

HB0342S01 compared with HB0342

~~{deleted text}~~ shows text that was in HB0342 but was deleted in HB0342S01.

inserted text shows text that was not in HB0342 but was inserted into HB0342S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

LONG TITLE

General Description:

This bill amends provisions relating to the management of turkeys.

Highlighted Provisions:

This bill:

- ~~{~~ → allows a person to take a turkey if the turkey is on the person's private property;
- requires the Division of Wildlife Resources to investigate and mitigate substantial damage ~~{by a turkey; }~~ 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 the Division of Wildlife Resources to establish two general season turkey hunts per year ~~{; and }~~;
- ~~makes technical changes.~~

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{Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

{AMENDS:

— ~~23-19-1~~, as last amended by Laws of Utah 2011, Chapter 366

{ENACTS:

23-17-5.1, Utah Code Annotated 1953

23-17-5.2, Utah Code Annotated 1953

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 substantially damages ~~fa person's~~ private property, the landowner or lessee of the ~~person~~ property may:

(i) notify the division of the damage; and

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

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

~~(2)3~~ (a) Within ~~72~~ 48 hours after receiving ~~the~~ a request for action under Subsection ~~(1)2~~ (a)(ii), the division shall investigate the damaged property ~~and~~ and, if it appears that substantial damage by a turkey may continue, the division shall begin to:

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

~~(b)ii~~ implement a damage mitigation and prevention plan with the written approval of the ~~property owner~~

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:

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

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

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

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

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

23-17-5.2. General season turkey hunts.

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

~~{ Section 3. Section **23-19-1** is amended to read:~~

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

~~— (1) [A] Except as provided in Subsection (5), a person may not [engage in hunting, trapping, fishing, or seining] take, hunt, fish, or seine protected wildlife or [in the sale] sell, trade, or barter [of] protected wildlife or [their parts without first having procured] wildlife parts unless the person:~~

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~~_____ (a) procures the necessary licenses, certificates of registration, permits, [and] or tags [as provided] required under this [chapter] title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title; and [having at the same time the licenses, certificates of registration, permits, and tags on his or her person, except as provided under Subsection (3).]~~

~~_____ (b) carries in the person's possession while engaging in the activities described in Subsection (1) the license, certificate of registration, permit, or tag required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title.~~

~~_____ (2) [(a)] Except as provided in Subsection [(2)(b)] (3) a person may not:~~

~~_____ [(i)] (a) lend, transfer, sell, give, or assign [licenses, certificates of registration, permits, or tags];~~

~~_____ (i) a license, certificate of registration, permit, or tag belonging to the person; or [the rights granted by licenses, certificates of registration, permits, or tags; or]~~

~~_____ (ii) a right granted by a license, certificate of registration, permit, or tag; or~~

~~_____ [(ii)] (b) use or attempt to use a license, certificate of registration, permit, or tag of another person.~~

~~_____ [(b) The] (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may, by rule, make exceptions to the prohibitions [specified in Subsection (2)(a) for purposes of] described in Subsection (2) to:~~

~~_____ [(i) transporting wildlife;]~~

~~_____ (a) transport wildlife;~~

~~_____ [(ii) taking] (b) allow a person to take protected wildlife [for a] for another person if:~~

~~_____ (i) the person [who] possessing the license, certificate of registration, permit, or tag has a permanent physical impairment due to a congenital or acquired injury or disease[, congenital or acquired, that]; and~~

~~_____ (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a disability that renders the person physically unable to use a legal hunting weapon or fishing device; or~~

~~_____ [(iii) transferring] (c) subject to the requirements of Subsection (4), transfer to another person a certificate of registration to harvest brine shrimp and brine shrimp eggs [to another~~

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~~person], if the certificate is transferred in connection with the sale or transfer of the brine shrimp harvest operation or [the] harvesting equipment[, subject to the restrictions referred to under Subsection (2)(c)].~~

~~—— [(c) (i) A certificate of registration to harvest brine shrimp and brine shrimp eggs may not be transferred without the approval of the division.]~~

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

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

~~—— (4) A person may transfer a certificate of registration to harvest brine shrimp and brine shrimp eggs if:~~

~~—— (a) the person submits to the division an application to transfer the certificate on a form provided by the division;~~

~~—— (b) the proposed transferee meets all requirements necessary to obtain an original certificate of registration; and~~

~~—— (c) the division approves the transfer of the certificate.~~

~~—— [(3) No] (5) A person is not required to obtain a license, certificate of registration, permit, or tag [is required] to:~~

~~—— (a) fish on a free fishing day [which] that the Wildlife Board may establish each year [under rules prescribed by the board] by rule made by the Wildlife Board under this title or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title;~~

~~—— (b) fish at a private fish pond operated in accordance with Section 23-15-10; [or]~~

~~—— (c) hunt birds on a commercial hunting area that the owner or operator is authorized to propagate, keep, and release for shooting [pursuant to] in accordance with a certificate of registration issued under Section 23-17-6[.]; or~~

~~—— (d) take a turkey on private property owned by the person.~~

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~~Legislative Review Note~~

~~_____ as of 2-18-13 5:39 PM~~

~~_____ Office of Legislative Research and General Counsel}~~