



TITLE 23 RECODIFICATION

OVERVIEW | October 17, 2022

Introduction

A recodification of Title 23, Wildlife Resources Code of Utah, is being prepared for consideration by the Utah Legislature. The intent of the bill is to not make substantive changes, but to update the language when possible. The following are examples of changes made. For more detailed information, please contact the Office of Legislative Research and General Counsel.

Definitions

Because definition provisions are critical to the title's implementation, reviewing definitions clarifies the title. The core definition section is Section 23A-1-101 which makes several changes to definitions used throughout the title. For example:

- The section adds definitions for terms used frequently in the title, such as "division."
- The section moves substantive requirements from definitions to other sections, such as with the definition of "domicile" and "resident."
- The section updates terms from "guide" to "hunting guide" and "outfitter" to reflect the terms used in the title.
- The section changes the definition of "water pollution" to "pollute water" to reflect the phrasing used in the title.
- The section defines "proclamation" to require that the proclamation be issued in accordance with rules so that this requirement does not have to be included each time the issuance of a proclamation is addressed.
- The section moves the definition of "upland game" from the middle of the title to the core definition provision because the term is used throughout the title. It also simplifies the definition to remove outdated terminology.

Other definition sections made similar changes to update and make consistent key definitions. For example:

- In Section 23A-8-101, the term "damage" is omitted because it is unnecessary, a single definition of "livestock" is adopted, and other definitions are consolidated, such as "cultivated crops."
- In Section 23A-7-101, substantive requirements in the definitions are moved to other sections.
- In Section 23A-11-101, the definition of "big game" is placed at the beginning of Chapter 11, Big Game.

Outdated Language

When possible, outdated language is eliminated from the title. For example:

- References to "stamps" are eliminated except when referring to a federal stamp.
- References to "Wildlife Heritage certificates" are eliminated.
- Title 23, Chapter 21a, Pelican Management Act, is repealed.
- Reports with deadlines that have passed are removed.



Miscellaneous

The recodification includes a variety of changes to conform the language to current drafting standards. Every effort was made to reflect the current practice of the Division of Wildlife Resources and Wildlife Board. For example:

- The draft moves provisions around and consolidates language when possible.
- The draft, when possible, is drafted in active voice. Similarly, the draft, when possible, is drafted in the singular.
- The draft consistently provides that the Wildlife Board makes rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- The draft corrects provisions that incorrectly refer to the division making rules.
- The draft updates language related to compensation of division employees.
- The draft updates language related to when division employees may use fireworks.
- The draft makes consistent language regarding the nominating committee recommending individuals to be on the Wildlife Board.
- The draft adds compensation language related to the nominating committee.
- The draft adds a reference in Subsection 23A-4-207(1) to Section 23A-4-301 to create consistency.
- The draft clarifies that employees of the division may issue duplicate licenses, permits, tags, or certificate of registration.
- In Chapter 5, Part 3, Violations, the draft consistently refers to Section 23A-5-301 for the criminal penalties that are imposed.
- The draft adds a reference in Subsection 23A-5-309(1)(u) to Section 23A-5-304 to tie the similar provisions together.
- The draft clarifies that the “relevant” regional advisory council for a cooperative wildlife management unit shall review the cooperative wildlife management unit every five years.