

**Representative Ronda Rudd Menlove** proposes the following substitute bill:

**WILD TURKEY MANAGEMENT**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ronda Rudd Menlove**

Senate Sponsor: Scott K. Jenkins

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to the management of turkeys.

**Highlighted Provisions:**

This bill:

- ▶ requires the Division of Wildlife Resources to investigate and mitigate ~~§~~→ [substantial] material ←~~§~~

damage to private property by a wild turkey;

- ▶ gives rulemaking authority to the Wildlife Board to administer provisions relating to private property damage caused by wild turkeys; and

- ▶ ~~§~~→ [requires] directs ←~~§~~ the Division of Wildlife Resources to establish two general season turkey

hunts per year.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**23-17-5.1**, Utah Code Annotated 1953

**23-17-5.2**, Utah Code Annotated 1953



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

Section 1. Section 23-17-5.1 is enacted to read:

**23-17-5.1. Damage by turkeys.**

(1) As used in this section, "turkey" means a wild, free ranging turkey and does not include a privately owned or domestic turkey.

(2) (a) If a turkey ~~H~~→ [substantially] ←~~H~~ ~~S~~→ materially ←~~S~~ damages private property, the landowner

or lessee of the

property may:

(i) notify the division of the damage; and

(ii) request that the division take action to mitigate the damage.

(b) The landowner or lessee of the damaged property shall allow division staff reasonable access to the damaged property to verify and mitigate the damage.

(3) (a) Within ~~S~~→ [48] 72 ←~~S~~ hours after receiving a request for action under Subsection (2)(a)(ii),

the division shall investigate the damaged property and, if it appears that ~~S~~→ [substantial]

material ←~~S~~ damage by

a turkey may continue, the division shall begin to:

(i) remove or drive off the turkeys causing the damage; or

(ii) implement a damage mitigation and prevention plan with the written approval of the landowner or lessee of the property.

(b) As part of a damage mitigation and prevention plan described in Subsection (3)(a)(ii), the division may:

(i) schedule a depredation hunt;

(ii) issue a permit to the landowner or lessee to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;

(iii) allow the landowner or lessee to designate recipients who may obtain a mitigation permit to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;

(iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a turkey that causes damage to the property;

(v) capture and relocate, or allow the landowner or lessee to capture and relocate, a turkey that causes damage to the property; or

(vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise

57 prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable  
58 for the location of the property due to local law or public safety concerns.

59 (c) If the division takes an action described in Subsection (3)(b)(ii) or (iii), the division  
60 shall specify the number and sex of turkeys the landowner or lessee is authorized to take in  
61 accordance with Subsections (3)(b)(ii) or (iii).

62 (d) If a landowner or lessee takes a turkey under Subsection (3)(b)(ii), the division and  
63 the landowner or lessee shall jointly determine the number of turkeys the landowner or lessee  
64 may retain.

65 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
66 Wildlife Board may make rules necessary to administer the provisions of this section.

67 Section 2. Section **23-17-5.2** is enacted to read:

68 **23-17-5.2. General season turkey hunts.**

69 The Wildlife Board ~~shall~~ may establish two general season turkey hunts per year.