holder to hunt on any other private or public land; and

1817 (b) constitutes written permission for trespass as required under Section 23-20-14.

1818 Section 92. Section **23-24-1** is amended to read:

1819 **23-24-1. Procedure to obtain compensation for livestock damage done by bear or**
1820 **mountain lion.**

1821 (1) As used in this section:

1822 (a) "Damage" means injury or loss to livestock.

1823 (b) "Division" means the Division of Wildlife Resources.

1824 (c) "Livestock" means cattle, sheep, goats, or turkeys.

1825 (2) When livestock are damaged by a bear or mountain lion, the owner may receive

1826 compensation for the fair market value of the damage. To obtain this compensation, the owner of
1827 the damaged livestock shall notify the division of the damage as soon as possible, but no later than
1828 four days after the damage is discovered. This notification is required each time any damage is
1829 discovered.

1830 (3) Proof of loss forms, provided by the division, shall be filed no later than 30 days after
1831 the original notification of damage was given to the division by the claimant.

1832 (4) (a) The division, with the assistance of the Department of Agriculture and Food in
1833 making the determination, shall either accept or deny the claim for damages within 30 days after
1834 the proof of loss form is filed. The division shall pay all accepted claims to the extent of money
1835 appropriated by the Legislature for this purpose, except money appropriated from the Wildlife
1836 Resources Account may be used to provide compensation for only up to 50% of the fair market
1837 value of any damaged livestock.

1838 (b) The division may not pay mountain lion and bear damage claims to livestock owners
1839 who have failed to file with the commissioner of agriculture and food their completed livestock
1840 form and appropriate fee as outlined in Section 4-23-7 for the immediately preceding and current
1841 year.

1842 (c) If the division denies a claim, except as provided in Subsection (4)(b), the claimant
1843 may appeal the decision to a panel consisting of one person selected by the claimant, one person
1844 selected by the division, and a third person selected by the first two panel members. The panel
1845 shall decide whether the division should pay all or a portion of the claim.

1846 (5) The Wildlife ~~[Board]~~ Commission is authorized, subject to Title 63, Chapter 46a, Utah
1847 Administrative Rulemaking Act, to make and enforce rules to administer and enforce this section.

1848 Section 93. Section **23-26-3** is amended to read:

1849 **23-26-3. Wildlife Heritage Advisory Committee -- Purpose -- Membership -- Duties.**

1850 (1) There is created the Wildlife Heritage Advisory Committee to advise the Wildlife
1851 ~~[Board]~~ Commission and division regarding the development and promotion of the Wildlife
1852 Heritage program.

1853 (2) The committee shall consist of five members who demonstrate commitment to the
1854 purposes of the program and are appointed by the executive director of the Department of Natural
1855 Resources as follows:

1856 (a) three members shall represent nonconsumptive wildlife interests;

1857 (b) one member shall represent consumptive wildlife interests; and

1858 (c) one member shall represent agricultural interests.

1859 (3) (a) Except as required by Subsection (3)(b), members are appointed to four-year terms
1860 of office.

1861 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director shall,
1862 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1863 committee members are staggered so that approximately half of the committee is appointed every
1864 two years.

1865 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
1866 appointed for the unexpired term.

1867 (5) The committee shall advise:

1868 (a) the Wildlife [~~Board~~] Commission, regarding rules and broad policy affecting the
1869 program; and

1870 (b) the division, regarding broad administrative matters relating to the Wildlife Heritage
1871 program.

1872 (6) The committee may make recommendations on:

1873 (a) incentives and public relations strategies to develop and increase participation in the
1874 program; and

1875 (b) the funding of specific projects within the program.

1876 (7) (a) Members shall receive no compensation or benefits for their services, but may
1877 receive per diem and expenses incurred in the performance of the member's official duties at the
1878 rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1879 (b) Members may decline to receive per diem and expenses for their service.

1880 Section 94. Section **23-26-4** is amended to read:

1881 **23-26-4. Wildlife Heritage certificate -- Benefits -- Use of revenue.**

1882 (1) (a) A resident or nonresident, 12 years of age or older, upon payment of the fee
1883 prescribed by the Wildlife [~~Board~~] Commission, may receive a Wildlife Heritage certificate.

1884 (b) A resident or nonresident, under 12 years of age, upon payment of the fee prescribed
1885 by the Wildlife [~~Board~~] Commission, may receive a Wildlife Heritage certificate.

1886 (2) The Wildlife Heritage certificate allows the holder to receive the benefits and
1887 participate in the activities of the Wildlife Heritage program as determined by the Wildlife [~~Board~~]

1888 Commission and the division.

1889 (3) Revenue from the sale of Wildlife Heritage certificates shall be used for activities and
1890 projects that fulfill the program's purposes as specified in Section 23-26-2, including:

1891 (a) information and education;

1892 (b) the establishment and enhancement of nonconsumptive wildlife management areas that
1893 are managed consistent with Section 23-14-18;

1894 (c) wildlife and ecosystem research; and

1895 (d) administration, development, and promotion of the program.

1896 (4) Revenue from the sale of Wildlife Heritage certificates may be used for emergency
1897 feeding of wildlife.

1898 Section 95. Section **23-26-5** is amended to read:

1899 **23-26-5. Wildlife Heritage Account -- Contents -- Use of fund monies.**

1900 (1) There is created a restricted account within the General Fund known as the Wildlife
1901 Heritage Account.

1902 (2) The contents of the account shall consist of:

1903 (a) revenue from the sale of Wildlife Heritage certificates;

1904 (b) donations received for the Wildlife Heritage program; and

1905 (c) interest accrued on account monies.

1906 (3) Monies in the account shall be used as provided in Section 23-26-4.

1907 (4) The Wildlife [~~Board~~] Commission shall report to the 1994 Legislature on funds
1908 received and programs developed.

1909 Section 96. Section **63-34-3** is amended to read:

1910 **63-34-3. Department of Natural Resources created -- Boards, councils, and divisions**
1911 **within department.**

1912 (1) There is created within state government the Department of Natural Resources.

1913 (2) The Department of Natural Resources comprises the following boards, councils, and
1914 divisions:

1915 (a) Board of Water Resources;

1916 (b) Forestry, Fire and State Lands Advisory Council;

1917 (c) Board of Oil, Gas and Mining;

1918 (d) Board of Parks and Recreation;

- 1919 (e) Wildlife [~~Board~~] Commission;
- 1920 (f) Riverway Enhancement Advisory Council;
- 1921 (g) Board of the Utah Geological Survey;
- 1922 (h) Water Development Coordinating Council;
- 1923 (i) Division of Water Rights;
- 1924 (j) Division of Water Resources;
- 1925 (k) Division of Forestry, Fire and State Lands;
- 1926 (l) Division of Oil, Gas and Mining;
- 1927 (m) Division of Parks and Recreation;
- 1928 (n) Division of Wildlife Resources; and
- 1929 (o) Utah Geological Survey.

1930 Section 97. Section **65A-2-5** is amended to read:

1931 **65A-2-5. Protection of leasehold interests.**

1932 The director of the Division of Forestry, Fire, and State Lands, in conjunction with the
1933 Wildlife [~~Board~~] Commission, may restrict or limit public use of leased parcels of sovereign lands
1934 for hunting, trapping, or fishing:

- 1935 (1) upon the petition of the affected lessee;
- 1936 (2) after a public hearing; and
- 1937 (3) upon a determination that unrestricted public use for hunting, trapping, or fishing
1938 substantially interferes with the primary activities authorized by the lease.

Legislative Review Note
as of 1-17-02 4:50 PM

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

Office of Legislative Research and General Counsel