

1 **WILDLIFE RESOURCES CODE RECODIFICATION**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill recodifies Title 23, Wildlife Resources Code of Utah.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ addresses definitions;
- 11 ▶ reorders provisions;
- 12 ▶ removes outdated language;
- 13 ▶ clarifies rulemaking authority;
- 14 ▶ addresses compensation of employees;
- 15 ▶ clarifies delegation to employees of use of fireworks;
- 16 ▶ makes consistent references to nominations by nominating committee;
- 17 ▶ clarifies delegation to employees related to issuing duplicates;
- 18 ▶ addresses references to criminal penalty provisions;
- 19 ▶ addresses cross references;
- 20 ▶ clarifies review by regional advisory councils of cooperative wildlife management
- 21 units; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill provides a special effective date.

27 This bill provides revisor instructions.

28 **Utah Code Sections Affected:**

29 ENACTS:

30 **23A-1-103**, Utah Code Annotated 1953

31 **23A-2-101**, Utah Code Annotated 1953

32 **23A-3-101**, Utah Code Annotated 1953

33 **23A-4-101**, Utah Code Annotated 1953
34 **23A-4-502**, Utah Code Annotated 1953
35 **23A-4-1104**, Utah Code Annotated 1953
36 **23A-4-1105**, Utah Code Annotated 1953
37 **23A-4-1107**, Utah Code Annotated 1953
38 **23A-5-101**, Utah Code Annotated 1953
39 **23A-5-306**, Utah Code Annotated 1953
40 **23A-8-101**, Utah Code Annotated 1953
41 **23A-9-101**, Utah Code Annotated 1953
42 **23A-12-101**, Utah Code Annotated 1953
43 **23A-14-101**, Utah Code Annotated 1953

44 RENUMBERS AND AMENDS:

45 **23A-1-101**, (Renumbered from 23-13-2, as last amended by Laws of Utah 2019,
46 Chapter 125)
47 **23A-1-102**, (Renumbered from 23-13-3, as last amended by Laws of Utah 1992,
48 Chapter 27)
49 **23A-1-201**, (Renumbered from 23-13-8, as last amended by Laws of Utah 1986,
50 Chapter 76)
51 **23A-1-202**, (Renumbered from 23-13-12.5, as last amended by Laws of Utah 2002,
52 Chapter 70)
53 **23A-1-203**, (Renumbered from 23-13-15, as enacted by Laws of Utah 1973, Chapter
54 33)
55 **23A-1-204**, (Renumbered from 23-13-17, as last amended by Laws of Utah 2011,
56 Chapter 297)
57 **23A-1-205**, (Renumbered from 23-20-9, as last amended by Laws of Utah 2011,
58 Chapter 297)
59 **23A-2-102**, (Renumbered from 23-14-3, as last amended by Laws of Utah 2020,
60 Chapter 154)
61 **23A-2-201**, (Renumbered from 23-14-1, as last amended by Laws of Utah 1995,
62 Chapter 211)
63 **23A-2-202**, (Renumbered from 23-14-7, as last amended by Laws of Utah 1995,

64 Chapter 56)
65 **23A-2-203**, (Renumbered from 23-14-8, as last amended by Laws of Utah 1995,
66 Chapter 211)
67 **23A-2-204**, (Renumbered from 23-14-10, as last amended by Laws of Utah 1989,
68 Chapter 22)
69 **23A-2-205**, (Renumbered from 23-14-12, as enacted by Laws of Utah 1971, Chapter
70 46)
71 **23A-2-206**, (Renumbered from 23-15-2, as last amended by Laws of Utah 2011,
72 Chapter 297)
73 **23A-2-207**, (Renumbered from 23-13-6, as last amended by Laws of Utah 2021,
74 Chapter 109)
75 **23A-2-208**, (Renumbered from 23-13-7, as last amended by Laws of Utah 1986,
76 Chapter 76)
77 **23A-2-209**, (Renumbered from 23-14-21, as last amended by Laws of Utah 2021,
78 Chapter 382)
79 **23A-2-301**, (Renumbered from 23-14-2, as last amended by Laws of Utah 2020,
80 Chapters 352 and 373)
81 **23A-2-302**, (Renumbered from 23-14-2.5, as last amended by Laws of Utah 2003,
82 Chapter 36)
83 **23A-2-303**, (Renumbered from 23-14-2.6, as last amended by Laws of Utah 2010,
84 Chapters 286 and 324)
85 **23A-2-304**, (Renumbered from 23-14-19, as last amended by Laws of Utah 1995,
86 Chapter 211)
87 **23A-2-305**, (Renumbered from 23-14-18, as last amended by Laws of Utah 2021,
88 Chapter 57)
89 **23A-2-401**, (Renumbered from 23-22-1, as last amended by Laws of Utah 2011,
90 Chapter 297)
91 **23A-2-402**, (Renumbered from 23-22-2, as last amended by Laws of Utah 2010,
92 Chapter 324)
93 **23A-2-403**, (Renumbered from 23-22-3, as last amended by Laws of Utah 2011,

94 Chapter 297)
95 **23A-2-501**, (Renumbered from 23-25-2, as last amended by Laws of Utah 2015,
96 Chapter 258)
97 **23A-2-502**, (Renumbered from 23-25-3, as enacted by Laws of Utah 1992, Chapter
98 260)
99 **23A-2-503**, (Renumbered from 23-25-4, as enacted by Laws of Utah 1992, Chapter
100 260)
101 **23A-2-504**, (Renumbered from 23-25-5, as enacted by Laws of Utah 1992, Chapter
102 260)
103 **23A-2-505**, (Renumbered from 23-25-6, as enacted by Laws of Utah 1992, Chapter
104 260)
105 **23A-2-506**, (Renumbered from 23-25-7, as enacted by Laws of Utah 1992, Chapter
106 260)
107 **23A-2-507**, (Renumbered from 23-25-8, as enacted by Laws of Utah 1992, Chapter
108 260)
109 **23A-2-508**, (Renumbered from 23-25-9, as enacted by Laws of Utah 1992, Chapter
110 260)
111 **23A-2-509**, (Renumbered from 23-25-10, as last amended by Laws of Utah 1993,
112 Chapter 4)
113 **23A-2-510**, (Renumbered from 23-25-11, as enacted by Laws of Utah 1992, Chapter
114 260)
115 **23A-2-511**, (Renumbered from 23-25-13, as enacted by Laws of Utah 1992, Chapter
116 260)
117 **23A-3-201**, (Renumbered from 23-14-13, as last amended by Laws of Utah 2015,
118 Chapter 30)
119 **23A-3-202**, (Renumbered from 23-14-14, as enacted by Laws of Utah 1971, Chapter
120 46)
121 **23A-3-203**, (Renumbered from 23-14-13.5, as enacted by Laws of Utah 2017, Chapter
122 383)
123 **23A-3-204**, (Renumbered from 23-14-14.2, as last amended by Laws of Utah 2022,
124 Chapter 68)

125 **23A-3-205**, (Renumbered from 23-13-20, as enacted by Laws of Utah 2022, Chapter
126 37)
127 **23A-3-206**, (Renumbered from 23-14-14.3, as enacted by Laws of Utah 2022, Chapter
128 53)
129 **23A-3-207**, (Renumbered from 23-19-43, as last amended by Laws of Utah 2000,
130 Chapter 195)
131 **23A-3-208**, (Renumbered from 23-19-47, as last amended by Laws of Utah 2007,
132 Chapter 187)
133 **23A-3-209**, (Renumbered from 23-19-48, as enacted by Laws of Utah 2012, Chapter
134 142)
135 **23A-3-210**, (Renumbered from 23-15-14, as last amended by Laws of Utah 2001,
136 Chapter 22)
137 **23A-3-211**, (Renumbered from 23-27-305, as enacted by Laws of Utah 2020, Chapter
138 195)
139 **23A-3-212**, (Renumbered from 23-30-103, as enacted by Laws of Utah 2012, Chapter
140 143)
141 **23A-3-213**, (Renumbered from 23-19-17.7, as enacted by Laws of Utah 1984, Chapter
142 30)
143 **23A-3-301**, (Renumbered from 23-31-102, as enacted by Laws of Utah 2020, Chapter
144 190)
145 **23A-3-302**, (Renumbered from 23-31-103, as enacted by Laws of Utah 2020, Chapter
146 190)
147 **23A-3-303**, (Renumbered from 23-31-104, as enacted by Laws of Utah 2020, Chapter
148 190)
149 **23A-3-304**, (Renumbered from 23-31-201, as enacted by Laws of Utah 2020, Chapter
150 190)
151 **23A-3-305**, (Renumbered from 23-31-202, as enacted by Laws of Utah 2020, Chapter
152 190)
153 **23A-3-306**, (Renumbered from 23-31-203, as enacted by Laws of Utah 2020, Chapter
154 190)

- 155 **23A-4-201**, (Renumbered from 23-19-1, as last amended by Laws of Utah 2017,
156 Chapter 104)
- 157 **23A-4-202**, (Renumbered from 23-19-2, as last amended by Laws of Utah 2019,
158 Chapter 125)
- 159 **23A-4-203**, (Renumbered from 23-19-3, as last amended by Laws of Utah 1995,
160 Chapter 211)
- 161 **23A-4-204**, (Renumbered from 23-19-4, as last amended by Laws of Utah 2007,
162 Chapter 136)
- 163 **23A-4-205**, (Renumbered from 23-19-7, as last amended by Laws of Utah 2014,
164 Chapter 21)
- 165 **23A-4-206**, (Renumbered from 23-19-8, as last amended by Laws of Utah 2019,
166 Chapter 125)
- 167 **23A-4-207**, (Renumbered from 23-19-38, as last amended by Laws of Utah 2019,
168 Chapter 349)
- 169 **23A-4-208**, (Renumbered from 23-19-10, as last amended by Laws of Utah 2005,
170 Chapter 117)
- 171 **23A-4-209**, (Renumbered from 23-19-42, as last amended by Laws of Utah 2013,
172 Chapter 295)
- 173 **23A-4-210**, (Renumbered from 23-19-45, as enacted by Laws of Utah 1997, Chapter
174 179)
- 175 **23A-4-301**, (Renumbered from 23-19-38.2, as last amended by Laws of Utah 2011,
176 Chapter 297)
- 177 **23A-4-302**, (Renumbered from 23-19-38.3, as last amended by Laws of Utah 2019,
178 Chapter 135)
- 179 **23A-4-303**, (Renumbered from 23-19-14, as last amended by Laws of Utah 2018,
180 Chapter 39)
- 181 **23A-4-304**, (Renumbered from 23-19-14.5, as last amended by Laws of Utah 2015,
182 Chapter 25)
- 183 **23A-4-305**, (Renumbered from 23-19-36, as last amended by Laws of Utah 2019,
184 Chapter 349)
- 185 **23A-4-306**, (Renumbered from 23-19-39, as last amended by Laws of Utah 1999,

186 Chapter 128)
187 **23A-4-401**, (Renumbered from 23-19-17, as last amended by Laws of Utah 2007,
188 Chapter 187)
189 **23A-4-402**, (Renumbered from 23-19-17.5, as last amended by Laws of Utah 2017,
190 Chapter 46)
191 **23A-4-501**, (Renumbered from 23-19-15, as last amended by Laws of Utah 2017,
192 Chapter 46)
193 **23A-4-503**, (Renumbered from 23-19-16, as last amended by Laws of Utah 2000,
194 Chapter 195)
195 **23A-4-601**, (Renumbered from 23-19-21, as last amended by Laws of Utah 2014,
196 Chapter 21)
197 **23A-4-602**, (Renumbered from 23-19-35, as last amended by Laws of Utah 1980,
198 Chapter 28)
199 **23A-4-701**, (Renumbered from 23-19-14.6, as last amended by Laws of Utah 2016,
200 Chapter 258)
201 **23A-4-702**, (Renumbered from 23-19-49, as enacted by Laws of Utah 2022, Chapter
202 102)
203 **23A-4-703**, (Renumbered from 23-19-22, as last amended by Laws of Utah 2016,
204 Chapter 258)
205 **23A-4-704**, (Renumbered from 23-19-22.5, as last amended by Laws of Utah 2007,
206 Chapter 187)
207 **23A-4-705**, (Renumbered from 23-19-22.6, as last amended by Laws of Utah 2007,
208 Chapter 187)
209 **23A-4-706**, (Renumbered from 23-19-24, as last amended by Laws of Utah 2007,
210 Chapter 187)
211 **23A-4-707**, (Renumbered from 23-19-26, as last amended by Laws of Utah 2007,
212 Chapter 187)
213 **23A-4-708**, (Renumbered from 23-20-20, as last amended by Laws of Utah 2011,
214 Chapter 297)
215 **23A-4-709**, (Renumbered from 23-20-30, as last amended by Laws of Utah 2020,

216 Chapter 135)
217 **23A-4-801**, (Renumbered from 23-19-34.5, as last amended by Laws of Utah 2010,
218 Chapter 256)
219 **23A-4-802**, (Renumbered from 23-19-34.7, as last amended by Laws of Utah 2010,
220 Chapter 256)
221 **23A-4-901**, (Renumbered from 23-19-27, as last amended by Laws of Utah 2001,
222 Chapter 22)
223 **23A-4-902**, (Renumbered from 23-19-31, as last amended by Laws of Utah 1980,
224 Chapter 28)
225 **23A-4-903**, (Renumbered from 23-19-32, as last amended by Laws of Utah 1980,
226 Chapter 28)
227 **23A-4-904**, (Renumbered from 23-19-33, as last amended by Laws of Utah 1980,
228 Chapter 28)
229 **23A-4-905**, (Renumbered from 23-18-5, as last amended by Laws of Utah 2011,
230 Chapter 297)
231 **23A-4-1001**, (Renumbered from 23-19-11, as last amended by Laws of Utah 2022,
232 Chapter 57)
233 **23A-4-1002**, (Renumbered from 23-19-11.1, as last amended by Laws of Utah 2017,
234 Chapter 46)
235 **23A-4-1003**, (Renumbered from 23-19-12, as last amended by Laws of Utah 2022,
236 Chapter 57)
237 **23A-4-1004**, (Renumbered from 23-19-12.7, as enacted by Laws of Utah 1998, Chapter
238 166)
239 **23A-4-1005**, (Renumbered from 23-19-11.5, as last amended by Laws of Utah 2017,
240 Chapter 46)
241 **23A-4-1006**, (Renumbered from 23-19-12.5, as enacted by Laws of Utah 1995, Chapter
242 120)
243 **23A-4-1007**, (Renumbered from 23-19-13, as last amended by Laws of Utah 1995,
244 Chapter 120)
245 **23A-4-1101**, (Renumbered from 23-19-5, as last amended by Laws of Utah 2007,
246 Chapter 136)

- 247 **23A-4-1102**, (Renumbered from 23-19-5.5, as last amended by Laws of Utah 2022,
248 Chapter 58)
- 249 **23A-4-1103**, (Renumbered from 23-19-6, as last amended by Laws of Utah 1979,
250 Chapter 90)
- 251 **23A-4-1106**, (Renumbered from 23-19-9, as last amended by Laws of Utah 2021,
252 Chapter 57)
- 253 **23A-4-1108**, (Renumbered from 23-19-9.1, as enacted by Laws of Utah 1997, Chapter
254 232)
- 255 **23A-4-1109**, (Renumbered from 23-19-9.5, as last amended by Laws of Utah 1995,
256 Chapter 211)
- 257 **23A-5-201**, (Renumbered from 23-20-1, as last amended by Laws of Utah 2013,
258 Chapter 394)
- 259 **23A-5-202**, (Renumbered from 23-20-1.5, as last amended by Laws of Utah 1998,
260 Chapter 282)
- 261 **23A-5-203**, (Renumbered from 23-20-2, as enacted by Laws of Utah 1971, Chapter 46)
- 262 **23A-5-204**, (Renumbered from 23-20-10, as last amended by Laws of Utah 2019,
263 Chapter 125)
- 264 **23A-5-205**, (Renumbered from 23-20-16, as last amended by Laws of Utah 1998,
265 Chapter 282)
- 266 **23A-5-206**, (Renumbered from 23-20-28, as last amended by Laws of Utah 2011,
267 Chapter 297)
- 268 **23A-5-207**, (Renumbered from 23-20-25, as last amended by Laws of Utah 1994,
269 Chapter 208)
- 270 **23A-5-301**, (Renumbered from 23-13-11, as last amended by Laws of Utah 2009,
271 Chapter 347)
- 272 **23A-5-302**, (Renumbered from 23-13-4, as enacted by Laws of Utah 1971, Chapter 46)
- 273 **23A-5-303**, (Renumbered from 23-13-5, as last amended by Laws of Utah 1973,
274 Chapter 33)
- 275 **23A-5-304**, (Renumbered from 23-13-13, as last amended by Laws of Utah 1975,
276 Chapter 60)

277 **23A-5-305**, (Renumbered from 23-13-14, as last amended by Laws of Utah 2017,
278 Chapter 129)
279 **23A-5-307**, (Renumbered from 23-13-18, as last amended by Laws of Utah 2021,
280 Chapter 177)
281 **23A-5-308**, (Renumbered from 23-13-19, as last amended by Laws of Utah 2017,
282 Chapter 345)
283 **23A-5-309**, (Renumbered from 23-20-3, as last amended by Laws of Utah 2009,
284 Chapter 347)
285 **23A-5-310**, (Renumbered from 23-20-3.5, as enacted by Laws of Utah 2000, Chapter 5)
286 **23A-5-311**, (Renumbered from 23-20-4, as last amended by Laws of Utah 2009,
287 Chapter 250)
288 **23A-5-312**, (Renumbered from 23-20-4.5, as last amended by Laws of Utah 2009,
289 Chapter 250)
290 **23A-5-313**, (Renumbered from 23-20-4.7, as enacted by Laws of Utah 2010, Chapter
291 52)
292 **23A-5-314**, (Renumbered from 23-20-8, as last amended by Laws of Utah 2013,
293 Chapter 282)
294 **23A-5-315**, (Renumbered from 23-20-12, as last amended by Laws of Utah 2011,
295 Chapter 366)
296 **23A-5-316**, (Renumbered from 23-20-13, as last amended by Laws of Utah 1995,
297 Chapters 23 and 211)
298 **23A-5-317**, (Renumbered from 23-20-14, as last amended by Laws of Utah 2022,
299 Chapter 87)
300 **23A-5-318**, (Renumbered from 23-20-15, as enacted by Laws of Utah 1971, Chapter
301 46)
302 **23A-5-319**, (Renumbered from 23-20-18, as last amended by Laws of Utah 1975,
303 Chapter 60)
304 **23A-5-320**, (Renumbered from 23-20-19, as last amended by Laws of Utah 1975,
305 Chapter 60)
306 **23A-5-321**, (Renumbered from 23-20-29, as last amended by Laws of Utah 2011,
307 Chapter 297)

308 **23A-5-322**, (Renumbered from 23-20-29.5, as enacted by Laws of Utah 1994, Chapter
309 87)
310 **23A-6-101**, (Renumbered from 23-21-.5, as last amended by Laws of Utah 2019,
311 Chapter 141)
312 **23A-6-201**, (Renumbered from 23-21-1, as enacted by Laws of Utah 1971, Chapter 46)
313 **23A-6-202**, (Renumbered from 23-21-1.5, as last amended by Laws of Utah 2009,
314 Chapter 388)
315 **23A-6-203**, (Renumbered from 23-21-2, as last amended by Laws of Utah 2011,
316 Chapter 297)
317 **23A-6-204**, (Renumbered from 23-21-6, as last amended by Laws of Utah 1993,
318 Chapter 227)
319 **23A-6-301**, (Renumbered from 23-21-2.1, as enacted by Laws of Utah 1998, Chapter
320 218)
321 **23A-6-302**, (Renumbered from 23-21-2.2, as enacted by Laws of Utah 1998, Chapter
322 218)
323 **23A-6-303**, (Renumbered from 23-21-2.3, as last amended by Laws of Utah 2021,
324 Chapter 382)
325 **23A-6-304**, (Renumbered from 23-21-2.4, as enacted by Laws of Utah 1998, Chapter
326 218)
327 **23A-6-305**, (Renumbered from 23-21-2.5, as enacted by Laws of Utah 1998, Chapter
328 218)
329 **23A-6-401**, (Renumbered from 23-21-2.6, as enacted by Laws of Utah 2022, Chapter
330 52)
331 **23A-6-402**, (Renumbered from 23-21-4, as last amended by Laws of Utah 2000,
332 Chapter 156)
333 **23A-6-403**, (Renumbered from 23-21-5, as last amended by Laws of Utah 2019,
334 Chapter 141)
335 **23A-6-404**, (Renumbered from 23-21-7, as enacted by Laws of Utah 2009, Chapter
336 347)
337 **23A-7-101**, (Renumbered from 23-23-2, as last amended by Laws of Utah 2005,

338 Chapter 112)
339 **23A-7-102**, (Renumbered from 23-23-3, as last amended by Laws of Utah 2005,
340 Chapter 112)
341 **23A-7-103**, (Renumbered from 23-23-1, as last amended by Laws of Utah 1997,
342 Chapter 258)
343 **23A-7-201**, (Renumbered from 23-23-4, as last amended by Laws of Utah 1997,
344 Chapter 258)
345 **23A-7-202**, (Renumbered from 23-23-5, as last amended by Laws of Utah 1997,
346 Chapter 258)
347 **23A-7-203**, (Renumbered from 23-23-6, as repealed and reenacted by Laws of Utah
348 1997, Chapter 258)
349 **23A-7-204**, (Renumbered from 23-23-7, as last amended by Laws of Utah 2005,
350 Chapter 112)
351 **23A-7-205**, (Renumbered from 23-23-7.5, as enacted by Laws of Utah 1997, Chapter
352 258)
353 **23A-7-206**, (Renumbered from 23-23-8, as last amended by Laws of Utah 1997,
354 Chapter 258)
355 **23A-7-207**, (Renumbered from 23-23-9, as last amended by Laws of Utah 1997,
356 Chapter 258)
357 **23A-7-208**, (Renumbered from 23-23-10, as last amended by Laws of Utah 2000,
358 Chapter 44)
359 **23A-7-209**, (Renumbered from 23-23-11, as last amended by Laws of Utah 2011,
360 Chapter 297)
361 **23A-7-210**, (Renumbered from 23-23-12, as enacted by Laws of Utah 1988, Chapter
362 158)
363 **23A-7-211**, (Renumbered from 23-23-13, as enacted by Laws of Utah 1988, Chapter
364 158)
365 **23A-7-212**, (Renumbered from 23-23-14, as last amended by Laws of Utah 2013,
366 Chapter 212)
367 **23A-8-201**, (Renumbered from 23-24-1, as last amended by Laws of Utah 2017,
368 Chapter 345)

- 369 **23A-8-202**, (Renumbered from 23-24-2, as enacted by Laws of Utah 2020, Chapter
370 100)
- 371 **23A-8-203**, (Renumbered from 23-18-4, as enacted by Laws of Utah 1971, Chapter 46)
- 372 **23A-8-301**, (Renumbered from 23-17-4, as last amended by Laws of Utah 2011,
373 Chapter 297)
- 374 **23A-8-302**, (Renumbered from 23-17-5.1, as enacted by Laws of Utah 2013, Chapter
375 375)
- 376 **23A-8-401**, (Renumbered from 23-16-2, as enacted by Laws of Utah 1971, Chapter 46)
- 377 **23A-8-402**, (Renumbered from 23-16-3, as last amended by Laws of Utah 2022,
378 Chapter 45)
- 379 **23A-8-403**, (Renumbered from 23-16-3.1, as last amended by Laws of Utah 2022,
380 Chapter 45)
- 381 **23A-8-404**, (Renumbered from 23-16-3.2, as last amended by Laws of Utah 2022,
382 Chapter 45)
- 383 **23A-8-405**, (Renumbered from 23-16-4, as last amended by Laws of Utah 2022,
384 Chapter 45)
- 385 **23A-9-201**, (Renumbered from 23-15-4, as last amended by Laws of Utah 2018,
386 Chapter 148)
- 387 **23A-9-202**, (Renumbered from 23-15-5, as enacted by Laws of Utah 1971, Chapter 46)
- 388 **23A-9-203**, (Renumbered from 23-15-10, as last amended by Laws of Utah 2017,
389 Chapter 412)
- 390 **23A-9-204**, (Renumbered from 23-15-13, as last amended by Laws of Utah 1997,
391 Chapter 82)
- 392 **23A-9-301**, (Renumbered from 23-15-3, as last amended by Laws of Utah 1983,
393 Chapter 347)
- 394 **23A-9-302**, (Renumbered from 23-15-6, as enacted by Laws of Utah 1971, Chapter 46)
- 395 **23A-9-303**, (Renumbered from 23-15-7, as enacted by Laws of Utah 1971, Chapter 46)
- 396 **23A-9-304**, (Renumbered from 23-15-8, as last amended by Laws of Utah 1994,
397 Chapter 153)
- 398 **23A-9-305**, (Renumbered from 23-15-9, as last amended by Laws of Utah 2011,

399 Chapter 297)
400 **23A-10-101**, (Renumbered from 23-27-102, as last amended by Laws of Utah 2020,
401 Chapter 195)
402 **23A-10-201**, (Renumbered from 23-27-201, as last amended by Laws of Utah 2014,
403 Chapter 274)
404 **23A-10-202**, (Renumbered from 23-27-202, as enacted by Laws of Utah 2008, Chapter
405 284)
406 **23A-10-301**, (Renumbered from 23-27-301, as last amended by Laws of Utah 2020,
407 Chapter 195)
408 **23A-10-302**, (Renumbered from 23-27-302, as enacted by Laws of Utah 2008, Chapter
409 284)
410 **23A-10-303**, (Renumbered from 23-27-303, as enacted by Laws of Utah 2008, Chapter
411 284)
412 **23A-10-304**, (Renumbered from 23-27-304, as enacted by Laws of Utah 2020, Chapter
413 195)
414 **23A-10-305**, (Renumbered from 23-27-306, as enacted by Laws of Utah 2020, Chapter
415 195)
416 **23A-10-401**, (Renumbered from 23-27-401, as enacted by Laws of Utah 2008, Chapter
417 284)
418 **23A-10-501**, (Renumbered from 23-27-501, as enacted by Laws of Utah 2021, Chapter
419 248)
420 **23A-11-101**, (Renumbered from 23-16-1.1, as last amended by Laws of Utah 2022,
421 Chapter 45)
422 **23A-11-201**, (Renumbered from 23-16-5, as last amended by Laws of Utah 2022,
423 Chapter 294)
424 **23A-11-202**, (Renumbered from 23-16-6, as last amended by Laws of Utah 2008,
425 Chapter 239)
426 **23A-11-203**, (Renumbered from 23-16-11, as enacted by Laws of Utah 2021, Chapter
427 177)
428 **23A-11-204**, (Renumbered from 23-20-33, as enacted by Laws of Utah 2022, Chapter
429 45)

430 **23A-11-205**, (Renumbered from 23-20-31, as last amended by Laws of Utah 2011,
431 Chapter 297)
432 **23A-11-301**, (Renumbered from 23-16-7, as last amended by Laws of Utah 1995,
433 Chapter 211)
434 **23A-11-302**, (Renumbered from 23-16-10, as enacted by Laws of Utah 2020, Chapter
435 15)
436 **23A-11-401**, (Renumbered from 23-30-102, as enacted by Laws of Utah 2012, Chapter
437 143)
438 **23A-11-402**, (Renumbered from 23-30-104, as enacted by Laws of Utah 2012, Chapter
439 143)
440 **23A-12-201**, (Renumbered from 23-17-5.2, as enacted by Laws of Utah 2013, Chapter
441 375)
442 **23A-12-202**, (Renumbered from 23-17-6, as last amended by Laws of Utah 2015,
443 Chapter 200)
444 **23A-12-203**, (Renumbered from 23-17-7, as enacted by Laws of Utah 1971, Chapter
445 46)
446 **23A-12-204**, (Renumbered from 23-17-8, as last amended by Laws of Utah 2011,
447 Chapter 297)
448 **23A-12-205**, (Renumbered from 23-17-9, as enacted by Laws of Utah 1971, Chapter
449 46)
450 **23A-12-301**, (Renumbered from 23-32-102, as enacted by Laws of Utah 2021, Chapter
451 177)
452 **23A-12-302**, (Renumbered from 23-32-103, as enacted by Laws of Utah 2021, Chapter
453 177)
454 **23A-12-303**, (Renumbered from 23-32-104, as enacted by Laws of Utah 2021, Chapter
455 177)
456 **23A-13-101**, (Renumbered from 23-28-102, as enacted by Laws of Utah 2009, Chapter
457 273)
458 **23A-13-201**, (Renumbered from 23-28-201, as last amended by Laws of Utah 2021,
459 Chapter 41)

- 460 **23A-13-202**, (Renumbered from 23-28-202, as last amended by Laws of Utah 2021,
461 Chapter 41)
- 462 **23A-13-301**, (Renumbered from 23-28-301, as enacted by Laws of Utah 2009, Chapter
463 273)
- 464 **23A-13-302**, (Renumbered from 23-28-302, as last amended by Laws of Utah 2021,
465 Chapter 41)
- 466 **23A-13-303**, (Renumbered from 23-28-303, as last amended by Laws of Utah 2019,
467 Chapter 81)
- 468 **23A-13-304**, (Renumbered from 23-28-304, as enacted by Laws of Utah 2009, Chapter
469 273)
- 470 **23A-13-305**, (Renumbered from 23-28-305, as enacted by Laws of Utah 2009, Chapter
471 273)
- 472 **23A-14-201**, (Renumbered from 23-18-2, as last amended by Laws of Utah 1986,
473 Chapter 76)
- 474 **23A-14-202**, (Renumbered from 23-18-3, as enacted by Laws of Utah 1971, Chapter
475 46)
- 476 **23A-14-203**, (Renumbered from 23-18-6, as enacted by Laws of Utah 1993, Chapter
477 264)
- 478 **23A-15-101**, (Renumbered from 23-29-102, as enacted by Laws of Utah 2010, Chapter
479 20)
- 480 **23A-15-102**, (Renumbered from 23-29-103, as enacted by Laws of Utah 2010, Chapter
481 20)
- 482 **23A-15-201**, (Renumbered from 23-29-201, as enacted by Laws of Utah 2010, Chapter
483 20)
- 484 **23A-15-202**, (Renumbered from 23-29-202, as enacted by Laws of Utah 2010, Chapter
485 20)
- 486 REPEALS:
- 487 **23-13-1**, as last amended by Laws of Utah 2007, Chapter 306
- 488 **23-13-16**, as enacted by Laws of Utah 1992, Chapter 261
- 489 **23-14-2.1**, as last amended by Laws of Utah 2008, Chapter 382
- 490 **23-14-11**, as last amended by Laws of Utah 1984, Chapter 67

491 **23-14-16**, as last amended by Laws of Utah 1992, Chapter 30
 492 **23-17-5**, as enacted by Laws of Utah 1971, Chapter 46
 493 **23-20-23**, as enacted by Laws of Utah 1971, Chapter 46
 494 **23-21a-1**, as enacted by Laws of Utah 1977, Chapter 103
 495 **23-21a-2**, as enacted by Laws of Utah 1977, Chapter 103
 496 **23-21a-3**, as enacted by Laws of Utah 1977, Chapter 103
 497 **23-21a-4**, as enacted by Laws of Utah 1977, Chapter 103
 498 **23-21a-5**, as enacted by Laws of Utah 1977, Chapter 103
 499 **23-21a-6**, as enacted by Laws of Utah 1977, Chapter 103
 500 **23-25-1**, as enacted by Laws of Utah 1992, Chapter 260
 501 **23-25-12**, as enacted by Laws of Utah 1992, Chapter 260
 502 **23-27-101**, as enacted by Laws of Utah 2008, Chapter 284
 503 **23-28-101**, as enacted by Laws of Utah 2009, Chapter 273
 504 **23-29-101**, as enacted by Laws of Utah 2010, Chapter 20
 505 **23-30-101**, as enacted by Laws of Utah 2012, Chapter 143
 506 **23-31-101**, as enacted by Laws of Utah 2020, Chapter 190
 507 **23-32-101**, as enacted by Laws of Utah 2021, Chapter 177

508

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

510 Section 1. Section **23A-1-101**, which is renumbered from Section 23-13-2 is
 511 renumbered and amended to read:

512 **TITLE 23A. WILDLIFE RESOURCES ACT**

513 **CHAPTER 1. GENERAL PROVISIONS**

514 **Part 1. General Provisions**

515 ~~[23-13-2]~~. **23A-1-101. Definitions.**

516 As used in this title:

517 (1) "Activity regulated under this title" means an act, attempted act, or activity
 518 prohibited or regulated under this title or the rules[;] and proclamations promulgated under this
 519 title pertaining to protected wildlife including:

520 (a) fishing;

- 521 (b) hunting;
- 522 (c) trapping;
- 523 (d) taking;
- 524 (e) permitting [~~any~~] a dog, falcon, or other domesticated animal to take;
- 525 (f) transporting;
- 526 (g) possessing;
- 527 (h) selling;
- 528 (i) wasting;
- 529 (j) importing;
- 530 (k) exporting;
- 531 (l) rearing;
- 532 (m) keeping;
- 533 (n) using as a commercial venture; and
- 534 (o) releasing to the wild.
- 535 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.
- 536 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.
- 537 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
- 538 amphibians.
- 539 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife
- 540 that one person may legally take during one day.
- 541 (6) "Big game" means species of hooved protected wildlife.
- 542 (7) "Carcass" means the dead body of an animal or [~~its~~] the animal's parts.
- 543 (8) "Certificate of registration" means a paper-based or electronic document issued
- 544 under this title, or [~~any~~] a rule or proclamation of the Wildlife Board granting authority to
- 545 engage in activities not covered by a license, permit, or tag.
- 546 (9) "Closed season" means the period of time during which the taking of protected
- 547 wildlife is prohibited.
- 548 (10) "Conservation officer" means a full-time, permanent employee of the [~~Division of~~
- 549 ~~Wildlife Resources~~] division who is POST certified as a peace or a special function officer.
- 550 (11) "Dedicated hunter program" means a program that provides:
- 551 (a) expanded hunting opportunities;

552 (b) opportunities to participate in projects that are beneficial to wildlife; and
553 (c) education in hunter ethics and wildlife management principles.

554 (12) "Department" means the Department of Natural Resources.

555 (13) "Director" means the director of the division appointed under Section 23A-2-202.

556 ~~[(12)]~~ (14) "Division" means the Division of Wildlife Resources.

557 ~~[(13)]~~ (a) "Domicile" (15) Subject to Section 23A-1-103, "domicile" means the place:
558 [(1)] (a) where an individual has a fixed permanent home and principal establishment;
559 [(2)] (b) to which the individual if absent, intends to return; and
560 [(3)] (c) in which the individual, and the individual's family voluntarily reside, not for
561 a special or temporary purpose, but with the intention of making a permanent home.

562 ~~[(b) To create a new domicile an individual shall:]~~

563 ~~[(i) abandon the old domicile; and]~~

564 ~~[(ii) be able to prove that a new domicile has been established.]~~

565 ~~[(14)]~~ (16) "Endangered" means wildlife designated as endangered according to
566 Section 3 of the federal Endangered Species Act of 1973.

567 (17) "Executive director" means the executive director of the Department of Natural
568 Resources.

569 ~~[(15)]~~ (18) "Fee fishing facility" means the same as that term is defined in Section
570 4-37-103.

571 ~~[(16)]~~ (19) "Feral" means an animal that is normally domesticated but has reverted to
572 the wild.

573 ~~[(17)]~~ (20) "Fishing" means to take fish or crayfish by any means.

574 ~~[(18)]~~ (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae,
575 Mustelidae, and Castoridae families, except coyote and cougar.

576 ~~[(19)]~~ (22) "Game" means wildlife normally pursued, caught, or taken by sporting
577 means for human use.

578 ~~[(20) "Guide" means a person who receives compensation or advertises services for~~
579 ~~assisting another person to take protected wildlife, including the provision of food, shelter, or~~
580 ~~transportation, or any combination of these.]~~

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

583 ~~[(22)]~~ (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by
584 any means.

585 (24) "Hunting guide" means the same as that term is defined in Section 58-79-102.

586 ~~[(23)]~~ (25) "Intimidate or harass" means to physically interfere with or impede, hinder,
587 or diminish the efforts of an officer in the performance of the officer's duty.

588 ~~[(24)]~~ (26) (a) "Natural flowing stream" means a topographic low where water collects
589 and perennially or intermittently flows with a perceptible current in a channel formed
590 exclusively by forces of nature.

591 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:

592 (i) realigned or modified channel that replaces the historic, natural flowing stream
593 channel; and

594 (ii) dredged natural flowing stream channel.

595 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
596 other water delivery system that diverts and conveys water to an approved place of use
597 pursuant to a certificated water right.

598 ~~[(25)]~~ (27) (a) "Natural lake" means a perennial or intermittent body of water that
599 collects on the surface of the earth exclusively through the forces of nature and without human
600 assistance.

601 (b) "Natural lake" does not mean a lake where ~~[aH]~~ the surface water sources supplying
602 the body of water originate from groundwater springs no more than 100 yards upstream.

603 (28) "Nominating committee" means the Wildlife Board Nominating Committee
604 created in Section 23A-2-302.

605 ~~[(26)]~~ (29) "Nonresident" means a person who does not qualify as a resident.

606 ~~[(27)]~~ (30) "Open season" means the period of time during which protected wildlife
607 may be legally taken.

608 (31) "Outfitter" means the same as that term is defined in Section 58-79-102.

609 ~~[(28)]~~ (32) "Pecuniary gain" means the acquisition of money or something of monetary
610 value.

611 ~~[(29)]~~ (33) "Permit" means a paper-based or electronic document~~[, including a stamp,]~~
612 that grants authority to engage in specified activities under this title or a rule or proclamation of
613 the Wildlife Board.

614 ~~[(30)]~~ (34) "Person" means an individual, association, partnership, government agency,
615 corporation, or an agent of the ~~[foregoing]~~ individual, association, partnership, government
616 agency, or corporation.

617 (35) "Pollute water" means to introduce into waters within the state matter or thermal
618 energy that:

619 (a) exceeds state water quality standards; or

620 (b) could harm protected wildlife.

621 ~~[(31)]~~ (36) "Possession" means actual or constructive possession.

622 ~~[(32)]~~ (37) "Possession limit" means the number of bag limits one individual may
623 legally possess.

624 ~~[(33)]~~ (38) (a) "Private fish pond" means a pond, reservoir, or other body of water,
625 including a fish culture system, located on privately owned land where privately owned fish:

626 (i) are propagated or kept for a private noncommercial purpose; and

627 (ii) may be taken without a fishing license.

628 (b) "Private fish pond" does not include:

629 (i) an aquaculture facility[;];

630 (ii) a fee fishing facility[;];

631 (iii) a short-term fishing event[;]; or

632 (iv) private stocking.

633 ~~[(34)-(a)]~~ (39) "Private stocking" means an authorized release of privately owned, live
634 fish in the waters of the state not eligible as:

635 (a) a private fish pond under Section ~~[23-15-10]~~ 23A-9-203; or

636 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture
637 Act.

638 ~~[(b) Fish released under private stocking become the property of the state and subject~~
639 ~~to the fishing regulations set forth in this title and the rules and proclamations of the Wildlife~~
640 ~~Board.]~~

641 ~~[(35)]~~ (40) "Private wildlife farm" means an enclosed place where privately owned
642 birds or furbearers are propagated or kept and that restricts the birds or furbearers from:

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

644 (b) escaping into the wild.

645 ~~[(36)]~~ (41) "Proclamation" means the publication that is:

646 (a) used to convey a statute, rule, policy, or pertinent information ~~[as it relates]~~ related
647 to wildlife[-]; and

648 (b) issued in accordance with a rule made by the Wildlife Board under this title.

649 ~~[(37)]~~ (42) (a) "Protected aquatic wildlife" means aquatic wildlife ~~[as defined in~~
650 ~~Subsection (3);]~~ except as provided in Subsection ~~[(37)]~~ (42)(b).

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

652 ~~[(38)]~~ (43) (a) "Protected wildlife" means wildlife ~~[as defined in Subsection (54)],~~
653 except as provided in Subsection ~~[(38)]~~ (43)(b).

654 (b) "Protected wildlife" does not include:

655 (i) coyote[-];

656 (ii) field mouse[-];

657 (iii) gopher[-];

658 (iv) ground squirrel[-];

659 (v) jack rabbit[-];

660 (vi) muskrat[-~~and~~]; or

661 (vii) raccoon.

662 (44) "Regional advisory council" means a council created under Section 23A-2-303.

663 ~~[(39)]~~ (45) "Released to the wild" means to be turned loose from confinement.

664 ~~[(40)]~~ (46) (a) "Reservoir constructed on a natural stream channel" means a body of
665 water collected and stored on the course of a natural flowing stream by impounding the stream
666 through excavation or diking.

667 (b) "Reservoir constructed on a natural stream channel" does not mean an
668 impoundment on a natural flowing stream where all surface water sources supplying the
669 impoundment originate from groundwater springs no more than 100 yards upstream.

670 ~~[(41)(a) "Resident"]~~ (47) Subject to Section 23A-1-103, "resident" means a person
671 who:

672 ~~[(+)]~~ (a) has been domiciled in the state for six consecutive months immediately
673 preceding the purchase of a license; and

674 ~~[(+)]~~ (b) does not claim residency for hunting, fishing, or trapping in ~~[any other]~~
675 another state or country.

676 ~~[(b) A Utah resident retains Utah residency if that person leaves this state:]~~
677 ~~[(i) to serve in the armed forces of the United States or for religious or educational~~
678 ~~purposes; and]~~
679 ~~[(ii) the person complies with Subsection (41)(a)(ii).]~~
680 ~~[(c) (i) A member of the armed forces of the United States and dependents are residents~~
681 ~~for the purposes of this chapter as of the date the member reports for duty under assigned~~
682 ~~orders in the state if the member:]~~
683 ~~[(A) is not on temporary duty in this state; and]~~
684 ~~[(B) complies with Subsection (41)(a)(ii).]~~
685 ~~[(ii) A copy of the assignment orders shall be presented to a wildlife division office to~~
686 ~~verify the member's qualification as a resident.]~~
687 ~~[(d) A nonresident attending an institution of higher learning in this state as a full-time~~
688 ~~student may qualify as a resident for purposes of this chapter if the student:]~~
689 ~~[(i) has been present in this state for 60 consecutive days immediately preceding the~~
690 ~~purchase of the license; and]~~
691 ~~[(ii) complies with Subsection (41)(a)(ii).]~~
692 ~~[(e) A Utah resident license is invalid if a resident license for hunting, fishing, or~~
693 ~~trapping is purchased in any other state or country.]~~
694 ~~[(f) An absentee landowner paying property tax on land in Utah does not qualify as a~~
695 ~~resident.]~~
696 ~~[(42)] (48) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the~~
697 ~~act of selling, bartering, exchanging, or trading.~~
698 ~~[(43)(a)] (49) "Short-term fishing event" means an event when;~~
699 ~~(a) privately acquired fish are held or confined for a period not to exceed 10 days for~~
700 ~~the purpose of providing fishing or recreational opportunity; and [where]~~
701 ~~(b) no fee is charged as a requirement to fish.~~
702 ~~[(b) A fishing license is not required to take fish at a short-term fishing event.]~~
703 ~~[(44)] (50) "Small game" means species of protected wildlife:~~
704 ~~(a) commonly pursued for sporting purposes;~~
705 ~~(b) not classified as big game, aquatic wildlife, or furbearers; and~~
706 ~~(c) excluding turkey, cougar, and bear.~~

707 ~~[(45)]~~ (51) "Spoiled" means impairment of the flesh of wildlife that renders the flesh
708 unfit for human consumption.

709 ~~[(46)]~~ (52) "Spotlighting" means throwing or casting the rays of ~~[any]~~ a spotlight,
710 headlight, or other artificial light on ~~[any]~~ a highway or in ~~[any]~~ a field, woodland, or forest
711 while having in possession a weapon by which protected wildlife may be killed.

712 ~~[(47)]~~ (53) "Tag" means a card, label, or other paper-based or electronic means of
713 identification used to document harvest of protected wildlife.

714 ~~[(48)]~~ (54) "Take" means to:

715 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill ~~[any]~~
716 protected wildlife; or

717 (b) attempt ~~[any]~~ an action referred to in Subsection ~~[(48)]~~ (54)(a).

718 ~~[(49)]~~ (55) "Threatened" means wildlife designated as ~~[such]~~ threatened pursuant to
719 Section 3 of the federal Endangered Species Act of 1973.

720 ~~[(50)]~~ (56) "Trapping" means taking protected wildlife with a trapping device.

721 ~~[(51)]~~ (57) "Trophy animal" means an animal described as follows:

- 722 (a) deer - a buck with an outside antler measurement of 24 inches or greater;
723 (b) elk - a bull with six points on at least one side;
724 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
725 (d) moose - a bull with at least one antler exceeding five inches in length;
726 (e) mountain goat - a male or female;
727 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
728 (g) bison - a bull.

729 (58) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning
730 dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

731 ~~[(52)]~~ (59) "Waste" means to:

732 (a) abandon protected wildlife ~~[or to]~~; or

733 (b) allow protected wildlife to spoil or to be used in a manner not normally associated
734 with the protected wildlife's beneficial use.

735 ~~[(53)] "Water pollution" means the introduction of matter or thermal energy to waters~~
736 ~~within this state that:]~~

737 ~~[(a) exceeds state water quality standards; or]~~

738 ~~[(b) could be harmful to protected wildlife.]~~

739 ~~[(54)]~~ (60) "Wildlife" means:

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

741 (b) mollusks; and

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

743 (61) "Wildlife Board" means the board created in Section 23A-2-301.

744 Section 2. Section **23A-1-102**, which is renumbered from Section 23-13-3 is

745 renumbered and amended to read:

746 ~~[23-13-3].~~ **23A-1-102. Wildlife declared property of the state.**

747 ~~[All wildlife]~~ (1) Wildlife existing within this state, not held by private ownership and
748 legally acquired, is the property of the state.

749 (2) Fish released under private stocking become the property of the state and subject to
750 the fishing regulations set forth in this title or a rule or proclamation of the Wildlife Board.

751 Section 3. Section **23A-1-103** is enacted to read:

752 **23A-1-103. Domicile or residency.**

753 (1) To create a new domicile an individual shall:

754 (a) abandon the old domicile; and

755 (b) be able to prove that a new domicile has been established.

756 (2) A Utah resident retains Utah residency if that person leaves this state:

757 (a) to serve in the armed forces of the United States or for religious or educational
758 purposes; and

759 (b) the person complies with Subsection 23A-1-101(47)(b).

760 (3) (a) A member of the armed forces of the United States and dependents are residents
761 for the purposes of this title as of the date the member reports for duty under assigned orders in
762 the state if the member:

763 (i) is not on temporary duty in this state; and

764 (ii) complies with Subsection 23A-1-101(47)(b).

765 (b) A member shall present a copy of the assignment orders to a division office to
766 verify the member's qualification as a resident.

767 (4) A nonresident attending an institution of higher learning in this state as a full-time
768 student may qualify as a resident for purposes of this title if the student:

769 (a) has been present in this state for 60 consecutive days immediately preceding the
 770 purchase of the license; and

771 (b) complies with Subsection 23A-1-101(47)(b).

772 (5) A Utah resident license is invalid if a resident license for hunting, fishing, or
 773 trapping is purchased in another state or country.

774 (6) An absentee landowner paying property tax on land in Utah does not qualify as a
 775 resident.

776 Section 4. Section **23A-1-201**, which is renumbered from Section 23-13-8 is
 777 renumbered and amended to read:

778 **Part 2. Miscellaneous**

779 **[23-13-8]. 23A-1-201. Private wildlife farms.**

780 (1) ~~[Any]~~ (a) Subject to the requirements of this section, a person may:

781 (i) establish and maintain a private wildlife ~~[farms]~~ farm for propagating, rearing, and
 782 keeping furbearers or birds classified as protected wildlife ~~[and may]; and~~

783 (ii) sell or dispose of wildlife reared upon ~~[such farms]~~ the private wildlife farm,
 784 except that disposal may not include release to the wild without first securing written
 785 permission from the Wildlife Board.

786 (b) Before establishing ~~[such]~~ a private wildlife farm, a person shall obtain written
 787 authorization from the ~~[Division of Wildlife Resources]~~ division in accordance with rules
 788 established by the Wildlife Board~~[. Any wildlife which]~~ in accordance with Title 63G, Chapter
 789 3, Utah Administrative Rulemaking Act.

790 (c) Wildlife that escapes from a private wildlife ~~[farms]~~ farm becomes the property of
 791 the state.

792 (2) This section does not:

793 (a) apply to a private fur ~~[farms]~~ farm established and maintained for rearing
 794 domesticated, privately owned mink or chinchilla ~~[which]~~ that were not acquired as wild
 795 animals from ~~[any]~~ a state or country~~[, nor does it]; or~~

796 (b) provide for the propagating, rearing, and keeping of ~~[any]~~ a protected wildlife other
 797 than ~~[those]~~ a wildlife specified in this section.

798 Section 5. Section **23A-1-202**, which is renumbered from Section 23-13-12.5 is
 799 renumbered and amended to read:

- 800 ~~[23-13-12.5]~~. **23A-1-202. Agreement with a tribe.**
- 801 (1) As used in this section, "tribe" means a federally recognized:
- 802 (a) Indian tribe; or
- 803 (b) Indian band.
- 804 (2) (a) Subject to the requirements of this section, the governor may enter into an
- 805 agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting,
- 806 fishing, or trapping right claim that is:
- 807 (i) based on:
- 808 (A) a treaty;
- 809 (B) an aboriginal right; or
- 810 (C) other recognized federal right; and
- 811 (ii) on lands located within the state.
- 812 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection
- 813 (2)(a) may not exempt ~~any~~ a person from the requirements of this title.
- 814 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a
- 815 tribe that is a party to the agreement or a member of that tribe from:
- 816 (i) Section ~~[23-16-5]~~ 23A-11-201, placing a limit of one of any species of big game
- 817 during a license year;
- 818 (ii) Section ~~[23-16-6]~~ 23A-11-202, commencement date of the general deer season;
- 819 (iii) a hunter or furharvester education requirement under Chapter ~~[19]~~ 4, Licenses,
- 820 Permits, Certificates of Registration, and Tags;
- 821 (iv) an age restriction under Chapter ~~[19]~~ 4, Licenses, Permits, Certificates of
- 822 Registration, and Tags;
- 823 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license
- 824 or permit;
- 825 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or
- 826 (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is
- 827 not inconsistent with this title.
- 828 (d) An agreement permitted under Subsection (2)(a) shall:
- 829 (i) be in writing;
- 830 (ii) be signed by:

831 (A) the governor; and
832 (B) the governing body of the tribe that:
833 (I) is designated by the tribe; and
834 (II) may bind the tribe to the terms of the agreement;
835 (iii) be conditioned on obtaining any approval required by federal law;
836 (iv) state the effective date of the agreement;
837 (v) provide that the governor shall renegotiate the agreement if the agreement is or
838 becomes inconsistent with a state statute for which an exemption is not authorized under this
839 section; and
840 (vi) include any accommodation made by the tribe that:
841 (A) is agreed to by the tribe;
842 (B) is reasonably related to the agreement; and
843 (C) concerns the management and use of wildlife resources or habitat.
844 (e) [~~Prior to~~] Before executing an agreement under this Subsection (2), the governor
845 shall consult with:
846 (i) the division; and
847 (ii) the chair of the Wildlife Board [~~created in Section 23-14-2~~].
848 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
849 governor or the governor's designee shall provide a copy of the agreement in the form that the
850 agreement will be executed to:
851 (i) the chairs of the Native American Legislative Liaison Committee; and
852 (ii) the Office of Legislative Research and General Counsel.

853 Section 6. Section **23A-1-203**, which is renumbered from Section 23-13-15 is
854 renumbered and amended to read:
855 **[23-13-15]. 23A-1-203. Utah State Hunting and Fishing Day.**
856 In recognition of the substantial and continued contribution by hunters and fishermen
857 toward the sound management of wildlife in Utah, the fourth Saturday of September of each
858 year is [~~hereby established~~] known as "Utah State Hunting and Fishing Day."
859 Section 7. Section **23A-1-204**, which is renumbered from Section 23-13-17 is
860 renumbered and amended to read:
861 **[23-13-17]. 23A-1-204. Spotlighting of coyote, red fox, striped skunk, and**

862 **raccoon -- County ordinances -- Permits.**

863 (1) For purposes of a county ordinance enacted pursuant to this section, "motor
864 vehicle" means the same as that term is defined in Section 41-6a-102.

865 ~~[(1)]~~ (2) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon
866 ~~[where]~~ when allowed by a county ordinance enacted pursuant to this section.

867 ~~[(2)]~~ (3) The ordinance shall provide that:

868 (a) ~~[any]~~ a hunter shall carry the artificial light used to spotlight coyote, red fox, striped
869 skunk, or raccoon ~~[shall be carried by the hunter];~~

870 (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may
871 not be used to spotlight the ~~[animal]~~ coyote, red fox, striped skunk, or raccoon; and

872 (c) while hunting with the use of an artificial light, the hunter may not occupy or
873 operate ~~[any]~~ a motor vehicle.

874 ~~[(3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as
875 defined in Section 41-6a-102.]~~

876 (4) The ordinance may specify:

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

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

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

880 (d) the weapons permitted; and

881 (e) penalties for violation of the ordinance.

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

884 (b) (i) A county may charge a fee ~~[may be charged]~~ for a spotlighting permit.

885 ~~[(ii) Any permit fee shall be established by the county ordinance.]~~

886 (ii) A county ordinance shall establish the permit fee.

887 ~~(iii) [Revenues]~~ A county shall remit revenue generated by the permit fee ~~[shall be
888 remitted to the Division of Wildlife Resources] to the division for deposit into the Wildlife
889 Resources Account, except the Wildlife Board may allow ~~[any]~~ a county that enacts an
890 ordinance pursuant to this section to retain a reasonable amount to pay for the costs of
891 administering and enforcing the ordinance~~[, provided this]~~ if the use of the permit revenues
892 does not affect federal funds received by the state under Wildlife Restoration Act, 16 U.S.C.~~

893 Sec. 669 et seq., [~~Wildlife Restoration Act~~] and Sport Fish Restoration Act, 16 U.S.C. Sec. 777
894 et seq. [~~, Sport Fish Restoration Act.~~]

895 (6) A county may require [~~hunters~~] a hunter to notify the county sheriff of the time and
896 place [~~they~~] the hunter will be engaged in spotlighting.

897 (7) The requirement that a county enact an ordinance [~~shall be enacted~~] before a person
898 may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

899 (a) a person or the person's agent who is lawfully acting to protect the person's crops or
900 domestic animals from predation by those animals; or

901 (b) an animal damage control agent acting in the agent's official capacity under a
902 memorandum of agreement with the division.

903 Section 8. Section **23A-1-205**, which is renumbered from Section 23-20-9 is
904 renumbered and amended to read:

905 ~~[23-20-9]~~. **23A-1-205. Donating protected wildlife.**

906 (1) A person may only donate protected wildlife or [~~their~~] wildlife parts to another
907 person at:

908 (a) the residence of the donor;

909 (b) the residence of the person receiving protected wildlife or [~~their~~] the wildlife parts;

910 (c) a meat locker;

911 (d) a storage plant;

912 (e) a meat processing facility; or

913 (f) a location authorized by the Wildlife Board in rule, proclamation, or order.

914 (2) A written statement of donation shall be kept with the protected wildlife or parts
915 showing:

916 (a) the number and species of protected wildlife or parts donated;

917 (b) the date of donation;

918 (c) the license or permit number of the donor; and

919 (d) the signature of the donor.

920 (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big
921 game animal to another person or organization at any place without a donation slip.

922 Section 9. Section **23A-2-101** is enacted to read:

923 **CHAPTER 2. ADMINISTRATION**

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Part 1. General Provisions

23A-2-101. Definitions.

Reserved.

Section 10. Section **23A-2-102**, which is renumbered from Section 23-14-3 is renumbered and amended to read:

~~[23-14-3].~~ **23A-2-102. Powers of division to determine facts -- Policymaking powers of Wildlife Board.**

(1) The [~~Division of Wildlife Resources~~] division may determine the facts relevant to the wildlife resources of this state.

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

(b) In establishing policy, the Wildlife Board shall:

(i) recognize that wildlife and [~~its~~] the wildlife's habitat are an essential part of a healthy, productive environment;

(ii) recognize the impact of wildlife on humans, human economic activities, private property rights, and local economies;

(iii) seek to balance the habitat requirements of wildlife with the social and economic activities of [~~man~~] humans;

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

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

(c) (i) The Wildlife Board shall consider the recommendations of the regional advisory councils established in Section [~~23-14-2.6~~] 23A-2-303.

(ii) If a regional advisory council recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the recommendation, the Wildlife Board shall provide a written explanation to the regional advisory council recommending the opposing position.

(3) [~~No~~] An authority conferred upon the Wildlife Board by this title [~~shall~~] may not supersede the administrative authority of the executive director [~~of the Department of Natural Resources~~] or the director [~~of the Division of Wildlife Resources~~].

955 Section 11. Section **23A-2-201**, which is renumbered from Section 23-14-1 is
 956 renumbered and amended to read:

957 **Part 2. Division and Director**

958 ~~[23-14-1]~~. **23A-2-201. Division of Wildlife Resources -- Limits on authority of**
 959 **political subdivisions -- Adjudicative proceedings -- Official seal.**

960 (1) (a) There is created the Division of Wildlife Resources within the Department of
 961 Natural Resources under the administration and general supervision of the executive director
 962 [~~of the Department of Natural Resources~~].

963 (b) The [~~Division of Wildlife Resources~~] division is the wildlife authority for Utah and
 964 is vested with the functions, powers, duties, rights, and responsibilities provided in this title
 965 and other law.

966 (2) (a) Subject to the broad policymaking authority of the Wildlife Board, the [~~Division~~
 967 ~~of Wildlife Resources~~] division shall protect, propagate, manage, conserve, and distribute
 968 protected wildlife throughout the state.

969 (b) The [~~Division of Wildlife Resources is appointed as~~] division is the trustee and
 970 custodian of protected wildlife and may initiate civil proceedings, in addition to criminal
 971 proceedings provided for in this title, to:

- 972 (i) recover damages;
- 973 (ii) compel performance;
- 974 (iii) compel substitution;
- 975 (iv) restrain or enjoin;
- 976 (v) initiate any other appropriate action; and
- 977 (vi) seek [~~any~~] appropriate remedies in [~~its~~] the division's capacity as trustee and
 978 custodian.

979 (3) (a) If a political subdivision of the state adopts [~~ordinances or regulations~~] an
 980 ordinance or regulation concerning hunting, fishing, or trapping that [~~conflict~~] conflicts with
 981 this title or rules [~~promulgated~~] made pursuant to this title, state law [~~shall prevail~~] prevails.

982 (b) [~~Communities~~] A community may close areas to hunting for safety reasons after
 983 confirmation by the Wildlife Board.

984 (4) The division shall comply with Title 63G, Chapter 4, Administrative Procedures
 985 Act, in the division's adjudicative proceedings.

986 (5) The division shall adopt an official seal and file an impression and a description of
987 the official seal with the Division of Archives.

988 Section 12. Section **23A-2-202**, which is renumbered from Section 23-14-7 is
989 renumbered and amended to read:

990 ~~[23-14-7]~~. **23A-2-202. Director of the division -- Qualifications.**

991 (1) The director shall:

992 (a) be the executive and administrative head of the ~~[Division of Wildlife Resources]~~
993 division; and

994 (b) have demonstrated ability in management and administration and experience in the
995 protection, conservation, restoration, and management of wildlife resources.

996 (2) The director may not hold ~~[any other]~~ another public office or be involved in a
997 political party or organization.

998 Section 13. Section **23A-2-203**, which is renumbered from Section 23-14-8 is
999 renumbered and amended to read:

1000 ~~[23-14-8]~~. **23A-2-203. Director powers.**

1001 The director ~~[of the Division of Wildlife Resources]~~, under administrative supervision
1002 of the executive director ~~[of the Department of Natural Resources, shall have]~~, has:

1003 (1) executive authority and control of the ~~[Division of Wildlife Resources]~~ division so
1004 that policies of the Wildlife Board are carried out in accordance with the laws of this state;

1005 (2) authority over ~~[all]~~ personnel matters;

1006 (3) full control of ~~[all]~~ property acquired and held for the purposes specified in this
1007 title; and

1008 (4) authority to declare emergency closed or open seasons in the interest of the wildlife
1009 resources of the state.

1010 Section 14. Section **23A-2-204**, which is renumbered from Section 23-14-10 is
1011 renumbered and amended to read:

1012 ~~[23-14-10]~~. **23A-2-204. Compensation of division employees -- Travel expenses**
1013 **of director and employees.**

1014 ~~[Employees of the Division of Wildlife Resources shall receive such]~~ An employee of
1015 the division shall receive the compensation ~~[as]~~ the director ~~[shall determine]~~ determines
1016 within limits established for state employees by ~~[the Division of Finance]~~ Title 63A, Chapter

1017 17, Utah State Personnel Management Act. In addition to salaries provided for within this title,
1018 the director and employees of the [~~Division of Wildlife Resources~~] division are entitled to
1019 receive travel expenses as provided in the rules established by the Division of Finance.

1020 Section 15. Section **23A-2-205**, which is renumbered from Section 23-14-12 is
1021 renumbered and amended to read:

1022 ~~[23-14-12].~~ **23A-2-205. Oaths administered by director.**

1023 The director [~~of wildlife resources shall have the power to~~] may administer oaths for
1024 [~~all~~] the purposes required in the discharge of [~~his~~] the director's duties.

1025 Section 16. Section **23A-2-206**, which is renumbered from Section 23-15-2 is
1026 renumbered and amended to read:

1027 ~~[23-15-2].~~ **23A-2-206. Jurisdiction of division over public or private land and**
1028 **waters.**

1029 [~~All wildlife~~] Wildlife within this state, including wildlife on public or private land or
1030 in public or private waters within this state, [~~shall fall~~] is within the jurisdiction of the
1031 [~~Division of Wildlife Resources~~] division.

1032 Section 17. Section **23A-2-207**, which is renumbered from Section 23-13-6 is
1033 renumbered and amended to read:

1034 ~~[23-13-6].~~ **23A-2-207. Taking of wildlife by division.**

1035 (1) Subject to the other provisions of this section, the division may take wildlife of any
1036 kind from any place and in any manner for purposes considered by the director [~~of the division~~]
1037 to be in the interest of wildlife conservation.

1038 (2) The division shall deliver notice to an affected landowner or an agent of an affected
1039 landowner, either in writing or orally, before the taking of wildlife on privately owned land
1040 under this section. The division may take the wildlife immediately after or at a time reasonably
1041 required for the taking after delivering notice.

1042 (3) The notice requirements in Subsection (2) do not apply in a situation when there is
1043 a threat to public safety or exigent circumstances exist.

1044 Section 18. Section **23A-2-208**, which is renumbered from Section 23-13-7 is
1045 renumbered and amended to read:

1046 ~~[23-13-7].~~ **23A-2-208. Use of fireworks and explosives by division employees**
1047 **and certain federal game agents.**

1048 Notwithstanding any other provision of law, ~~[employees of the Division of Wildlife~~
1049 ~~Resources and federal game agents]~~ the following may, without obtaining a permit, use
1050 fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife as may
1051 be necessary to protect property or wildlife resources:

1052 (1) an employee of the division designated by the director; or

1053 (2) a federal game agent charged with the duty of managing wildlife resources ~~[may,~~
1054 ~~without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise disperse~~
1055 ~~concentrations of wildlife as may be necessary to protect property or wildlife resources].~~

1056 Section 19. Section **23A-2-209**, which is renumbered from Section 23-14-21 is
1057 renumbered and amended to read:

1058 **[23-14-21]. 23A-2-209. Transplants of big game, turkeys, wolves, or sensitive**
1059 **species.**

1060 (1) The division may transplant big game, turkeys, wolves, or sensitive species only in
1061 accordance with:

1062 (a) (i) a list of sites for the transplant of a particular species that is prepared and
1063 adopted in accordance with Subsections (2) through (5);

1064 ~~[(b)]~~ (ii) a species management plan, such as a deer or elk management plan adopted
1065 under Section ~~[23-16-7]~~ 23A-11-301 or a recovery plan for a threatened or endangered species,
1066 provided that:

1067 ~~[(i)]~~ (A) the plan identifies sites for the transplant of the species or the lands or waters
1068 the species are expected to occupy; and

1069 ~~[(ii)]~~ (B) the public has had an opportunity to comment and make recommendations on
1070 the plan; ~~[or]~~ and

1071 (iii) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.; or

1072 ~~[(c)]~~ (b) a legal agreement between the state and a tribal government that identifies
1073 potential transplants~~;~~ and

1074 ~~[(d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq].~~

1075 (2) The division shall:

1076 (a) consult with the landowner in determining the suitability of a site for the transplant
1077 of a species;

1078 (b) prepare a list of proposed sites for the transplant of species; and

- 1079 (c) provide notification of proposed sites for the transplant of species to:
- 1080 (i) local government officials having jurisdiction over areas that may be affected by a
- 1081 transplant; and
- 1082 (ii) the Resource Development Coordinating Committee created in Section
- 1083 63L-11-401.
- 1084 (3) After receiving comments from local government officials and the Resource
- 1085 Development Coordinating Committee, the division shall submit the list of proposed transplant
- 1086 sites, or a revised list, to regional advisory councils for the one or more regions that may be
- 1087 affected by the transplants of species.
- 1088 (4) ~~[Each]~~ A regional advisory council reviewing a list of proposed sites for the
- 1089 transplant of species may submit recommendations to the Wildlife Board.
- 1090 (5) The Wildlife Board shall approve, modify, or reject ~~[each]~~ a proposal for the
- 1091 transplant of a species.
- 1092 (6) ~~[Each]~~ A list of proposed transplant sites approved by the Wildlife Board shall have
- 1093 a termination date after which a transplant may not occur.

1094 Section 20. Section **23A-2-301**, which is renumbered from Section 23-14-2 is

1095 renumbered and amended to read:

1096 **Part 3. Wildlife Board and Regional Councils**

1097 ~~[23-14-2]~~. **23A-2-301. Wildlife Board created.**

- 1098 (1) There is created a Wildlife Board ~~[which shall consist]~~ that consists of seven
- 1099 members appointed by the governor with the advice and consent of the Senate in accordance
- 1100 with Title 63G, Chapter 24, Part 2, Vacancies.
- 1101 (2) (a) In addition to the requirements of Section 79-2-203, the members of the ~~[board]~~
- 1102 Wildlife Board shall have expertise or experience in at least one of the following areas:
- 1103 (i) wildlife management or biology;
- 1104 (ii) habitat management, including range or aquatic;
- 1105 (iii) business, including knowledge of private land issues; and
- 1106 (iv) economics, including knowledge of recreational wildlife uses.
- 1107 (b) ~~[Each]~~ At least one member of the Wildlife Board shall represent each of the areas
- 1108 of expertise under Subsection (2)(a) ~~[shall be represented by at least one member of the~~
- 1109 ~~Wildlife Board]~~.

1110 (3) (a) The governor shall select ~~[each]~~ a board member from a list of nominees
1111 submitted by the nominating committee pursuant to Section ~~[23-14-2.5]~~ 23A-2-302.

1112 (b) No more than two members shall be from a single wildlife region described in
1113 Subsection ~~[23-14-2.6]~~ 23A-2-303(1).

1114 (c) The governor may request an additional list of at least two nominees from the
1115 nominating committee if the initial list of nominees for a given position is unacceptable.

1116 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of
1117 the initial or additional list, the nominating committee shall make an interim appointment by
1118 majority vote.

1119 (ii) The interim board member shall serve until the matter is resolved by the
1120 nominating committee and the governor or until the board member is replaced pursuant to this
1121 chapter.

1122 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
1123 expire, the governor shall appoint ~~[each]~~ a new member or reappointed member to a six-year
1124 term.

1125 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1126 time of appointment or reappointment, adjust the length of terms to ensure that:

1127 (i) the terms of board members are staggered so that approximately one-third of the
1128 ~~[board]~~ Wildlife Board is appointed every two years; and

1129 (ii) members serving from the same region have staggered terms.

1130 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as
1131 provided in Subsection ~~[23-14-2.5]~~ 23A-2-302(4), to the governor and the governor shall
1132 appoint a replacement for the unexpired term.

1133 (d) ~~[Board members]~~ A board member may serve only one term unless the board
1134 member:

1135 (i) ~~[the member]~~ is among the first board members appointed to serve four years or
1136 less; or

1137 (ii) ~~[the member]~~ filled a vacancy under Subsection (4)(c) for four years or less.

1138 (5) (a) The ~~[board]~~ Wildlife Board shall elect a chair and a vice chair from ~~[its]~~ the
1139 Wildlife Board's membership.

1140 (b) Four members of the ~~[board shall constitute]~~ Wildlife Board constitutes a quorum.

1141 (c) The director [~~of the Division of Wildlife Resources~~] shall act as secretary to the
1142 [~~board~~] Wildlife Board, but is not a voting member of the [~~board~~] Wildlife Board.

1143 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year
1144 to expeditiously conduct [~~its~~] the Wildlife Board's business.

1145 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
1146 emergency situations.

1147 (c) Meetings may be held at the Salt Lake City office of the [~~Division of Wildlife~~
1148 ~~Resources~~] division or elsewhere as determined by the Wildlife Board.

1149 (7) A member may not receive compensation or benefits for the member's service, but
1150 may receive per diem and travel expenses in accordance with:

1151 (a) Section 63A-3-106;

1152 (b) Section 63A-3-107; and

1153 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1154 63A-3-107.

1155 (8) (a) [~~The members~~] A member of the Wildlife Board shall complete an orientation
1156 course to assist [~~them~~] the member in the performance of the duties of [~~their~~] the member's
1157 office.

1158 (b) The [~~Department of Natural Resources~~] department shall provide the course
1159 required under Subsection (8)(a).

1160 (9) A member shall comply with the conflict of interest provisions described in Title
1161 63G, Chapter 24, Part 3, Conflicts of Interest.

1162 Section 21. Section **23A-2-302**, which is renumbered from Section 23-14-2.5 is
1163 renumbered and amended to read:

1164 ~~[23-14-2.5]~~. **23A-2-302. Wildlife Board Nominating Committee created.**

1165 (1) There is created a Wildlife Board Nominating Committee [~~which shall consist~~] that
1166 consists of 11 members.

1167 (2) The governor shall appoint members to the nominating committee as follows:

1168 (a) three members shall be appointed from a list of at least two nominees per position
1169 submitted by the agriculture industry;

1170 (b) three members shall be appointed from a list of at least two nominees per position
1171 submitted by sportsmen groups;

1172 (c) two members shall be appointed from a list of at least two nominees per position
1173 submitted by nonconsumptive wildlife interests;

1174 (d) one member shall be appointed from a list of at least two nominees submitted by
1175 federal land management agencies;

1176 (e) one local elected official shall be appointed from a list of at least two nominees
1177 submitted by the Utah Association of Counties; and

1178 (f) one range management specialist shall be appointed from a list of at least two
1179 nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah
1180 Chapter, The Wildlife Society.

1181 (3) ~~[Each]~~ A wildlife region described in Subsection ~~[23-14-2.6]~~ 23A-2-303(1) shall be
1182 represented by at least one member ~~[and no]~~. A wildlife region may not be represented by more
1183 than three members.

1184 (4) The nominating committee shall nominate at least two, but not more than four,
1185 candidates for each position or vacancy ~~[which]~~ that occurs on the ~~[board]~~ Wildlife Board.

1186 (5) (a) Except as required by Subsection (5)(b), as terms of current ~~[board]~~ nominating
1187 committee members expire, the governor shall appoint ~~[each]~~ a new or reappointed member to
1188 a four-year term.

1189 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
1190 time of appointment or reappointment, adjust the length of terms to ensure that:

1191 (i) the terms of ~~[board]~~ nominating committee members are staggered so that
1192 approximately half of the ~~[board]~~ nominating committee is appointed every two years; and

1193 (ii) members from the same wildlife region serve staggered terms.

1194 (c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the
1195 same manner that the position was originally filled to serve the remainder of the unexpired
1196 term.

1197 (6) The nominating committee shall select a chair and vice chair from ~~[its]~~ the
1198 nominating committee's membership.

1199 (7) Six members shall constitute a quorum.

1200 (8) A member of the nominating committee may not receive compensation or benefits
1201 for the member's service, but may receive per diem and travel expenses in accordance with:

1202 (a) Section 63A-3-106;

1203 (b) Section 63A-3-107; and
1204 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1205 63A-3-107.

1206 Section 22. Section **23A-2-303**, which is renumbered from Section 23-14-2.6 is
1207 renumbered and amended to read:

1208 ~~[23-14-2.6].~~ **23A-2-303. Regional advisory councils created.**

1209 (1) There are created five regional advisory councils ~~[which shall]~~ that consist of 12 to
1210 15 members each from the wildlife region whose boundaries are established for administrative
1211 purposes by the division.

1212 (2) The members shall include individuals who represent the following groups and
1213 interests:

- 1214 (a) agriculture;
- 1215 (b) sportsmen;
- 1216 (c) nonconsumptive wildlife;
- 1217 (d) locally elected public officials;
- 1218 (e) federal land agencies; and
- 1219 (f) the public at large.

1220 (3) The executive director ~~[of the Department of Natural Resources]~~, in consultation
1221 with the director ~~[of the Division of Wildlife Resources]~~, shall select the members from a list
1222 of nominees submitted by the respective interest group or agency.

1223 (4) The regional advisory councils shall:

- 1224 (a) hear broad input, including recommendations, biological data, and information
1225 regarding the effects of wildlife;
- 1226 (b) gather information from staff, the public, and government agencies; and
- 1227 (c) make recommendations to the Wildlife Board in an advisory capacity.

1228 (5) (a) Except as required by Subsection (5)(b), ~~[each]~~ a member shall serve a four-year
1229 term.

1230 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
1231 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
1232 of council members are staggered so that approximately half of the council is appointed every
1233 two years.

1234 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1235 appointed for the unexpired term.

1236 (7) The councils shall determine:

1237 (a) the time and place of meetings; and

1238 (b) ~~[any other]~~ a procedural matter not specified in this chapter.

1239 (8) Members of the councils shall complete an orientation course ~~[as provided]~~
1240 described in Subsection ~~[23-14-2]~~ 23A-2-301(8).

1241 (9) A member may not receive compensation or benefits for the member's service, but
1242 may receive per diem and travel expenses in accordance with:

1243 (a) Section 63A-3-106;

1244 (b) Section 63A-3-107; and

1245 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1246 63A-3-107.

1247 Section 23. Section **23A-2-304**, which is renumbered from Section 23-14-19 is
1248 renumbered and amended to read:

1249 ~~[23-14-19]~~. **23A-2-304. Rules, proclamations, and orders of the Wildlife Board**
1250 **-- Judicial notice of proclamations.**

1251 (1) The Wildlife Board shall exercise [its] the Wildlife Board's powers by making rules
1252 and issuing proclamations and orders pursuant to this [code] title.

1253 (2) A court shall take judicial notice of a proclamation published under the authority of
1254 this title.

1255 Section 24. Section **23A-2-305**, which is renumbered from Section 23-14-18 is
1256 renumbered and amended to read:

1257 ~~[23-14-18]~~. **23A-2-305. Establishment of seasons, locations, limits, and**
1258 **regulations by the Wildlife Board.**

1259 (1) To provide an adequate and flexible system of protection, propagation,
1260 introduction, increase, control, harvest, management, and conservation of protected wildlife in
1261 this state and to provide for the use and development of protected wildlife for public recreation
1262 and food supply while maintaining a sustainable population of protected wildlife, the Wildlife
1263 Board shall determine the circumstances, time, location, means, and the amounts[;] and
1264 numbers of protected wildlife ~~[which]~~ that may be taken.

- 1265 (2) The Wildlife Board shall, except as otherwise specified in this ~~[code]~~ title:
- 1266 (a) fix seasons and shorten, extend, or close seasons on any species of protected
- 1267 wildlife in any locality, or in the entire state, if the ~~[board]~~ Wildlife Board finds that the action
- 1268 is necessary to effectuate proper wildlife management and control;
- 1269 (b) close or open areas to fishing, trapping, or hunting;
- 1270 (c) establish refuges and preserves;
- 1271 (d) regulate and prescribe the means by which protected wildlife may be taken;
- 1272 (e) regulate the transportation and storage of protected wildlife, or ~~[their]~~ the wildlife
- 1273 parts, within the boundaries of the state and the shipment or transportation out of the state;
- 1274 (f) establish or change bag limits and possession limits;
- 1275 (g) prescribe safety measures and establish other regulations as may be considered
- 1276 necessary in the interest of wildlife conservation and the safety and welfare of hunters,
- 1277 trappers, fishermen, landowners, and the public;
- 1278 (h) (i) prescribe when ~~[licenses, permits, tags, and certificates of registration shall be]~~ a
- 1279 license, permit, tag, or certificate of registration is required and procedures for their issuance
- 1280 and use; and
- 1281 (ii) establish forms and fees for ~~[licenses, permits, tags, and certificates of registration]~~
- 1282 a license, permit, tag, or certificate of registration; and
- 1283 (i) ~~[prescribe rules and regulations as it]~~ make rules, in accordance with Title 63G,
- 1284 Chapter 3, Utah Administrative Rulemaking Act, as the Wildlife Board may consider necessary
- 1285 to control the use and harvest of protected wildlife by private associations, clubs, partnerships,
- 1286 or corporations, provided the rules ~~[and regulations]~~ do not preclude the landowner from
- 1287 personally controlling trespass upon the owner's properties nor from charging a fee to trespass
- 1288 for purposes of hunting or fishing.
- 1289 (3) The Wildlife Board may allow a season on protected wildlife to commence on any
- 1290 day of the week except Sunday.
- 1291 (4) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates
- 1292 of registration in accordance with Section 63J-1-504.
- 1293 (5) The Wildlife Board may not issue a license, permit, tag, or certificate of registration
- 1294 as a reward for an individual's assistance with a prosecution for violation of Section 76-6-111.
- 1295 Section 25. Section **23A-2-401**, which is renumbered from Section 23-22-1 is

1296 renumbered and amended to read:

1297 **Part 4. Cooperative and Reciprocal Agreements**

1298 ~~[23-22-1].~~ **23A-2-401. Cooperative agreements and programs authorized.**

1299 (1) The ~~[Division of Wildlife Resources]~~ division may enter into cooperative
1300 agreements and programs with other state agencies, federal agencies, states, educational
1301 institutions, municipalities, counties, corporations, organized clubs, landowners, associations,
1302 and individuals for purposes of wildlife conservation.

1303 (2) Cooperative agreements that are policy in nature shall be:

- 1304 (a) approved by the executive director ~~[of the Department of Natural Resources]~~; and
1305 (b) reviewed by the Wildlife Board.

1306 Section 26. Section **23A-2-402**, which is renumbered from Section 23-22-2 is
1307 renumbered and amended to read:

1308 ~~[23-22-2].~~ **23A-2-402. Acceptance of Acts of Congress.**

1309 (1) The state assents to ~~[the provisions of]~~ the Wildlife Restoration Act, 16 U.S.C. Sec.
1310 669 et seq., ~~[Wildlife Restoration Act]~~ and the Sport Fish Restoration Act, 16 U.S.C. 777 et
1311 seq. ~~[, Sport Fish Restoration Act.]~~

1312 (2) The division shall conduct and establish cooperative fish and wildlife restoration
1313 projects as provided by the acts specified in Subsection (1) and rules ~~[promulgated]~~ made
1314 under those acts.

1315 (3) The following revenues received by the state may not be used for any purpose other
1316 than the administration of the division:

1317 (a) revenue from the sale of ~~[any]~~ a license, permit, tag, ~~[stamp,]~~ or certificate of
1318 registration that conveys to a person the privilege to take wildlife for sport or recreation, less
1319 reasonable vendor fees;

1320 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
1321 property acquired with revenue specified in Subsection (3)(a);

1322 (c) interest, dividends, or other income earned on revenue specified in Subsection
1323 (3)(a) or (b); and

1324 (d) federal aid project reimbursements to the extent that revenue specified in
1325 Subsection (3)(a) or (b) originally funded the project for which the reimbursement is being
1326 made.

1327 Section 27. Section **23A-2-403**, which is renumbered from Section 23-22-3 is
1328 renumbered and amended to read:

1329 ~~[23-22-3]~~. **23A-2-403. Reciprocal agreements with other states.**

1330 (1) The Wildlife Board [~~is authorized to~~] may enter into reciprocal agreements with
1331 other states to:

1332 (a) license and regulate fishing, hunting, and related activities; and

1333 (b) promote and implement wildlife management programs.

1334 (2) Reciprocal agreements shall be approved by the executive director [~~of the~~
1335 ~~Department of Natural Resources~~].

1336 Section 28. Section **23A-2-501**, which is renumbered from Section 23-25-2 is
1337 renumbered and amended to read:

1338 **Part 5. Wildlife Violator Compact**

1339 ~~[23-25-2]~~. **23A-2-501. Adoption and text of compact.**

1340 (1) The participating states find that:

1341 (a) Wildlife resources are managed in trust by the respective states for the benefit of all
1342 residents and visitors.

1343 (b) The protection of the wildlife resources of a state is materially affected by the
1344 degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules
1345 relating to the management of the resources.

1346 (c) The preservation, protection, management, and restoration of wildlife contributes
1347 immeasurably to the aesthetic, recreational, and economic aspects of the natural resources.

1348 (d) Wildlife resources are valuable without regard to political boundaries; therefore,
1349 every person should be required to comply with wildlife preservation, protection, management,
1350 and restoration laws, ordinances, and administrative rules and regulations of the participating
1351 states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap,
1352 or possess wildlife.

1353 (e) Violation of wildlife laws interferes with the management of wildlife resources and
1354 may endanger the safety of persons and property.

1355 (f) The mobility of many wildlife law violators necessitates the maintenance of
1356 channels of communication among the various states.

1357 (g) Usually, a person who is cited for a wildlife violation in a state other than his home

1358 state:

1359 (i) is required to post collateral or bond to secure appearance for a trial at a later date;

1360 or

1361 (ii) is taken directly into custody until collateral or bond is posted; or

1362 (iii) is taken directly to court for an immediate appearance.

1363 (h) The purpose of the enforcement practices set forth in Subsection (1)(g) is to ensure
1364 compliance with the terms of a wildlife citation by the cited person who, if permitted to
1365 continue on his way after receiving the citation, could return to his home state and disregard his
1366 duty under the terms of the citation.

1367 (i) In most instances, a person receiving a wildlife citation in his home state is
1368 permitted to accept the citation from the officer at the scene of the violation and immediately
1369 continue on his way after agreeing or being instructed to comply with the terms of the citation.

1370 (j) The practices described in Subsection (1)(g) cause unnecessary inconvenience and,
1371 at times, a hardship for the person who is unable at the time to post collateral, furnish a bond,
1372 stand trial, or pay a fine, and is compelled to remain in custody until some alternative
1373 arrangement is made.

1374 (k) The enforcement practices described in Subsection (1)(g) consume an undue
1375 amount of enforcement time.

1376 (2) It is the policy of the participating states to:

1377 (a) promote compliance with the statutes, laws, ordinances, regulations, and
1378 administrative rules relating to the management of wildlife resources in their respective states;

1379 (b) recognize the suspension of wildlife license privileges of a person whose license
1380 privileges have been suspended by a participating state and treat the suspension as if it had
1381 occurred in their state;

1382 (c) allow a violator, except as provided in Subsection [~~23-25-4~~] 23A-2-503(2), to
1383 accept a wildlife citation and, without delay, proceed on his way, whether or not the violator is
1384 a resident of the state in which the citation was issued, provided that the violator's home state is
1385 a party to this compact;

1386 (d) report to the appropriate participating state, as provided in the compact manual, a
1387 conviction recorded against a person whose home state was not the issuing state;

1388 (e) allow the home state to recognize and treat convictions recorded against its

1389 residents, which convictions occurred in a participating state, as though they had occurred in
1390 the home state;

1391 (f) extend cooperation to its fullest extent among the participating states for enforcing
1392 compliance with the terms of a wildlife citation issued in one participating state to a resident of
1393 another state;

1394 (g) maximize effective use of law enforcement personnel and information; and

1395 (h) assist court systems in the efficient disposition of wildlife violations.

1396 Section 29. Section **23A-2-502**, which is renumbered from Section 23-25-3 is
1397 renumbered and amended to read:

1398 ~~[23-25-3]~~. **23A-2-502**. **Definitions.**

1399 As used in this compact:

1400 (1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty
1401 assessment, or other official document issued to a person by a wildlife officer or other peace
1402 officer for a wildlife violation which contains an order requiring the person to respond.

1403 (2) "Collateral" means cash or other security deposited to secure an appearance for trial
1404 in connection with the issuance by a wildlife officer or other peace officer of a citation for a
1405 wildlife violation.

1406 (3) "Compliance" with respect to a citation means the act of answering a citation
1407 through an appearance in a court or tribunal, or through the payment of fines, costs, and
1408 surcharges.

1409 (4) "Conviction" means a conviction, including any court conviction, for an offense
1410 related to the preservation, protection, management, or restoration of wildlife which is
1411 prohibited by state statute, law, regulation, ordinance, or administrative rule. This conviction
1412 shall also include the forfeiture of any bail, bond, or other security deposited to secure
1413 appearance by a person charged with having committed the offense, the payment of a penalty
1414 assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence
1415 by the court.

1416 (5) "Court" means a court of law, including magistrate's court and the justice of the
1417 peace court.

1418 (6) "Home state" means the state of primary residence of a person.

1419 (7) "Issuing state" means the participating state which issues a wildlife citation to the

1420 violator.

1421 (8) "License" means a license, permit, or other public document which conveys to the
1422 person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife
1423 regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

1424 (9) "Licensing authority" means the department or division within each participating
1425 state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or
1426 possess wildlife.

1427 (10) "Participating state" means any state which enacts legislation to become a member
1428 of this wildlife compact.

1429 (11) "Personal recognizance" means an agreement by a person made at the time of
1430 issuance of the wildlife citation that the person will comply with the terms of the citation.

1431 (12) "State" means a state, territory, or possession of the United States, the District of
1432 Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other
1433 countries.

1434 (13) "Suspension" means a revocation, denial, or withdrawal of any or all license
1435 privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by
1436 any license.

1437 (14) "Wildlife" means species of animals including, but not limited to, mammals,
1438 birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and
1439 are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative
1440 rule in a participating state. Species included in the definition of "wildlife" vary from state to
1441 state and determination of whether a species is "wildlife" for the purpose of this compact shall
1442 be based on local law.

1443 (15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative
1444 rule developed and enacted for the management and use of wildlife resources.

1445 (16) "Wildlife officer" means an individual authorized by a participating state to issue a
1446 citation for a wildlife violation.

1447 (17) "Wildlife violation" means a cited violation of a statute, law, regulation,
1448 ordinance, or administrative rule developed and enacted for the management and use of
1449 wildlife resources.

1450 Section 30. Section **23A-2-503**, which is renumbered from Section 23-25-4 is

1451 renumbered and amended to read:

1452 ~~[23-25-4]~~. **23A-2-503. Procedures for issuing state.**

1453 (1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a
1454 citation to a person whose primary residence is in a participating state in the same manner as
1455 though the person were a resident of the issuing state and shall not require the person to post
1456 collateral to secure appearance, subject to the exceptions under Subsection (2), if the officer
1457 receives the recognizance of the person that he will comply with the terms of the citation.

1458 (2) Personal recognizance is acceptable:

1459 (a) if not prohibited by local law or the compact manual; and

1460 (b) if the violator provides adequate proof of identification to the wildlife officer.

1461 (3) (a) Upon conviction or failure of a person to comply with the terms of a wildlife
1462 citation, the appropriate official shall report the conviction or failure to comply to the licensing
1463 authority of the participating state in which the wildlife citation was issued.

1464 (b) The report shall be made in accordance with procedures specified by the issuing
1465 state and shall contain information as specified in the compact manual as minimum
1466 requirements for effective processing by the home state.

1467 (4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection
1468 (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority of the
1469 home state of the violator the information in the form and with the content as prescribed in the
1470 compact manual.

1471 Section 31. Section **23A-2-504**, which is renumbered from Section 23-25-5 is
1472 renumbered and amended to read:

1473 ~~[23-25-5]~~. **23A-2-504. Procedure for home state.**

1474 (1) (a) Upon receipt of a report from the licensing authority of the issuing state
1475 reporting the failure of a violator to comply with the term of a citation, the licensing authority
1476 of the home state shall:

1477 (i) notify the violator;

1478 (ii) initiate a suspension action in accordance with the home state's suspension
1479 procedures; and

1480 (iii) suspend the violator's license privileges until satisfactory evidence of compliance
1481 with the terms of the wildlife citation has been furnished by the issuing state to the home state

1482 licensing authority.

1483 (b) Due process safeguards will be accorded.

1484 (2) Upon receipt of a report of conviction from the licensing authority of the issuing
1485 state, the licensing authority of the home state shall enter the conviction as though it occurred
1486 in the home state for the purposes of the suspension of license privileges.

1487 (3) The licensing authority of the home state shall:

1488 (a) maintain a record of actions taken; and

1489 (b) make reports to issuing states as provided in the compact manual.

1490 Section 32. Section **23A-2-505**, which is renumbered from Section 23-25-6 is
1491 renumbered and amended to read:

1492 **~~[23-25-6]~~. 23A-2-505. Reciprocal recognition of suspension.**

1493 (1) All participating states shall recognize the suspension of license privileges of a
1494 person by the participating state as though the violation resulting in the suspension:

1495 (a) had occurred in their state; and

1496 (b) could have been the basis of the suspension of license privileges in their state.

1497 (2) Each participating state shall communicate suspension information to other
1498 participating states in the form and with the content as contained in the compact manual.

1499 Section 33. Section **23A-2-506**, which is renumbered from Section 23-25-7 is
1500 renumbered and amended to read:

1501 **~~[23-25-7]~~. 23A-2-506. Applicability of other laws.**

1502 Except as expressly required by provisions of this compact, nothing herein shall be
1503 construed to affect the right of any participating state to apply any of its laws relating to license
1504 privileges to a person or circumstance or to invalidate or prevent any agreement or other
1505 cooperative arrangement between a participating state and a nonparticipating state concerning
1506 wildlife law enforcement.

1507 Section 34. Section **23A-2-507**, which is renumbered from Section 23-25-8 is
1508 renumbered and amended to read:

1509 **~~[23-25-8]~~. 23A-2-507. Compact administrator procedures.**

1510 (1) (a) A Board of Compact Administrators is established to:

1511 (i) administer the provisions of this compact; and

1512 (ii) serve as a governing body for the resolution of all matters relating to the operation

1513 of this compact.

1514 (b) The board shall be composed of one representative from each of the participating
1515 states to be known as the compact administrator.

1516 (c) The compact administrator shall be appointed by the head of the licensing authority
1517 of each participating state and shall serve and be subject to removal in accordance with the
1518 laws of the state he represents.

1519 (d) A compact administrator may provide for the discharge of his duties and the
1520 performance of his function as a board member by an alternate.

1521 (e) An alternate shall not be entitled to serve unless written notification of his identity
1522 has been given to the board.

1523 (2) (a) Each member of the board of compact administrators shall be entitled to one
1524 vote.

1525 (b) An action of the board shall not be binding unless taken at a meeting at which a
1526 majority of the total number of the board's votes are cast in favor thereof.

1527 (c) Action by the board shall be only at a meeting at which a majority of the
1528 participating states are represented.

1529 (3) The board shall elect annually from its membership a chairman and vice-chairman.

1530 (4) The board shall adopt bylaws not inconsistent with the provisions of this compact
1531 or the laws of a participating state for the conduct of its business and shall have the power to
1532 amend and rescind its bylaws.

1533 (5) The board may accept for any of its purposes and functions under this compact any
1534 and all donations and grants of money, equipment, supplies, materials, and services,
1535 conditional or otherwise, from any state, the United States, or any governmental agency, and
1536 may receive, utilize, and dispose of the donations and grants.

1537 (6) The board may contract with, or accept services or personnel from, any
1538 governmental or intergovernmental agency, individual, firm, or corporation, or any private
1539 nonprofit organization or institution.

1540 (7) The board shall formulate all necessary procedures and develop uniform forms and
1541 documents for administering the provisions of this compact. All procedures and forms adopted
1542 to board action shall be contained in a compact manual.

1543 Section 35. Section **23A-2-508**, which is renumbered from Section 23-25-9 is

1544 renumbered and amended to read:

1545 ~~[23-25-9]~~. **23A-2-508**. **Entry into compact and withdrawal.**

1546 (1) This compact shall become effective at the time it is adopted in substantially
1547 similar form by two or more states.

1548 (2) (a) Entry into the compact shall be made by resolution of ratification by the
1549 authorized officials of the applying state and submitted to the chairman of the board.

1550 (b) The resolution shall substantially be in the form and content as provided in the
1551 compact manual and shall include the following:

1552 (i) a citation of the authority from which the state is empowered to become a party to
1553 this compact;

1554 (ii) an agreement of compliance with the terms and provisions of this compact; and

1555 (iii) an agreement that compact entry is with all states participating in the compact and
1556 with all additional states legally becoming a party to the compact.

1557 (c) The effective date of entry shall be specified by the applying state but shall not be
1558 less than 60 days after notice has been given:

1559 (i) by the chairman of the board of the compact administrators; or

1560 (ii) by the secretary of the board to each participating state that the resolution from the
1561 applying state has been received.

1562 (3) A participating state may withdraw from participation in this compact by official
1563 written notice to each participating state, but withdrawal shall not become effective until 90
1564 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity
1565 of this compact as to the remaining participating states.

1566 Section 36. Section **23A-2-509**, which is renumbered from Section 23-25-10 is
1567 renumbered and amended to read:

1568 ~~[23-25-10]~~. **23A-2-509**. **Amendments to the compact.**

1569 (1) This compact may be amended from time to time. Amendments shall be presented
1570 in resolution form to the chairman of the Board of Compact Administrators and shall be
1571 initiated by one or more participating states.

1572 (2) Adoption of an amendment shall require endorsement by all participating states and
1573 shall become effective 30 days after the date of the last endorsement.

1574 (3) Failure of a participating state to respond to the compact chairman within 120 days

1575 after receipt of a proposed amendment shall constitute endorsement thereof.

1576 Section 37. Section **23A-2-510**, which is renumbered from Section 23-25-11 is

1577 renumbered and amended to read:

1578 ~~[23-25-11]~~. **23A-2-510. Construction and severability.**

1579 (1) This compact shall be liberally construed so as to effectuate the purposes stated
1580 herein.

1581 (2) The provisions of this compact shall be severable and if a phrase, clause, sentence,
1582 or provision of this compact is declared to be contrary to the constitution of a participating state
1583 or of the United States, or the applicability thereof to a government, agency, individual, or
1584 circumstance is held invalid, the validity of the remainder of this compact shall not be affected
1585 thereby.

1586 (3) If this compact is held contrary to the constitution of a participating state, the
1587 compact shall remain in full force and effect as to the remaining states and in full force and
1588 effect as to the participating state affected regarding all severable matters.

1589 Section 38. Section **23A-2-511**, which is renumbered from Section 23-25-13 is

1590 renumbered and amended to read:

1591 ~~[23-25-13]~~. **23A-2-511. Licensing authority -- Administrator -- Expenses.**

1592 (1) The Division of Wildlife Resources is designated as the licensing authority in this
1593 state for the purpose of the compact.

1594 (2) The director of the Division of Wildlife Resources shall furnish to the appropriate
1595 authorities of the participating states any information or documents reasonably necessary to
1596 facilitate the administration of the compact.

1597 (3) The compact administrator provided for in Section ~~[23-25-8]~~ 23A-2-507, "Wildlife
1598 Violator Compact," shall not be entitled to any additional compensation for his service as the
1599 administrator but shall be entitled to expenses incurred in connection with his duties and
1600 responsibilities as administrator in the same manner as for expenses incurred in connection
1601 with any other duties or responsibilities of his office or employment.

1602 Section 39. Section **23A-3-101** is enacted to read:

1603 **CHAPTER 3. FUNDS AND ACCOUNTS**

1604 **Part 1. General Provisions**

1605 **23A-3-101. Definitions.**

1606 Reserved.

1607 Section 40. Section **23A-3-201**, which is renumbered from Section 23-14-13 is
1608 renumbered and amended to read:

1609 **Part 2. Funds and Accounts in General**

1610 ~~[23-14-13]~~. **23A-3-201. Wildlife Resources Account -- Unexpected fund**
1611 **balances converted to General Fund account.**

1612 (1) There is created a restricted account within the General Fund known as the
1613 "Wildlife Resources Account."

1614 (2) The following money shall be deposited into the Wildlife Resources Account:

1615 (a) revenue from the sale of licenses, permits, tags, and certificates of registration
1616 issued under this title or a rule or proclamation of the Wildlife Board, except as otherwise
1617 provided by this title;

1618 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
1619 property acquired with revenue specified in Subsection (2)(a);

1620 (c) revenue from fines and forfeitures for violations of this title or ~~[any]~~ a rule,
1621 proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule
1622 adopted by the Judicial Council;

1623 (d) ~~[funds]~~ money appropriated from the General Fund by the Legislature pursuant to
1624 Section ~~[23-19-39]~~ 23A-4-306;

1625 (e) other money received by the division under ~~[any provision of]~~ this title, except as
1626 otherwise provided by this title; and

1627 (f) interest, dividends, or other income earned on account money.

1628 (3) Money in the Wildlife Resources Account shall be used for the administration of
1629 this title.

1630 (4) The state auditor and director of the Division of Finance shall, at the close of the
1631 fiscal year, convert into the Wildlife Resources Account the unexpended balances of the
1632 Wildlife Resources Account not legally obligated by contract or appropriated by the Wildlife
1633 Board for capital outlay projects or other programs that may extend beyond the close of the
1634 fiscal year.

1635 Section 41. Section **23A-3-202**, which is renumbered from Section 23-14-14 is
1636 renumbered and amended to read:

1637 ~~[23-14-14].~~ **23A-3-202.** Grants or gifts accepted by division -- Special account.

1638 The ~~[Division of Wildlife Resources is authorized to]~~ division may accept grants or
1639 gifts of money, property, water rights or other endowments that ~~[will]~~ benefit the wildlife
1640 resources of the state. ~~[Money]~~ The division shall place money as received ~~[shall be placed]~~ in
1641 a special account to be used for specific use as indicated by the grantor.

1642 Section 42. Section **23A-3-203**, which is renumbered from Section 23-14-13.5 is
1643 renumbered and amended to read:

1644 ~~[23-14-13.5].~~ **23A-3-203.** Support for State-Owned Shooting Ranges
1645 **Restricted Account.**

1646 (1) There is created in the General Fund a restricted account known as the "Support for
1647 State-Owned Shooting Ranges Restricted Account."

1648 (2) The account shall be funded by:

1649 (a) contributions deposited into the ~~[account]~~ Support for State-Owned Shooting
1650 Ranges Restricted Account in accordance with Section 41-1a-422;

1651 (b) private contributions; and

1652 (c) donations or grants from public or private entities.

1653 (3) Upon appropriation by the Legislature, the division shall distribute ~~[funds]~~ money
1654 in the ~~[account]~~ Support for State-Owned Shooting Ranges Restricted Account to facilitate
1655 construction of new firearm shooting ranges, and operation and maintenance of existing ranges,
1656 that are:

1657 (a) built on land owned or leased by the state;

1658 (b) owned by the division; and

1659 (c) operated by the division or the division's contractors.

1660 (4) The division shall only expend the ~~[funds]~~ Support for State-Owned Shooting
1661 Ranges Restricted Account to:

1662 (a) construct, operate, and maintain firearm shooting ranges described in Subsection
1663 (3); and

1664 (b) pay the costs of issuing or reordering Support the 2nd Amendment and
1665 State-Owned Shooting Ranges support special group license plate decals.

1666 (5) In accordance with Section 63J-1-602.1, appropriations from the account are
1667 nonlapsing.

1668 Section 43. Section **23A-3-204**, which is renumbered from Section 23-14-14.2 is
1669 renumbered and amended to read:

1670 ~~[23-14-14.2]~~. **23A-3-204. Wildlife Resources Conservation Easement**
1671 **Restricted Account.**

1672 (1) There is created within the General Fund a restricted account known as the
1673 "Wildlife Resources Conservation Easement Account."

1674 (2) The Wildlife Resources Conservation Easement Account consists of:

1675 (a) grants from private foundations;

1676 (b) grants from local governments, the state, or the federal government;

1677 (c) grants from the Land Conservation Board created under Section 4-46-201;

1678 (d) donations from landowners for monitoring and managing conservation easements;

1679 (e) donations from any other person; and

1680 (f) interest on account money.

1681 (3) Upon appropriation by the Legislature, the [~~Division of Wildlife Resources~~]
1682 division shall use money from the [~~account~~] Wildlife Resources Conservation Easement
1683 Account to monitor and manage conservation easements held by the division.

1684 (4) The division may not receive or expend donations from the [~~account~~] Wildlife
1685 Resources Conservation Easement Account to acquire conservation easements.

1686 Section 44. Section **23A-3-205**, which is renumbered from Section 23-13-20 is
1687 renumbered and amended to read:

1688 ~~[23-13-20]~~. **23A-3-205. Wildlife Conservation Fund.**

1689 (1) As used in this section:

1690 (a) "Fund" means the Wildlife Conservation Fund created by this section.

1691 (b) "Wildlife conservation permit program" means a program under which the division
1692 issues permit opportunities to be sold by a conservation organization for auction to the highest
1693 bidder at a fund-raising event.

1694 (c) "Wildlife exposition program" means a program under which the division allocates
1695 permits to a drawing administered by a selected conservation organization as part of a regional
1696 or national exposition for the purpose of generating revenue to fund wildlife conservation
1697 activities in Utah.

1698 (2) There is created an expendable special revenue fund known as the "Wildlife

1699 Conservation Fund."

1700 (3) The fund consists of:

1701 (a) wildlife conservation permit program revenue transferred to the division pursuant to
1702 rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
1703 Administrative Rulemaking Act;

1704 (b) wildlife exposition program revenue transferred to the division pursuant to rules,
1705 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative
1706 Rulemaking Act;

1707 (c) money appropriated to the fund by the Legislature;

1708 (d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted
1709 by the division and specifically directed to the fund; and

1710 (e) interest and earnings on the fund.

1711 (4) (a) The fund shall earn interest and other earnings.

1712 (b) The interest and earnings described in Subsection (4)(a) shall be deposited into the
1713 fund.

1714 (5) (a) The division shall use proceeds in the fund to carry out the purposes of the
1715 wildlife conservation permit program or wildlife exposition program.

1716 (b) Deposits into and expenditures from the fund shall specifically identify the wildlife
1717 conservation permit program or wildlife exposition program to which the deposits and
1718 expenditures apply.

1719 (c) The division shall make expenditures from the fund consistent with the rules
1720 governing the applicable program.

1721 (6) The division shall annually report to the Natural Resources, Agriculture, and
1722 Environmental Quality Appropriations Subcommittee regarding:

1723 (a) the amount of money in the fund [~~from~~];

1724 (b) the sources of money [~~for~~] in the fund; and

1725 (c) how the money is expended.

1726 Section 45. Section **23A-3-206**, which is renumbered from Section 23-14-14.3 is
1727 renumbered and amended to read:

1728 ~~[23-14-14.3]~~. **23A-3-206. Donations related to donation of wild game meat**

1729 **-- Wild Game Meat Donation Fund.**

1730 (1) As used in this section:

1731 [~~(a)~~] "Division" means the Division of Wildlife Resources.];

1732 [~~(b)~~] (a) "Fund" means the expendable special revenue fund created in this section.

1733 [~~(c)~~] (b) "Nonprofit charitable organization" means the same as that term is defined in
1734 Section 4-34-102.

1735 [~~(d)~~] (c) "Wild game" means the same as that term is defined in Section 4-32-105.

1736 (2) There is created an expendable special revenue fund known as the "Wild Game
1737 Meat Donation Fund."

1738 (3) The fund consists of:

1739 (a) donations made to the division for the purpose of addressing the processing of wild
1740 game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable
1741 organization to feed individuals in need;

1742 (b) appropriations from the Legislature; and

1743 (c) interest and earnings on the fund.

1744 (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter
1745 7, State Money Management Act, except that the state treasurer shall deposit in the fund
1746 interest or other earnings derived from those investments [~~shall be deposited into the fund~~].

1747 (5) The division may use money in the fund only to address the processing of wild
1748 game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable
1749 organization to feed individuals in need.

1750 (6) The division shall coordinate with the Department of Agriculture and Food to
1751 implement this section.

1752 Section 46. Section **23A-3-207**, which is renumbered from Section 23-19-43 is
1753 renumbered and amended to read:

1754 [~~23-19-43~~]. **23A-3-207. Wildlife Habitat Account.**

1755 (1) There is created a restricted account within the General Fund known as the
1756 "Wildlife Habitat Account."

1757 (2) The contents of the [~~account~~] Wildlife Habitat Account shall consist of:

1758 (a) revenue from the sale of licenses, permits, [~~stamps~~], and certificates of registration[;
1759 ~~and Wildlife Heritage certificates~~] as provided in Section [~~23-19-47~~] 23A-3-208;

1760 (b) money donated to the division for a purpose specified in Subsection (6); and

1761 (c) interest and earnings on account money.

1762 (3) ~~[Revenue]~~ The division shall use the revenue from the sale of licenses, permits,
1763 ~~[stamps,] and~~ certificates of registration~~[, and Wildlife Heritage certificates]~~ that is deposited to
1764 the account pursuant to Section ~~[23-19-47 shall be used by the division]~~ 23A-3-208, after
1765 appropriation by the Legislature, as provided in Subsections (4) through (6).

1766 (4) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$70,000 or 4% of the
1767 annual deposits to the [account] Wildlife Habitat Account, whichever amount is greater, ~~[shall~~
1768 ~~be allocated]~~ for the development, restoration, and preservation of wetlands that are beneficial
1769 to waterfowl.

1770 (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the
1771 Legislature for use by a nonprofit conservation organization for wetland development projects
1772 within the state that benefit waterfowl.

1773 (5) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$230,000 or 12% of the
1774 annual deposits to the [account] Wildlife Habitat Account, whichever amount is greater, ~~[shall~~
1775 ~~be allocated]~~ to upland game projects as follows:

1776 (i) the control of predators;

1777 (ii) the development, improvement, restoration, or maintenance of critical habitat
1778 through the establishment of landowner incentives, cooperative programs, or other means;

1779 (iii) the acquisition or preservation of critical habitat;

1780 (iv) landowner habitat education and assistance programs;

1781 (v) public access to private lands; and

1782 (vi) upland game transplant and reintroduction programs.

1783 ~~[(b) As used in this section "upland game" means pheasant, quail, chukar, partridge,~~
1784 ~~sage grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse, ptarmigan,~~
1785 ~~mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.]~~

1786 ~~[(c)]~~ (b) Money allocated to upland game may not be used for the acquisition,
1787 development, improvement, restoration, or maintenance of habitat within commercial hunting
1788 areas.

1789 ~~[(d)]~~ (c) No more than 5% of the money allocated to upland game may be used for
1790 landowner habitat education programs.

1791 ~~[(e)]~~ (d) The division shall use money allocated to upland game ~~[shall be used]~~ for

1792 programs and activities relating to upland game species based generally upon the proportion of
1793 average annual hunter participation for each species.

1794 ~~[(f)]~~ (e) Projects for which free public access is assured shall receive first priority for
1795 funding from money allocated to upland game.

1796 ~~[(g)]~~ (f) Projects for which public access is assured shall receive second priority for
1797 funding from money allocated to upland game.

1798 (6) The division shall use remaining money in the ~~[account shall be used]~~ Wildlife
1799 Habitat Account for the following purposes:

1800 (a) the enhancement, acquisition, preservation, protection, and management of aquatic
1801 and terrestrial wildlife habitat; and

1802 (b) to improve access for fishing and hunting.

1803 (7) The division shall seek the advice and recommendations of the Habitat Council,
1804 created by the division, regarding the expenditure of account money.

1805 (8) Donations of money deposited into the ~~[account]~~ Wildlife Habitat Account and
1806 interest earned on that money shall be expended:

1807 (a) as directed by the donor; and

1808 (b) without being appropriated by the Legislature.

1809 Section 47. Section **23A-3-208**, which is renumbered from Section 23-19-47 is
1810 renumbered and amended to read:

1811 ~~[23-19-47]~~. **23A-3-208. Portion of revenue from license, permit, and certificate**
1812 **of registration fees deposited into Wildlife Habitat Account.**

1813 (1) Fifty cents of the fee charged for ~~[any of the following licenses or stamps]~~ a
1814 one-day fishing license shall be deposited in the Wildlife Habitat Account created in Section
1815 ~~[23-19-43:]~~ 23A-3-207.

1816 ~~[(a) a one-day fishing license; or]~~

1817 ~~[(b) a one-day fishing stamp.]~~

1818 (2) Three dollars and fifty cents of the fee charged for any of the following licenses or
1819 permits shall be deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~
1820 23A-3-207:

1821 (a) a fishing license, except any one-day fishing license;

1822 (b) a hunting license;

- 1823 (c) a combination license;
- 1824 (d) a furbearer license; or
- 1825 (e) a fishing permit~~[, except any fish stamp]~~.
- 1826 (3) Four dollars and seventy-five cents of the fee charged for any of the following
- 1827 certificates of registration~~[, permits, or Wildlife Heritage certificates]~~ or permits shall be
- 1828 deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~ 23A-3-207:
- 1829 (a) a certificate of registration for the dedicated hunter program, except a certificate of
- 1830 registration issued to a lifetime licensee;
- 1831 (b) a big game permit;
- 1832 (c) a bear permit;
- 1833 (d) a cougar permit;
- 1834 (e) a turkey permit; or
- 1835 (f) a muskrat permit~~[, or]~~
- 1836 ~~[(g) a Wildlife Heritage certificate]~~.

1837 Section 48. Section **23A-3-209**, which is renumbered from Section 23-19-48 is

1838 renumbered and amended to read:

1839 ~~[23-19-48]~~. **23A-3-209. Predator Control Restricted Account.**

1840 (1) There is created a restricted account within the General Fund known as the

1841 "Predator Control Restricted Account."

1842 (2) The ~~[restricted account]~~ Predator Control Restricted Account includes:

1843 (a) deposits made to the ~~[restricted account]~~ Predator Control Restricted Account from

1844 fees established on hunting permits in accordance with Section ~~[23-19-22]~~ 23A-4-703; and

1845 (b) ~~[any other amount]~~ other amounts deposited in the ~~[restricted account]~~ Predator

1846 Control Restricted Account from donations or appropriations.

1847 (3) ~~[Money from the restricted account shall be used by the]~~ The division shall use

1848 money from the Predator Control Restricted Account to fund a predator control program to

1849 control populations of predatory animals that endanger the health of nonpredatory wildlife

1850 populations in the state, consistent with the policies of the Wildlife Board.

1851 Section 49. Section **23A-3-210**, which is renumbered from Section 23-15-14 is

1852 renumbered and amended to read:

1853 ~~[23-15-14]~~. **23A-3-210. State Fish Hatchery Maintenance Account.**

1854 (1) There is created a restricted account within the General Fund known as the "State
1855 Fish Hatchery Maintenance Account."

1856 (2) The following money shall be deposited into the ~~[account]~~ State Fish Hatchery
1857 Maintenance Account:

1858 (a) \$2.00 of ~~each~~ a fishing license fee or combination license fee; and

1859 (b) interest and earnings on account money.

1860 (3) ~~[Money in the account shall be used by the]~~ The division, after appropriation by the
1861 Legislature, shall use money in the State Fish Hatchery Maintenance Account for major repairs
1862 or replacement of facilities and equipment at fish hatcheries owned and operated by the
1863 division for the production and distribution of fish to enhance sport fishing opportunities in the
1864 state.

1865 Section 50. Section **23A-3-211**, which is renumbered from Section 23-27-305 is
1866 renumbered and amended to read:

1867 ~~[23-27-305]~~. **23A-3-211. Aquatic Invasive Species Interdiction Account.**

1868 (1) There is created within the General Fund a restricted account known as the
1869 "Aquatic Invasive Species Interdiction Account."

1870 (2) The ~~[restricted account]~~ Aquatic Invasive Species Interdiction Account shall consist
1871 of:

1872 (a) nonresident aquatic invasive species fees collected under Section ~~[23-27-304]~~
1873 23A-10-304;

1874 (b) resident aquatic invasive species fees collected under Section 73-18-26; and

1875 (c) ~~[any other amount]~~ other amounts deposited in the ~~[restricted account]~~ Aquatic
1876 Invasive Species Interdiction Account from donations, appropriations, contractual agreements,
1877 and accrued interest.

1878 (3) Upon appropriation, the division shall use the fees collected under ~~[Sections~~
1879 ~~23-27-305]~~ this section and Section 73-18-26 and deposited in the Aquatic Invasive Species
1880 Account to fund aquatic invasive species prevention and containment efforts.

1881 Section 51. Section **23A-3-212**, which is renumbered from Section 23-30-103 is
1882 renumbered and amended to read:

1883 ~~[23-30-103]~~. **23A-3-212. Mule Deer Protection Account.**

1884 (1) There is created a restricted account within the General Fund known as the "Mule

1885 Deer Protection Restricted Account."

1886 (a) The ~~[restricted account]~~ Mule Deer Protection Restricted Account shall consist of:

1887 (i) appropriations made by the Legislature; and

1888 (ii) grants or donations from:

1889 (A) the federal government;

1890 (B) a state agency;

1891 (C) a local government; or

1892 (D) a person.

1893 (b) The division shall administer the ~~[restricted account]~~ Mule Deer Protection

1894 Restricted Account.

1895 (2) Subject to appropriation, the division may expend money in the ~~[restricted account]~~

1896 Mule Deer Protection Restricted Account on:

1897 (a) a program established by rule under Subsection ~~[23-30-104]~~ 23A-11-402(1);

1898 (b) a contract for targeted predator control described in Subsection ~~[23-30-104]~~

1899 23A-11-402(3)(a);

1900 (c) predator control education and training related to mule deer protection described in

1901 Subsection ~~[23-30-104]~~ 23A-11-402(3)(b); and

1902 (d) administration costs incurred to carry out ~~[the requirements of this chapter]~~ Chapter

1903 11, Part 4, Mule Deer Protection.

1904 Section 52. Section **23A-3-213**, which is renumbered from Section 23-19-17.7 is

1905 renumbered and amended to read:

1906 ~~[23-19-17.7]~~. **23A-3-213. Wildlife Resources Trust Account.**

1907 (1) There is created within the General Fund a restricted account to be known as the

1908 "Wildlife Resources Trust Account~~[All fees]~~." Fees received from the sale of lifetime licenses

1909 shall be deposited in that account.

1910 (2) ~~[All interest]~~ Interest earned by investments of the funds in the Wildlife Resources

1911 Trust Account shall, on July 1 of each year, be deposited in the Wildlife Resources Account

1912 created in Section ~~[23-14-13]~~ 23A-3-201.

1913 (3) Money in the Wildlife Resources Trust Account is subject to the restriction in

1914 Section ~~[23-22-2]~~ 23A-2-402 that no money paid to the state for hunting and fishing license

1915 fees shall be diverted for any other purpose than the enhancement of wildlife by the ~~[Division~~

1916 of ~~Wildlife Resources~~] division.

1917 Section 53. Section **23A-3-301**, which is renumbered from Section 23-31-102 is
1918 renumbered and amended to read:

1919 **Part 3. Utah Natural Resources Legacy Fund**

1920 ~~[23-31-102]~~. **23A-3-301. Definitions.**

1921 As used in this ~~[chapter]~~ part:

1922 (1) "Board" means the Utah Natural Resources Legacy Fund Board created in Section
1923 ~~[23-31-202]~~ 23A-3-305.

1924 ~~[(2) "Department" means the Department of Natural Resources.]~~

1925 ~~[(3)]~~ (2) "Legacy fund" means the Utah Natural Resources Legacy Fund created in
1926 Section ~~[23-31-201]~~ 23A-3-304.

1927 Section 54. Section **23A-3-302**, which is renumbered from Section 23-31-103 is
1928 renumbered and amended to read:

1929 ~~[23-31-103]~~. **23A-3-302. Application to mineral estates.**

1930 This ~~[chapter]~~ part does not change law regarding:

- 1931 (1) the primacy of a mineral estate;
1932 (2) limiting access to a mineral estate; or
1933 (3) limiting development of a mineral estate.

1934 Section 55. Section **23A-3-303**, which is renumbered from Section 23-31-104 is
1935 renumbered and amended to read:

1936 ~~[23-31-104]~~. **23A-3-303. Reporting.**

1937 The division shall annually report to the governor and the Natural Resources,
1938 Agriculture, and Environment Interim Committee on or before September 1 with respect to:

1939 (1) federal grants, state appropriations, and other contributions, grants, gifts, transfers,
1940 bequests, and donations received and credited to the legacy fund during the preceding fiscal
1941 year; and

1942 (2) expenditures from the legacy fund under Section ~~[23-31-203]~~ 23A-3-306.

1943 Section 56. Section **23A-3-304**, which is renumbered from Section 23-31-201 is
1944 renumbered and amended to read:

1945 ~~[23-31-201]~~. **23A-3-304. Utah Natural Resources Legacy Fund.**

1946 (1) There is created an expendable special revenue fund known as the "Utah Natural
1947 Resources Legacy Fund."

1948 (2) The legacy fund consists of:

1949 (a) appropriations to the legacy fund by the Legislature;

1950 (b) federal grants accepted by the department or a division of the department and
1951 specifically directed to the legacy fund; and

1952 (c) contributions, grants, gifts, transfers, bequests, and donations to the legacy fund
1953 accepted by the department and specifically directed to the legacy fund.

1954 (3) (a) The [~~account~~] legacy fund shall earn interest.

1955 (b) The interest described in Subsection (3)(a) shall be deposited into the [~~account~~]
1956 legacy fund.

1957 Section 57. Section **23A-3-305**, which is renumbered from Section 23-31-202 is
1958 renumbered and amended to read:

1959 ~~[23-31-202]~~. **23A-3-305. Utah Natural Resources Legacy Fund Board.**

1960 (1) Subject to Subsection (12), there is created within the department the Utah Natural
1961 Resources Legacy Fund Board that consists of eight members as follows:

1962 (a) the following voting members:

1963 (i) two members representing the agriculture industry, appointed by the commissioner
1964 of the Department of Agriculture and Food;

1965 (ii) one member representing a non-government entity that has as a primary purpose
1966 conserving non-game wildlife and habitat, appointed by the director [~~of the Division of~~
1967 ~~Wildlife Resources~~];

1968 (iii) one member representing hunting, fishing, and trapping interests in Utah,
1969 appointed by the director [~~of the Division of Wildlife Resources~~];

1970 (iv) one member representing mineral extraction and development interests, appointed
1971 by the director of the Division of Oil, Gas, and Mining;

1972 (v) one member representing water development and distribution interests, appointed
1973 by the executive director [~~of the department~~]; and

1974 (vi) one at-large member, appointed by the executive director [~~of the department~~]; and

1975 (b) the director [~~of the division~~] as a nonvoting member.

1976 (2) A voting member of the board shall be appointed for a three-year term.

1977 (3) Notwithstanding Subsection (2), terms of board members are staggered as follows
1978 so that approximately one-third of the board is appointed every year:

1979 (a) the initial individuals appointed under Subsections (1)(a)(i) and (ii) shall be
1980 appointed for three-year terms;

1981 (b) the initial individuals appointed under Subsections (1)(a)(iii) and (iv) shall be
1982 appointed for two-year terms; and

1983 (c) the initial individuals appointed under Subsections (1)(a)(v) and (vi) shall be
1984 appointed for one-year terms.

1985 (4) An individual may be appointed to more than one term.

1986 (5) When a vacancy occurs in the membership for any reason, an individual shall be
1987 appointed in accordance with Subsection (1) to replace the member for the unexpired term.

1988 (6) The board shall elect one member to serve as chair of the board.

1989 (7) The board shall meet regularly as called by the chair.

1990 (8) Four voting members constitute a quorum.

1991 (9) An action by the majority of voting members present when a quorum is present is
1992 an action of the board.

1993 (10) A member may not receive compensation or benefits for the member's service, but
1994 may receive per diem and travel expenses in accordance with:

1995 (a) Section 63A-3-106;

1996 (b) Section 63A-3-107; and

1997 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1998 63A-3-107.

1999 (11) The division shall staff the board.

2000 (12) The board is not created and may not begin operation until the legacy fund
2001 described in Section ~~[23-31-201]~~ 23A-3-304 holds at least \$200,000.

2002 Section 58. Section **23A-3-306**, which is renumbered from Section 23-31-203 is
2003 renumbered and amended to read:

2004 ~~[23-31-203]~~. **23A-3-306. Uses of legacy fund.**

2005 (1) Each year, when the board creates a budget, the board shall allocate:

2006 (a) 40% of the budget:

2007 (i) for staff and expenses to administer the legacy fund under this ~~[chapter]~~ part;

- 2008 (ii) to conduct research, monitoring, and management actions that benefit non-game
 2009 species; or
- 2010 (iii) to otherwise reduce the likelihood of future species listings under the Endangered
 2011 Species Act, 16 U.S.C. Sec. 1531 et seq.; and
- 2012 (b) 60% of the budget to fund the following projects that provide the following
 2013 landscape level conservation benefits:
- 2014 (i) preserving open spaces, wildlife habitat, and critical agricultural lands;
- 2015 (ii) providing perpetual access for hunting, fishing, or trapping;
- 2016 (iii) addressing and mitigating impacts detrimental to wildlife habitat, the environment,
 2017 and the multiple use of renewable natural resources attributable to residential, mineral, and
 2018 industrial development; or
- 2019 (iv) preserving a viable agricultural industry.
- 2020 (2) (a) The board shall make recommendations to the division regarding expenditures
 2021 from the legacy fund for the purposes described in Subsection (1)(b).
- 2022 (b) The division shall consider the board's recommendations in approving an
 2023 expenditure from the legacy fund under Subsection (1) and, if the division rejects the board's
 2024 recommendation, the director [~~of the division~~] shall provide the board with a written
 2025 explanation of the reason for the rejection.
- 2026 (3) In performing the actions described in Subsection (1)(b), the division shall comply
 2027 with [~~the requirements described in Section 23-21-1.5~~] Section 23A-6-202.
- 2028 (4) This section does not give the division the power of eminent domain.
- 2029 (5) The division may not use assets from the legacy fund for litigation.
- 2030 (6) Money in the legacy fund may not be used to develop or implement a habitat
 2031 conservation plan required under federal law unless the federal government pays for at least
 2032 one-third of the habitat conservation plan costs.

2033 Section 59. Section **23A-4-101** is enacted to read:

2034 **CHAPTER 4. LICENSES, PERMITS, CERTIFICATES OF REGISTRATION, AND**
 2035 **TAGS**

2036 **Part 1. General Provisions**

2037 **23A-4-101. Definitions.**

2038 Reserved.

2039 Section 60. Section **23A-4-201**, which is renumbered from Section 23-19-1 is
2040 renumbered and amended to read:

2041 **Part 2. Basic Requirements**

2042 ~~[23-19-1]~~. **23A-4-201. Possession of licenses, certificates of registration,**
2043 **permits, and tags required -- Nonassignability -- Exceptions -- Nature of licenses, permits,**
2044 **or tags issued by the division.**

2045 (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine
2046 protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

2047 (a) procures the necessary licenses, certificates of registration, permits, or tags required
2048 under this title, by rule made by the Wildlife Board under this title, or by an order or
2049 proclamation [~~issued in accordance with a rule made by the Wildlife Board under this title~~];
2050 and

2051 (b) carries in the person's possession while engaging in the activities described in
2052 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by
2053 rule made by the Wildlife Board under this title, or by an order or proclamation [~~issued in~~
2054 ~~accordance with a rule made by the Wildlife Board under this title~~].

2055 (2) Except as provided in Subsection (3) a person may not:

2056 (a) lend, transfer, sell, give, or assign:

2057 (i) a license, certificate of registration, permit, or tag belonging to the person; or

2058 (ii) a right granted by a license, certificate of registration, permit, or tag; or

2059 (b) use or attempt to use a license, certificate of registration, permit, or tag of another
2060 person.

2061 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2062 Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2)
2063 to:

2064 (a) transport wildlife;

2065 (b) allow a person to take protected wildlife for another person if:

2066 (i) the person possessing the license, certificate of registration, permit, or tag has a
2067 permanent physical impairment due to a congenital or acquired injury or disease; and

2068 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a
2069 disability that renders the person physically unable to use a legal hunting weapon or fishing

2070 device;

2071 (c) allow a resident minor under 18 years ~~[of age]~~ old to use the resident or nonresident

2072 hunting permit of another person if:

2073 (i) the resident minor is otherwise legally eligible to hunt; and

2074 (ii) the permit holder:

2075 (A) receives no form of compensation or remuneration for allowing the minor to use

2076 the permit;

2077 (B) obtains the division's prior written approval to allow the minor to use the permit;

2078 and

2079 (C) accompanies the minor, for the purposes of advising and assisting during the hunt,

2080 at a distance where the permit holder can communicate with the minor, in person, by voice or

2081 visual signals; or

2082 (d) subject to the requirements of Subsection (4), transfer to another person a certificate

2083 of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in

2084 connection with the sale or transfer of the brine shrimp harvest operation or harvesting

2085 equipment.

2086 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine

2087 shrimp eggs if:

2088 (a) the person submits to the division an application to transfer the certificate on a form

2089 provided by the division;

2090 (b) the proposed transferee meets ~~[and]~~ the requirements necessary to obtain an original

2091 certificate of registration; and

2092 (c) the division approves the transfer of the certificate.

2093 (5) A person is not required to obtain a license, certificate of registration, permit, or tag

2094 to:

2095 (a) fish on a free fishing day that the Wildlife Board may establish each year by rule

2096 made by the Wildlife Board under this title or by an order or proclamation ~~[issued in~~

2097 ~~accordance with a rule made by the Wildlife Board under this title];~~

2098 (b) fish at a private fish pond operated in accordance with Section ~~[23-15-10; or]~~

2099 23A-9-203;

2100 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to

2101 propagate, keep, and release for shooting in accordance with a certificate of registration issued
2102 under Section [~~23-17-6~~] 23A-12-202; or

2103 (d) take fish at a short-term fishing event.

2104 (6) (a) A license, permit, tag, or certificate of registration issued under this title, or the
2105 rules of the Wildlife Board issued pursuant to [~~authority granted by~~] this title, to take protected
2106 wildlife is:

2107 (i) a privilege; and

2108 (ii) not a right or property for any purpose.

2109 (b) A point or other form of credit issued to, or accumulated by, a person under
2110 procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a
2111 hunting permit in a division-administered drawing:

2112 (i) may not be transferred, sold, or assigned to another person; and

2113 (ii) is not a right or property for any purpose.

2114 Section 61. Section **23A-4-202**, which is renumbered from Section 23-19-2 is
2115 renumbered and amended to read:

2116 ~~[23-19-2]~~. **23A-4-202. License, permit, and certificate forms prescribed by**
2117 **Wildlife Board.**

2118 (1) The Wildlife Board shall prescribe the form of a license, permit, or certificate of
2119 registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

2120 (2) A license, permit, or certificate of registration may be paper-based or in electronic
2121 format pursuant to the rules [~~established~~] made by the Wildlife Board in accordance with Title
2122 63G, Chapter 3, Utah Administrative Rulemaking Act.

2123 (3) A license issued pursuant to Section [~~23-19-36~~] 23A-4-305 shall be designated as
2124 such by a code number and may not contain a reference to the licensee's disability.

2125 Section 62. Section **23A-4-203**, which is renumbered from Section 23-19-3 is
2126 renumbered and amended to read:

2127 ~~[23-19-3]~~. **23A-4-203. Tag as supplement to licenses and permits.**

2128 The division may issue, [~~as supplements to appropriate licenses and permits, special~~
2129 ~~tags~~] as a supplement to the appropriate license or permit, a tag for protected wildlife, as
2130 determined by the Wildlife Board.

2131 Section 63. Section **23A-4-204**, which is renumbered from Section 23-19-4 is

2132 renumbered and amended to read:

2133 ~~[23-19-4].~~ **23A-4-204. Alien's and nonresident peace officer's ability to obtain**
 2134 **licenses and certificates.**

2135 (1) An alien resident of [~~the State of~~] Utah may purchase a hunting, fishing, trapping,
 2136 seining, and fur dealer [~~licenses and certificates of registration~~] license or certificate of
 2137 registration upon the same terms as a resident citizen.

2138 (2) [~~All nonresident aliens~~] A nonresident alien may purchase a hunting, fishing,
 2139 trapping, seining, [~~and~~] or fur dealer [~~licenses and certificates~~] license or certificate of
 2140 registration upon the same terms as nonresident citizens.

2141 (3) Notwithstanding Subsection [~~23-19-5~~] 23A-4-1101(1)(b), a nonresident may
 2142 purchase a hunting, fishing, trapping, seining, and fur dealer license [~~and~~] or certificate of
 2143 registration upon the same terms as a resident citizen if the person is:

2144 (a) employed by the state as a peace officer, as classified by Title 53, Chapter 13, Peace
 2145 Officer Classifications; and

2146 (b) required to live outside the state as a condition of the person's employment.

2147 Section 64. Section **23A-4-205**, which is renumbered from Section 23-19-7 is
 2148 renumbered and amended to read:

2149 ~~[23-19-7].~~ **23A-4-205. Expiration date of licenses, permits, and certificates of**
 2150 **registration.**

2151 (1) The Wildlife Board shall establish the term and expiration date for a license,
 2152 permit, [~~and~~] or certificate of registration issued under this title.

2153 (2) The division shall indicate the term and expiration date established under
 2154 Subsection (1) on [~~each~~] a license, permit, [~~and~~] or certificate of registration.

2155 Section 65. Section **23A-4-206**, which is renumbered from Section 23-19-8 is
 2156 renumbered and amended to read:

2157 ~~[23-19-8].~~ **23A-4-206. Signature on documents -- Considered under oath --**
 2158 **Prohibition on use of unsigned documents.**

2159 (1) A person's signature on a license, permit, tag, or certificate of registration is
 2160 certification of that person's eligibility to use the license, permit, tag, or certificate of
 2161 registration for the purpose intended by this title.

2162 (2) [~~The~~] A signature described in Subsection (1) need not be notarized but shall be

2163 considered to be made under oath.

2164 (3) A signature may be an electronic signature if allowed by rule made by the Wildlife
2165 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2166 ~~(3)~~ (4) A person may not use an unsigned license, permit, tag, or certificate of
2167 registration.

2168 Section 66. Section **23A-4-207**, which is renumbered from Section 23-19-38 is
2169 renumbered and amended to read:

2170 ~~[23-19-38].~~ **23A-4-207. Sales of licenses, certificates, or permits final --**
2171 **Exceptions -- Reallocation of surrendered permits.**

2172 (1) ~~[Sales of all licenses, certificates, or permits are final, and no refunds may be made~~
2173 ~~by the division]~~ A sale of a license, permit, or certificate is final, and the division may not
2174 refund money except as provided in Subsections (2) and (3) or Section 23A-4-301.

2175 (2) The division may refund the amount of ~~[the]~~ a license, certificate, or permit if:

2176 (a) the division or the Wildlife Board discontinues the activity for which the license,
2177 certificate, or permit was obtained;

2178 (b) the division determines that ~~[it]~~ the division has erroneously collected a fee;

2179 (c) (i) the person to whom the license, certificate, or permit is issued becomes ill or
2180 suffers an injury that precludes the person from using the license, certificate, or permit;

2181 (ii) the person furnishes verification of illness or injury from a physician or physician
2182 assistant;

2183 (iii) the person does not actually use the license, certificate, or permit; and

2184 (iv) the license, certificate, or permit is surrendered before the end of the season for
2185 which the permit was issued; or

2186 (d) the person to whom the license, certificate, or permit is issued dies ~~[prior to]~~ before
2187 the person being able to use the license, certificate, or permit.

2188 (3) The Wildlife Board may establish additional exceptions ~~[in rule]~~ to the refund
2189 prohibitions in Subsection (1) by rule made in accordance with Title 63G, Chapter 3, Utah
2190 Administrative Rulemaking Act.

2191 (4) The ~~[division]~~ director may reallocate surrendered permits in accordance with rules
2192 ~~[adopted]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
2193 Administrative Rulemaking Act.

2194 Section 67. Section **23A-4-208**, which is renumbered from Section 23-19-10 is
 2195 renumbered and amended to read:

2196 ~~[23-19-10].~~ **23A-4-208. Duplicate license, permit, tag, or certificate of**
 2197 **registration.**

2198 If an unexpired license, permit, tag, or certificate of registration issued under [~~the~~
 2199 ~~provisions of this code~~] this title is destroyed, lost, or stolen, the [~~Division of Wildlife~~
 2200 ~~Resources and its~~] division, a person designated by the director, or the division's authorized
 2201 license agents may issue a duplicate license, permit, tag, or certificate of registration in
 2202 accordance with the rules set and fees determined by the Wildlife Board.

2203 Section 68. Section **23A-4-209**, which is renumbered from Section 23-19-42 is
 2204 renumbered and amended to read:

2205 ~~[23-19-42].~~ **23A-4-209. Search and rescue surcharge.**

2206 (1) In addition to the fees imposed under this [~~chapter~~] title, there is imposed a 25 cent
 2207 surcharge on [~~each~~] a fishing, hunting, or combination license.

2208 (2) [~~This~~] The surcharge imposed under Subsection (1) shall be deposited in the
 2209 General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program
 2210 created under Section [~~53-2a-1101~~] 53-2a-1102.

2211 Section 69. Section **23A-4-210**, which is renumbered from Section 23-19-45 is
 2212 renumbered and amended to read:

2213 ~~[23-19-45].~~ **23A-4-210. Fees and certificates of registration to harvest brine**
 2214 **shrimp eggs.**

2215 [~~(+)~~] The Wildlife Board may not impose [~~fees~~] a fee to harvest brine shrimp eggs other
 2216 than a certificate of registration [~~fees~~] fee.

2217 [~~(2)~~] ~~Each person holding certificates of registration for the harvesting of brine shrimp~~
 2218 ~~eggs in the 1996-97 harvesting season may obtain the same number of certificates of~~
 2219 ~~registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.]~~

2220 Section 70. Section **23A-4-301**, which is renumbered from Section 23-19-38.2 is
 2221 renumbered and amended to read:

2222 **Part 3. Special Circumstances**

2223 ~~[23-19-38.2].~~ **23A-4-301. Refunds for armed forces or public health or**
 2224 **safety organization members.**

2225 (1) A member of the United States Armed Forces or public health or public safety
2226 organization who is mobilized or deployed on order in the interest of national defense or
2227 emergency and is precluded from using a purchased license, certificate, tag, or permit, may, as
2228 provided in Subsection (2):

2229 (a) receive a refund from the division; and

2230 (b) if the person has drawn a permit, have ~~an~~ the opportunities to draw that permit in
2231 a future draw reinstated.

2232 (2) To qualify, the person or a legal representative shall:

2233 (a) notify the division within a reasonable amount of time that the person is applying
2234 for a refund;

2235 (b) surrender the license, certificate, tag, or permit to the division; and

2236 (c) furnish satisfactory proof to the division that the person:

2237 (i) is a member of:

2238 (A) the United States Armed Forces;

2239 (B) a public health organization; or

2240 (C) a public safety organization; and

2241 (ii) was precluded from using the license, certificate, tag, or permit as a result of being
2242 called to active duty.

2243 (3) The Wildlife Board may ~~adopt~~ make rules in accordance with Title 63G, Chapter
2244 3, Utah Administrative Rulemaking Act, necessary to administer this section including
2245 allowing retroactive refund to September 11, 2001.

2246 Section 71. Section **23A-4-302**, which is renumbered from Section 23-19-38.3 is
2247 renumbered and amended to read:

2248 ~~[23-19-38.3]~~. **23A-4-302. Licenses for disabled veterans.**

2249 (1) The ~~[division]~~ Wildlife Board shall make rules in accordance with Title 63G,
2250 Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may
2251 receive a hunting, fishing, or combination license free or at a reduced price.

2252 (2) In making rules under this section, the ~~[division]~~ Wildlife Board shall:

2253 (a) use the same guidelines for disability as the United States Department of Veterans
2254 Affairs; and

2255 (b) provide at a minimum a reduction under this section of 25% of the full fee.

2256 Section 72. Section **23A-4-303**, which is renumbered from Section 23-19-14 is
2257 renumbered and amended to read:

2258 **~~[23-19-14]~~. 23A-4-303. Persons residing in certain institutions may fish without**
2259 **license.**

2260 (1) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without
2261 a license if:

2262 (a) (i) the person resides in:

2263 (A) the Utah State Developmental Center in American Fork;

2264 (B) the state hospital;

2265 (C) a veterans hospital;

2266 (D) a veterans nursing home;

2267 (E) a mental health center;

2268 (F) an intermediate care facility for people with an intellectual disability;

2269 (G) a group home licensed by the Department of Human Services and operated under
2270 contract with the Division of Services for People with Disabilities;

2271 (H) a group home or other community-based placement licensed by the Department of
2272 Human Services and operated under contract with the Division of Juvenile Justice Services;

2273 (I) a private residential facility for at-risk youth licensed by the Department of Human
2274 Services; or

2275 (J) another similar institution approved by the division; or

2276 (ii) the person is a youth who participates in a work camp operated by the Division of
2277 Juvenile Justice Services;

2278 (b) the person is properly supervised by a representative of the institution described in
2279 Subsection (1)(a); and

2280 (c) the institution described in Subsection (1)(a) obtains from the division a certificate
2281 of registration that specifies:

2282 (i) the date and place where the person will fish; and

2283 (ii) the name of the institution's representative who will supervise the person fishing.

2284 (2) The institution described in Subsection (1) shall apply for the certificate of
2285 registration at least 10 days before the fishing outing.

2286 (3) (a) An institution that receives a certificate of registration authorizing at-risk youth

2287 to fish shall provide instruction to the youth on fishing laws and regulations.

2288 (b) The division shall provide educational materials to the institution to assist [it] the
2289 institution in complying with Subsection (3)(a).

2290 Section 73. Section **23A-4-304**, which is renumbered from Section 23-19-14.5 is
2291 renumbered and amended to read:

2292 ~~[23-19-14.5]~~. **23A-4-304. Persons participating in youth organization or**
2293 **school activity may fish without license.**

2294 (1) As used in this section:

2295 (a) "School" means an elementary school or a secondary school that:

2296 (i) is a public or private school located in the state; and

2297 (ii) provides student instruction for one or more years of kindergarten through grade 9.

2298 (b) "Youth organization" means a local Utah chapter of:

2299 (i) the Boy Scouts of America;

2300 (ii) the Girls Scouts of the USA; or

2301 (iii) an organization that:

2302 (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

2303 (B) promotes character building through outdoor activities.

2304 (2) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without
2305 a license during a youth organization or school activity if:

2306 (a) the person is:

2307 (i) (A) a member of the youth organization; or

2308 (B) a student enrolled in the school; and

2309 (ii) younger than 16 years old;

2310 (b) the fishing is in compliance with [aH] the fishing statutes and rules;

2311 (c) the activity is part of a recreational or instructional program of the youth
2312 organization or school; and

2313 (d) an adult leader of the activity obtains from the youth organization or school:

2314 (i) a valid tour permit; or

2315 (ii) documentation that specifies:

2316 (A) the date and place of the fishing activity;

2317 (B) the name of the adult leader that will supervise the fishing; and

2318 (C) that the activity is officially sanctioned or authorized by the youth organization or
2319 school.

2320 (3) (a) The adult leader shall:

2321 (i) possess a valid Utah fishing or combination license; and

2322 (ii) instruct the activity participants on fishing statutes and rules.

2323 (b) The division shall provide educational materials on [its] the division's website to
2324 assist the adult leader in complying with Subsection (3)(a).

2325 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2326 Wildlife Board shall adopt rules specifying the form of the documentation required under
2327 Subsection (2)(d)(ii).

2328 Section 74. Section **23A-4-305**, which is renumbered from Section 23-19-36 is
2329 renumbered and amended to read:

2330 ~~[23-19-36]~~. **23A-4-305**. **Persons with a physical or intellectual disability,**
2331 **terminally ill persons, and children in the custody of the state may fish for free.**

2332 (1) A resident who is blind, has paraplegia, or has another permanent disability so as to
2333 be permanently confined to a wheelchair or the use of crutches, or who has lost either or both
2334 lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this
2335 fact to the ~~[Division of Wildlife Resources]~~ division.

2336 (2) A resident who has an intellectual disability and is not eligible under Section
2337 ~~[23-19-14]~~ 23A-4-303 to fish without a license may receive a free license to fish upon
2338 furnishing verification from a physician or physician assistant that the person has an
2339 intellectual disability.

2340 (3) A resident who is terminally ill, and has less than five years to live, may receive a
2341 free license to fish:

2342 (a) upon furnishing verification from a physician or physician assistant; and

2343 (b) if the resident qualifies for assistance under ~~[any]~~ a low income public assistance
2344 program administered by a state agency.

2345 (4) A child placed in the custody of the state by a court order may receive a free fishing
2346 license upon furnishing verification of custody to the ~~[Division of Wildlife Resources]~~
2347 division.

2348 Section 75. Section **23A-4-306**, which is renumbered from Section 23-19-39 is

2349 renumbered and amended to read:

2350 ~~[23-19-39]~~. **23A-4-306**. **Additional appropriation.**

2351 The division each year shall request the Legislature to appropriate from the General
2352 Fund in ~~[the]~~ an appropriations act, for deposit in the Wildlife Resources Restricted Account, a
2353 sum equal to the total of the fees, as determined by the previous year's license sales, that would
2354 have otherwise been collected for fishing licenses had full fees been paid by those 65 years ~~[of~~
2355 age] old or older or those who received free fishing privileges under ~~[the provisions of Section~~
2356 ~~23-19-14 or 23-19-36]~~ Section 23A-4-303 or 23A-4-305.

2357 Section 76. Section **23A-4-401**, which is renumbered from Section 23-19-17 is
2358 renumbered and amended to read:

2359 **Part 4. Combined or Lifetime Licenses**

2360 ~~[23-19-17]~~. **23A-4-401**. **Resident fishing and hunting license -- Use of fee.**

2361 (1) A resident, after paying the fee established by the Wildlife Board, may obtain, as
2362 provided by the Wildlife Board's rules, a combination license to:

2363 (a) fish;

2364 (b) hunt for small game; and

2365 (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2366 (2) Up to \$1 of the combination license fee may be used for the hunter education
2367 program for any of the following:

2368 (a) instructor and student training;

2369 (b) assisting local organizations with development;

2370 (c) maintenance of existing facilities; or

2371 (d) operation and maintenance of the hunter education program.

2372 (3) (a) Up to 50 cents of the combination license fee may be used for the upland game
2373 program to:

2374 (i) acquire pen-raised birds; or

2375 (ii) capture and transplant upland game species.

2376 (b) The combination license fee revenue designated for the upland game program by
2377 Subsection (3)(a) is in addition to ~~[any]~~ combination license fee revenue that may be used for
2378 the upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and
2379 23A-3-208.

2380 Section 77. Section **23A-4-402**, which is renumbered from Section 23-19-17.5 is
 2381 renumbered and amended to read:

2382 ~~[23-19-17.5].~~ **23A-4-402. Lifetime hunting and fishing licenses.**

2383 (1) ~~[Lifetime licensees]~~ A lifetime licensee who is born after December 31, 1965, shall
 2384 complete the hunter education requirements under Section ~~[23-19-11]~~ 23A-4-1001 before
 2385 engaging in hunting.

2386 (2) A lifetime license ~~[shall remain]~~ remains valid if the residency of the lifetime
 2387 licensee changes to another state or country.

2388 (3) (a) A lifetime license may be used in lieu of a hunting or fishing license.

2389 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag
 2390 of the lifetime licensee's choice for one of the following general season deer hunts:

2391 (i) archery;

2392 (ii) rifle; or

2393 (iii) muzzleloader.

2394 (c) A lifetime licensee is subject to each requirement for special hunting and fishing
 2395 permits and tags, except as provided in Subsections (3)(a) and (b).

2396 (4) The Wildlife Board may ~~[adopt]~~ make rules, in accordance with Title 63G, Chapter
 2397 3, Utah Administrative Rulemaking Act, necessary to carry out ~~[the provisions of]~~ this section.

2398 Section 78. Section **23A-4-501**, which is renumbered from Section 23-19-15 is
 2399 renumbered and amended to read:

2400 **Part 5. License Agents**

2401 ~~[23-19-15].~~ **23A-4-501. Wildlife license agents.**

2402 (1) The director ~~[of the division]~~ may designate wildlife license agents to sell licenses,
 2403 permits, and tags.

2404 (2) ~~[Wildlife license agents]~~ A wildlife license agent may:

2405 (a) sell ~~[licenses, permits, and tags to all eligible applicants, except those licenses,~~
 2406 ~~permits, and tags]~~ a license, permit, or tag to an eligible applicant, except for a license, permit,
 2407 or tag specified in Subsection ~~[23-19-16]~~ 23A-4-503(2) which may be sold only by the
 2408 division; and

2409 (b) collect a fee for ~~[each]~~ a license, permit, or tag sold.

2410 (3) A wildlife license agent shall receive:

2411 (a) for ~~[any]~~ a wildlife license, permit, or tag having a fee equal to \$10 or less ~~[and]~~ but
2412 greater than \$1, 50 cents for ~~[each]~~ a wildlife license, permit, or tag sold; and

2413 (b) for ~~[any]~~ a wildlife license, permit, or tag having a fee greater than \$10, 5% of the
2414 fee.

2415 (4) The division may require a wildlife license ~~[agents]~~ agent to obtain a bond in a
2416 reasonable amount.

2417 (5) (a) As directed by the division, ~~[each]~~ a wildlife license agent shall:

2418 (i) report ~~[all]~~ the wildlife license agent's sales to the division; and

2419 (ii) submit ~~[all of]~~ to the division the fees obtained from the sale of licenses, permits,
2420 and tags less the remuneration provided in Subsection (3).

2421 (b) If a wildlife license agent fails to pay the amount due, the division may assess a
2422 penalty of 20% of the amount due. ~~[All delinquent payments]~~ A delinquent payment shall bear
2423 interest at the rate of 1% per month. If the amount due is not paid because of bad faith or
2424 fraud, the division shall assess a penalty of 100% of the total amount due together with interest.

2425 (c) ~~[All fees]~~ Fees, except the remuneration provided in Subsection (3), shall:

2426 (i) be kept separate from the private ~~[funds]~~ money of the wildlife license agents; and

2427 (ii) belong to the state.

2428 (6) A wildlife license agent may not intentionally:

2429 (a) fail to date or misdate a license, permit, or tag;

2430 (b) issue a hunting license or permit to an individual until that individual furnishes
2431 proof of successful completion of a division-approved hunter education course as provided in
2432 Section ~~[23-19-11]~~ 23A-4-1001; or

2433 (c) issue a furbearer license to an individual until that individual furnishes proof of
2434 successful completion of a division-approved furharvester education course as provided in
2435 Section ~~[23-19-11.5]~~ 23A-4-1005.

2436 ~~[(7)(a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a~~
2437 ~~class B misdemeanor.]~~

2438 ~~[(b) A violation of this section is a class A misdemeanor if the aggregate amount~~
2439 ~~required under Subsection (5)(a):]~~

2440 ~~[(i) is at least \$1,000, but less than \$10,000;]~~

2441 ~~[(ii) is not submitted for one or more months; and]~~

2442 ~~[(iii) remains uncollectable.]~~
 2443 ~~[(c) A violation of this section is a felony of the third degree if the aggregate amount~~
 2444 ~~required under Subsection (5)(a):]~~
 2445 ~~[(i) is \$10,000 or more;]~~
 2446 ~~[(ii) is not submitted for one or more months; and]~~
 2447 ~~[(iii) remains uncollectable.]~~
 2448 ~~[(8) Violation of any provision of this section may be cause for revocation of the~~
 2449 ~~wildlife license agent authorization.]~~

2450 Section 79. Section **23A-4-502** is enacted to read:

2451 **23A-4-502. Violations by a wildlife license agent -- Criminal penalty.**

2452 (1) A person is guilty of an unlawful act if the actor:

2453 (a) fails to take an action required by Section 23A-4-501; or

2454 (b) takes an action prohibited by Section 23A-4-501.

2455 (2) (a) Except as provided in Subsections (2)(b) and (c), a violation of Subsection (1) is
 2456 a class B misdemeanor.

2457 (b) A violation of Subsection (1) is a class A misdemeanor if the aggregate amount
 2458 required under Subsection 23A-4-501(5)(a):

2459 (i) is at least \$1,000, but less than \$10,000;

2460 (ii) is not submitted for one or more months; and

2461 (iii) remains uncollectable.

2462 (c) A violation of Subsection (1) is a felony of the third degree if the aggregate amount
 2463 required under Subsection 23A-4-501(5)(a):

2464 (i) is \$10,000 or more;

2465 (ii) is not submitted for one or more months; and

2466 (iii) remains uncollectable.

2467 (3) A violation of Subsection (1) may be cause for revocation of the wildlife license
 2468 agent authorization.

2469 Section 80. Section **23A-4-503**, which is renumbered from Section 23-19-16 is
 2470 renumbered and amended to read:

2471 **[23-19-16]. 23A-4-503. Licenses obtained from agents of division.**

2472 (1) [Licenses] A person may obtain a license provided for in [Sections 23-19-17

2473 ~~through 23-19-27 may be obtained]~~ the following sections from the division or one of [its] the
 2474 division's authorized wildlife license agents:

2475 (a) Section 23A-4-401;

2476 (b) Section 23A-4-601;

2477 (c) Sections 23A-4-703 through 23A-4-707; and

2478 (d) Section 23A-4-901.

2479 (2) [~~Licenses~~] A person may obtain a license provided for in [Sections 23-19-17.5,
 2480 23-19-34.7, and 23-19-36 may be obtained] Section 23A-4-305, 23A-4-402, or 23A-4-802 only
 2481 from the division.

2482 Section 81. Section **23A-4-601**, which is renumbered from Section 23-19-21 is
 2483 renumbered and amended to read:

2484 **Part 6. Fishing**

2485 [~~23-19-21~~]. **23A-4-601. Fishing license.**

2486 (1) A person 12 years [~~of age~~] old or older shall purchase a fishing license before
 2487 engaging in a regulated fishing activity.

2488 (2) Upon paying the fee prescribed by the Wildlife Board, a person may obtain a
 2489 license to fish and engage in a regulated fishing activity in accordance with the rules,
 2490 proclamations, and orders of the Wildlife Board.

2491 (3) A person under 12 years [~~of age~~] old may fish without a license in accordance with
 2492 the rules, proclamations, and orders of the Wildlife Board.

2493 Section 82. Section **23A-4-602**, which is renumbered from Section 23-19-35 is
 2494 renumbered and amended to read:

2495 [~~23-19-35~~]. **23A-4-602. Seining registration.**

2496 [~~Any~~] A person, upon application to the Wildlife Board, may be registered to seine.

2497 Section 83. Section **23A-4-701**, which is renumbered from Section 23-19-14.6 is
 2498 renumbered and amended to read:

2499 **Part 7. Hunting**

2500 [~~23-19-14.6~~]. **23A-4-701. Trial hunting authorization.**

2501 (1) Upon application, the division may issue a trial hunting authorization to an
 2502 individual who:

2503 (a) is 11 years [~~of age~~] old or older at the time of application;

2504 (b) is eligible under state and federal law to possess a firearm and archery equipment;
2505 and
2506 (c) (i) was born after 1965; and
2507 (ii) has not completed a division approved hunter education course.
2508 (2) Notwithstanding [~~the requirements of Section 23-19-11~~] Section 23A-4-1001, an
2509 individual who [~~has obtained~~] obtains a trial hunting authorization under Subsection (1) may
2510 obtain:
2511 (a) a hunting license under [~~Sections 23-19-17, 23-19-24, and 23-19-26~~] Section
2512 23A-4-401, 23A-4-706, or 23A-4-707; or
2513 (b) a hunting permit authorized by the Wildlife Board under Subsection (4).
2514 (3) An individual who [~~has obtained~~] obtains a hunting license or permit with a trial
2515 hunting authorization under Subsection (2) may use the license or permit if the individual is:
2516 (a) 12 years [~~of age~~] old or older; and
2517 (b) accompanied, as defined in Subsection [~~23-20-20~~] 23A-4-708(1), in the field while
2518 hunting by an individual who:
2519 (i) is 21 years [~~of age~~] old or older;
2520 (ii) is eligible under state and federal law to possess a firearm and archery equipment;
2521 (iii) possesses a current Utah hunting or combination license;
2522 (iv) has satisfied applicable hunter education requirements under this chapter; and
2523 (v) possesses the written consent of the holder's parent or legal guardian, if
2524 accompanying a holder of a trial hunting authorization who is under 18 years [~~of age~~] old.
2525 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2526 Wildlife Board may make rules to:
2527 (a) designate the types of hunting permits under Subsection (2) that may be obtained
2528 with a trial hunting authorization;
2529 (b) establish the term of a trial hunting authorization;
2530 (c) establish the number of years a person may obtain a trial hunting authorization;
2531 (d) prescribe the number of individuals using a trial hunting authorization that an
2532 individual may accompany in the field under Subsection (3) at a single time;
2533 (e) establish the application process for an individual to obtain a trial hunting
2534 authorization; and

2535 (f) administer and enforce ~~[the provisions of]~~ this section.

2536 Section 84. Section **23A-4-702**, which is renumbered from Section 23-19-49 is
2537 renumbered and amended to read:

2538 ~~[23-19-49]~~. **23A-4-702. Air rifle hunting.**

2539 (1) As used in this section~~[- (a) "Division" means the Division of Wildlife~~
2540 ~~Resources.~~~~(b) "Pre-charged]~~, "pre-charged pneumatic air rifle" means a rifle that fires a single
2541 projectile with compressed air released from a chamber:

2542 ~~[(+)]~~ (a) built into the rifle; and

2543 ~~[(+)]~~ (b) pressurized at a minimum of 2,000 pounds per square inch from an external
2544 high compression device or source, such as a hand pump, compressor, or scuba tank.

2545 (2) (a) An individual shall obtain a permit issued under this section before using a
2546 pre-charged pneumatic air rifle to hunt a species of wildlife designated by the Wildlife Board.

2547 (b) The Wildlife Board shall by rule, made in accordance with Title 63G, Chapter 3,
2548 Utah Administrative Rulemaking Act, designate which species of wildlife may be hunted with
2549 the use of a pre-charged pneumatic air rifle.

2550 (3) The division shall review the funding available for the regulation of hunting with
2551 pre-charged pneumatic air rifles and report the division's findings to the Natural Resources,
2552 Agriculture, and Environment Interim Committee by no later than the November 2024 interim
2553 committee meeting.

2554 Section 85. Section **23A-4-703**, which is renumbered from Section 23-19-22 is
2555 renumbered and amended to read:

2556 ~~[23-19-22]~~. **23A-4-703. Big game hunting permit.**

2557 (1) A person who is at least 12 years old~~[, upon paying the big game hunting permit fee~~
2558 ~~established by the Wildlife Board, paying the fee established by Subsection (4), and possessing~~
2559 ~~a valid hunting or combination license,]~~ may apply for or obtain a permit to hunt big game as
2560 provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife Board~~[-]~~ upon:

2561 (a) paying the big game hunting permit fee established by the Wildlife Board;

2562 (b) paying the fee established by Subsection (4); and

2563 (c) possessing a valid hunting or combination license.

2564 (2) (a) A person who is 11 years old may apply for or obtain a big game hunting permit
2565 consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the

2566 calendar year for which the permit is issued.

2567 (b) A person may not use a permit to hunt big game before the person's 12th birthday.

2568 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a big game permit fee collected
2569 from a resident ~~[shall be used]~~ for the hunter education program as provided in Section
2570 ~~[23-19-17]~~ 23A-4-401.

2571 (4) There is established a fee in the amount of \$5 added to ~~[each]~~ a permit under this
2572 section to be deposited in the Predator Control Restricted Account.

2573 Section 86. Section **23A-4-704**, which is renumbered from Section 23-19-22.5 is
2574 renumbered and amended to read:

2575 ~~[23-19-22.5]~~. **23A-4-704. Cougar or bear hunting permit.**

2576 (1) A person 12 years ~~[of age]~~ old or older~~;~~ ~~upon paying the cougar or bear hunting~~
2577 ~~permit fee established by the Wildlife Board and possessing a valid hunting or combination~~
2578 ~~license;~~ may apply for or obtain a permit to take cougar or bear as provided by ~~[rules and~~
2579 ~~proclamations]~~ a rule or proclamation of the Wildlife Board~~;~~ upon:

2580 (a) paying the cougar or bear hunting permit fee established by the Wildlife Board; and

2581 (b) possessing a valid hunting or combination license.

2582 (2) A person 11 years ~~[of age]~~ old may apply for or obtain a cougar or bear hunting
2583 permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls
2584 within the calendar year in which the permit is issued.

2585 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a cougar or bear permit fee
2586 collected from a resident ~~[shall be used]~~ for the hunter education program.

2587 Section 87. Section **23A-4-705**, which is renumbered from Section 23-19-22.6 is
2588 renumbered and amended to read:

2589 ~~[23-19-22.6]~~. **23A-4-705. Turkey hunting permit -- Use of fee.**

2590 (1) ~~[A person, upon paying the turkey permit fee established by the Wildlife Board and~~
2591 ~~possessing a valid hunting or combination license;]~~ A person may apply for or obtain a permit
2592 to take turkey as provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife
2593 Board~~;~~ upon:

2594 (a) paying the turkey permit fee established by the Wildlife Board; and

2595 (b) possessing a valid hunting or combination license.

2596 (2) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a turkey permit fee collected from

2597 a resident [~~shall be used~~] for the hunter education program.

2598 Section 88. Section **23A-4-706**, which is renumbered from Section 23-19-24 is
2599 renumbered and amended to read:

2600 ~~[23-19-24]~~. **23A-4-706. Resident hunting license -- Use of fee.**

2601 (1) A resident[~~, after paying the fee established by the Wildlife Board,~~] may obtain a
2602 hunting license after paying the fee established by the Wildlife Board.

2603 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife
2604 Board's rules and proclamations:

2605 (a) take small game; and

2606 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2607 (3) Up to \$1 of the hunting license fee may be used for the hunter education program.

2608 (4) (a) Up to 50 cents of the hunting license fee may be used for the upland game
2609 program to:

2610 (i) acquire pen-raised birds; or

2611 (ii) capture and transplant upland game species.

2612 (b) The hunting license fee revenue designated for the upland game program by

2613 Subsection (4)(a) is in addition to [~~any~~] hunting license fee revenue that may be used for the

2614 upland game program as provided by Sections [~~23-19-43 and 23-19-47~~] 23A-3-207 and

2615 23A-3-208.

2616 Section 89. Section **23A-4-707**, which is renumbered from Section 23-19-26 is
2617 renumbered and amended to read:

2618 ~~[23-19-26]~~. **23A-4-707. Nonresident hunting license -- Use of fee.**

2619 (1) A nonresident[~~, after paying the fee established by the Wildlife Board,~~] may obtain
2620 a hunting license after paying the fee established by the Wildlife Board.

2621 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife
2622 Board's rules and proclamations:

2623 (a) take small game; and

2624 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2625 (3) (a) Up to 50 cents of the hunting license fee may be used for the upland game
2626 program to:

2627 (i) acquire pen-raised birds; or

2628 (ii) capture and transplant upland game species.

2629 (b) The hunting license fee revenue designated for the upland game program by

2630 Subsection (3)(a) is in addition to ~~[any]~~ hunting license fee revenue that may be used for the

2631 upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and

2632 23A-3-208.

2633 Section 90. Section **23A-4-708**, which is renumbered from Section 23-20-20 is

2634 renumbered and amended to read:

2635 ~~[23-20-20]~~. **23A-4-708**. **Children accompanied by adults while hunting with**

2636 **weapon.**

2637 (1) As used in this section:

2638 (a) "Accompanied" means at a distance within which visual and verbal communication

2639 is maintained for the purposes of advising and assisting.

2640 (b) (i) "Electronic device" means a mechanism powered by electricity that allows

2641 communication between two or more people.

2642 (ii) "Electronic device" includes a mobile telephone or two-way radio.

2643 (c) "Verbal communication" means the conveyance of information through speech that

2644 does not involve an electronic device.

2645 (2) A person younger than 14 years old who is hunting with ~~[any]~~ a weapon shall be

2646 accompanied by:

2647 (a) the person's parent or legal guardian; or

2648 (b) a responsible person who is at least 21 years old and who is approved by the

2649 person's parent or guardian.

2650 (3) A person younger than 16 years old who is hunting big game with ~~[any]~~ a weapon

2651 shall be accompanied by:

2652 (a) the person's parent or legal guardian; or

2653 (b) a responsible person who is at least 21 years old and who is approved by the

2654 person's parent or guardian.

2655 (4) A person who is at least 14 years old but younger than 16 years old shall be

2656 accompanied by a person who is at least 21 years old while hunting wildlife, other than big

2657 game, with ~~[any]~~ a weapon.

2658 Section 91. Section **23A-4-709**, which is renumbered from Section 23-20-30 is

2659 renumbered and amended to read:

2660 ~~[23-20-30]~~. **23A-4-709. Tagging requirements.**

2661 (1) The Wildlife Board may make rules that require the carcass of certain species of
2662 protected wildlife to be tagged.

2663 (2) Except as provided by the Wildlife Board by rules made in accordance with Title
2664 63G, Chapter 3, Utah Administrative Rulemaking Act, a hunter shall tag the carcass of ~~[any]~~ a
2665 species of protected wildlife required to be tagged ~~[shall be tagged]~~ before the carcass is moved
2666 from or the hunter leaves the site of kill.

2667 (3) To tag a carcass, a person shall:

2668 (a) (i) completely detach the tag from the license or permit;

2669 (ii) completely remove the appropriate notches to correspond with:

2670 (A) the date the animal was taken; and

2671 (B) the sex of the animal; and

2672 (iii) attach the tag to the carcass so that the tag remains securely fastened and visible;

2673 or

2674 (b) complete an electronic tagging certification according to standards approved by the
2675 Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2676 Rulemaking Act.

2677 (4) A person may not:

2678 (a) remove more than one notch indicating date or sex; or

2679 (b) tag more than one carcass using the same tag.

2680 Section 92. Section **23A-4-801**, which is renumbered from Section 23-19-34.5 is
2681 renumbered and amended to read:

2682 **Part 8. Falconry**

2683 ~~[23-19-34.5]~~. **23A-4-801. Falconry certificate of registration -- Residents**
2684 **12 or older may obtain certificate of registration -- License for falconry meet for**
2685 **nonresidents -- Wildlife Board approval required for falconry meet -- Hunting license**
2686 **required to take protected game.**

2687 (1) A resident 12 years ~~[of age]~~ old or older~~[, upon application to the division,]~~ may
2688 obtain a certificate of registration to hold falcons and engage in the sport of falconry on
2689 nongame wildlife species upon application to the division.

2690 (2) A nonresident entering Utah to participate in the sport of falconry at an organized
2691 meet shall obtain a license as provided in Section ~~[23-19-34.7]~~ 23A-4-802.

2692 (3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife
2693 Board ~~[in order]~~ to conduct an organized falconry meet.

2694 (4) (a) ~~[Any]~~ A person engaging in the sport of falconry on protected small game
2695 species shall possess, in addition to the falconry certificate of registration, a hunting license.

2696 (b) ~~[Any]~~ A nonresident who has been issued a license pursuant to Section
2697 ~~[23-19-34.7]~~ 23A-4-802 is not required to possess a hunting license ~~[in order]~~ to take small
2698 game during the five-day period of the license.

2699 Section 93. Section **23A-4-802**, which is renumbered from Section 23-19-34.7 is
2700 renumbered and amended to read:

2701 ~~[23-19-34.7]~~. **23A-4-802. Nonresident falconry meet license.**

2702 (1) A nonresident 12 years ~~[of age]~~ old or older may participate in a falconry meet in
2703 this state upon payment of a fee prescribed by the Wildlife Board.

2704 (2) (a) A nonresident falconry meet license is valid only for five consecutive days, the
2705 dates to be designated on the license.

2706 (b) The holder of the license may engage in the sport of falconry on nongame wildlife
2707 species and small game species~~;~~ during the specified five-day period.

2708 Section 94. Section **23A-4-901**, which is renumbered from Section 23-19-27 is
2709 renumbered and amended to read:

2710 **Part 9. Furbearer License or Registration**

2711 ~~[23-19-27]~~. **23A-4-901. Furbearer license -- Resident or nonresident.**

2712 A resident or nonresident~~[, upon payment of the fee prescribed by the Wildlife Board,]~~
2713 may receive a license to take furbearers upon payment of the fee prescribed by the Wildlife
2714 Board.

2715 Section 95. Section **23A-4-902**, which is renumbered from Section 23-19-31 is
2716 renumbered and amended to read:

2717 ~~[23-19-31]~~. **23A-4-902. Resident fur dealer registration.**

2718 A resident~~[, upon application to the Wildlife Board,]~~ may be registered as a fur dealer
2719 upon application to the Wildlife Board.

2720 Section 96. Section **23A-4-903**, which is renumbered from Section 23-19-32 is

2721 renumbered and amended to read:

2722 ~~[23-19-32].~~ **23A-4-903. Nonresident fur dealer registration.**

2723 A nonresident~~[, upon application to the wildlife board,]~~ may be registered as a fur
2724 dealer upon application to the Wildlife Board.

2725 Section 97. Section **23A-4-904**, which is renumbered from Section 23-19-33 is
2726 renumbered and amended to read:

2727 ~~[23-19-33].~~ **23A-4-904. Registration of fur dealer's agent.**

2728 ~~[Any]~~ A person who is employed by a fur dealer as a fur buyer in the field~~[, upon~~
2729 ~~application to the Wildlife Board,]~~ may be registered as a fur dealer's agent upon application to
2730 the Wildlife Board.

2731 Section 98. Section **23A-4-905**, which is renumbered from Section 23-18-5 is
2732 renumbered and amended to read:

2733 ~~[23-18-5].~~ **23A-4-905. Fur dealer and fur dealer's agent -- Certificates of**
2734 **registration required -- Receipts required.**

2735 (1) (a) ~~[Any]~~ A person engaging in, carrying on, or conducting, wholly or in part, the
2736 business of buying, selling, trading, or dealing, within the state, in the skins or pelts of
2737 furbearing mammals ~~[shall be deemed]~~ is considered a fur dealer within the meaning of this
2738 ~~[code. All fur dealers]~~ title.

2739 (b) A fur dealer shall secure a fur dealer certificate of registration from the ~~[Division of~~
2740 ~~Wildlife Resources, but no]~~ division, except a certificate of registration [shall be] is not
2741 required for:

2742 (i) a licensed trapper or fur farmer selling skins or pelts ~~[which]~~ that the licensed
2743 trapper or fur farmer has lawfully taken~~[,]~~ or raised~~[, nor for any]; or~~

2744 (ii) a person who is not a fur dealer and who purchases ~~[any such]~~ skins or pelts
2745 described in Subsection (1)(b)(i) exclusively for the person's own use and not for sale.

2746 (2) ~~[Any]~~ (a) A person who is employed by a resident or nonresident fur dealer as a fur
2747 buyer, in the field, is ~~[deemed]~~ considered a fur dealer's agent.

2748 ~~[Application]~~ (b) The fur dealer employing an agent shall apply for a fur dealer's agent
2749 certificate of registration ~~[shall be made by the fur dealer employing the agent, and no], and an~~
2750 agent certificate of registration ~~[shall]~~ may not be issued until the necessary fur dealer
2751 certificate of registration has been first secured by the employer of the agent.

2752 (3) ~~[Receipts shall be issued by the]~~ The vendor shall issue a receipt to the vendee
 2753 whenever the skins or pelts of furbearing mammals change ownership by virtue of sale,
 2754 exchange, barter, or gift ~~[, and both]~~. Both the vendor and vendee shall produce ~~[this]~~ the
 2755 receipt or evidence of legal transaction upon request by the ~~[Division of Wildlife Resources]~~
 2756 division or other person authorized to enforce ~~[the provisions of this code]~~ this title.

2757 Section 99. Section **23A-4-1001**, which is renumbered from Section 23-19-11 is
 2758 renumbered and amended to read:

2759

Part 10. Education

2760 ~~[23-19-11]~~. **23A-4-1001. Hunter education required.**

2761 (1) (a) Except as provided in Section ~~[23-19-14.6]~~ 23A-4-701, an individual born after
 2762 December 31, 1965, may not acquire or possess a hunting license or permit unless the
 2763 individual has successfully completed a division-approved hunter education course.

2764 (b) A division-approved hunter education course shall include education concerning
 2765 the importance of gates and fences used in agriculture and how to properly close a gate.

2766 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 2767 Wildlife Board may make rules establishing:

2768 (a) criteria and standards for approving a hunter education course, including a course
 2769 offered in another state or country; and

2770 (b) procedures for verifying and documenting that an individual seeking a hunting
 2771 license or permit has successfully completed a division-approved hunter education course.

2772 ~~[(3)(a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting~~
 2773 ~~license or permit in violation of the hunter education requirements in Subsection (1).]~~

2774 ~~[(b) A hunting license or permit obtained or possessed in violation of this section is~~
 2775 ~~invalid.]~~

2776 Section 100. Section **23A-4-1002**, which is renumbered from Section 23-19-11.1 is
 2777 renumbered and amended to read:

2778 ~~[23-19-11.1]~~. **23A-4-1002. Hunter education practical shooting test --**
 2779 **Exemptions.**

2780 (1) Except as provided in Subsection (2), the Wildlife Board may require that the
 2781 division-approved hunter education course required by Section ~~[23-19-11]~~ 23A-4-1001 include
 2782 a practical shooting test.

2783 (2) A member of the United States Armed Forces, including the Utah National Guard,
2784 is exempt from a practical shooting test that may be required under Subsection (1) if the
2785 member has passed firearms training in the United States Armed Forces or Utah National
2786 Guard.

2787 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2788 Wildlife Board may make rules establishing firearms test verification requirements.

2789 Section 101. Section **23A-4-1003**, which is renumbered from Section 23-19-12 is
2790 renumbered and amended to read:

2791 ~~[23-19-12]~~. **23A-4-1003. Instruction in hunter education -- Issuance of**
2792 **certificate of competency.**

2793 (1) The ~~[Division of Wildlife Resources]~~ division shall provide for ~~[individuals]~~ an
2794 individual interested in obtaining an instructor's certificate in hunter education a course of
2795 instruction in:

- 2796 (a) the safe handling of firearms;
2797 (b) conservation;
2798 (c) hunting ethics;
2799 (d) information required by Subsection ~~[23-19-11]~~ 23A-4-1001(1)(b); and
2800 (e) related subject matter.

2801 (2) A certified instructor may, on a voluntary basis, give instruction in the course of
2802 hunter education, as established by the ~~[Division of Wildlife Resources]~~ division, to eligible
2803 persons ~~[who, upon the successful completion of the course, shall be issued]~~. The division shall
2804 issue a certificate of competency in hunter education upon the successful completion of the
2805 course.

2806 Section 102. Section **23A-4-1004**, which is renumbered from Section 23-19-12.7 is
2807 renumbered and amended to read:

2808 ~~[23-19-12.7]~~. **23A-4-1004. Instruction in bow hunter education -- Issuance**
2809 **of certificate of completion.**

2810 (1) The division shall establish criteria for a bow hunter education course, which may
2811 be offered by ~~[any]~~ an entity that meets the division's criteria.

2812 (2) The bow hunter education course shall include instruction in:

- 2813 (a) the safe use of bow hunting equipment;

- 2814 (b) fundamentals of bow hunting;
2815 (c) shooting and hunting techniques; and
2816 (d) hunter ethics.

2817 (3) The division shall issue a certificate of completion to a participant upon successful
2818 completion of a bow hunter education course which meets the requirements of this section and
2819 criteria established by the division.

2820 Section 103. Section **23A-4-1005**, which is renumbered from Section 23-19-11.5 is
2821 renumbered and amended to read:

2822 ~~[23-19-11.5].~~ **23A-4-1005. Proof of furharvester education required.**

2823 (1) A resident born after December 31, 1984, may not acquire or possess a furbearer
2824 license unless the individual has successfully completed a division-approved furharvester
2825 education course.

2826 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2827 Wildlife Board may make rules establishing:

2828 (a) criteria and standards for approving a furharvester education course, including a
2829 course offered in another state or country; and

2830 (b) procedures for verifying and documenting that an individual seeking a furbearer
2831 license has successfully completed a division-approved furharvester education course.

2832 ~~[(3)(a) It is unlawful for an individual to obtain, attempt to obtain, or possess a
2833 furbearer license in violation of the furharvester education requirements in Subsection (1).]~~

2834 ~~[(b) A furbearer license or permit obtained or possessed in violation of this section is
2835 invalid.]~~

2836 Section 104. Section **23A-4-1006**, which is renumbered from Section 23-19-12.5 is
2837 renumbered and amended to read:

2838 ~~[23-19-12.5].~~ **23A-4-1006. Instruction in furharvester education --**
2839 **Issuance of certificate of completion.**

2840 (1) The division shall provide a course of instruction in safe and responsible trapping,
2841 including instruction in:

- 2842 (a) the use of trapping devices;
2843 (b) trapping laws;
2844 (c) trapping ethics;

- 2845 (d) techniques in safely releasing nontarget animals;
 2846 (e) firearms safety;
 2847 (f) wildlife management;
 2848 (g) proper catch handling;
 2849 (h) trapper health and safety; and
 2850 (i) ethics relating to the avoidance of conflicts with other public land users and private
 2851 landowners.

2852 (2) (a) [~~Certified instructors will~~] A certified instructor may, on a voluntary basis, give
 2853 instruction in the course of furharvester education, as established by the division.

2854 (b) Upon the successful completion of the course, [~~each~~] the division shall issue to the
 2855 participant in the furharvester education course [~~shall be issued~~] a certificate of completion in
 2856 furharvester education.

2857 Section 105. Section **23A-4-1007**, which is renumbered from Section 23-19-13 is
 2858 renumbered and amended to read:

2859 ~~[23-19-13].~~ **23A-4-1007. Hunter and furharvester education training -- Fee.**

2860 The Wildlife Board shall establish the fees to be assessed for obtaining instruction in
 2861 hunter education and furharvester education.

2862 Section 106. Section **23A-4-1101**, which is renumbered from Section 23-19-5 is
 2863 renumbered and amended to read:

2864 **Part 11. Violations and Enforcement**

2865 ~~[23-19-5].~~ **23A-4-1101. Fraud, deceit, or misrepresentation in obtaining a**
 2866 **license, permit, tag, or certificate of registration -- Criminal penalty.**

2867 (1) [~~It is unlawful for~~] A person may not:

2868 (a) [~~any person to~~] obtain or attempt to obtain a license, permit, tag, or certificate of
 2869 registration by fraud, deceit, or misrepresentation;

2870 (b) if a nonresident [~~to~~]₂ purchase a resident license; and

2871 (c) if a resident [~~to~~]₂ purchase a nonresident license.

2872 [~~(2) Any license, permit, tag, or certificate of registration obtained in violation of~~
 2873 ~~Subsection (1) is invalid.~~]

2874 [~~(3) Any~~] (2) A person violating Subsection (1) is guilty of a class B misdemeanor.

2875 (3) A license, permit, certificate of registration, or tag obtained in violation of

2876 Subsection (1) is invalid.

2877 (4) A fraudulent claim of residency in another state or country does not exempt a
2878 person from the definition of resident in Section ~~[23-13-2]~~ 23A-1-101.

2879 Section 107. Section **23A-4-1102**, which is renumbered from Section 23-19-5.5 is
2880 renumbered and amended to read:

2881 ~~[23-19-5.5]~~. **23A-4-1102. Issuance of license, permit, or tag prohibited for**
2882 **failure to pay child support.**

2883 (1) As used in this section:

2884 (a) "Child support" means the same as that term is defined in Section 62A-11-401.

2885 (b) "Delinquent on a child support obligation" means that:

2886 (i) an individual owes at least \$2,500 on an arrearage obligation of child support based
2887 on an administrative or judicial order;

2888 (ii) the individual has not obtained a judicial order staying enforcement of the
2889 individual's obligation on the amount in arrears; and

2890 (iii) the office has obtained a statutory judgment lien pursuant to Section
2891 62A-11-312.5.

2892 (c) "Office" means the Office of Recovery Services created in Section 62A-11-102.

2893 (d) "Wildlife license agent" means a person authorized under Section ~~[23-19-15]~~
2894 23A-4-501 to sell a license, permit, or tag in accordance with this chapter.

2895 (2) (a) An individual who is delinquent on a child support obligation may not apply for,
2896 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by
2897 the Wildlife Board under this title, or by an order or proclamation ~~[issued in accordance with a~~
2898 ~~rule made by the Wildlife Board under this title]~~.

2899 (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or
2900 tag in violation of Subsection (2)(a) violates Section ~~[23-19-5]~~ 23A-4-1101.

2901 (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.

2902 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag
2903 violates Section ~~[23-20-3]~~ 23A-5-309.

2904 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective
2905 until the office notifies the division that the individual who is delinquent on a child support
2906 obligation has:

- 2907 (i) paid the delinquency in full; or
- 2908 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive
- 2909 months with a payment schedule entered into with the office.
- 2910 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:
- 2911 (i) pay the current child support obligation in full each month; and
- 2912 (ii) pays an additional amount as assessed by the office pursuant to Section
- 2913 62A-11-320 towards the child support arrears.
- 2914 (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the
- 2915 payment schedule described in Subsection (3)(b), the office may notify the division and the
- 2916 individual is considered to be an individual who is delinquent on a child support obligation and
- 2917 cannot obtain a new license, permit, or tag without complying with this Subsection (3).
- 2918 (d) If an individual fails to comply with the payment schedule described in Subsection
- 2919 (3)(b) for one month of the 12-month period because of a transition to new employment, the
- 2920 individual may obtain a license, permit, or tag and is considered in compliance with this
- 2921 Subsection (3) if the individual:
- 2922 (i) provides the office with information regarding the individual's new employer within
- 2923 30 days from the day on which the missed payment was due;
- 2924 (ii) pays the missed payment within 30 days from the day on which the missed payment
- 2925 was due; and
- 2926 (iii) complies with the payment schedule for all other payments owed for child support
- 2927 within the 12-month period.
- 2928 (4) (a) The division or a wildlife license agent may not knowingly issue a license,
- 2929 permit, or tag under this title to an individual identified by the office as delinquent on a child
- 2930 support obligation until notified by the office that the individual has complied with Subsection
- 2931 (3).
- 2932 (b) The division is not required to hold or reserve a license, permit, or tag opportunity
- 2933 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that
- 2934 individual upon compliance with Subsection (3).
- 2935 (c) The division may immediately reissue to another qualified person a license, permit,
- 2936 or tag opportunity withheld from an individual identified by the office as delinquent on a child
- 2937 support obligation pursuant to Subsection (4)(a).

2938 (5) The office and division shall automate the process for the division or a wildlife
 2939 license agent to be notified whether an individual is delinquent on a child support obligation or
 2940 has complied with Subsection (3).

2941 (6) The office is responsible to provide ~~[any]~~ administrative or judicial review required
 2942 incident to the division issuing or denying a license, permit, or tag to an individual under
 2943 Subsection (4).

2944 (7) The denial or withholding of a license, permit, or tag under this section is not a
 2945 suspension or revocation of license and permit privileges for purposes of:

2946 (a) Section ~~[23-19-9]~~ 23A-4-1106;

2947 (b) Subsection ~~[23-20-4]~~ 23A-5-311(1); and

2948 (c) Section ~~[23-25-6]~~ 23A-2-505.

2949 (8) This section does not modify a court action to withhold, suspend, or revoke a
 2950 recreational license under Sections 62A-11-107 and 78B-6-315.

2951 Section 108. Section **23A-4-1103**, which is renumbered from Section 23-19-6 is
 2952 renumbered and amended to read:

2953 ~~[23-19-6]~~. **23A-4-1103. Imitating or counterfeiting license unlawful --**
 2954 **Criminal penalty.**

2955 ~~[It is unlawful to]~~ (1) A person may not imitate or counterfeit ~~[any]~~ a license, permit,
 2956 tag, or certificate of registration for the purpose of defrauding the state ~~[of Utah]~~ or for evading
 2957 the purposes and provisions of this ~~[code. Any]~~ title.

2958 (2) A person who violates ~~[any provision of]~~ this section is guilty of a class A
 2959 misdemeanor.

2960 Section 109. Section **23A-4-1104** is enacted to read:

2961 **23A-4-1104. Violation of hunter education requirements -- Criminal penalty.**

2962 (1) An individual may not obtain, attempt to obtain, or possess a hunting license or
 2963 permit in violation of the hunter education requirements in Subsection 23A-4-1001(1).

2964 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2965 (3) A hunting license or permit obtained or possessed in violation of Section
 2966 23A-4-1101 is invalid.

2967 Section 110. Section **23A-4-1105** is enacted to read:

2968 **23A-4-1105. Violation of furharvester education requirements -- Criminal**

2969 **penalty.**

2970 (1) An individual may not obtain, attempt to obtain, or possess a furbearer license in
2971 violation of the furharvester education requirements in Subsection 23A-4-1005(1).

2972 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2973 (3) A furbearer license or permit obtained or possessed in violation of this section is
2974 invalid.

2975 Section 111. Section **23A-4-1106**, which is renumbered from Section 23-19-9 is
2976 renumbered and amended to read:

2977 ~~[23-19-9].~~ **23A-4-1106. Suspension of license or permit privileges --**
2978 **Suspension of certificates of registration.**

2979 (1) As used in this section:

2980 (a) "License or permit privileges" means the privilege of applying for, purchasing, and
2981 exercising the benefits conferred by a license or permit issued by the division.

2982 (b) "Livestock guardian dog" means the same as that term is defined in Section
2983 76-6-111.

2984 (2) A hearing officer, appointed by the division, may suspend a person's license or
2985 permit privileges if:

2986 (a) in a court of law, the person:

2987 (i) is convicted of:

2988 (A) violating this title or a rule of the Wildlife Board;

2989 (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in
2990 an activity regulated under this title;

2991 (C) violating Section 76-6-111; or

2992 (D) violating Section 76-10-508 while engaged in an activity regulated under this title;

2993 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no
2994 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

2995 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person
2996 enters into a diversion agreement which suspends the prosecution of the offense; and

2997 (b) the hearing officer determines the person committed the offense intentionally,
2998 knowingly, or recklessly, as defined in Section 76-2-103.

2999 (3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing

3000 officer shall consider in determining:

3001 (i) the type of license or permit privileges to suspend; and

3002 (ii) the duration of the suspension.

3003 (b) The Wildlife Board shall ensure that the guidelines established under Subsection

3004 (3)(a) are consistent with Subsections (4), (5), and (6).

3005 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a

3006 person's license or permit privileges according to Subsection (2) for a period of time not to

3007 exceed:

3008 (a) seven years for:

3009 (i) a felony conviction;

3010 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is

3011 held in abeyance pursuant to a plea in abeyance agreement; or

3012 (iii) being charged with an offense punishable as a felony, the prosecution of which is

3013 suspended pursuant to a diversion agreement;

3014 (b) five years for:

3015 (i) a class A misdemeanor conviction;

3016 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,

3017 which plea is held in abeyance pursuant to a plea in abeyance agreement; or

3018 (iii) being charged with an offense punishable as a class A misdemeanor, the

3019 prosecution of which is suspended pursuant to a diversion agreement;

3020 (c) three years for:

3021 (i) a class B misdemeanor conviction;

3022 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor

3023 when the plea is held in abeyance according to a plea in abeyance agreement; or

3024 (iii) being charged with an offense punishable as a class B misdemeanor, the

3025 prosecution of which is suspended pursuant to a diversion agreement; and

3026 (d) one year for:

3027 (i) a class C misdemeanor conviction;

3028 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,

3029 when the plea is held in abeyance according to a plea in abeyance agreement; or

3030 (iii) being charged with an offense punishable as a class C misdemeanor, the

3031 prosecution of which is suspended according to a diversion agreement.

3032 (5) The hearing officer may double a suspension period established in Subsection (4)
3033 for offenses:

3034 (a) committed in violation of an existing suspension or revocation order issued by the
3035 courts, division, or Wildlife Board; or

3036 (b) involving the unlawful taking of a trophy animal, as defined in Section [~~23-13-2~~]
3037 23A-1-101.

3038 (6) (a) A hearing officer may suspend, according to Subsection (2), a person's license
3039 or permit privileges for a particular license or permit only once for each single criminal
3040 episode, as defined in Section 76-1-401.

3041 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the
3042 suspension periods of [~~any~~] license or permit privileges of the same type suspended, according
3043 to Subsection (2), may run consecutively.

3044 (c) If a hearing officer suspends, according to Subsection (2), license or permit
3045 privileges of the type that have been previously suspended by a court, a hearing officer, or the
3046 Wildlife Board and the suspension period has not expired, the suspension periods may run
3047 consecutively.

3048 (7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of
3049 applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:

3050 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as
3051 defined in Section 76-2-103, violated:

3052 (A) this title;

3053 (B) a rule or order of the Wildlife Board;

3054 (C) the terms of a certificate of registration; or

3055 (D) the terms of a certificate of registration application or agreement; or

3056 (ii) the person, in a court of law:

3057 (A) is convicted of an offense that the hearing officer determines bears a reasonable
3058 relationship to the person's ability to safely and responsibly perform the activities authorized by
3059 the certificate of registration;

3060 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a
3061 reasonable relationship to the person's ability to safely and responsibly perform the activities

3062 authorized by the certificate of registration, and the plea is held in abeyance in accordance with
3063 a plea in abeyance agreement; or

3064 (C) is charged with an offense that the hearing officer determines bears a reasonable
3065 relationship to the person's ability to safely and responsibly perform the activities authorized by
3066 the certificate of registration, and prosecution of the offense is suspended in accordance with a
3067 diversion agreement.

3068 (b) ~~[All certificates]~~ A hearing officer shall suspend a certificate of registration for the
3069 harvesting of brine shrimp eggs, as defined in Section 59-23-3, ~~[shall be suspended by a~~
3070 ~~hearing officer,]~~ if the hearing officer determines the holder of the ~~[certificates]~~ certificate of
3071 registration has violated Section 59-23-5.

3072 (8) (a) The director shall appoint a qualified person as a hearing officer to perform the
3073 adjudicative functions provided in this section.

3074 (b) The director may not appoint a division employee who investigates or enforces
3075 wildlife violations.

3076 (9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply
3077 for, purchase, or exercise the benefits conferred by a license, permit, or certificate of
3078 registration.

3079 (b) The courts shall promptly notify the division of ~~[any]~~ suspension orders or
3080 recommendations entered.

3081 (c) The division, upon receiving notification of suspension from the courts, shall
3082 prohibit the person from applying for, purchasing, or exercising the benefits conferred by a
3083 license, permit, or certification of registration for the duration and of the type specified in the
3084 court order.

3085 (d) The hearing officer shall consider ~~[any]~~ a recommendation made by a sentencing
3086 court concerning suspension before issuing a suspension order.

3087 ~~[(10)(a) A person may not apply for, purchase, possess, or attempt to exercise the~~
3088 ~~benefits conferred by any permit, license, or certificate of registration specified in an order of~~
3089 ~~suspension while that order is in effect.]~~

3090 ~~[(b) Any license possessed or obtained in violation of the order shall be considered~~
3091 ~~invalid.]~~

3092 ~~[(c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.]~~

3093 ~~[(11)]~~ (10) Before suspension under this section, ~~[a person shall be]~~ the division shall
3094 give a person:

3095 (a) ~~[given]~~ written notice of ~~[any]~~ action the division intends to take; and

3096 (b) ~~[provided with]~~ an opportunity for a hearing.

3097 ~~[(12)]~~ (11) (a) A person may file an appeal of a hearing officer's decision with the
3098 Wildlife Board.

3099 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and
3100 any written documentation submitted at the hearing.

3101 (c) The Wildlife Board may:

3102 (i) take no action;

3103 (ii) vacate or remand the decision; or

3104 (iii) amend the period or type of suspension.

3105 ~~[(13)]~~ (12) The division shall suspend and reinstate all hunting, fishing, trapping, and
3106 falconry privileges consistent with ~~[Title 23, Chapter 25,]~~ Chapter 2, Part 5, Wildlife Violator
3107 Compact.

3108 ~~[(14)]~~ (13) The Wildlife Board may make rules to implement this section in accordance
3109 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3110 Section 112. Section **23A-4-1107** is enacted to read:

3111 **23A-4-1107. Violation of suspension --Criminal penalty.**

3112 (1) A person may not apply for, purchase, possess, or attempt to exercise the benefits
3113 conferred by a permit, license, or certificate of registration specified in an order of suspension
3114 while that order is in effect.

3115 (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

3116 (3) A license possessed or obtained in violation of the order is invalid.

3117 Section 113. Section **23A-4-1108**, which is renumbered from Section 23-19-9.1 is
3118 renumbered and amended to read:

3119 **[23-19-9.1]. 23A-4-1108. Court-ordered action against a license.**

3120 The division shall promptly withhold, suspend, restrict, or reinstate the use of a license
3121 issued under this chapter if so ordered by a court.

3122 Section 114. Section **23A-4-1109**, which is renumbered from Section 23-19-9.5 is
3123 renumbered and amended to read:

3124 ~~[23-19-9.5].~~ **23A-4-1109. Warrant outstanding or failure to comply with citation**
 3125 **-- Person not entitled to license, permit, tag, or certificate.**

3126 (1) A person may not purchase a license, permit, tag, or certificate of registration if:

3127 (a) there is an outstanding Utah warrant against ~~[him]~~ the person for failure to appear
 3128 in answer to a summons for a violation of:

3129 (i) ~~[a provision of]~~ this title; or

3130 (ii) a rule, proclamation, or order of the Wildlife Board; or

3131 (b) ~~[he has failed]~~ the person fails to comply with a wildlife citation in a state which is
 3132 a party to the Wildlife Violator Compact set forth in ~~[Title 23, Chapter 25,]~~ Chapter 2, Part 5,
 3133 Wildlife Violator Compact.

3134 (2) The division may allow a person referred to in Subsection (1) to purchase a license,
 3135 permit, tag, or certificate of registration if satisfactory proof is given that:

3136 (a) the warrant is no longer outstanding; or

3137 (b) ~~[he]~~ the person has complied with the wildlife citation.

3138 Section 115. Section **23A-5-101** is enacted to read:

3139 **CHAPTER 5. ENFORCEMENT AND VIOLATIONS**

3140 **Part 1. General Provisions**

3141 **23A-5-101. Definitions.**

3142 Reserved.

3143 Section 116. Section **23A-5-201**, which is renumbered from Section 23-20-1 is
 3144 renumbered and amended to read:

3145 **Part 2. Enforcement**

3146 ~~[23-20-1].~~ **23A-5-201. Enforcement authority of conservation officers --**
 3147 **Seizure and disposition of property.**

3148 (1) ~~[Conservation officers]~~ A conservation officer of the division shall enforce ~~[the~~
 3149 ~~provisions of]~~ this title with the same authority and following the same procedures as other law
 3150 enforcement officers.

3151 (2) (a) ~~[Conservation officers]~~ A conservation officer shall seize ~~[any]~~ protected
 3152 wildlife illegally taken or held.

3153 (b) (i) Upon determination of a defendant's guilt by the court~~;~~:

3154 (A) the court shall confiscate the protected wildlife ~~[shall be confiscated by the court~~

3155 ~~and sold or otherwise disposed of by the division]; and~~

3156 (B) the division shall sell or otherwise dispose of the protected wildlife.

3157 (ii) Proceeds of ~~[the sales]~~ a sale under this section shall be deposited in the Wildlife
3158 Resources Account.

3159 (iii) Migratory wildfowl may not be sold, but ~~[shall be given]~~ the division shall give the
3160 migratory wildfowl to a charitable institution ~~[or used]~~ for other charitable purposes.

3161 (3) (a) ~~[Conservation officers]~~ A conservation officer may seize and impound a vehicle
3162 used for the unlawful taking or possessing of protected wildlife for any of the following
3163 purposes:

3164 (i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;

3165 (ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search
3166 warrant; or

3167 (iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or
3168 possessed.

3169 (b) The division shall store ~~[any]~~ a seized vehicle in a public or private garage, state
3170 impound lot, or other secured storage facility.

3171 (4) A seized vehicle shall be released to the owner no later than 30 days after the date
3172 the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of
3173 wildlife by a person who is charged with committing a felony under this title.

3174 (5) (a) The owner of a seized vehicle is liable for the payment of any impound fee if the
3175 owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court
3176 to be guilty of a violation of this title.

3177 (b) The owner of a seized vehicle is not liable for the payment of any impound fee or,
3178 if the fees have been paid, is entitled to reimbursement of the fees paid, if:

3179 (i) no charges are filed or all charges are dropped ~~[which]~~ that involve the use of the
3180 vehicle for the unlawful taking or possessing of wildlife;

3181 (ii) the person charged with using the vehicle for the unlawful taking or possessing of
3182 wildlife is found by a court to be not guilty; or

3183 (iii) the owner did not consent to a use of the vehicle ~~[which]~~ that violates this chapter.

3184 Section 117. Section **23A-5-202**, which is renumbered from Section 23-20-1.5 is
3185 renumbered and amended to read:

3186 ~~[23-20-1.5].~~ **23A-5-202. Powers of law enforcement section.**

3187 (1) The chief and assistant chief of the law enforcement section, an enforcement
3188 ~~[agents, and]~~ agent, or conservation ~~[officers]~~ officer of the law enforcement section within the
3189 ~~[Division of Wildlife Resources]~~ division are vested with the powers of law enforcement
3190 officers throughout ~~[all of]~~ the counties of the state with exception of the power to serve civil
3191 process and:

3192 (a) may serve criminal process, arrest, and prosecute ~~[violators of any]~~ a violator of a
3193 law of this state; and

3194 (b) ~~[shall have]~~ has the same right as other law enforcement officers to require aid in
3195 executing ~~[their]~~ the duties.

3196 (2) The powers and duties conferred by this section upon employees of the law
3197 enforcement section of the ~~[Division of Wildlife Resources]~~ division shall be supplementary to
3198 and in no way a limitation on the powers and duties of other law enforcement officers in the
3199 state.

3200 Section 118. Section **23A-5-203**, which is renumbered from Section 23-20-2 is
3201 renumbered and amended to read:

3202 ~~[23-20-2].~~ **23A-5-203. Special deputies -- Appointment -- Duties.**

3203 The director ~~[of the Division of Wildlife Resources is authorized to]~~ may appoint
3204 ~~[persons]~~ a person, on a temporary basis, as a special ~~[deputies. These special deputies shall~~
3205 ~~have the authority to enforce provisions of this code and all rules and regulations promulgated~~
3206 ~~under this code.]~~ deputy. A special deputy may enforce this title and rules made under this
3207 title.

3208 Section 119. Section **23A-5-204**, which is renumbered from Section 23-20-10 is
3209 renumbered and amended to read:

3210 ~~[23-20-10].~~ **23A-5-204. Butcher, locker, or storage plant to require proper tag**
3211 **or donation slip.**

3212 ~~[It is unlawful for a]~~ A butcher or owner or employee of a locker plant or storage plant
3213 ~~[to]~~ may not receive for processing or storage the carcass of ~~[any]~~ protected wildlife that by law
3214 or regulation is required to be tagged, unless the carcass is properly tagged or is accompanied
3215 with a valid donation slip.

3216 Section 120. Section **23A-5-205**, which is renumbered from Section 23-20-16 is

3217 renumbered and amended to read:

3218 ~~[23-20-16]~~. **23A-5-205. Enforcement -- Procedure.**

3219 In enforcing the misdemeanor or felony provisions of this ~~[code]~~ title, ~~[the]~~ a peace
3220 officer shall follow ~~[the procedures and requirements of]~~ Title 53, Chapter 13, Peace Officer
3221 Classifications.

3222 Section 121. Section **23A-5-206**, which is renumbered from Section 23-20-28 is
3223 renumbered and amended to read:

3224 ~~[23-20-28]~~. **23A-5-206. Search warrants.**

3225 (1) A search warrant may be issued by a magistrate to search for ~~[any]~~ property ~~[which]~~
3226 that may constitute evidence of ~~[any violation of the provisions of this code]~~ a violation of this
3227 title, rules, [regulations,] or proclamations of the Wildlife Board upon an affidavit of ~~[any]~~ a
3228 person.

3229 (2) The search warrant shall be directed to a conservation officer or a peace officer,
3230 directing the officer to search for evidence and to bring ~~[it]~~ the evidence before the magistrate.

3231 (3) A search warrant may not be issued except upon probable cause supported by oath
3232 or affirmation, particularly describing the place, person, or thing to be searched for and the
3233 person or thing to be seized.

3234 (4) The warrant shall be served in the daytime, unless there is reason to believe that the
3235 service of the search warrant is required immediately because a person may:

3236 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;

3237 (b) destroy or conceal evidence of the commission of ~~[any]~~ a violation; or

3238 (c) injure another person or damage property.

3239 (5) ~~[The]~~ Notwithstanding Subsection (4), a search warrant may be served at night if:

3240 (a) there is reason to believe that a violation may occur at night; or

3241 (b) the evidence of the violation may not be available to the officers serving the
3242 warrant during the day.

3243 Section 122. Section **23A-5-207**, which is renumbered from Section 23-20-25 is
3244 renumbered and amended to read:

3245 ~~[23-20-25]~~. **23A-5-207. Exhibition of license, permit, tag, or device required --**
3246 **Criminal penalty.**

3247 (1) ~~[Any]~~ A person while engaged in ~~[any]~~ an activity regulated under this title, shall

3248 ~~[be required upon demand of any]~~ exhibit the following at the request of conservation officer or
 3249 ~~[any]~~ other peace officer ~~[to exhibit]:~~

3250 (a) the required license, permit, or tag;

3251 (b) ~~[any]~~ device or apparatus in that person's possession used for ~~[any]~~ an activity

3252 regulated under this title; or

3253 (c) ~~[any]~~ wildlife in that person's possession.

3254 (2) ~~[Any]~~ A conservation officer who has a reasonable belief that a person is engaged

3255 in ~~[any]~~ an activity regulated under this title may stop and temporarily detain that person ~~[in~~

3256 ~~order]~~ to demand and inspect:

3257 (a) the required license, permit, or tag;

3258 (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity

3259 regulated under this title; or

3260 (c) ~~[any]~~ wildlife in that person's possession.

3261 (3) ~~[Any]~~ A person ~~[who]~~ is subject to the penalties of Section 23A-5-301 if the person

3262 fails to produce for examination to ~~[an]~~ a correction officer or other peace officer any of the

3263 required licenses, permits, tags, devices or apparatuses used for ~~[any]~~ an activity regulated

3264 under this title or ~~[any]~~ wildlife in that person's possession ~~[is guilty of a class B~~

3265 ~~misdemeanor]~~.

3266 Section 123. Section **23A-5-301**, which is renumbered from Section 23-13-11 is

3267 renumbered and amended to read:

3268 **Part 3. Violations**

3269 ~~[23-13-11].~~ **23A-5-301. Violations in general -- Criminal penalty -- Aiding or**

3270 **assisting violation.**

3271 (1) Except as otherwise provided in this title:

3272 ~~[(1)]~~ (a) a violation of ~~[any provision of]~~ this title is a class B misdemeanor; and

3273 ~~[(2)]~~ (b) a violation of ~~[any]~~ a rule of the Wildlife Board, made in accordance with

3274 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the Wildlife

3275 Board is an infraction.

3276 (2) (a) A person may not aid or assist another person to violate this title or a rule made

3277 by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah

3278 Administrative Rulemaking Act.

3279 (b) The penalty for violating this Subsection (2) is the same as for the provision or rule
 3280 for which aid or assistance is given.

3281 Section 124. Section **23A-5-302**, which is renumbered from Section 23-13-4 is
 3282 renumbered and amended to read:

3283 ~~[23-13-4].~~ **23A-5-302. Captivity of protected wildlife unlawful -- Criminal**
 3284 **penalty.**

3285 ~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not hold in captivity at any time ~~[any]~~
 3286 protected wildlife except as provided by this ~~[code]~~ title or rules ~~[and regulations of]~~ made by
 3287 the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 3288 Act.

3289 (2) A person who violates this section is subject to the penalty provided in Section
 3290 23A-5-301.

3291 Section 125. Section **23A-5-303**, which is renumbered from Section 23-13-5 is
 3292 renumbered and amended to read:

3293 ~~[23-13-5].~~ **23A-5-303. Importation or exportation and release of wildlife**
 3294 **unlawful -- Criminal penalty.**

3295 ~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not:

3296 (a) import into or export from the state ~~[of Utah any]~~ a species of live native or exotic
 3297 wildlife; or [to]

3298 (b) possess or release from captivity ~~[any such]~~ imported live wildlife ~~[except as]~~
 3299 described in Subsection (1)(a).

3300 (2) Notwithstanding Subsection (1), a person may engage in an act described in
 3301 Subsection (1) if:

3302 (a) provided for in this ~~[code]~~ title or the rules ~~[and regulations of]~~ made by the
 3303 Wildlife Board ~~[without]~~ in accordance with Title 63G, Chapter 3, Utah Administrative
 3304 Rulemaking Act; and

3305 (b) the person first ~~[securing]~~ secures written permission from the division ~~[of Wildlife~~
 3306 Resources].

3307 (3) A person who violates this section is subject to the penalty provided in Section
 3308 23A-5-301.

3309 Section 126. Section **23A-5-304**, which is renumbered from Section 23-13-13 is

3310 renumbered and amended to read:

3311 ~~[23-13-13]~~. **23A-5-304. Commercialization of wildlife unlawful -- Criminal**
3312 **penalty.**

3313 ~~[It shall be unlawful for any person to utilize]~~ (1) A person may not use wildlife as a
3314 commercial venture for financial gain except as provided in this ~~[code]~~ title or under rules ~~[and~~
3315 ~~regulations of]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
3316 Administrative Rulemaking Act.

3317 (2) A person who violates this section is subject to the penalty provided in Section
3318 23A-5-301.

3319 Section 127. Section **23A-5-305**, which is renumbered from Section 23-13-14 is
3320 renumbered and amended to read:

3321 ~~[23-13-14]~~. **23A-5-305. Release of wildlife unlawful -- Criminal penalty.**

3322 (1) (a) A person may not release or transplant a live terrestrial or aquatic wildlife into
3323 the wild:

3324 (i) without a certificate of registration issued by the division authorizing the release; or

3325 (ii) except as provided in this title and rules ~~[and regulations established]~~ made by the
3326 Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3327 (b) The division may only authorize the transplanting of big game, turkeys, wolves,
3328 threatened or endangered species, or sensitive species as provided in Section ~~[23-14-21]~~
3329 23A-2-209.

3330 (2) Except as provided in ~~[Subsection (3)]~~ Section 23A-5-306, a person who violates
3331 Subsection (1) is guilty of a class A misdemeanor.

3332 ~~[(3) A person who knowingly and without lawful authority imports, transports, or~~
3333 ~~releases a live species of wildlife that the person knows is listed as threatened or endangered, or~~
3334 ~~is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with~~
3335 ~~the intent to establish the presence of that species in an area of the state not currently known to~~
3336 ~~be occupied by a reproducing population of that species is guilty of a third degree felony.]~~

3337 Section 128. Section **23A-5-306** is enacted to read:

3338 **23A-5-306. Import, transport, or release of threatened or endangered species --**
3339 **Criminal penalty.**

3340 (1) A person may not knowingly and without lawful authority import, transport, or

3341 release a live species of wildlife that the person knows is listed as threatened or endangered, or
3342 is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with
3343 the intent to establish the presence of that species in an area of the state not currently known to
3344 be occupied by a reproducing population of that species.

3345 (2) A person who violates Subsection (1) is guilty of a third degree felony.

3346 Section 129. Section **23A-5-307**, which is renumbered from Section 23-13-18 is
3347 renumbered and amended to read:

3348 **[23-13-18]. 23A-5-307. Use of a computer or other device to remotely hunt**
3349 **wildlife prohibited -- Trail cameras -- Criminal penalty.**

3350 (1) As used in this section, "trail camera" means a device that is not held or manually
3351 operated by a person and is used to capture images, video, or location data of wildlife using
3352 heat or motion to trigger the device.

3353 ~~[(+)]~~ (2) A person may not use a computer or other device to remotely control the
3354 aiming and discharge of a firearm or other weapon for hunting an animal.

3355 ~~[(2)]~~ (3) A person who violates Subsection (1) is guilty of a class A misdemeanor.

3356 ~~[(3)-(a) As used in this Subsection (3), "trail camera" means a device that is not held or~~
3357 ~~manually operated by a person and is used to capture images, video, or location data of wildlife~~
3358 ~~using heat or motion to trigger the device.]~~

3359 ~~[(b)]~~ (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3360 Act, the Wildlife Board shall make rules regulating the use of trail cameras.

3361 ~~[(c)]~~ (b) The division shall provide an annual report to the Natural Resources,
3362 Agriculture, and Environment Interim Committee regarding rules made or changed in
3363 accordance with this Subsection ~~[(3)]~~ (4).

3364 (c) A person who violates rules made by the Wildlife Board under this Subsection (4)
3365 is subject to the penalty provided in Section 23A-5-301.

3366 Section 130. Section **23A-5-308**, which is renumbered from Section 23-13-19 is
3367 renumbered and amended to read:

3368 **[23-13-19]. 23A-5-308. Administering substances to protected wildlife**
3369 **prohibited -- Exceptions -- Criminal penalty.**

3370 (1) For purposes of this section:

3371 (a) "Administer" means the application of a substance by any method, including:

- 3372 (i) injection;
- 3373 (ii) inhalation;
- 3374 (iii) ingestion; or
- 3375 (iv) absorption.
- 3376 (b) "Agricultural producer" means a person who produces an agricultural product.
- 3377 (c) "Agricultural product" means the same as that term is defined in Section 4-1-109.
- 3378 (d) "Substance" means a chemical or organic substance that:
- 3379 (i) pacifies;
- 3380 (ii) sedates;
- 3381 (iii) immobilizes;
- 3382 (iv) harms;
- 3383 (v) kills;
- 3384 (vi) controls fertility; or
- 3385 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
- 3386 (2) Except as authorized by Subsection [~~(3)~~] (4) or a rule made by the Wildlife Board
- 3387 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a person may
- 3388 not administer or attempt to administer a substance to protected wildlife.
- 3389 (3) A person who violates this section is subject to the penalty provided in Section
- 3390 23A-5-301.
- 3391 [~~(3)~~] (4) (a) A division employee or a person with written permission from the division
- 3392 may administer a substance to protected wildlife if that employee or person administers the
- 3393 substance to promote wildlife management and conservation.
- 3394 (b) One or more of the following may administer a substance to protected wildlife that
- 3395 the person is authorized by this title, the Wildlife Board, or the division to possess:
- 3396 (i) a licensed veterinarian;
- 3397 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
- 3398 (iii) a person who is following written instructions for veterinary care from a licensed
- 3399 veterinarian.
- 3400 [~~(4)~~-A] (5) Notwithstanding the other provisions of this section, a person is not liable
- 3401 under this section for administering a substance, notwithstanding the substance has an effect
- 3402 described in Subsection (1)(d) on protected wildlife, if:

- 3403 (a) an agricultural producer administers the substance:
3404 (i) for the sole purpose of producing an agricultural product and not for the purpose of
3405 affecting protected wildlife in a manner described in Subsection (1)(d);
3406 (ii) consistent with generally accepted agricultural practices; and
3407 (iii) in compliance with applicable local, state, and federal law; or
3408 (b) the protected wildlife presents an immediate threat of death or serious bodily injury
3409 to a person.

3410 Section 131. Section **23A-5-309**, which is renumbered from Section 23-20-3 is
3411 renumbered and amended to read:

3412 ~~[23-20-3]~~. **23A-5-309**. **Taking, transporting, selling, or purchasing protected**
3413 **wildlife illegal except as authorized -- Criminal penalty.**

3414 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife
3415 Board, a person may not:

- 3416 (a) take protected wildlife or [its] wildlife parts;
3417 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export
3418 protected wildlife or [its] wildlife parts;
3419 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or [its]
3420 wildlife parts without having previously procured the necessary licenses, permits, tags, federal
3421 stamps, certificates of registration, authorizations, and receipts required in this title or a rule,
3422 proclamation, or order of the Wildlife Board;
3423 (d) take protected wildlife with [any] a weapon, ammunition, implement, tool, device,
3424 or any part of any of these not specifically authorized in this title or a rule, proclamation, or
3425 order of the Wildlife Board;
3426 (e) possess while in pursuit of protected wildlife [any] a weapon, ammunition,
3427 implement, tool, device, or any part of any of these not specifically authorized in this title or a
3428 rule, proclamation, or order of the Wildlife Board;
3429 (f) take protected wildlife using [any] a method, means, process, or practice not
3430 specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
3431 (g) take protected wildlife outside the season dates, location boundaries, and daily time
3432 frames established in rule, proclamation, or order of the Wildlife Board;
3433 (h) take protected wildlife in excess of the bag and possession limits established in

- 3434 rule, proclamation, or order of the Wildlife Board;
- 3435 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,
3436 proclamation, or order of the Wildlife Board, or by executive order of the [~~division~~] director
3437 pursuant to Subsection [~~23-14-8~~] 23A-2-203(4);
- 3438 (j) practice falconry or capture, possess, or use birds in falconry;
- 3439 (k) take [~~any~~] wildlife from an airplane or any other airborne vehicle or device or [~~any~~]
3440 a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational
3441 vehicles;
- 3442 (l) hold in captivity at any time any live protected wildlife;
- 3443 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 3444 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 3445 (o) release captured or captive wildlife into the wild;
- 3446 (p) use spotlighting to take protected wildlife;
- 3447 (q) employ or use a means of concealment or camouflage while taking protected
3448 wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 3449 (r) possess or use bait or other attractant to take protected wildlife which is prohibited
3450 in this title or a rule, proclamation, or order of the Wildlife Board;
- 3451 (s) use [~~any~~] a decoy or recorded or electronically amplified call which is prohibited in
3452 this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 3453 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp
3454 eggs;
- 3455 (u) [~~utilize~~] use protected wildlife for commercial purposes or financial gain as
3456 prohibited by Section 23A-5-304;
- 3457 (v) enter, establish, or hold a contest or tournament involving the taking of protected
3458 wildlife;
- 3459 (w) operate or participate in a commercial hunting area as described in Section
3460 [~~23-17-6~~] 23A-12-202; or
- 3461 (x) operate or participate in a cooperative wildlife management unit as defined in
3462 Section [~~23-23-2~~] 23A-7-101.
- 3463 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of
3464 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was

3465 illegally taken and is illegally held in possession.

3466 (3) A person is [~~guilty of a class B misdemeanor~~] subject to the penalty under Section
3467 23A-5-301 if the person:

3468 (a) violates [~~any provision of~~] Subsection (1); and

3469 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

3470 Section 132. Section **23A-5-310**, which is renumbered from Section 23-20-3.5 is
3471 renumbered and amended to read:

3472 **[23-20-3.5]. 23A-5-310. Taking protected wildlife while trespassing -- Criminal**
3473 **penalty.**

3474 (1) A person may not take or permit [~~his~~] the person's dog to take, while in violation of
3475 Subsection [~~23-20-14~~] 23A-5-317(2):

3476 (a) protected wildlife or [~~their~~] protected wildlife parts;

3477 (b) an occupied nest of protected wildlife; or

3478 (c) an egg of protected wildlife.

3479 (2) A person [~~is guilty of a class B misdemeanor if he or she violates any provision of~~]
3480 who violates Subsection (1) is subject to the penalty provided in Section 23A-5-301.

3481 Section 133. Section **23A-5-311**, which is renumbered from Section 23-20-4 is
3482 renumbered and amended to read:

3483 **[23-20-4]. 23A-5-311. Wanton destruction of protected wildlife -- Criminal**
3484 **penalty.**

3485 (1) A person is guilty of wanton destruction of protected wildlife if that person:

3486 (a) commits an act in violation of [~~Section 23-13-4, 23-13-5, 23-13-13, 23-15-6~~]
3487 through 23-15-9, 23-16-5, or Subsection 23-20-3(1);];

3488 (i) Section 23A-5-302;

3489 (ii) Section 23A-5-304;

3490 (iii) Sections 23A-9-302 through 23A-9-305;

3491 (iv) Section 23A-11-201; or

3492 (v) Subsection 23A-5-309(1);

3493 (b) captures, injures, or destroys protected wildlife; and

3494 (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section
3495 76-2-103;

- 3496 (ii) intentionally abandons protected wildlife or a carcass;
- 3497 (iii) commits the offense at night with the use of a weapon;
- 3498 (iv) is under a court or division revocation of a license, tag, permit, or certificate of
- 3499 registration; or
- 3500 (v) acts for pecuniary gain.
- 3501 [~~(2)~~ Subsection (1) does not apply to actions taken in accordance with:]
- 3502 [~~(a)~~ Title 4, Chapter 14, Utah Pesticide Control Act;]
- 3503 [~~(b)~~ Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or]
- 3504 [~~(c)~~ Section 23-16-3.1.]
- 3505 [~~(3)~~] (2) [~~Wanton~~] A person who commits wanton destruction of wildlife is
- 3506 [~~punishable~~] guilty of:
- 3507 (a) [~~as~~] a third degree felony if:
- 3508 (i) the aggregate value of the protected wildlife determined by the values in Subsection
- 3509 [~~(4)~~] (3) is more than \$500; or
- 3510 (ii) a trophy animal was captured, injured, or destroyed;
- 3511 (b) [~~as~~] a class A misdemeanor if the aggregate value of the protected wildlife,
- 3512 determined by the values established in Subsection [~~(4)~~] (3) is more than \$250, but does not
- 3513 exceed \$500; and
- 3514 (c) [~~as~~] a class B misdemeanor if the aggregate value of the protected wildlife
- 3515 determined by the values established in Subsection [~~(4)~~] (3) is \$250 or less.
- 3516 [~~(4)~~] (3) Regardless of the restitution amounts imposed under Subsection [~~23-20-4.5~~]
- 3517 23A-5-312(2), the following values are assigned to protected wildlife for the purpose of
- 3518 determining the offense for wanton destruction of wildlife:
- 3519 (a) \$1,000 per animal for:
- 3520 (i) bison;
- 3521 (ii) bighorn sheep;
- 3522 (iii) rocky mountain goat;
- 3523 (iv) moose;
- 3524 (v) bear;
- 3525 (vi) peregrine falcon;
- 3526 (vii) bald eagle; or

- 3527 (viii) endangered species;
- 3528 (b) \$750 per animal for:
- 3529 (i) elk; or
- 3530 (ii) threatened species;
- 3531 (c) \$500 per animal for:
- 3532 (i) cougar;
- 3533 (ii) golden eagle;
- 3534 (iii) river otter; or
- 3535 (iv) gila monster;
- 3536 (d) \$400 per animal for:
- 3537 (i) pronghorn antelope; or
- 3538 (ii) deer;
- 3539 (e) \$350 per animal for bobcat;
- 3540 (f) \$100 per animal for:
- 3541 (i) swan;
- 3542 (ii) sandhill crane;
- 3543 (iii) turkey;
- 3544 (iv) pelican;
- 3545 (v) loon;
- 3546 (vi) egrets;
- 3547 (vii) herons;
- 3548 (viii) raptors, except those that are threatened or endangered;
- 3549 (ix) Utah milk snake; or
- 3550 (x) Utah mountain king snake;
- 3551 (g) \$35 per animal for furbearers, except:
- 3552 (i) bobcat;
- 3553 (ii) river otter; and
- 3554 (iii) threatened or endangered species;
- 3555 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 3556 largemouth bass, smallmouth bass, and wiper;
- 3557 (i) \$15 per animal for game birds, except:

3558 (i) turkey;

3559 (ii) swan; and

3560 (iii) sandhill crane;

3561 (j) \$10 per animal for game fish not listed in Subsection ~~[(4)]~~ (3)(h);

3562 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and

3563 (l) \$5 per animal for protected wildlife not listed.

3564 ~~[(5)]~~ (4) For purposes of sentencing for a [~~wildlife~~] violation under this section, a

3565 person who has been convicted of a third degree felony under Subsection ~~[(3)]~~ (2)(a) is not

3566 subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).

3567 ~~[(6)]~~ (5) As part of a sentence imposed, the court shall impose a sentence of

3568 incarceration of not less than 20 consecutive days for a person convicted of a third degree

3569 felony under Subsection ~~[(3)]~~ (2)(a)(ii) who captured, injured, or destroyed a trophy animal for

3570 pecuniary gain.

3571 ~~[(7)]~~ (6) If a person has already been convicted of a third degree felony under

3572 Subsection ~~[(3)]~~ (2)(a)(ii) once, each separate additional offense under Subsection ~~[(3)]~~

3573 (2)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less

3574 than 20 consecutive days.

3575 ~~[(8)]~~ (7) The court may not sentence a person subject to Subsection ~~[(6) or (7)]~~ (5) or

3576 (6) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence

3577 unless the court finds mitigating circumstances justifying lesser punishment and makes that

3578 finding a part of the court record.

3579 (8) Subsection (1) does not apply to actions taken in accordance with:

3580 (a) Title 4, Chapter 14, Utah Pesticide Control Act;

3581 (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or

3582 (c) Section 23A-8-403.

3583 Section 134. Section **23A-5-312**, which is renumbered from Section 23-20-4.5 is

3584 renumbered and amended to read:

3585 **~~[23-20-4.5]. 23A-5-312. Restitution -- Disposition of money.~~**

3586 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton

3587 destruction of protected wildlife, other than a trophy animal, the court may order the defendant

3588 to pay restitution:

- 3589 (a) as set forth in Subsection (2); or
3590 (b) in a greater or lesser amount than the amount established in Subsection (2).
3591 (2) Suggested minimum restitution values for protected wildlife are as follows:
3592 (a) \$1,000 per animal for:
3593 (i) bison;
3594 (ii) bighorn sheep;
3595 (iii) rocky mountain goat;
3596 (iv) moose;
3597 (v) bear;
3598 (vi) peregrine falcon;
3599 (vii) bald eagle; or
3600 (viii) endangered species;
3601 (b) \$750 per animal for:
3602 (i) elk; or
3603 (ii) threatened species;
3604 (c) \$500 per animal for:
3605 (i) golden eagle;
3606 (ii) river otter; or
3607 (iii) gila monster;
3608 (d) \$400 per animal for:
3609 (i) pronghorn antelope; or
3610 (ii) deer;
3611 (e) \$350 per animal for:
3612 (i) cougar; or
3613 (ii) bobcat;
3614 (f) \$100 per animal for:
3615 (i) swan;
3616 (ii) sandhill crane;
3617 (iii) turkey;
3618 (iv) pelican;
3619 (v) loon;

- 3620 (vi) egrets;
- 3621 (vii) herons;
- 3622 (viii) raptors, except those that are threatened or endangered;
- 3623 (ix) Utah milk snake; or
- 3624 (x) Utah mountain king snake;
- 3625 (g) \$35 per animal for furbearers, except:
- 3626 (i) bobcat;
- 3627 (ii) river otter; and
- 3628 (iii) threatened or endangered species;
- 3629 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 3630 largemouth bass, smallmouth bass, and wiper;
- 3631 (i) \$15 per animal for game birds, except:
- 3632 (i) turkey;
- 3633 (ii) swan; and
- 3634 (iii) sandhill crane;
- 3635 (j) \$10 per animal for game fish not listed in Subsection (2)(h);
- 3636 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- 3637 (l) \$5 per animal for protected wildlife not listed.
- 3638 (3) If the court finds that restitution is inappropriate or if the value imposed is less than
- 3639 the suggested minimum value as provided in Subsection (2), the court shall make the reasons
- 3640 for the decision part of the court record.
- 3641 (4) (a) The court shall order a person convicted of a third degree felony under
- 3642 Subsection [~~23-20-4(3)(a)(ii)~~] 23A-5-311(2)(a)(ii) to pay restitution in accordance with
- 3643 Subsection (4)(b).
- 3644 (b) The minimum restitution value for a trophy animal is as follows:
- 3645 (i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;
- 3646 (ii) \$8,000 per animal for deer;
- 3647 (iii) \$8,000 per animal for elk;
- 3648 (iv) \$6,000 per animal for moose or mountain goat;
- 3649 (v) \$6,000 per animal for bison; and
- 3650 (vi) \$2,000 per animal for pronghorn antelope.

3651 (5) Restitution paid under Subsection (4) shall be remitted to the division and
3652 deposited in the Wildlife Resources Account.

3653 (6) ~~[Restitution money shall be used by the division]~~ The division shall use restitution
3654 money for activities and programs to help stop poaching, including:

- 3655 (a) educational programs on wildlife crime prevention;
3656 (b) acquisition and development of wildlife crime detection equipment;
3657 (c) operation and maintenance of anti-poaching projects; and
3658 (d) wildlife law enforcement training.

3659 (7) If restitution is required ~~[it]~~, restitution shall be in addition to:

- 3660 (a) a fine or penalty imposed for a violation of ~~[any provision of]~~ this title; and
3661 (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or
3662 certificate of registration.

3663 (8) A judgment imposed under this section constitutes a lien when recorded in the
3664 judgment docket and shall have the same effect and is subject to the same rules as a judgment
3665 for money in a civil action.

3666 Section 135. Section **23A-5-313**, which is renumbered from Section 23-20-4.7 is
3667 renumbered and amended to read:

3668 ~~[23-20-4.7].~~ **23A-5-313. Habitual wanton destruction of protected wildlife --**
3669 **Criminal penalty.**

3670 (1) As used in this section, "convicted" includes a guilty adjudication, guilty plea, no
3671 contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title
3672 77, Chapter 2a, Pleas in Abeyance.

3673 ~~[(1)]~~ (2) A person ~~[is guilty of]~~ commits habitual wanton destruction of protected
3674 wildlife if the person:

3675 (a) takes a big game animal in violation of Section ~~[23-20-4]~~ 23A-5-311; and

3676 (b) within seven years of the day on which the violation described in Subsection ~~[(1)]~~
3677 (2)(a) occurs, has twice been convicted of taking a big game animal in violation of Section
3678 ~~[23-20-4]~~ 23A-5-311.

3679 ~~[(2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty~~
3680 ~~plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement~~
3681 ~~under Title 77, Chapter 2a, Pleas in Abeyance.]~~

3682 (3) [~~Habitual~~] A person who commits habitual wanton destruction of protected wildlife
3683 is guilty of a third degree felony.

3684 Section 136. Section **23A-5-314**, which is renumbered from Section 23-20-8 is
3685 renumbered and amended to read:

3686 ~~[23-20-8].~~ **23A-5-314. Waste of wildlife unlawful -- Criminal penalty.**

3687 (1) [~~Except~~] A person may not waste or permit to be wasted protected wildlife or a part
3688 of protected wildlife except as otherwise provided:

3689 (a) in this title~~[-or]~~;

3690 (b) by rule made by the Wildlife Board under this title~~[-]~~ and in accordance with Title
3691 63G, Chapter 3, Utah Administrative Rulemaking Act; or

3692 (c) by an order or proclamation [~~issued in accordance with a rule made by the Wildlife~~
3693 ~~Board under this title, a person may not waste or permit to be wasted protected wildlife or a~~
3694 ~~part of protected wildlife~~].

3695 (2) A person who violates this section is subject to the penalty provided in Section
3696 23A-5-301.

3697 Section 137. Section **23A-5-315**, which is renumbered from Section 23-20-12 is
3698 renumbered and amended to read:

3699 ~~[23-20-12].~~ **23A-5-315. Airplanes or terrestrial or aquatic vehicles -- Use in**
3700 **taking wildlife unlawful -- Exceptions -- Criminal penalty.**

3701 (1) [~~It is unlawful for any person to take any~~] A person may not take wildlife from an
3702 airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle,
3703 including snowmobiles and other recreational vehicles, except as provided by this [~~code~~] title
3704 or in the rules [~~and regulations~~] made by of the Wildlife Board in accordance with Title 63G,
3705 Chapter 3, Utah Administrative Rulemaking Act.

3706 (2) A person who violates this section is subject to the penalty provided in Section
3707 23A-5-301.

3708 [~~(2)~~] (3) Notwithstanding Subsection (1), the Wildlife Board may authorize an
3709 individual validly licensed to hunt [~~may be authorized~~], to hunt from a vehicle under terms and
3710 conditions specified by the Wildlife Board if the individual has:

3711 (a) paraplegia; or

3712 (b) a disability that permanently confines the individual to a wheelchair or the use of

3713 crutches.

3714 Section 138. Section **23A-5-316**, which is renumbered from Section 23-20-13 is
3715 renumbered and amended to read:

3716 ~~[23-20-13]~~. **23A-5-316. Signs or equipment -- Damage or destruction unlawful**
3717 **-- Criminal penalty.**

3718 (1) A person may not:

3719 ~~[(1)]~~ (a) shoot at, shoot, deface, damage, remove, or destroy [~~any division signs or~~
3720 ~~placards~~] a division sign or placard located in [~~any part of~~] this state; or

3721 ~~[(2)]~~ (b) damage, destroy, remove, or cause to be damaged, destroyed, or removed
3722 [~~any~~] equipment or devices owned, controlled, or operated by the [~~Division of Wildlife~~
3723 ~~Resources~~] division.

3724 (2) A person who violates this section is subject to the penalty provided in Section
3725 23A-5-301.

3726 Section 139. Section **23A-5-317**, which is renumbered from Section 23-20-14 is
3727 renumbered and amended to read:

3728 ~~[23-20-14]~~. **23A-5-317. Posted property -- Hunting by permission -- Entry on**
3729 **private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable**
3730 **to officers.**

3731 (1) As used in this section:

3732 (a) "Cultivated land" means land that is readily identifiable as:

3733 (i) land whose soil is loosened or broken up for the raising of crops;

3734 (ii) land used for the raising of crops; or

3735 (iii) pasturage which is artificially irrigated.

3736 ~~[(b) "Division" means the Division of Wildlife Resources.]~~

3737 ~~[(c)]~~ (b) "Permission" means written authorization from the owner or person in charge
3738 to enter upon private land that is either cultivated or properly posted, and shall include:

3739 (i) the signature of the owner or person in charge;

3740 (ii) the name of the person being given permission;

3741 (iii) the appropriate dates; and

3742 (iv) a general description of the property.

3743 ~~[(d)]~~ (c) "Properly posted" means that signs prohibiting trespass or bright yellow,

3744 bright orange, or fluorescent paint are clearly displayed:

3745 (i) at ~~all~~ the corners, fishing streams crossing property lines, roads, gates, and
3746 rights-of-way entering the land; or

3747 (ii) in a manner that would reasonably be expected to be seen by a person in the area.

3748 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may
3749 not:

3750 (i) without permission, enter upon privately owned land that is cultivated or properly
3751 posted;

3752 (ii) enter or remain on privately owned land if the person has notice to not enter or
3753 remain on the privately owned land; or

3754 (iii) obstruct ~~any~~ an entrance or exit to private property.

3755 (b) A person has notice to not enter or remain on privately owned land if:

3756 (i) the person is directed to not enter or remain on the land by:

3757 (A) the owner of the land;

3758 (B) the owner's employee; or

3759 (C) a person with apparent authority to act for the owner; or

3760 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person
3761 would recognize as intended to exclude intruders.

3762 (c) The division shall provide "hunting by permission cards" to a landowner upon the
3763 landowner's request.

3764 (d) A person may not post:

3765 (i) private property the person does not own or legally control; or

3766 (ii) land that is open to the public as provided by Section ~~[23-21-4]~~ 23A-6-402.

3767 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in
3768 Section 23A-5-301 and liable for the civil damages described in Subsection (7).

3769 ~~[(3)]~~ (4) (a) A person convicted of violating Subsection (2)(a) may have the person's
3770 license, tag, certificate of registration, or permit, relating to the activity engaged in at the time
3771 of the violation, revoked by a hearing officer.

3772 (b) A hearing officer may construe ~~any~~ a subsequent conviction ~~[which]~~ that occurs
3773 within a five-year period as a flagrant violation and may prohibit the person from obtaining a
3774 new license, tag, certificate of registration, or permit for a period of up to five years.

3775 ~~[(4)]~~ (5) Subsection (2)(a) does not apply to peace or conservation officers in the
3776 performance of their duties.

3777 ~~[(5)]~~ (6) (a) The division shall provide information regarding owners' rights and
3778 ~~[sportsmen's]~~ duties:

3779 (i) to anyone holding ~~[licenses, certificates of registration, tags, or permits]~~ a license,
3780 certificate of registration, tag, or permit to take wildlife; and

3781 (ii) by using the public media and other sources.

3782 (b) The Wildlife Board shall state restrictions in this section relating to trespassing
3783 ~~[shall be stated in all]~~ in the hunting and fishing proclamations issued by the Wildlife Board.

3784 ~~[(6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor~~
3785 ~~and liable for the civil damages described in Subsection (7).]~~

3786 (7) In addition to an order for restitution under Section 77-38b-205, a person who
3787 commits a violation of Subsection (2)(a) or (d) may also be liable for:

3788 (a) the greater of:

3789 ~~[(a)]~~ (i) statutory damages in the amount of three times the value of damages resulting
3790 from the violation of Subsection (2)(a) or (d); or

3791 (ii) \$500~~[-, whichever is greater]~~; and

3792 (b) reasonable attorney fees not to exceed \$250, and court costs.

3793 (8) Civil damages under Subsection (7) may be collected in a separate action by the
3794 property owner or the property owner's assignee.

3795 Section 140. Section **23A-5-318**, which is renumbered from Section 23-20-15 is
3796 renumbered and amended to read:

3797 ~~[23-20-15].~~ **23A-5-318. Destruction of signs or inclosure on private land**
3798 **unlawful -- Criminal penalty.**

3799 ~~[It is unlawful for any person,]~~

3800 (1) A person may not, without the consent of the owner or person in charge of ~~[any]~~
3801 privately owned land~~[-, to]~~:

3802 (a) tear down, mutilate, or destroy ~~[any]~~ a sign, signboard, or other notice ~~[which]~~ that
3803 regulates trespassing for purposes of hunting, trapping, or fishing on this land; or ~~[to, without~~
3804 ~~such consent,]~~

3805 (b) tear down, deface, or destroy ~~[any]~~:

3806 (i) a fence or other inclosure on [this] the privately owned land[~~, or any~~]; or
 3807 (ii) a gate or bars belonging to [any such] a fence or inclosure on the privately owned
 3808 land.

3809 (2) A person who violates this section is subject to the penalty provided in Section
 3810 23A-5-301.

3811 Section 141. Section **23A-5-319**, which is renumbered from Section 23-20-18 is
 3812 renumbered and amended to read:

3813 **[23-20-18]. 23A-5-319. Interference with, intimidation, or harassment of officer**
 3814 **unlawful.**

3815 [It is unlawful for any person to]

3816 (1) A person my not interfere with, intimidate, or harass a conservation officer or
 3817 special deputy in the lawful performance of [his] the conservation officer's or special deputy's
 3818 duty.

3819 (2) A person who violates this section is subject to the penalty provided in Section
 3820 23A-5-301.

3821 Section 142. Section **23A-5-320**, which is renumbered from Section 23-20-19 is
 3822 renumbered and amended to read:

3823 **[23-20-19]. 23A-5-320. Failure to stop at roadblocks or checking stations**
 3824 **unlawful.**

3825 [It is unlawful for any person to fail to stop at Division of Wildlife Resources road
 3826 blocks or checking stations where]

3827 (1) A person may not fail to stop at a division roadblock or checking station when a
 3828 stop sign or red or blue light is displayed.

3829 (2) A person who violates this section is subject to the penalty provided in Section
 3830 23A-5-301.

3831 Section 143. Section **23A-5-321**, which is renumbered from Section 23-20-29 is
 3832 renumbered and amended to read:

3833 **[23-20-29]. 23A-5-321. Interference with hunting prohibited -- Action to**
 3834 **recover damages -- Exceptions -- Criminal penalty.**

3835 (1) A person [is guilty of a class B misdemeanor who intentionally interferes] may not
 3836 interfere with the right of a person licensed and legally hunting under Chapter [19] 4, Licenses,

3837 Permits, Certificates of Registration, and Tags, to take wildlife by driving, harassing, or
 3838 intentionally disturbing [~~any~~] a species of wildlife for the purpose of disrupting a legal hunt,
 3839 trapping, or predator control.

3840 (2) A person who violates this section is subject to the penalty provided in Section
 3841 23A-5-301.

3842 [~~(2)~~] (3) [~~Any~~] A directly affected person or the state may bring an action to recover
 3843 civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a
 3844 potential violation of Subsection (1).

3845 [~~(3)~~] (4) This section does not apply to incidental interference with a hunt caused by
 3846 lawful activities including ranching, mining, and recreation.

3847 Section 144. Section **23A-5-322**, which is renumbered from Section 23-20-29.5 is
 3848 renumbered and amended to read:

3849 [~~23-20-29.5~~]. **23A-5-322. Interference with hunters or hunting activity --**
 3850 **Criminal penalty.**

3851 A person who intentionally interferes with a person who is licensed and taking wildlife
 3852 legally under [~~the provision of Title 23, Chapter 19~~] Chapter 4, Licenses, Permits, Certificates
 3853 of Registration, and Tags, or disrupts an activity involving a legal hunt, trapping, falconry, or
 3854 predator control may be charged with a violation under Section 76-9-102 if that interference or
 3855 disruption constitutes a violation under Section 76-9-102.

3856 Section 145. Section **23A-6-101**, which is renumbered from Section 23-21-.5 is
 3857 renumbered and amended to read:

3858 **CHAPTER 6. LANDS AND WATERS FOR WILDLIFE PURPOSES**

3859 **Part 1. General Provisions**

3860 [~~23-21-.5~~]. **23A-6-101. Definitions.**

3861 As used in this chapter:

3862 (1) (a) "General plan" means a document that a municipality or county adopts that sets
 3863 forth general guidelines for proposed future development of the land within the municipality or
 3864 county [~~and~~].

3865 (b) "General plan" includes what is commonly referred to as a "master plan."

3866 (2) "Management plan" means a document prepared in accordance with this chapter
 3867 that describes how one or more tracts of land owned or managed by the [~~Division of Wildlife~~

3868 Resources] division are to be used.

3869 ~~[(3) "Regional advisory council" means a council created pursuant to Section~~

3870 ~~23-14-2.6.]~~

3871 ~~[(4)]~~ (3) "Wildlife management area" means:

3872 (a) a single tract of land owned or managed by the division; or

3873 (b) two or more tracts of land owned or managed by the division that are within close
3874 proximity of each other and managed as a single unit.

3875 Section 146. Section **23A-6-201**, which is renumbered from Section 23-21-1 is

3876 renumbered and amended to read:

3877 **Part 2. Acquisition**

3878 ~~[23-21-1].~~ **23A-6-201. Acquisition of lands, waters, and rights-of-way --**

3879 **Authority of division.**

3880 The ~~[Division of Wildlife Resources shall have the power to]~~ division may acquire
3881 lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or
3882 any other lawful means, for authorized activities of the ~~[Division of Wildlife Resources]~~
3883 division as outlined by this ~~[code]~~ title and the rules ~~[and regulations of]~~ made by the Wildlife
3884 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3885 Section 147. Section **23A-6-202**, which is renumbered from Section 23-21-1.5 is

3886 renumbered and amended to read:

3887 ~~[23-21-1.5].~~ **23A-6-202. Acquisition of real property held in private ownership --**

3888 **Published notice and governor's approval required.**

3889 (1) The ~~[Division of Wildlife Resources]~~ division may not acquire title to real property
3890 held in private ownership without first:

3891 (a) publishing a notice of the proposed acquisition:

3892 (i) in a newspaper of general circulation in the county in which the property is located;

3893 and

3894 (ii) as required in Section 45-1-101; and

3895 (b) obtaining the approval of the governor.

3896 (2) ~~[The requirements of]~~ Subsection (1) ~~[apply]~~ applies whether title to real property
3897 held in private ownership is acquired through a purchase, donation, or other means.

3898 (3) In the case of a proposed purchase of private property, the ~~[notice may be~~

3899 ~~published]~~ division may publish notice after earnest money is paid.

3900 (4) The published notice shall inform the public regarding:

3901 (a) the proposed use of the ~~[land]~~ real property;

3902 (b) any conditions on the acquisition of the ~~[land]~~ real property placed by donors, the
3903 federal government, sellers, or others specifying how the ~~[land must]~~ real property is to be
3904 used;

3905 (c) any changes to existing land uses that are anticipated; and

3906 (d) the public comment submission process for comments on the proposed acquisition.

3907 (5) The governor shall:

3908 (a) submit a notification of the proposed acquisition to:

3909 (i) the county executive of the county in which the real property is located;

3910 (ii) the legislators of the legislative districts in which the ~~[lands are]~~ real property is
3911 located; and

3912 (iii) the School and Institutional Trust Lands Administration; and

3913 (b) invite those notified to submit ~~[any]~~ comments on the proposed acquisition.

3914 (6) After considering comments on the proposed acquisition, the governor may:

3915 (a) approve the acquisition in whole or in part; or

3916 (b) disapprove the acquisition.

3917 Section 148. Section **23A-6-203**, which is renumbered from Section 23-21-2 is
3918 renumbered and amended to read:

3919 ~~[23-21-2].~~ **23A-6-203. Payments in lieu of property taxes on property**
3920 **purchased by division.**

3921 ~~[Prior to]~~ (1) Before the purchase of ~~[any]~~ real property held in private ownership, the
3922 ~~[Division of Wildlife Resources]~~ division shall:

3923 (a) first submit the proposition to the county legislative body in a regular open public
3924 meeting in the county where the real property is located; and ~~[shall]~~

3925 (b) by contractual agreement with the county legislative body, approved by the
3926 executive director ~~[of the Department of Natural Resources]~~, agree to pay an amount of money
3927 in lieu of property taxes to the county.

3928 (2) The division shall, by contractual agreement with the county legislative body in
3929 which ~~[any]~~ real property previously acquired from private ownership and now owned by the

3930 division is located, agree to pay annually an amount of money in lieu of wildlife resource fine
 3931 money, previously paid to the county. [Payments]

3932 (3) A payment provided for in this section [~~will~~] may not:

3933 (a) exceed what the regularly assessed real property taxes would be if the [~~land~~] real
 3934 property had remained in private ownership; and [~~these payments may not~~]

3935 (b) include [~~any~~] an amount for buildings, installations, fixtures, improvements or
 3936 personal property located upon the [~~land~~] real property or for those acquired, constructed, or
 3937 placed by the division after [~~it~~] the division acquires the [~~land~~] real property.

3938 Section 149. Section **23A-6-204**, which is renumbered from Section 23-21-6 is
 3939 renumbered and amended to read:

3940 **[23-21-6]. 23A-6-204. Acquisition of lands by United States for migratory bird**
 3941 **refuges.**

3942 (1) (a) The [~~consent of the state of Utah is given~~] state consents to acquisition by the
 3943 United States of [~~such~~] the areas of land or water in the state, as the United States may [~~deem~~]
 3944 consider necessary, by and with the consent of the county legislative body of the county where
 3945 the land or water are located and after approval of application, subject to the laws of the state
 3946 [~~of Utah~~] for water rights, for the establishment and maintenance of migratory waterfowl
 3947 refuges in accordance with and for the purpose of the [~~Act of Congress approved February 18,~~
 3948 ~~1929, entitled "~~"]Migratory Bird Conservation Act["], 16 U.S.C. Sec. 715 to 715s, as amended,
 3949 and [~~the Act of Congress approved March 16, 1935, entitled "~~"]Migratory Bird Hunting Stamp
 3950 Act,["] 16 U.S.C. Sec. 718a to 718k, as amended[; and the same may be used by the United
 3951 States].

3952 (b) The United States may use the land or water described in this Subsection (1) as
 3953 refuge for migratory birds, reserving[; however,] to the state [~~of Utah~~] jurisdiction, both civil
 3954 and criminal, of persons upon the areas [~~so~~] acquired except so far as the punishment of
 3955 offenses against the United States are concerned.

3956 (2) (a) [~~Nothing in this section shall be~~] This section may not be construed to impose
 3957 [under] upon the state or [~~any~~] an agency of [~~it any~~] the state an obligation to convey to the
 3958 United States any interest in land or water owned or controlled by the state, except upon
 3959 appropriate terms and for adequate consideration.

3960 (b) The reservation to the state of coal and other minerals in lands sold by [~~it~~] the state

3961 within areas so established and easements retained by the state to prospect for, mine, and
 3962 remove the same are declared to be subject to rules and regulations prescribed from time to
 3963 time by the Secretary of the Interior for the occupation, use, operation, protection, and
 3964 administration of these areas as refuges for migratory birds.

3965 Section 150. Section **23A-6-301**, which is renumbered from Section 23-21-2.1 is
 3966 renumbered and amended to read:

3967 **Part 3. Management Plans**

3968 **~~[23-21-2.1]~~. 23A-6-301. Management plans.**

3969 (1) The division shall prepare a management plan for each wildlife management area.
 3970 Upon adoption of a management plan by the ~~[division]~~ director, the division shall manage the
 3971 lands ~~[shall be managed]~~ within the wildlife management area in accordance with the
 3972 management plan.

3973 (2) ~~[Each]~~ A management plan shall include:

3974 (a) a statement of the proposed or anticipated uses;

3975 (b) a description of ~~[any]~~ management limitations or conditions covering the wildlife
 3976 management area;

3977 (c) an inventory of the existing conditions;

3978 (d) a statement of the desired future condition of the wildlife management area;

3979 (e) a list of strategies that may be implemented to achieve the desired future condition;

3980 and

3981 (f) a description of any reallocation of forage, water, or other resource appurtenant to
 3982 the land within the wildlife management area.

3983 Section 151. Section **23A-6-302**, which is renumbered from Section 23-21-2.2 is
 3984 renumbered and amended to read:

3985 **~~[23-21-2.2]~~. 23A-6-302. Preparation of management plans -- Participation by**
 3986 **interested persons and local and tribal governments -- Compatibility with local**
 3987 **government plans and existing rights.**

3988 (1) The division shall invite persons who may have an interest in how the land in a
 3989 wildlife management area is managed to participate in the management planning process.

3990 (2) Those persons may include:

3991 (a) persons who use, or may use, the land in a wildlife management area for:

- 3992 (i) agriculture, mining, or other commercial pursuits;
- 3993 (ii) hunting or fishing;
- 3994 (iii) recreation; or
- 3995 (iv) other uses;
- 3996 (b) adjacent or nearby landowners or residents; or
- 3997 (c) other interested parties.
- 3998 (3) The division shall invite local government officials to participate in the
- 3999 management planning process.
- 4000 (4) In preparing a management plan, the division shall seek to make land uses
- 4001 compatible with:
- 4002 (a) local government general plans and zoning and land use ordinances; and
- 4003 (b) existing rights of others within the wildlife management area.
- 4004 (5) (a) If the land in a wildlife management area is located within or adjacent to tribal
- 4005 lands, the division shall invite tribal government officials to participate in the management
- 4006 planning process.
- 4007 (b) Participation by tribal officials in the development of management plans for lands
- 4008 owned by the division does not waive the tribe's sovereignty.
- 4009 Section 152. Section **23A-6-303**, which is renumbered from Section 23-21-2.3 is
- 4010 renumbered and amended to read:
- 4011 **[23-21-2.3]. 23A-6-303. Review and adoption of management plans.**
- 4012 (1) The division shall submit [~~the~~] a draft management plan to the Resource
- 4013 Development Coordinating Committee created in Section 63L-11-401 and the Habitat Council
- 4014 created by the division for their review and recommendations.
- 4015 (2) The division shall submit [~~the~~] a draft management plan and any recommendations
- 4016 received from the Resource Development Coordinating Committee and the Habitat Council to:
- 4017 (a) the regional advisory council for the wildlife region in which the lands covered by
- 4018 the management plan are located; and
- 4019 (b) the regional advisory council for [~~any~~] a wildlife region that may be affected by the
- 4020 management plan.
- 4021 (3) [~~Each~~] A regional advisory council reviewing [~~the~~] a draft management plan may
- 4022 make recommendations to the [~~division~~] director.

4023 (4) The ~~[division director has authority to]~~ director may adopt the management plan,
4024 adopt the management plan with amendments, or reject the management plan.

4025 (5) (a) At the request of the ~~[division]~~ director or ~~[any]~~ a member of the Wildlife
4026 Board, the Wildlife Board may review a management plan to determine whether the plan is
4027 consistent with ~~[board]~~ Wildlife Board policies.

4028 ~~[(6)]~~ (b) The ~~[division]~~ director may amend a management plan in accordance with
4029 recommendations made by the Wildlife Board.

4030 Section 153. Section **23A-6-304**, which is renumbered from Section 23-21-2.4 is
4031 renumbered and amended to read:

4032 ~~[23-21-2.4].~~ **23A-6-304. Procedure to revise a management plan.**

4033 (1) ~~[Any]~~ A person seeking a revision of a management plan may request the regional
4034 advisory council in the region where the land in a wildlife management area is located to
4035 consider the proposal to revise the management plan. The regional advisory council shall
4036 consider the proposal and advise the division.

4037 (2) The process specified in Sections ~~[23-21-2.2 and 23-21-2.3]~~ 23A-6-302 and
4038 23A-6-303 shall be used to revise a management plan.

4039 Section 154. Section **23A-6-305**, which is renumbered from Section 23-21-2.5 is
4040 renumbered and amended to read:

4041 ~~[23-21-2.5].~~ **23A-6-305. Change in land use where a management plan is not in**
4042 **effect -- Notification to affected persons -- Compatibility with local government plans.**

4043 (1) If a management plan has not been adopted by the ~~[division]~~ director for a tract of
4044 land owned by the division, the division may not change ~~[any]~~ an existing right to use the land
4045 until the division notifies those who may be affected by the change and local government
4046 officials.

4047 (2) When changing ~~[any]~~ an existing right to use the land, the division shall seek to
4048 make uses of division-owned land compatible with local government general plans and zoning
4049 and land use ordinances.

4050 Section 155. Section **23A-6-401**, which is renumbered from Section 23-21-2.6 is
4051 renumbered and amended to read:

4052 **Part 4. Use of Land**

4053 ~~[23-21-2.6].~~ **23A-6-401. Target shooting prohibitions.**

4054 (1) As used in this section:

4055 (a) "County sheriff" means the individual holding the office of county sheriff in the
4056 portion of a wildlife management area where target shooting will be, or is, prohibited under this
4057 section.

4058 [~~(b) "Director" means the director of the Division of Wildlife Resources.~~]

4059 [~~(c)~~] (b) "Extremely hazardous" means categorized as "extreme" under a nationally
4060 recognized standard for rating fire danger.

4061 (2) Subject to Subsections (3) and (4), the division may prohibit the use of firearms for
4062 target shooting within all or part of a wildlife management area if the director finds, and the
4063 county sheriff agrees, that conditions in that portion of the wildlife management area are
4064 extremely hazardous.

4065 (3) A prohibition under this section:

4066 (a) shall undergo a formal review by the director and the county sheriff every 14 days;

4067 (b) may not prohibit an individual from legally possessing a firearm or lawfully
4068 participating in a hunt; and

4069 (c) may only remain in place for as long as extremely hazardous conditions exist in the
4070 area that is subject to the prohibition.

4071 (4) The director and the county sheriff shall:

4072 (a) via a written document, agree to the terms of a prohibition under this section,
4073 including:

4074 (i) the exact area where target shooting is prohibited; and

4075 (ii) the date when the prohibition becomes effective; and

4076 (b) comply with Subsection (4)(a) at each formal review under Subsection (3)(a).

4077 Section 156. Section ~~23A-6-402~~, which is renumbered from Section 23-21-4 is
4078 renumbered and amended to read:

4079 ~~[23-21-4]~~. **23A-6-402. Right of access to lands for hunting, trapping, or fishing**
4080 **reserved to public -- Exception.**

4081 (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of
4082 access to ~~[at]~~ lands owned by the state, including those lands lying below the official
4083 government meander line or high water line of navigable waters, for the purpose of hunting,
4084 trapping, or fishing.

4085 (2) When ~~[any]~~ a department or agency of the state leases or sells ~~[any lands]~~ land
4086 belonging to the state ~~[of Utah]~~ lying below the official government meander line or the high
4087 water line of the navigable waters within the state, the lease, contract of sale, or deed shall
4088 contain a provision that:

4089 (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing
4090 during the lawful season, except as provided by Section 65A-2-5; and

4091 (b) ~~[no charge may be made by]~~ the lessee, contractee, or grantee ~~[to]~~ may not charge
4092 ~~[any]~~ a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.

4093 (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or
4094 fishing as provided in this title for other lands and waters.

4095 Section 157. Section **23A-6-403**, which is renumbered from Section 23-21-5 is
4096 renumbered and amended to read:

4097 ~~[23-21-5]~~. **23A-6-403. State-owned lands authorized for use as wildlife**
4098 **management areas, fishing waters, and for other recreational activities.**

4099 (1) The Wildlife Board ~~[is authorized to]~~ may use any and all unsurveyed state-owned
4100 lands below the 1855 meander line of the Great Salt Lake within the following townships for
4101 the creation, operation, maintenance and management of wildlife management areas, fishing
4102 waters and other recreational activities:

4103 Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West,
4104 S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4
4105 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North,
4106 Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2
4107 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.;
4108 Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B.
4109 and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West,
4110 S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2
4111 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4
4112 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North,
4113 Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5
4114 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North,
4115 Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7

4116 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.;

4117 Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B.

4118 and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West,

4119 S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2

4120 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North,

4121 Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township

4122 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.;

4123 Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10

4124 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North

4125 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

4126 (2) (a) The Wildlife Board shall establish a wildlife management area known as the

4127 "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands below the

4128 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township 8 North, Range 4

4129 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Sections 1, 2, 11, 12 of

4130 Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B.

4131 and M.; Sections 20, 21, 29, 30, 31 of Township 8 North, Range 2 West, S.L.B. and M. [;

4132 ~~excepting~~], except for the following:

4133 (i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird

4134 Refuge;

4135 (ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl

4136 Management Area;

4137 (iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and

4138 (iv) lands within the May 14, 2019, boundaries of state mineral leases.

4139 (b) The division shall execute a memorandum of understanding with the Division of

4140 Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands

4141 described in Subsection (2)(a) as a wildlife management area.

4142 (c) The division shall manage the state-owned lands described in Subsection (2)(a) as a

4143 wildlife management area and consistent with:

4144 (i) the beneficial purposes identified in Subsection (2)(d); and

4145 (ii) a management plan created consistent with the procedures in this chapter for a

4146 management plan.

4147 (d) The division shall manage the Willard Spur Waterfowl Management Area for the
4148 following beneficial purposes:

4149 (i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals,
4150 shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake ecosystem
4151 and the Great Salt Lake ecosystem's surrounding wetlands;

4152 (ii) preserving and enhancing the natural function, vegetation, and water flows under
4153 existing or acquired water rights to provide productive habitat for the species listed in
4154 Subsection (2)(d)(i);

4155 (iii) providing recreational opportunity for traditional marsh-related activities,
4156 including hunting, fishing, trapping, and wildlife viewing; and

4157 (iv) providing public access in the management area for purposes of hunting, fishing,
4158 trapping, and wildlife viewing, including access with airboats and other small watercraft.

4159 (e) The division shall provide the habitat, recreational opportunities, and public access
4160 described in Subsection (2)(d) without construction or use of an impounding dike, impounding
4161 levee, or other impounding structure.

4162 (f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not
4163 prohibit year-round public airboat and small watercraft access in the management area except
4164 in selected areas during limited periods of time to protect habitat, nesting birds, or vulnerable
4165 wildlife.

4166 Section 158. Section **23A-6-404**, which is renumbered from Section 23-21-7 is
4167 renumbered and amended to read:

4168 **~~23-21-7~~. 23A-6-404. Unlawful uses and activities on division lands.**

4169 (1) Except as authorized by statute, rule, contractual agreement, special use permit,
4170 certificate of registration, or public notice, a person may not on division land:

4171 (a) remove, extract, use, consume, or destroy ~~any~~ an improvement or cultural or
4172 historic resource;

4173 (b) remove, extract, use, consume, or destroy ~~any~~ sand, gravel, cinder, ornamental
4174 rock, or other common mineral resource, or vegetation resource, except a person may collect
4175 for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on
4176 the surface of the ground;

4177 (c) allow livestock to graze;

- 4178 (d) remove [~~any~~] a plant or portion of a plant for commercial gain purposes;
- 4179 (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;
- 4180 (f) enter, use, or occupy division land as part of a group of more than 25 people, except
- 4181 a group may include up to 50 persons if the group consists of extended family members;
- 4182 (g) enter, use, or occupy division land while engaged in or part of an organized event;
- 4183 (h) use, occupy, destroy, move, or construct [~~any~~] a structure, including [~~fences, water~~
- 4184 ~~control devices, roads, survey and section markers, or signs~~] a fence, water control device,
- 4185 road, survey and section marker, or sign;
- 4186 (i) prohibit, prevent, or obstruct public entry on division lands when public entry is
- 4187 authorized by the division;
- 4188 (j) attempt to manage or control division lands in a manner inconsistent with division
- 4189 management plans, rules, or policies;
- 4190 (k) solicit, promote, negotiate, barter, sell, or trade [~~any~~] a product or service on, or
- 4191 obtained from, division lands for commercial gain;
- 4192 (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the
- 4193 area is posted for a different duration;
- 4194 (m) light a fire without taking adequate precaution to prevent spreading of the fire or
- 4195 leave a fire unattended;
- 4196 [~~(n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;~~]
- 4197 (n) use fireworks, an explosive, a poison, a herbicide, an insecticide, or a pesticide;
- 4198 (o) use a motorized [~~vehicles~~] vehicle of any kind except as authorized by declaration,
- 4199 management plan, or posting; or
- 4200 (p) use division lands for [~~any~~] a purpose that violates applicable land use restrictions
- 4201 imposed by statute, rule, or by the division.
- 4202 (2) A person [~~or entity which~~] who unlawfully uses division lands is liable for damages
- 4203 in the amount of:
- 4204 (a) the value of the resource removed, destroyed, or extracted;
- 4205 (b) the amount of damage caused; and
- 4206 (c) whichever is greater of:
- 4207 (i) the value of [~~any~~] losses or expenses caused as a result of interference with
- 4208 authorized activities; or

4209 (ii) the consideration which would have been charged by the division for use of the
4210 land during the period of trespass.

4211 (3) This section does not apply to division employees or division volunteers while
4212 acting in the lawful performance of ~~[their]~~ the employees' or volunteers' duties.

4213 (4) Except as otherwise provided by statute, the criminal penalty for a violation of ~~[any~~
4214 ~~provision of]~~ this section is prescribed in Section ~~[23-13-11]~~ 23A-5-301.

4215 Section 159. Section **23A-7-101**, which is renumbered from Section 23-23-2 is
4216 renumbered and amended to read:

4217 **CHAPTER 7. COOPERATIVE WILDLIFE MANAGEMENT UNITS**

4218 **Part 1. General Provisions**

4219 ~~[23-23-2].~~ **23A-7-101. Definitions.**

4220 As used in this chapter:

4221 (1) "Cooperative wildlife management unit" ~~[or "unit"]~~ means a generally contiguous
4222 area of land that is:

4223 (a) open for hunting small game, waterfowl, cougar, turkey, or big game ~~[which is]~~;
4224 and

4225 (b) registered in accordance with this chapter and rules of the Wildlife Board.

4226 (2) ~~[(a)]~~ "Cooperative wildlife management unit agent" means a person appointed by a
4227 landowner, landowner association, or landowner association operator to perform the functions
4228 described in Section ~~[23-23-9]~~ 23A-7-207.

4229 ~~[(b) For purposes of this chapter, a cooperative wildlife management unit agent may~~
4230 ~~not:]~~

4231 ~~[(i) be appointed by the division or the state;]~~

4232 ~~[(ii) be an employee or agent of the division;]~~

4233 ~~[(iii) receive compensation from the division or the state to act as a cooperative~~
4234 ~~wildlife management unit agent; or]~~

4235 ~~[(iv) act as a peace officer or perform any duties of a peace officer without qualifying~~
4236 ~~as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.]~~

4237 (3) "Cooperative wildlife management unit authorization" means a card, label, ticket,
4238 or other identifying document authorizing the possessor to hunt small game or waterfowl in a
4239 cooperative wildlife management unit.

4240 (4) "Cooperative wildlife management unit permit" means a permit authorizing the
4241 possessor to hunt cougar, turkey, or big game in a cooperative wildlife management unit.

4242 [~~(5) "Division" means the Division of Wildlife Resources.~~]

4243 [~~(6)~~ (5) "Landowner association" means a landowner or an organization of owners of
4244 private lands who operates a cooperative wildlife management unit.

4245 [~~(7)(a)~~ (6) "Landowner association operator" means a person designated by a
4246 landowner association to operate the cooperative wildlife management unit.

4247 [~~(b) For purposes of this chapter, a landowner association operator may not:~~]

4248 [~~(i) be appointed by the division; or~~]

4249 [~~(ii) be an employee or agent of the division.~~]

4250 Section 160. Section **23A-7-102**, which is renumbered from Section 23-23-3 is
4251 renumbered and amended to read:

4252 ~~[23-23-3].~~ **23A-7-102. Rulemaking authority of Wildlife Board.**

4253 The Wildlife Board [~~is authorized to~~] may make and enforce rules applicable to
4254 cooperative wildlife management units organized for the hunting of small game, waterfowl,
4255 cougar, turkey, or big game that in [~~its~~] the Wildlife Board's judgment are necessary to
4256 administer and enforce [~~the provisions of~~] this chapter.

4257 Section 161. Section **23A-7-103**, which is renumbered from Section 23-23-1 is
4258 renumbered and amended to read:

4259 ~~[23-23-1].~~ **23A-7-103. Purposes of wildlife management units.**

4260 [~~Cooperative~~] A cooperative wildlife management [~~units are~~] unit is established to:

- 4261 (1) provide income to landowners;
- 4262 (2) create satisfying hunting opportunities;
- 4263 (3) increase wildlife resources;
- 4264 (4) provide adequate protection to landowners who open their lands for hunting; and
- 4265 (5) provide access to public and private lands for hunting.

4266 Section 162. Section **23A-7-201**, which is renumbered from Section 23-23-4 is
4267 renumbered and amended to read:

4268 **Part 2. Requirements**

4269 ~~[23-23-4].~~ **23A-7-201. Operation by landowner association.**

4270 (1) A landowner association shall operate a cooperative wildlife management unit as

4271 prescribed by this chapter and the rules of the Wildlife Board.

4272 (2) For purposes of this chapter, a landowner association operator may not:

4273 (a) be appointed by the division; or

4274 (b) be an employee or agent of the division.

4275 Section 163. Section **23A-7-202**, which is renumbered from Section 23-23-5 is

4276 renumbered and amended to read:

4277 **[23-23-5]. 23A-7-202. Certificate of registration -- Renewal.**

4278 (1) A landowner association may not establish or operate a cooperative wildlife
4279 management unit without first obtaining a certificate of registration from the Wildlife Board.

4280 (2) The Wildlife Board may renew annually certificates of registration if the landowner
4281 association has previously complied with this chapter and the rules of the Wildlife Board made
4282 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4283 Section 164. Section **23A-7-203**, which is renumbered from Section 23-23-6 is

4284 renumbered and amended to read:

4285 **[23-23-6]. 23A-7-203. Season dates -- Boundaries -- Review by councils and**
4286 **Wildlife Board.**

4287 (1) The Wildlife Board shall establish season dates and boundaries for each
4288 cooperative wildlife management unit.

4289 (2) Season dates may differ from general statewide season dates.

4290 (3) At least every five years, the relevant regional advisory council and Wildlife Board
4291 shall review a cooperative wildlife management [units] unit containing public land [will be
4292 reviewed by the regional advisory councils and the Wildlife Board].

4293 Section 165. Section **23A-7-204**, which is renumbered from Section 23-23-7 is

4294 renumbered and amended to read:

4295 **[23-23-7]. 23A-7-204. Permits -- Acreage and lands that may be included --**
4296 **Posting of boundaries.**

4297 (1) The division shall provide cooperative wildlife management unit authorizations for
4298 hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

4299 (2) At least 50% of the cooperative wildlife management unit authorizations for
4300 hunting small game or waterfowl provided to a cooperative wildlife management unit shall be
4301 offered for sale to the general public at the times and places designated on the application for a

4302 certificate of registration.

4303 (3) (a) [~~Cooperative~~] A cooperative wildlife management [~~units~~] unit organized for
4304 hunting small game or waterfowl shall consist of private land.

4305 (b) At least 75% of the acreage within the boundaries of [~~each~~] a cooperative wildlife
4306 management unit organized for the hunting of small game or waterfowl shall be open to
4307 hunting by holders of valid authorizations.

4308 (4) (a) The division may issue cooperative wildlife management unit permits for
4309 hunting cougar, turkey, or big game to permittees:

4310 (i) qualifying through a public drawing; or

4311 (ii) named by the cooperative wildlife management unit operator.

4312 (b) The Wildlife Board may specify by rule, made in accordance with Title 63G,
4313 Chapter 3, Utah Administrative Rulemaking Act, those persons who are eligible to draw a
4314 cooperative wildlife management unit permit in a public drawing.

4315 (5) (a) [~~Cooperative~~] A cooperative wildlife management [~~units~~] unit organized for
4316 hunting cougar, turkey, or big game shall consist of private land to the extent practicable.

4317 Public land may be included within a cooperative wildlife management unit if:

4318 (i) the public land is completely surrounded by private land or is otherwise inaccessible
4319 to the general public;

4320 (ii) including public land is necessary to establish a readily identifiable boundary; or

4321 (iii) including public land is necessary to achieve cougar, turkey, or big game
4322 management objectives.

4323 (b) If [~~any~~] public land is included within a cooperative wildlife management unit:

4324 (i) the landowner association shall meet applicable federal or state land use
4325 requirements on the public land; and

4326 (ii) the Wildlife Board shall increase the number of permits or hunting opportunities
4327 made available to the general public to reflect the proportion of public lands to private lands
4328 within the cooperative wildlife management unit.

4329 (6) [~~Each~~] A landowner association shall:

4330 (a) clearly post [~~all~~] the boundaries of the cooperative wildlife management unit by
4331 displaying signs containing information prescribed by rule of the Wildlife Board at the

4332 locations specified in Subsection [~~23-20-14(1)(d)~~] 23A-5-317(1)(c); and

4333 (b) provide a written copy of [its] the landowner association's guidelines to each holder
4334 of an authorization or permit.

4335 Section 166. Section **23A-7-205**, which is renumbered from Section 23-23-7.5 is
4336 renumbered and amended to read:

4337 ~~[23-23-7.5].~~ **23A-7-205. Landowner association to provide comparable hunting**
4338 **opportunities.**

4339 A landowner association shall provide [~~each~~] a holder of an authorization or permit a
4340 comparable hunting opportunity in terms of hunting area and number of days.

4341 Section 167. Section **23A-7-206**, which is renumbered from Section 23-23-8 is
4342 renumbered and amended to read:

4343 ~~[23-23-8].~~ **23A-7-206. Compensation for damage -- Claims.**

4344 (1) A landowner participating in a cooperative wildlife management unit who incurs
4345 damages caused by a hunter on [~~his or her~~] the landowner's land may submit a claim and
4346 receive compensation for the claim from money received for cooperative wildlife management
4347 unit authorization or permit fees collected by the landowner association.

4348 [~~(1) These claims shall:~~]

4349 (2) The claims under Subsection (1) shall:

4350 (a) be paid first and have priority over all other obligations of the landowner
4351 association;

4352 (b) be reviewed, investigated, and paid by the landowner association; and

4353 (c) not exceed annual revenues of a cooperative wildlife management unit.

4354 [~~(2)~~] (3) A landowner participating in a cooperative wildlife management unit who
4355 incurs damages caused by a hunter on [~~his or her~~] the landowner's land may not hold the state
4356 liable for compensation.

4357 Section 168. Section **23A-7-207**, which is renumbered from Section 23-23-9 is
4358 renumbered and amended to read:

4359 ~~[23-23-9].~~ **23A-7-207. Agents -- Appointment -- Identification -- Refusal of**
4360 **entry by agent.**

4361 (1) A landowner association may appoint one or more cooperative wildlife
4362 management unit agents to protect private property of the cooperative wildlife management
4363 unit.

4364 (2) ~~[Each]~~ A cooperative wildlife management unit agent shall wear or have in ~~[his or~~
 4365 ~~her]~~ the cooperative wildlife management unit agent's possession a form of identification
 4366 prescribed by the Wildlife Board ~~[which]~~ that indicates ~~[he or she]~~ that the individual is a
 4367 cooperative wildlife management unit agent.

4368 (3) A cooperative wildlife management unit agent may refuse entry into private lands
 4369 within a cooperative wildlife management unit to any person, except an owner of land within
 4370 the cooperative wildlife management unit and ~~[his or her]~~ the landowner's employees, who:

4371 (a) does not have in ~~[his or her]~~ the person's possession a cooperative wildlife
 4372 management unit authorization or permit;

4373 (b) endangers or has endangered human safety;

4374 (c) damages or has damaged private property within a cooperative wildlife
 4375 management unit; or

4376 (d) fails or has failed to comply with reasonable rules of a landowner association.

4377 (4) In performing the functions described in this section, a cooperative wildlife
 4378 management unit agent shall comply with the relevant laws of this state.

4379 (5) For purposes of this chapter, a cooperative wildlife management unit agent may
 4380 not:

4381 (a) be appointed by the division or the state;

4382 (b) be an employee or agent of the division;

4383 (c) receive compensation from the division or the state to act as a cooperative wildlife
 4384 management unit agent; or

4385 (d) act as a peace officer or perform the duties of a peace officer without qualifying as
 4386 a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

4387 Section 169. Section **23A-7-208**, which is renumbered from Section 23-23-10 is
 4388 renumbered and amended to read:

4389 ~~[23-23-10].~~ **23A-7-208. Possession of permits and licenses by hunter --**

4390 **Restrictions.**

4391 (1) A person may not hunt in a cooperative wildlife management unit without having in
 4392 ~~[his or her]~~ the person's possession:

4393 (a) a valid cooperative wildlife management unit authorization or permit or other
 4394 permit as authorized by the ~~[wildlife board]~~ Wildlife Board; and

4395 (b) the necessary hunting licenses~~[, tags, and stamps]~~ and tags.

4396 (2) A cooperative wildlife management unit authorization or permit:

4397 (a) entitles the holder to hunt only in the cooperative wildlife management unit
 4398 specified on the authorization or permit pursuant to rules and proclamations of the Wildlife
 4399 Board and does not entitle the holder to hunt on any other private or public land; and

4400 (b) constitutes written permission for trespass as required under Section ~~[23-20-14]~~
 4401 23A-5-317.

4402 Section 170. Section **23A-7-209**, which is renumbered from Section 23-23-11 is
 4403 renumbered and amended to read:

4404 ~~[23-23-11]~~. **23A-7-209**. **Failure to comply with rules and requirements.**

4405 A person shall leave private property within a cooperative wildlife management unit
 4406 immediately, upon request of a landowner, landowner association operator, or cooperative
 4407 wildlife management unit agent, if that person:

4408 (1) does not have in that person's possession a cooperative wildlife management unit
 4409 authorization or permit;

4410 (2) endangers or has endangered human safety;

4411 (3) damages or has damaged private property within a cooperative wildlife
 4412 management unit; or

4413 (4) fails or has failed to comply with reasonable rules of a landowner association.

4414 Section 171. Section **23A-7-210**, which is renumbered from Section 23-23-12 is
 4415 renumbered and amended to read:

4416 ~~[23-23-12]~~. **23A-7-210**. **Damage or destruction of property.**

4417 A person on the land of another person may not intentionally damage, disarrange, or
 4418 destroy that person's property.

4419 Section 172. Section **23A-7-211**, which is renumbered from Section 23-23-13 is
 4420 renumbered and amended to read:

4421 ~~[23-23-13]~~. **23A-7-211**. **Violation of chapter -- Class B misdemeanor.**

4422 Any person who violates ~~[any provision of]~~ this chapter is guilty of a class B
 4423 misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

4424 Section 173. Section **23A-7-212**, which is renumbered from Section 23-23-14 is

4425 renumbered and amended to read:

4426 ~~[23-23-14]~~. 23A-7-212. Landowner protection under Landowner Liability Act.

4427 ~~[Landowners who participate in]~~ A landowner who participates in a cooperative

4428 wildlife management ~~[units shall have]~~ unit has the full protection afforded under Title 57,

4429 Chapter 14, Limitations on Landowner Liability.

4430 Section 174. Section **23A-8-101** is enacted to read:

4431 **CHAPTER 8. WILDLIFE DAMAGE**

4432 **Part 1. General Provisions**

4433 **23A-8-101. Definitions.**

4434 As used in this chapter:

4435 (1) "72 hours" means a time period that begins with the hour a request for action is
 4436 made pursuant to Section 23A-8-402 and ends 72 hours later with the exclusion of any hour
 4437 that occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section
 4438 63G-1-301.

4439 (2) "Cultivated crops" means:

4440 (a) annual or perennial crops harvested from or on cleared and planted land;

4441 (b) perennial orchard trees on cleared and planted land;

4442 (c) crop residues that have forage value for livestock; and

4443 (d) pastures.

4444 (3) "Depredation" means an act causing damage or death.

4445 (4) "Depredation mitigation plan" means the plan described in Subsection

4446 23A-8-402(2).

4447 (5) "Growing season" means the portion of a year in which local conditions permit
 4448 normal plant growth.

4449 (6) "Livestock" means cattle, sheep, horses, goats, or turkeys.

4450 (7) "Management unit" means a prescribed area of contiguous land designated by the
 4451 division for the purpose of managing a species of big game animal.

4452 (8) "Mitigation review panel" means the panel created under Section 23A-8-404.

4453 (9) (a) For purposes of Part 2, Damage in General, "predator" means a mountain lion or
 4454 bear.

4455 (b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear, or

4456 coyote.

4457 (10) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey
 4458 and does not include a privately owned or domestic turkey.

4459 (11) "Wildlife Services Program" means a program of the United States Department of
 4460 Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and
 4461 natural resources, and to safeguard human health and safety.

4462 (12) "Wildlife specialist" means a United States Department of Agriculture, Wildlife
 4463 Services specialist.

4464 (13) (a) "Wolf" means the gray wolf Canis lupus.

4465 (b) "Wolf" does not mean a wolf hybrid with a domestic dog.

4466 Section 175. Section **23A-8-201**, which is renumbered from Section 23-24-1 is
 4467 renumbered and amended to read:

4468 **Part 2. Damage in General**

4469 ~~[23-24-1].~~ **23A-8-201. Procedure to obtain compensation for livestock damage**
 4470 **done by bear, mountain lion, wolf, or eagle.**

4471 ~~[(1) As used in this section:]~~

4472 ~~[(a) "Damage" means injury to or loss of livestock.]~~

4473 ~~[(b) "Division" means the Division of Wildlife Resources.]~~

4474 ~~[(c) "Livestock" means cattle, sheep, goats, or turkeys.]~~

4475 ~~[(d) (i) "Wolf" means the gray wolf Canis lupus.]~~

4476 ~~[(ii) "Wolf" does not mean a wolf hybrid with a domestic dog.]~~

4477 ~~[(2)]~~ **(1) (a) (i)** Except as provided by Subsection ~~[(2)]~~ **(1)(a)(ii)**, if livestock are
 4478 damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for
 4479 the fair market value of the damage to the livestock.

4480 **(ii)** The owner of livestock may not receive compensation if the livestock is damaged
 4481 by a wolf within an area where a wolf is endangered or threatened under the Endangered
 4482 Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.

4483 **(b)** To obtain ~~[this]~~ compensation under this section, the owner of the damaged
 4484 livestock shall notify the division of the damage as soon as possible, but no later than four days
 4485 after the damage to the livestock is discovered.

4486 **(c)** The owner shall notify the division each time ~~[any]~~ damage to livestock is

4487 discovered.

4488 ~~[(3)]~~ (2) The livestock owner shall file a proof of loss form, provided by the division,
4489 no later than 30 days after the original notification of damage to livestock was given to the
4490 division by the owner.

4491 ~~[(4)]~~ (3) (a) (i) The division, with the assistance of the Department of Agriculture and
4492 Food shall:

4493 (A) within 30 days after the owner files the proof of loss form, either accept or deny the
4494 claim for damages; and

4495 (B) subject to Subsections ~~[(4)]~~ (3)(a)(ii) through ~~[(4)]~~ (3)(a)(iv), pay ~~[aH]~~ the accepted
4496 claims to the extent money appropriated by the Legislature is available for this purpose.

4497 (ii) Money appropriated from the Wildlife Resources Account may be used to provide
4498 compensation for only up to 50% of the fair market value of ~~[any]~~ damaged livestock.

4499 (iii) Money appropriated from the Wildlife Resources Account may not be used to
4500 provide compensation for livestock damaged by an eagle or a wolf.

4501 (iv) The division may not pay ~~[any]~~ an eagle damage claim until the division has paid
4502 all accepted mountain lion and bear livestock damage claims for the fiscal year.

4503 (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a
4504 livestock owner unless the owner has filed a completed livestock form and the appropriate fee
4505 as outlined in Section 4-23-107 for the immediately preceding and current year.

4506 (c) (i) Unless the division denies a claim for the reason identified in Subsection ~~[(4)]~~
4507 (3)(b), the owner may appeal the decision to a panel consisting of one person selected by the
4508 owner, one person selected by the division, and a third person selected by the first two panel
4509 members.

4510 (ii) The panel shall decide whether the division should pay all of the claim, a portion of
4511 the claim, or none of the claim.

4512 (5) ~~[By following the procedures and requirements of Title 63G, Chapter 3, Utah~~
4513 ~~Administrative Rulemaking Act, the]~~ The Wildlife Board may make rules, in accordance with
4514 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and enforce rules to administer
4515 and enforce this section.

4516 Section 176. Section **23A-8-202**, which is renumbered from Section 23-24-2 is
4517 renumbered and amended to read:

4518 ~~[23-24-2].~~ **23A-8-202. Livestock depredation by predators.**

4519 ~~[(1) As used in this section:]~~

4520 ~~[(a) "Depredation" means an act causing damage or death.]~~

4521 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

4522 ~~[(c) "Division" means the Division of Wildlife Resources.]~~

4523 ~~[(d) "Livestock" means cattle, sheep, goats, horses, or turkeys.]~~

4524 ~~[(e) "Predator" means a mountain lion or bear.]~~

4525 ~~[(f) "Wildlife Board" means the board created in Section 23-14-2.]~~

4526 ~~[(g) "Wildlife Services Program" means a program of the United States Department of~~
4527 ~~Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and~~
4528 ~~natural resources, and to safeguard human health and safety.]~~

4529 ~~[(h) "Wildlife specialist" means a United States Department of Agriculture, Wildlife~~
4530 ~~Services specialist.]~~

4531 ~~[(2)]~~ (1) If a predator harasses, chases, disturbs, harms, attacks, or kills livestock,
4532 within 96 hours of the act:

4533 (a) in a depredation case, the livestock owner, an immediate family member, or an
4534 employee of the livestock owner on a regular payroll and not specifically hired to take a
4535 predator, may take predators subject to the requirements of this section;

4536 (b) a landowner or livestock owner may notify the division of the depredation or
4537 human health and safety concerns, who may authorize a local hunter to take the offending
4538 predator or notify a wildlife specialist; or

4539 (c) the livestock owner may notify a wildlife specialist of the depredation who may
4540 take the depredating predator.

4541 ~~[(3)]~~ (2) A depredating predator may be taken at any time by a wildlife specialist,
4542 supervised by the Wildlife Services Program, while acting in the performance of the wildlife
4543 specialist's assigned duties and in accordance with procedures approved by the division.

4544 ~~[(4)]~~ (3) (a) A depredating predator may be taken by an individual authorized in
4545 Subsection ~~[(2)]~~ (1)(a):

4546 (i) with a weapon authorized by the division, pursuant to rules made by the Wildlife
4547 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
4548 taking the predator; or

- 4549 (ii) only using snares:
- 4550 (A) with written authorization from the director;
- 4551 (B) subject to the conditions and restrictions set out in the written authorization; and
- 4552 (C) if the division verifies that there has been a chronic depredation situation when
- 4553 numerous livestock have been killed by a predator as described in rule made by the Wildlife
- 4554 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 4555 (b) An individual authorized in Subsection [~~(2)~~] (1)(a) to take depredating predators
- 4556 may take no more than two bears per incident.
- 4557 [~~(5)~~] (4) (a) In accordance with Subsection [~~(5)~~] (4)(b), the division may issue a
- 4558 depredation permit to take a predator on specified private lands and public land grazing
- 4559 allotments with a chronic depredation situation when numerous livestock have been killed by
- 4560 predators.
- 4561 (b) The division may:
- 4562 (i) issue one or more depredation permits to an affected livestock owner or a designee
- 4563 of the affected livestock owner, provided that the livestock owner does not receive monetary
- 4564 consideration from the designee for the opportunity to use the depredation permit;
- 4565 (ii) determine the legal weapons and methods of taking allowed; and
- 4566 (iii) specify the area and season that the depredation permit is valid.
- 4567 [~~(6)~~] (5) (a) A predator taken under Subsection [~~(2)~~] (1)(a) or [~~(5)~~] (4) remains the
- 4568 property of the state and shall be delivered to a division office or employee with 96 hours of the
- 4569 take.
- 4570 (b) The division may issue a predatory damage permit to a person who has taken a
- 4571 depredating predator under Subsection [~~(2)~~] (1)(a) that authorizes the individual to keep the
- 4572 carcass.
- 4573 (c) An individual who takes a predator under Subsection [~~(2)~~] (1)(a) or [~~(5)~~] (4) may
- 4574 acquire and use a limited entry permit or harvest objective permit in the same year.
- 4575 (d) Notwithstanding Subsections [~~(6)~~] (5)(b) and (c), a person may retain no more than
- 4576 one predator carcass annually.
- 4577 [~~(7)~~] (6) Money derived from the sale of a predator taken under this section shall be
- 4578 deposited into the Wildlife Resources Account created in Section [~~23-14-13~~] 23A-3-201.
- 4579 [~~(8)~~] (7) Nothing in this section prohibits the division from permitting the removal of a

4580 bear causing damage to cultivated crops on cleared and planted land pursuant to rule made by
 4581 the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 4582 Act.

4583 ~~[(9)]~~ (8) Nothing in this section prohibits receiving compensation for livestock damage
 4584 done by a bear, mountain lion, wolf, or eagle in accordance with Section ~~[23-24-1]~~ 23A-8-201.

4585 Section 177. Section **23A-8-203**, which is renumbered from Section 23-18-4 is
 4586 renumbered and amended to read:

4587 ~~[23-18-4]~~. **23A-8-203. Beaver damage -- Authorization to kill or trap.**

4588 ~~[Whenever]~~ (1) When it is apparent that beaver are doing damage to, or are a menace
 4589 to, private property, ~~[any]~~ a landowner or tenant may request authorization to kill or trap the
 4590 beaver ~~[so involved; and the Wildlife Board is empowered to]~~.

4591 (2) The Wildlife Board may grant [such] authorization described in Subsection (1)
 4592 under conditions prescribed by [it] the Wildlife Board.

4593 Section 178. Section **23A-8-301**, which is renumbered from Section 23-17-4 is
 4594 renumbered and amended to read:

4595 **Part 3. Damage by Birds**

4596 ~~[23-17-4]~~. **23A-8-301. Crop damage by pheasants -- Notice to division --**
 4597 **Damages for destroyed crops -- Limitations -- Appraisal.**

4598 ~~[Whenever pheasants are damaging]~~

4599 (1) When pheasants damage cultivated crops on cleared and planted land, the owner of
 4600 [such] the cultivated crops shall immediately upon discovery of [such] the damage notify the
 4601 [Division of Wildlife Resources. This notice shall be made] division both orally and in writing.

4602 (2) Upon being notified of [such] the damage to cultivated crops, the [Division of
 4603 Wildlife Resources] division shall, as far as possible, control [such] the damage.

4604 (3) When pheasants damage or destroy cultivated crops on cleared and planted land,
 4605 the division may pay to the crop owner for the actual damage not to exceed \$200 yearly, if the
 4606 owner notifies the division of the damage within 48 hours after the damage is discovered.

4607 (4) Subject to Subsection (5), the crop owner and the division shall make an appraisal
 4608 of the damage as soon after notification as possible. If the crop owner and the division are
 4609 unable to agree on the fair and equitable damage, they shall call upon a third party, consisting
 4610 of one or more persons acquainted with the crops concerned and pheasants, to appraise the

4611 damage.

4612 (5) If a provision of this section conflicts with the requirements of the federal
 4613 Pittman-Robertson Act or the regulations issued under that act, the provisions relating to
 4614 damage claims are void.

4615 Section 179. Section **23A-8-302**, which is renumbered from Section 23-17-5.1 is
 4616 renumbered and amended to read:

4617 ~~[23-17-5.1].~~ **23A-8-302. Damage by turkeys.**

4618 ~~[(1) As used in this section, "turkey" means a wild, free-ranging turkey and does not~~
 4619 ~~include a privately owned or domestic turkey.]~~

4620 ~~[(2)]~~ (1) (a) If a turkey materially damages private property, the landowner or lessee of
 4621 the property may:

- 4622 (i) notify the division of the damage; and
- 4623 (ii) request that the division take action to mitigate the damage.

4624 (b) The landowner or lessee of the damaged property shall allow division staff
 4625 reasonable access to the damaged property to verify and mitigate the damage.

4626 ~~[(3)]~~ (2) (a) Within 72 hours after receiving a request for action under Subsection ~~[(2)]~~
 4627 (1)(a)(ii), the division shall investigate the damaged property and, if it appears that material
 4628 damage by a turkey may continue, the division shall begin to:

- 4629 (i) remove or drive off the turkeys causing the damage; or
- 4630 (ii) implement a damage mitigation and prevention plan with the written approval of
 4631 the landowner or lessee of the property.

4632 (b) As part of a damage mitigation and prevention plan described in Subsection ~~[(3)]~~
 4633 (2)(a)(ii), the division may:

- 4634 (i) schedule a depredation hunt;
- 4635 (ii) issue a permit to the landowner or lessee to, during a general or special season hunt
 4636 authorized by the Wildlife Board, take a turkey on the property;
- 4637 (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation
 4638 permit to, during a general or special season hunt authorized by the Wildlife Board, take a
 4639 turkey on the property;

4640 (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a
 4641 turkey that causes damage to the property;

4642 (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a
4643 turkey that causes damage to the property; or

4644 (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise
4645 prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable
4646 for the location of the property due to local law or public safety concerns.

4647 (c) If the division takes an action described in Subsection ~~[(3)]~~ (2)(b)(ii) or (iii), the
4648 division shall specify the number and sex of turkeys the landowner or lessee is authorized to
4649 take in accordance with Subsection ~~[(3)]~~ (2)(b)(ii) or (iii).

4650 (d) If a landowner or lessee takes a turkey under Subsection ~~[(3)]~~ (2)(b)(ii), the division
4651 and the landowner or lessee shall jointly determine the number of turkeys the landowner or
4652 lessee may retain.

4653 ~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4654 Act, the Wildlife Board may make rules necessary to administer ~~[the provisions of]~~ this
4655 section.

4656 Section 180. Section **23A-8-401**, which is renumbered from Section 23-16-2 is
4657 renumbered and amended to read:

4658 **Part 4. Damage by Big Game**

4659 ~~[23-16-2].~~ **23A-8-401. Removal of big game animals doing damage.**

4660 The director ~~[of the division of Wildlife Resources]~~ may authorize the removal of big
4661 game animals when ~~[they]~~ the big game animals are doing actual damage. ~~[Animals so~~
4662 ~~removed shall be sold or otherwise disposed of by the Division of Wildlife Resources, and any]~~
4663 The division shall sell or otherwise dispose of a big game animal removed pursuant to this
4664 section and money derived from the sale of these big game animals shall be placed in the
4665 Wildlife Resources Account.

4666 Section 181. Section **23A-8-402**, which is renumbered from Section 23-16-3 is
4667 renumbered and amended to read:

4668 ~~[23-16-3].~~ **23A-8-402. Damage to cultivated crops, livestock forage, fences, or**
4669 **irrigation equipment by big game animals -- Notice to division -- Depredation mitigation**
4670 **plan.**

4671 (1) (a) If on private land big game animals damage cultivated crops, livestock forage,
4672 fences, or irrigation equipment, the landowner or lessee shall immediately, upon discovery of

4673 the damage, request that the division take action to alleviate the depredation problem.

4674 (b) The landowner or lessee shall allow division personnel reasonable access to the
4675 property sustaining damage to verify and alleviate the depredation problem.

4676 (2) (a) Within 72 hours after receiving the request for action under Subsection (1)(a),
4677 the division shall investigate the situation, and if it appears that depredation by big game
4678 animals may continue, the division shall:

4679 (i) remove the big game animals causing depredation; or

4680 (ii) implement a depredation mitigation plan that is approved, in writing, by the
4681 landowner or lessee.

4682 (b) A depredation mitigation plan may provide for any or all of the following:

4683 (i) the scheduling of a depredation hunt;

4684 (ii) issuing permits to the landowners or lessees, to take big game animals causing
4685 depredation during a general or special season hunt authorized by the Wildlife Board;

4686 (iii) allowing landowners or lessees to designate recipients who may obtain a
4687 mitigation permit to take big game animals on the landowner's or lessee's land during a general
4688 or special season hunt authorized by the Wildlife Board; or

4689 (iv) a description of how the division will assess and compensate the landowner or
4690 lessee under Section ~~[23-16-4]~~ 23A-8-405 for damage to cultivated crops, fences, or irrigation
4691 equipment.

4692 (c) (i) The division shall specify the number and sex of the big game animals that may
4693 be taken pursuant to Subsections (2)(b)(ii) and (iii).

4694 (ii) ~~[Control efforts shall be directed]~~ The division shall direct control efforts toward
4695 antlerless animals, if possible.

4696 (d) ~~[A] The director or the director's designee shall approve a permit issued for an~~
4697 ~~antlered animal [shall be approved by the division director or the director's designee].~~

4698 (e) The division and the landowner or lessee shall jointly determine the number of big
4699 game animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may
4700 retain possession.

4701 (f) In determining appropriate remedial action under this Subsection (2), the division
4702 shall consider:

4703 (i) the extent of damage experienced or expected in a single growing season; and

4704 (ii) ~~any~~ revenue the landowner derives from:

4705 (A) participation in a cooperative wildlife management unit;

4706 (B) use of landowner association permits;

4707 (C) use of mitigation permits; and

4708 (D) charging for hunter access.

4709 (3) ~~Any~~ A landowner or lessee shall determine a fee for accessing the owner's or
4710 lessee's land ~~[shall be determined by the landowner or lessee]~~.

4711 (4) (a) If the landowner or lessee who approved the depredation mitigation plan under
4712 Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the landowner or
4713 lessee may revoke the landowner's or lessee's approval of the plan and again request that the
4714 division take action pursuant to Subsection (2)(a)(i).

4715 (b) ~~A~~ The division shall consider a subsequent request for action provided under
4716 Subsection (4)(a) ~~[shall be considered]~~ to be a new request for purposes of the 72-hour time
4717 limit specified in Subsection (2)(a).

4718 (5) (a) The division may enter into a conservation lease with the owner or lessee of
4719 private lands for a fee or other remuneration as compensation for depredation.

4720 (b) ~~Any~~ A conservation lease entered into under this section shall provide that the
4721 claimant may not unreasonably restrict hunting on the land or passage through the land to
4722 access public lands for the purpose of hunting, if those actions are necessary to control or
4723 mitigate damage by big game animals.

4724 Section 182. Section **23A-8-403**, which is renumbered from Section 23-16-3.1 is
4725 renumbered and amended to read:

4726 ~~[23-16-3.1]~~. **23A-8-403. Landowner or lessee may kill big game animals.**

4727 (1) (a) A landowner or lessee may kill big game animals damaging ~~[those]~~ cultivated
4728 crops on private land if:

4729 (i) it is necessary to protect cultivated crops;

4730 (ii) 72 hours has expired since a request for action is given pursuant to Subsection
4731 ~~[23-16-3]~~ 23A-8-402(1)(a);

4732 (iii) the landowner or lessee has provided or sent written notice of an intent to kill the
4733 big game animal to the nearest regional office of the division;

4734 (iv) the landowner or lessee kills the big game animal within 90 days, or a longer

4735 period, if approved, in writing, by the division, after having requested that the division take
4736 action to prevent depredation under Subsection [~~23-16-3~~] 23A-8-402(1)(a); and

4737 (v) the killing is not prohibited by Subsection (2)(a) or (3).

4738 (b) Immediately after killing a big game animal under Subsection (1)(a), the landowner
4739 or lessee shall notify the division of the killing.

4740 (c) The carcass of a big game animal killed under Subsection (1)(a) is the property of
4741 the division and the division shall dispose of the carcass.

4742 (d) Money derived from the sale of big game animals killed shall be placed in the
4743 Wildlife Resources Account created in Section [~~23-14-13~~] 23A-3-201.

4744 (e) A landowner or lessee who kills big game animals pursuant to this section shall:

4745 (i) make reasonable effort to prevent the big game animals from wasting; and

4746 (ii) provide the division reasonable access to the landowner's or lessee's land to retrieve
4747 and dispose of the big game animals.

4748 (2) (a) The [~~division~~] director may prohibit the killing of big game animals under
4749 Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division
4750 take action to remove depredating big game animals, the division:

4751 (i) determines that the restitution value of the big game animal or animals, as
4752 established under Section [~~23-20-4.5~~] 23A-5-312, is more than twice the estimated value of the
4753 cultivated crops that have been or will be damaged or consumed within a single growing
4754 season;

4755 (ii) determines that the prohibition is consistent with the management plan established
4756 under Section [~~23-16-7~~] 23A-11-301;

4757 (iii) notifies the landowner or lessee of the prohibition; and

4758 (iv) offers the landowner or lessee a depredation mitigation plan.

4759 (b) A landowner or lessee who is offered a depredation mitigation plan may:

4760 (i) accept the plan in writing; or

4761 (ii) refuse to accept the plan and appeal the plan, in writing, to the [~~division~~] director.

4762 (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a),
4763 the [~~division~~] director may prohibit [~~any~~] further killing of big game animals if:

4764 (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); or

4765 (b) the mitigation review panel reviews and approves the depredation mitigation plan.

4766 Section 183. Section **23A-8-404**, which is renumbered from Section 23-16-3.2 is
4767 renumbered and amended to read:

4768 ~~[23-16-3.2]~~. **23A-8-404. Mitigation review panel.**

4769 (1) A mitigation review panel may be convened to review:

4770 (a) a depredation mitigation plan; or

4771 (b) division action under Section ~~[23-16-4]~~ 23A-8-405.

4772 (2) Membership of the mitigation review panel shall consist of:

4773 (a) the ~~[division]~~ director or the director's designee;

4774 (b) (i) the commissioner of the Department of Agriculture and Food or the
4775 commissioner's designee; or

4776 (ii) a representative of agricultural interests appointed by the commissioner of the
4777 Department of Agriculture and Food; and

4778 (c) a representative of Utah State University Extension Service appointed by the Vice
4779 President and Dean for University Extension.

4780 (3) (a) The ~~[division]~~ director shall convene a mitigation review panel if:

4781 (i) a landowner or lessee appeals a depredation mitigation plan under Subsection
4782 ~~[23-16-3.1]~~ 23A-8-403(2)(b)(ii);

4783 (ii) the ~~[division]~~ director requests review of a depredation mitigation plan; or

4784 (iii) the division receives a petition of an aggrieved party to a final division action
4785 under Section ~~[23-16-4]~~ 23A-8-405.

4786 (b) Within five business days of an appeal under Subsection ~~[23-16-3.1]~~
4787 23A-8-403(2)(b)(ii) or a division request for review, the mitigation review panel shall review
4788 the depredation mitigation plan and approve or modify the plan.

4789 (c) A mitigation review panel shall act on a petition described in Subsection (3)(a)(iii)
4790 in accordance with rules made by the Wildlife Board under Subsection ~~[23-16-4]~~
4791 23A-8-405(6).

4792 (4) Judicial review of a mitigation review panel action under this section is governed
4793 by Title 63G, Chapter 4, Administrative Procedures Act.

4794 Section 184. Section **23A-8-405**, which is renumbered from Section 23-16-4 is
4795 renumbered and amended to read:

4796 ~~[23-16-4]~~. **23A-8-405. Compensation for damage to crops, fences, or irrigation**

4797 **equipment -- Limitations -- Appeals.**

4798 (1) The division may provide compensation to claimants for damage caused by big
4799 game animals to:

- 4800 (a) cultivated crops on private land;
- 4801 (b) fences on private land; or
- 4802 (c) irrigation equipment on private land.

4803 (2) To be eligible to receive compensation as provided in this section, the claimant
4804 shall:

4805 (a) notify the division of the damage within 72 hours after the damage is discovered;
4806 and

4807 (b) allow division personnel reasonable access to the property to verify and alleviate
4808 the depredation problem.

4809 (3) (a) The [~~appraisal of the damage shall be made by the~~] claimant and the division
4810 shall make an appraisal of the damage as soon after notification as possible.

4811 (b) In determining damage payment, the division and claimant shall consider:

4812 (i) the extent of damage experienced; and

4813 (ii) [~~any~~] revenue the landowner derives from:

4814 (A) participation in a cooperative wildlife management unit;

4815 (B) use of landowner association permits;

4816 (C) use of mitigation permits; and

4817 (D) charging for hunter access.

4818 (c) The division and claimant may not include speculative damages or claims of future
4819 value in an appraisal or damage payment beyond the growing season when the damage
4820 occurred under this section.

4821 (d) In determining how to assess and compensate for damages to cultivated crops, the
4822 [~~division's determination shall be based~~] division shall base the division's determination on the:

4823 (i) estimated number of big game animals that damaged or consumed cultivated crops;

4824 (ii) estimated quantity of cultivated crops damaged or consumed by big game animals;

4825 (iii) local market value of the cultivated crops that actually have been or will be
4826 damaged or consumed by big game animals;

4827 (iv) replacement value of an equivalent aged tree for perennial orchard trees; and

4828 (v) other documented costs directly incurred by the landowner or lessee because of
4829 damage to cultivated crops by big game animals.

4830 (e) If the claimant and the division are unable to agree on a fair and equitable damage
4831 payment, the claimant and division shall designate a third party, consisting of one or more
4832 persons familiar with the crops, fences, or irrigation equipment and the type of big game
4833 animals doing the damage, to appraise the damage.

4834 (4) (a) The total amount of compensation that may be provided by the division pursuant
4835 to this section and the total cost of fencing materials provided by the division to prevent crop
4836 damage may not exceed the legislative appropriation for fencing material and compensation for
4837 damaged crops, fences, and irrigation equipment.

4838 (b) (i) A claim of \$1,000 or less may be paid after appraisal of the damage as provided
4839 in Subsection (3), unless the claim brings the total amount of claims submitted by the claimant
4840 in the fiscal year to an amount in excess of \$1,000.

4841 (ii) A claim for damage to irrigation equipment may be paid after appraisal of the
4842 damage as provided in Subsection (3).

4843 (c) (i) A claim in excess of \$1,000, or claim that brings the total amount of claims
4844 submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be treated
4845 as follows:

4846 (A) \$1,000 may be paid pursuant to the conditions of this section; and

4847 (B) the amount in excess of \$1,000 may not be paid until the total amount of the
4848 approved claims of all the claimants and expenses for fencing materials for the fiscal year are
4849 determined.

4850 (ii) If the total exceeds the amount appropriated by the Legislature pursuant to
4851 Subsection (4)(a), claims in excess of \$1,000, or a claim that brings the total amount of a
4852 claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.

4853 (5) The division may deny or limit compensation if the claimant:

4854 (a) fails to exercise reasonable care and diligence to avoid the loss or minimize the
4855 damage;

4856 (b) fails to provide the division reasonable access to the property;

4857 (c) fails to allow the division to use reasonable mitigation tools to alleviate the damage;

4858 (d) unreasonably restricts hunting on land under the claimant's control or passage

4859 through the land to access public lands for the purpose of hunting, after receiving written
 4860 notification from the division of the necessity of allowing the hunting or access to control or
 4861 mitigate damage by big game animals; or

4862 (e) fails to provide supporting evidence of cultivated crop values and claimed costs to
 4863 the division during the damage appraisal process.

4864 (6) (a) The Wildlife Board shall make rules, in accordance with Title 63G, Chapter 3,
 4865 Utah Administrative Rulemaking Act, and consistent with Subsection (6)(d), specifying
 4866 procedures for the appeal of division actions under this section.

4867 (b) Upon the petition of an aggrieved party to a final division action, a mitigation
 4868 review panel may review the action on the record and issue an order modifying or rescinding
 4869 the division action.

4870 (c) A mitigation review panel may appoint a third party designated under Subsection
 4871 (3)(e) for purposes of taking evidence and making recommendations for an order of the
 4872 mitigation review panel. The mitigation review panel shall consider the recommendations of
 4873 the designated third party in making decisions.

4874 (d) A mitigation review panel's review of final agency action and judicial review of
 4875 final action by a mitigation review panel is governed by Title 63G, Chapter 4, Administrative
 4876 Procedures Act.

4877 Section 185. Section **23A-9-101** is enacted to read:

4878 **CHAPTER 9. AQUATIC WILDLIFE**

4879 **Part 1. General Provisions**

4880 **23A-9-101. Definitions.**

4881 Reserved.

4882 Section 186. Section **23A-9-201**, which is renumbered from Section 23-15-4 is
 4883 renumbered and amended to read:

4884 **Part 2. Operations**

4885 ~~[23-15-4].~~ **23A-9-201. Screens or other devices required -- Failure to install**
 4886 **after notice a misdemeanor.**

4887 ~~[It is unlawful for any person, company or corporation to take any]~~

4888 (1) A person may not take water from the state streams, lakes, or reservoirs for power
 4889 purposes, or for waterworks, without first furnishing and maintaining suitable screens or other

4890 devices to prevent fish from entering [~~such~~] the power plants, millraces, or waterworks
4891 system[~~; said~~].

4892 (2) A screen or other [~~devices~~] device is to be built and maintained under the direction
4893 of the [~~board~~] Wildlife Board and at the expense of [~~said~~] the owner or [~~operators~~]. The failure
4894 of any person, firm or corporation operator.

4895 (3) A person who fails to install a screen or device within 30 days after the Wildlife
4896 Board gives notice in writing [~~so to do has been given by the board is~~] to install the screen or
4897 device is guilty of a class B misdemeanor.

4898 Section 187. Section **23A-9-202**, which is renumbered from Section 23-15-5 is
4899 renumbered and amended to read:

4900 **[23-15-5]. 23A-9-202. Notice of intention to drain or divert waterway.**

4901 (1) [~~Any person, company or corporation~~] A person owning or controlling [~~any~~] an
4902 irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into [~~any~~] a state
4903 waterway containing protected aquatic wildlife [~~who shall desire~~] shall provide the notice
4904 described in Subsection (2) if the person:

4905 (a) desires to drain [~~any such waterway, or who shall intend~~] the waterway; or

4906 (b) intends to divert sufficient water from [~~any~~] a state waterway endangering the
4907 protected aquatic wildlife [~~therein;~~] in the state waterway.

4908 (2) If the conditions described in Subsection (1) are met, the person shall give five
4909 days' written notice to the [~~Division of Wildlife Resources prior to~~] division before the
4910 diversion except that under emergency conditions the person shall give reasonable notice [~~shall~~
4911 be given].

4912 Section 188. Section **23A-9-203**, which is renumbered from Section 23-15-10 is
4913 renumbered and amended to read:

4914 **[23-15-10]. 23A-9-203. Private fish pond.**

4915 (1) A private fish pond is not required to obtain a certificate of registration from the
4916 division to receive fish from an aquaculture facility if:

4917 (a) the pond is properly screened as provided in Subsection (3)(c); and

4918 (b) the fish species being stocked is authorized by this chapter or rules of the Wildlife
4919 Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4920 (2) (a) Except as provided in Subsection (2)(b), a private fish pond or a short-term

4921 fishing event may not be developed or held on:

4922 (i) a natural lake;

4923 (ii) a natural flowing stream; or

4924 (iii) a reservoir constructed on a natural stream channel.

4925 (b) The division may authorize a private fish pond on a natural lake or reservoir

4926 constructed on a natural stream channel upon inspecting and determining:

4927 (i) the pond and inlet source of the pond neither contain wild game fish nor are likely
4928 to support [~~such species~~] wild game fish in the future;

4929 (ii) the pond and the pond's intended use will not jeopardize conservation of aquatic
4930 wildlife populations or lead to the privatization or commercialization of aquatic wildlife;

4931 (iii) the pond is properly screened as provided in Subsection (3)(c) and otherwise in
4932 compliance with the requirements of this title, rules of the Wildlife Board, and applicable law;
4933 and

4934 (iv) the pond is not vulnerable to flood or high water events capable of compromising
4935 the pond's inlet or outlet screens allowing escapement of privately owned fish into waters of the
4936 state.

4937 (c) [~~Any~~] An authorization issued by the division under Subsection (2)(b) shall be in
4938 the form of a certificate of registration.

4939 (3) A person who owns or operates a private fish pond may receive a fish from an
4940 aquaculture facility if:

4941 (a) the aquaculture facility has a health approval number required by Section 4-37-501;

4942 (b) the species, strain, and reproductive capability of the fish is authorized by the

4943 Wildlife Board in accordance with Subsection (4) for stocking in the area where the private fish
4944 pond is located;

4945 (c) the private fish pond is screened in accordance with the Wildlife Board's rule, made
4946 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to prevent the
4947 fish from moving into or out of the private fish pond;

4948 (d) the fish is not:

4949 (i) released from the private fish pond; or

4950 (ii) transported live to another location; and

4951 (e) the person provides the aquaculture facility with a signed statement that the private

4952 fish pond is in compliance with this section.

4953 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4954 Wildlife Board may make rules that:

4955 (a) specify the screen requirements to prevent the movement of fish into or out of the
4956 private fish pond;

4957 (b) specify the fish species that may not be stocked in a private fish pond located in the
4958 state;

4959 (c) establish a location or region where a specified species, strain, and reproductive
4960 capability of fish may be stocked in a private fish pond; and

4961 (d) specify procedures and requirements for authorizing development of a private fish
4962 pond, fee fishing facility, or aquaculture facility on a natural lake, natural flowing stream, or
4963 reservoir on a natural stream channel pursuant to Subsection (2) and Section 4-37-111.

4964 (5) The division may inspect a private fish pond to verify compliance with this section
4965 and rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah
4966 Administrative Rulemaking Act.

4967 Section 189. Section **23A-9-204**, which is renumbered from Section 23-15-13 is
4968 renumbered and amended to read:

4969 **[23-15-13]. 23A-9-204. Operation of aquaculture and fee fishing facilities.**

4970 A person may engage in the following activities as provided by Title 4, Chapter 37,
4971 Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and
4972 Food and Wildlife Board:

4973 (1) acquisition, importation, or possession of aquatic animals intended for use in an
4974 aquaculture or fee fishing facility;

4975 (2) transportation of aquatic animals to or from an aquaculture facility or to a fee
4976 fishing facility;

4977 (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility;
4978 and

4979 (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing
4980 facility.

4981 Section 190. Section **23A-9-301**, which is renumbered from Section 23-15-3 is
4982 renumbered and amended to read:

4983 **Part 3. Prohibitions**

4984 ~~[23-15-3].~~ **23A-9-301. Diversion of water prohibited -- Exception for flood**
 4985 **control.**

4986 ~~[Except in anticipation of and to provide for the carrying away and the safe disposal of~~
 4987 ~~natural storm and flood waters, no person may,]~~

4988 (1) Except as provided in Subsection (2), a person may not, without existing rights,
 4989 divert so much water from ~~[any]~~ a natural stream, lake, pond, or natural lake or pond, the
 4990 natural storage content of which has been increased by the construction of a dam, that the
 4991 diversion unduly endangers protected aquatic wildlife.

4992 (2) A person may divert waters in a manner that would otherwise violate Subsection
 4993 (1) in anticipation of and to provide for the carrying away and the safe disposal of natural storm
 4994 and flood waters.

4995 Section 191. Section **23A-9-302**, which is renumbered from Section 23-15-6 is
 4996 renumbered and amended to read:

4997 ~~[23-15-6].~~ **23A-9-302. Pollution of waters unlawful.**

4998 ~~[It is unlawful for any person to pollute any waters deemed necessary by]~~

4999 (1) A person may not pollute waters:

5000 (a) the Wildlife Board considers necessary for wildlife purposes ~~[or any waters]; or~~

5001 (b) containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies
 5002 (Ephemoptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis flies
 5003 (Trichoptera), spongilla flies (Neuroptera), and crustaceans. ~~[Provided further that each]~~

5004 (2) Each day of pollution ~~[shall constitute]~~ constitutes a separate offense.

5005 Section 192. Section **23A-9-303**, which is renumbered from Section 23-15-7 is
 5006 renumbered and amended to read:

5007 ~~[23-15-7].~~ **23A-9-303. Taking protected aquatic wildlife or eggs unlawful**
 5008 **except as authorized.**

5009 ~~[It is unlawful for any person to take any]~~ A person may not take protected aquatic
 5010 wildlife or eggs of ~~[same in any of]~~ aquatic wildlife in the waters of this state, except as
 5011 provided by this ~~[code]~~ title or the rules ~~[and regulations]~~ of the Wildlife Board made in
 5012 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5013 Section 193. Section **23A-9-304**, which is renumbered from Section 23-15-8 is

5014 renumbered and amended to read:

5015 ~~[23-15-8].~~ **23A-9-304. Seining or selling aquatic wildlife unlawful except as**
5016 **authorized.**

5017 ~~[It is unlawful for any person to]~~ Except as prescribed by this title or rules of the
5018 Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Procedures
5019 Act, a person may not seine:

5020 (1) for any kind of protected aquatic wildlife in ~~[any of]~~ the waters of this state; or

5021 (2) to sell protected aquatic wildlife ~~[except as prescribed by this title or rules of the~~
5022 ~~Wildlife Board]~~.

5023 Section 194. Section **23A-9-305**, which is renumbered from Section 23-15-9 is
5024 renumbered and amended to read:

5025 ~~[23-15-9].~~ **23A-9-305. Possession or transportation of live aquatic wildlife**
5026 **unlawful except as authorized -- Exceptions.**

5027 (1) ~~[It is unlawful for any person to]~~ A person may not possess or transport live
5028 protected aquatic wildlife except as provided by this [code] title or the rules [and regulations]
5029 of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative
5030 Rulemaking Act.

5031 (2) This section does not apply to tropical and goldfish species intended for exhibition
5032 or commercial purposes. ~~[Operators]~~

5033 (3) An operator of a properly registered private fish pond may transport live aquatic
5034 wildlife specified by the Wildlife Board in the operator's certificate of registration.

5035 Section 195. Section **23A-10-101**, which is renumbered from Section 23-27-102 is
5036 renumbered and amended to read:

5037 **CHAPTER 10. AQUATIC INVASIVE SPECIES INTERDICTION**

5038 **Part 1. General Provisions**

5039 ~~[23-27-102].~~ **23A-10-101. Definitions.**

5040 As used in this chapter:

5041 ~~[(1) "Board" means the Wildlife Board.]~~

5042 ~~[(2)]~~ (1) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that
5043 may carry or contain a Dreissena mussel.

5044 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal

5045 watercraft, a container, a trailer, a live well, or a bilge area.

5046 ~~[(3)]~~ (2) "Decontaminate" means to:

5047 (a) drain and dry ~~[a]]~~ non-treated water; and

5048 (b) chemically or thermally treat in accordance with rule.

5049 ~~[(4) "Director" means the director of the division.]~~

5050 ~~[(5) "Division" means the Division of Wildlife Resources.]~~

5051 ~~[(6)]~~ (3) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,
5052 including a zebra mussel, a quagga mussel, and Conrad's false mussel.

5053 ~~[(7)]~~ (4) "Equipment" means an article, tool, implement, or device capable of carrying
5054 or containing:

5055 (a) water; or

5056 (b) a Dreissena mussel.

5057 ~~[(8) "Executive director" means the executive director of the Department of Natural
5058 Resources.]~~

5059 ~~[(9)]~~ (5) "Facility" means a structure that is located within or adjacent to a water body.

5060 ~~[(10)]~~ (6) "Infested water" means a geographic region, water body, facility, or water
5061 supply system within or outside the state that the ~~[board]~~ Wildlife Board identifies in rule as
5062 carrying or containing a Dreissena mussel.

5063 ~~[(11)]~~ (7) "Vessel" means the same as that term is defined in Section 73-18-2.

5064 ~~[(12)]~~ (8) "Water body" means natural or impounded surface water, including a stream,
5065 river, spring, lake, reservoir, pond, wetland, tank, and fountain.

5066 ~~[(13)]~~ (9) (a) "Water supply system" means a system that treats, conveys, or distributes
5067 water for irrigation, industrial, waste water treatment, or culinary use.

5068 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.

5069 (c) "Water supply system" does not include a water body.

5070 Section 196. Section **23A-10-201**, which is renumbered from Section 23-27-201 is
5071 renumbered and amended to read:

5072 **Part 2. Invasive Species Prohibited**

5073 ~~[23-27-201].~~ **23A-10-201. Invasive species prohibited -- Administrative**
5074 **inspection authorized.**

5075 (1) Except as authorized in this title or a ~~[board]~~ Wildlife Board rule or order, a person

5076 may not:

5077 (a) possess, import, export, ship, or transport a Dreissena mussel;

5078 (b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel
5079 in a water body, facility, or water supply system; or

5080 (c) transport a conveyance or equipment that has been in an infested water within the
5081 previous 30 days without decontaminating the conveyance or equipment.

5082 (2) ~~[A]~~ Except as provided in Subsection (3), a person who violates Subsection (1):

5083 (a) is strictly liable;

5084 (b) is guilty of an infraction; and

5085 (c) shall reimburse the state for ~~[all]~~ the costs associated with detaining, quarantining,
5086 and decontaminating the conveyance or equipment.

5087 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class
5088 A misdemeanor.

5089 (4) A person may not proceed past or travel through an inspection station or
5090 administrative checkpoint, as described in Section ~~[23-27-301]~~ 23A-10-301, while transporting
5091 a conveyance during an inspection station's or administrative checkpoint's hours of operations
5092 without presenting the conveyance for inspection.

5093 (5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

5094 Section 197. Section **23A-10-202**, which is renumbered from Section 23-27-202 is
5095 renumbered and amended to read:

5096 ~~[23-27-202]~~. **23A-10-202. Reporting of invasive species required.**

5097 (1) A person who discovers a Dreissena mussel within this state or has reason to
5098 believe a Dreissena mussel may exist at a specific location shall immediately report the
5099 discovery to the division.

5100 (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

5101 Section 198. Section **23A-10-301**, which is renumbered from Section 23-27-301 is
5102 renumbered and amended to read:

5103 **Part 3. Enforcement**

5104 ~~[23-27-301]~~. **23A-10-301. Division's power to prevent invasive species**
5105 **infestation.**

5106 To eradicate and prevent the infestation of a Dreissena mussel, the division may:

- 5107 (1) (a) establish inspection stations located at or along:
- 5108 (i) highways, as defined in Section 72-1-102;
- 5109 (ii) ports of entry, if the Department of Transportation authorizes the division to use the
- 5110 port of entry; and
- 5111 (iii) publicly accessible:
- 5112 (A) boat ramps; and
- 5113 (B) conveyance launch sites; and
- 5114 (b) temporarily stop, detain, and inspect a conveyance or equipment that:
- 5115 (i) the division reasonably believes is in violation of Section [~~23-27-201~~] 23A-10-201;
- 5116 (ii) the division reasonably believes is in violation of Section [~~23-27-306~~] 23A-10-305;
- 5117 (iii) is stopped at an inspection station; or
- 5118 (iv) is stopped at an administrative checkpoint;
- 5119 (2) conduct an administrative checkpoint in accordance with Section 77-23-104;
- 5120 (3) detain and quarantine a conveyance or equipment as provided in Section
- 5121 [~~23-27-302~~] 23A-10-302;
- 5122 (4) order a person to decontaminate a conveyance or equipment; and
- 5123 (5) inspect the following that may contain a Dreissena mussel:
- 5124 (a) a water body;
- 5125 (b) a facility; and
- 5126 (c) a water supply system.
- 5127 Section 199. Section **23A-10-302**, which is renumbered from Section 23-27-302 is
- 5128 renumbered and amended to read:
- 5129 [~~23-27-302~~]. **23A-10-302. Conveyance or equipment detainment or**
- 5130 **quarantine.**
- 5131 (1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a
- 5132 conveyance or equipment if:
- 5133 (a) the division, agent, or peace officer:
- 5134 (i) finds the conveyance or equipment contains a Dreissena mussel; or
- 5135 (ii) reasonably believes that the person transporting the conveyance or equipment is in
- 5136 violation of Section [~~23-27-201~~] 23A-10-201; or
- 5137 (b) the person transporting the conveyance or equipment refuses to submit to an

5138 inspection authorized by Section ~~[23-27-301]~~ 23A-10-301.

5139 (2) The detainment or quarantine authorized by Subsection (1) may continue for:

5140 (a) up to five days; or

5141 (b) the period of time necessary to:

5142 (i) decontaminate the conveyance or equipment; and

5143 (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

5144 Section 200. Section **23A-10-303**, which is renumbered from Section 23-27-303 is

5145 renumbered and amended to read:

5146 ~~[23-27-303]~~. **23A-10-303. Closing a water body, facility, or water supply**
5147 **system.**

5148 (1) Except as provided by Subsection (6), if the division detects or suspects a Dreissena
5149 mussel is present in a water body, a facility, or a water supply system, the director or the
5150 director's designee may, with the concurrence of the executive director, order:

5151 (a) the water body, facility, or water supply system closed to a conveyance or
5152 equipment;

5153 (b) restricted access by a conveyance or equipment to a water body, facility, or water
5154 supply system; or

5155 (c) a conveyance or equipment that is removed from or introduced to the water body,
5156 facility, or water supply system to be inspected, quarantined, or decontaminated in a manner
5157 and for a duration necessary to detect and prevent the infestation of a Dreissena mussel.

5158 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division
5159 shall:

5160 (a) provide a written update to the operator of the water body, facility, or water supply
5161 system every 10 days on the division's effort to address the Dreissena infestation; and

5162 (b) post the update on the division's website.

5163 (3) (a) The ~~[board]~~ Wildlife Board shall develop procedures to ensure proper
5164 notification of a state, federal, or local agency that is affected by a Dreissena mussel
5165 infestation.

5166 (b) The notification shall include:

5167 (i) the reasons for the closure, quarantine, or restriction; and

5168 (ii) methods for providing updated information to the agency.

5169 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or
5170 closure location, the director shall consult with the person with the jurisdiction, control, or
5171 management responsibility over the water body, facility, or water supply system to avoid or
5172 minimize disruption of economic and recreational activity.

5173 (5) (a) A person that operates a water supply system shall cooperate with the division
5174 to implement a measure to:

5175 (i) avoid infestation by a Dreissena mussel; and

5176 (ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply
5177 system.

5178 (b) (i) If a Dreissena mussel is detected, the water supply system's operator, in
5179 cooperation with the division, shall prepare and implement a plan to control or eradicate a
5180 Dreissena mussel within the water supply system.

5181 (ii) A plan required by Subsection (5)(b)(i) shall include a:

5182 (A) method for determining the scope and extent of the infestation;

5183 (B) method to control or eradicate the Dreissena mussel;

5184 (C) method to decontaminate the water supply system containing the Dreissena mussel;

5185 (D) systematic monitoring program to determine a change in the infestation; and

5186 (E) requirement to update or revise the plan in conformity with a scientific advance in
5187 the method of controlling or eradicating a Dreissena mussel.

5188 (6) (a) The division may not close or quarantine a water supply system if the operator
5189 has prepared and implemented a plan to control or eradicate a Dreissena mussel in accordance
5190 with Subsection (5).

5191 (b) (i) The division may require the operator to update a plan.

5192 (ii) If the operator fails to update or revise a plan, the division may close or quarantine
5193 the water supply system in accordance with this section.

5194 Section 201. Section **23A-10-304**, which is renumbered from Section 23-27-304 is
5195 renumbered and amended to read:

5196 ~~**23-27-304.**~~ **23A-10-304. Aquatic invasive species fee.**

5197 (1) (a) Except as provided in Subsection (1)(b), there is imposed an annual nonresident
5198 aquatic invasive species fee of \$20 on ~~[each vessel in order]~~ a vessel to launch or operate a
5199 vessel in waters of this state if:

- 5200 (i) the vessel is owned by a nonresident; and
- 5201 (ii) the vessel would otherwise be subject to registration requirements under Section
- 5202 73-18-7 if the vessel were owned by a resident of this state.
- 5203 (b) ~~[The provisions of]~~ Subsection (1)(a) ~~[do]~~ does not apply if the vessel is owned and
- 5204 operated by a state or federal government agency and the vessel is used within the course and
- 5205 scope of the duties of the agency.
- 5206 (c) The division shall administer and collect the fee described in Subsection (1)(a), and
- 5207 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in
- 5208 Section ~~[23-27-305]~~ 23A-3-211.
- 5209 (2) Before launching a vessel on the waters of this state, a nonresident shall pay the
- 5210 aquatic invasive species fee as described in Subsection (1), and the vessel owner shall
- 5211 successfully complete an aquatic invasive species education course offered by the division.
- 5212 (3) (a) The division shall study options and ~~[feasability]~~ feasibility of implementing an
- 5213 automated system capable of scanning, photographing, and providing real-time information
- 5214 regarding a conveyance's or equipment's last:
- 5215 (i) ~~[last]~~ entry into a body of water; and
- 5216 (ii) ~~[last]~~ decontamination.
- 5217 (b) The study described in Subsection (3)(a) shall evaluate the system's capability of:
- 5218 (i) operation with or without the use or supervision of personnel;
- 5219 (ii) operation 24 hours per day;
- 5220 (iii) capturing a state assigned number on a vessel or conveyance as described in
- 5221 Section 73-18-6;
- 5222 (iv) preserving photographic evidence of:
- 5223 (A) a conveyance's state assigned bow number;
- 5224 (B) a conveyance's or equipment's entry into a body of water, including the global
- 5225 positioning system location of where the conveyance is photographed; and
- 5226 (C) decontamination of the conveyance or equipment;
- 5227 (v) identifying a conveyance or equipment not owned by a resident that is entering a
- 5228 body of water in this state; and
- 5229 (vi) collecting the fee described in Subsection (1).
- 5230 ~~[(c) The division shall present a report of the study and findings described in~~

5231 Subsections ~~(3)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim~~
 5232 ~~Committee before November 30, 2020.]~~

5233 ~~[(d)]~~ (c) Based on the findings of the study described in this Subsection (3), the
 5234 division shall implement a pilot program to provide the services described in this Subsection
 5235 (3) on or before May 1, 2021.

5236 (4) The ~~[board]~~ Wildlife Board may increase fees assessed under Subsection (1), so
 5237 long as:

5238 (a) the fee for nonresidents described in Subsection (1) is no less than the resident fee
 5239 described in Section 73-18-26; and

5240 (b) the fee is confirmed in the legislative fee schedule.

5241 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 5242 ~~[board]~~ Wildlife Board may make rules establishing procedures for:

5243 (a) proof of payment and other methods of verifying compliance with this section;

5244 (b) special requirements applicable on interstate water bodies in this state; and

5245 (c) other provisions necessary for the administration of the program.

5246 Section 202. Section **23A-10-305**, which is renumbered from Section 23-27-306 is
 5247 renumbered and amended to read:

5248 ~~[23-27-306].~~ **23A-10-305. Removal of drain plug or similar device during**
 5249 **transport.**

5250 (1) Before transporting a conveyance on a highway, as defined in Section 72-1-102, in
 5251 the state, a person shall:

5252 (a) remove the plugs and similar devices that prevent drainage of raw water systems on
 5253 the conveyance; and

5254 (b) to the extent feasible, drain ~~[aH]~~ the water from live wells, bilges, ballast tanks, or
 5255 similar compartments on the conveyance.

5256 (2) A person who fails to comply with Subsection (1) is guilty of a class C
 5257 misdemeanor.

5258 Section 203. Section **23A-10-401**, which is renumbered from Section 23-27-401 is
 5259 renumbered and amended to read:

5260 **Part 4. Administration**

5261 ~~[23-27-401].~~ **23A-10-401. Rulemaking authority.**

5262 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5263 [~~board~~] Wildlife Board may make rules that:

5264 (1) establish the procedures and requirements for decontaminating a conveyance or
5265 equipment to prevent the introduction and infestation of a Dreissena mussel;

5266 (2) establish the requirements necessary to provide proof that a conveyance or
5267 equipment is decontaminated;

5268 (3) establish the notification procedures required in Section [~~23-27-303~~] 23A-10-303;

5269 (4) identify the geographic area, water body, facility, or water supply system that is
5270 infested by Dreissena mussels;

5271 (5) establish a procedure and protocol in cooperation with the Department of
5272 Transportation for stopping, inspecting, detaining, and decontaminating a conveyance or
5273 equipment at a port-of-entry in accordance with Section [~~23-27-301~~] 23A-10-301; and

5274 (6) are necessary to administer and enforce [~~the provisions of~~] this chapter.

5275 Section 204. Section **23A-10-501**, which is renumbered from Section 23-27-501 is
5276 renumbered and amended to read:

5277 **Part 5. Statewide Aquatic Invasive Species Emergency Response Plan**

5278 [~~23-27-501~~]. **23A-10-501. Aquatic invasive species emergency response**
5279 **plan.**

5280 (1) As used in this section:

5281 (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim
5282 Committee.

5283 (b) "Emergency response plan" means the statewide aquatic invasive species
5284 emergency response plan developed by the division in accordance with this part.

5285 (2) The division shall develop a statewide aquatic invasive species emergency response
5286 plan to address the potential spread of aquatic invasive species throughout the state.

5287 (3) In developing the emergency response plan, the division shall coordinate with
5288 public and private entities that may be necessary or helpful to remediating the potential spread
5289 of aquatic invasive species throughout the state.

5290 (4) The emergency response plan shall:

5291 (a) designate the division as the entity that [~~will coordinate~~] coordinates the
5292 implementation of the emergency response plan;

- 5293 (b) provide for annual review of the emergency response plan by the division;
 5294 (c) provide that the emergency response plan may only be implemented if the division
 5295 detects aquatic invasive species, including Dreissena mussels, at a water body, facility, or water
 5296 supply system within the state; and
 5297 (d) define what constitutes a detection of aquatic invasive species at a water body,
 5298 facility, or water supply system.

5299 ~~[(5) On or before August 1, 2021, the division shall submit to the committee the~~
 5300 ~~following:]~~

5301 ~~[(a) the emergency response plan;]~~

5302 ~~[(b) proposed legislation that may be necessary to effectuate the emergency response~~
 5303 ~~plan or to increase the effectiveness of the emergency response plan; and]~~

5304 ~~[(c) an analysis and estimate of the cost to implement the emergency response plan.]~~

5305 ~~[(6) After receiving the items described in Subsection (5), the committee may:]~~

5306 ~~[(a) recommend to the Legislature that the plan be implemented;]~~

5307 ~~[(b) return the plan to the division for further study and evaluation;]~~

5308 ~~[(c) draft legislation proposed or requested by the division; or]~~

5309 ~~[(d) take action to further the funding of the emergency response plan.]~~

5310 ~~[(7)]~~ (5) If an event requires the implementation of the emergency response plan, the
 5311 division shall report on that event and the implementation of the emergency response plan to
 5312 the committee.

5313 Section 205. Section **23A-11-101**, which is renumbered from Section 23-16-1.1 is
 5314 renumbered and amended to read:

5315 **CHAPTER 11. BIG GAME**

5316 **Part 1. General Provisions**

5317 ~~[23-16-1.1].~~ **23A-11-101. Definitions.**

5318 As used in this chapter:

5319 ~~[(1) "72 hours" means a time period that begins with the hour a request for action is~~
 5320 ~~made pursuant to Section 23-16-3 and ends 72 hours later with the exclusion of any hour that~~
 5321 ~~occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section~~
 5322 ~~63G-1-301.]~~

5323 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,

5324 and bison.

5325 (2) "Cultivated crops" means:

5326 (a) annual or perennial crops harvested from or on cleared and planted land;

5327 (b) perennial orchard trees on cleared and planted land;

5328 (c) crop residues that have forage value for livestock; and

5329 (d) pastures.

5330 [~~(3) "Depredation mitigation plan" means the plan described in Subsection 23-16-3(2).]~~

5331 [~~(4) "Growing season" means the portion of a year in which local conditions permit~~

5332 ~~normal plant growth.]~~

5333 [~~(5)~~ (3) "Management unit" means a prescribed area of contiguous land designated by

5334 the division for the purpose of managing a species of big game animal.

5335 (4) "Predator" means a cougar, bear, or coyote.

5336 [~~(6) "Mitigation review panel" means the panel created under Section 23-16-3.2.]~~

5337 Section 206. Section **23A-11-201**, which is renumbered from Section 23-16-5 is

5338 renumbered and amended to read:

5339

Part 2. Limits on Hunting

5340 [~~23-16-5~~]. **23A-11-201. Limit of one of species of big game during license year**

5341 **-- Invalid and forfeited permit or tag.**

5342 (1) A person may take only one of [~~any~~] a species of big game during a license year,
5343 regardless of how many licenses or permits the person obtains, except as otherwise provided by
5344 this title or [~~proclamations~~] a proclamation of the Wildlife Board.

5345 (2) (a) If a person kills a big game animal in violation of this title, while attempting to
5346 exercise the benefits of a big game permit or big game tag, the big game permit or big game tag
5347 is invalid and the person shall forfeit the big game permit or big game tag to the division.

5348 (b) This Subsection (2) does not apply if:

5349 (i) a citation is issued for a rule violation described in Subsection (2)(a); or

5350 (ii) a warning citation for a violation described in Subsection (2)(a) is issued.

5351 (3) The division may grant a season extension to a valid, unfilled big game permit
5352 opportunity that was invalidated and forfeited under Subsection (2) if:

5353 (a) the criminal charges associated with the big game permit forfeiture are dismissed,
5354 with prejudice, by action of the prosecutor or court, or acquittal of the charges at trial;

5355 (b) the person issued the big game permit that is forfeited requests the division in
 5356 writing within 60 days of a final action dismissing or acquitting that person of the criminal
 5357 charges that led to the big game permit forfeiture;

5358 (c) the season extension is granted for the same species and sex, hunt unit, and season
 5359 dates associated with the forfeited big game permit, as established by the Wildlife Board in the
 5360 hunt year of the extension; and

5361 (d) the extension occurs in the first season immediately following dismissal of or
 5362 acquittal on the criminal charges described in Subsection (3)(a).

5363 Section 207. Section **23A-11-202**, which is renumbered from Section 23-16-6 is
 5364 renumbered and amended to read:

5365 **~~[23-16-6]~~. 23A-11-202. Commencement date of general rifle deer season.**

5366 The general rifle deer season may not commence each year before October 1.

5367 Section 208. Section **23A-11-203**, which is renumbered from Section 23-16-11 is
 5368 renumbered and amended to read:

5369 **~~[23-16-11]~~. 23A-11-203. Big game baiting prohibited.**

5370 (1) As used in this section:

5371 (a) (i) "Bait" means intentionally placing food or nutrient substances to manipulate the
 5372 behavior of wildlife for the purpose of taking or attempting to take big game.

5373 (ii) "Bait" does not include:

5374 (A) the use of salt, mineral blocks, or other commonly used types of livestock
 5375 supplements placed in the field by agricultural producers for normal agricultural purposes; or

5376 (B) standing crops, natural vegetation, harvested croplands, or lands or areas where
 5377 seeds or grains have been scattered solely as the result of a normal agricultural planting,
 5378 harvesting, post-harvest manipulation, or normal soil stabilization practice.

5379 (b) "Baited area" means ~~[aH]~~ land within a 50-yard radius of the site where bait is
 5380 placed, including the site where bait is placed.

5381 (2) Unless authorized by a certificate of registration, ~~[it is unlawful to]~~ a person may
 5382 not:

5383 (a) bait big game;

5384 (b) take big game in a baited area; or

5385 (c) take big game that has been lured to or is traveling from a baited area.

5386 (3) The division may only issue a certificate of registration to allow for the baiting of
5387 big game if the division determines that baiting is necessary to:

- 5388 (a) alleviate substantial big game depredation on cultivated crops [~~or to~~]; or
5389 (b) facilitate the removal of deer causing property damage within cities or towns.

5390 Section 209. Section **23A-11-204**, which is renumbered from Section 23-20-33 is
5391 renumbered and amended to read:

5392 ~~[23-20-33].~~ **23A-11-204. Limitation on compensating people to locate big game**
5393 **animals.**

5394 (1) As used in this section:

5395 (a) "Compensate" or "compensated" means anything of value in excess of \$25 that is
5396 paid, loaned, given, granted, donated, or transferred to a person for or in consideration of
5397 locating or monitoring the location of big game animals.

5398 (b) "Retain" or "retained" means a written or oral agreement for the delivery of
5399 outfitting services or hunting guide services between an outfitter or hunting guide and the
5400 recipient of those services.

5401 (2) Except as provided in Subsections (3) and (4), a person may not compensate
5402 another person to locate or monitor the location of big game animals on public land in
5403 connection with or furtherance of taking a big game animal under this title.

5404 (3) A person may compensate a registered outfitter or hunting guide [~~as defined in~~
5405 ~~Section 58-79-102,~~] to help the person locate and take a big game animal on public land if:

5406 (a) the outfitter or hunting guide is registered and in good standing under Title 58,
5407 Chapter 79, Hunting Guides and Outfitters Registration Act;

5408 (b) the person has retained the outfitter or hunting guide and is the recipient of the
5409 outfitting services and hunting guide services, as defined in Section 58-79-102;

5410 (c) the person possesses the licenses and permits required to take a big game animal;

5411 (d) the person retains and uses not more than one outfitter or hunting guide in
5412 connection with taking a big game animal; and

5413 (e) the retained outfitter or hunting guide uses no more than one compensated
5414 individual in locating or monitoring the location of big game animals on public land.

5415 (4) A registered outfitter or registered hunting guide in good standing may compensate
5416 another person to locate or monitor the location of big game animals on public land if:

- 5417 (a) the outfitter or hunting guide has been retained by the recipient of the outfitting
5418 services or hunting guide services to assist the recipient take a big game animal on public land;
5419 (b) the recipient possesses the licenses and permits required to take a big game animal;
5420 (c) the recipient is not simultaneously using another outfitter or hunting guide to assist
5421 in taking the same species and sex of big game animal; and
5422 (d) the outfitter or hunting guide compensates not more than one other individual to
5423 locate or monitor the location of big game animals in connection with assisting the recipient
5424 take a big game animal on public land.

5425 (5) A violation of:

5426 (a) this section constitutes an unlawful take under Section [~~23-20-3~~] 23A-5-309; and

5427 (b) Subsection (4) constitutes unlawful conduct under Sections 58-1-501, 58-1-502,
5428 and 58-79-501.

5429 Section 210. Section **23A-11-205**, which is renumbered from Section 23-20-31 is
5430 renumbered and amended to read:

5431 ~~[23-20-31]~~. **23A-11-205. Requirement to wear hunter orange -- Exceptions.**

5432 (1) As used in this section:

5433 (a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,
5434 except as provided in Subsection (1)(a)(ii).

5435 (ii) "Centerfire rifle hunt" does not include:

5436 (A) a bighorn sheep hunt;

5437 (B) a mountain goat hunt;

5438 (C) a bison hunt;

5439 (D) a moose hunt;

5440 (E) a hunt requiring the hunter to possess a statewide conservation permit; or

5441 (F) a hunt requiring the hunter to possess a statewide sportsman permit.

5442 (b) "Statewide conservation permit" means a permit:

5443 (i) issued by the division;

5444 (ii) distributed through a nonprofit organization founded for the purpose of promoting
5445 wildlife conservation; and

5446 (iii) valid:

5447 (A) on open hunting units statewide; and

- 5448 (B) for the species of big game and time period designated by the Wildlife Board.
- 5449 (c) "Statewide sportsman permit" means a permit:
- 5450 (i) issued by the division through a public draw; and
- 5451 (ii) valid:
- 5452 (A) on open hunting units statewide; and
- 5453 (B) for the species of big game and time period designated by the Wildlife Board.
- 5454 (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material
- 5455 while hunting [~~any~~] a species of big game, except as provided in Subsection (3).
- 5456 (b) [~~Hunter~~] A person shall wear hunter orange material [~~shall be worn~~] on the head,
- 5457 chest, and back.
- 5458 (3) A person is not required to wear the hunter orange material described in Subsection
- 5459 (2):
- 5460 (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in
- 5461 the same area:
- 5462 (i) archery;
- 5463 (ii) muzzle-loader;
- 5464 (iii) mountain goat;
- 5465 (iv) bighorn sheep;
- 5466 (v) bison; or
- 5467 (vi) moose; or
- 5468 (b) as provided by a rule of the Wildlife Board made in accordance with Title 63G,
- 5469 Chapter 3, Utah Administrative Rulemaking Act.
- 5470 Section 211. Section **23A-11-301**, which is renumbered from Section 23-16-7 is
- 5471 renumbered and amended to read:
- 5472 **Part 3. Management**
- 5473 **[~~23-16-7~~]. 23A-11-301. Deer and elk management plans -- Division to confer**
- 5474 **with others -- Target herd size objectives -- Reports.**
- 5475 (1) The [~~Division of Wildlife Resources~~] division shall:
- 5476 (a) prepare a management plan for each deer and elk herd unit in the state; and
- 5477 (b) submit the plans to the Wildlife Board for [~~their~~] the Wildlife Board's approval.
- 5478 (2) Upon approval of a plan by the Wildlife Board, the division shall manage the herd

5479 unit [~~shall be managed~~] in accordance with the management plan.

5480 (3) In preparing [~~the plans~~] a management plan, the division shall confer with federal
5481 and state land managers, private landowners, sportsmen, and ranchers.

5482 (4) (a) [~~Each~~] A management plan shall establish target herd size objectives.

5483 (b) In establishing target herd size objectives, the division and [~~board~~] Wildlife Board
5484 shall among other factors:

5485 (i) consider available information on each unit's range carrying capacity and
5486 ownership; and

5487 (ii) seek to balance relevant multiple uses for the range.

5488 (5) Until a management plan for a herd unit is prepared in accordance with this section
5489 and approved by the [~~board~~] Wildlife Board, the division shall manage the herd unit [~~shall be~~
5490 managed] to maintain the herd size as range conditions and available data dictate.

5491 [~~(6) (a) Management plans shall be prepared by the division and approved by the board~~
5492 ~~by the following dates:~~]

5493 [~~(i) May 1, 1994 for elk; and~~]

5494 [~~(ii) May 1, 1996 for deer.~~]

5495 [~~(b) The division shall make:~~]

5496 [~~(i) an annual progress report on the management plans to the Energy, Natural~~
5497 ~~Resources and Agriculture Interim Committee until the plans are completed; and]~~

5498 [~~(ii) a final report to the committee:~~]

5499 [~~(A) at the committee's May 1994 meeting for elk; and~~]

5500 [~~(B) at the committee's May 1996 meeting for deer.~~]

5501 [~~(7) The management plans may be revised as the division or board determines~~
5502 ~~necessary. Any]~~

5503 (6) The division or Wildlife Board may revise a management plan as the division or
5504 Wildlife Board determines necessary. A revised plan shall be prepared in accordance with
5505 Subsections (3) and (4).

5506 Section 212. Section **23A-11-302**, which is renumbered from Section 23-16-10 is
5507 renumbered and amended to read:

5508 **[23-16-10]. 23A-11-302. Big game protection -- Director authority.**

5509 (1) It is the policy of the state that big game animals are of great importance to the

5510 citizens of the state, the citizen's quality of life, and the long term sustainability of the herds for
5511 future generations.

5512 ~~[(2) As used in this section:]~~

5513 ~~[(a) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,~~
5514 ~~and bison.]~~

5515 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

5516 ~~[(c) "Management unit" means a prescribed area of contiguous land designated by the~~
5517 ~~Division of Wildlife Resources for the purpose of managing a species of big game animal.]~~

5518 ~~[(d) "Predator" means a cougar, bear, and coyote.]~~

5519 ~~[(3)] (2) (a)~~ Unless the condition described in Subsection ~~[(3)] (2)~~(b) is determined, the
5520 director shall take immediate action to reduce the number of predators within a management
5521 unit when the big game population is under the established herd size objective for that
5522 management unit.

5523 (b) Subsection ~~[(3)] (2)~~(a) does not apply if the ~~[Division of Wildlife Resources]~~
5524 division determines that predators are not significantly contributing to the big game population
5525 being under the herd size objective for the management unit.

5526 ~~[(4)] (3)~~ Immediate action under Subsection ~~[(3)] (2)~~ includes any of the following
5527 management tools:

5528 (a) increasing take permits or tags for cougar and bear until the herd size objective is
5529 met;

5530 (b) allowing big game hunters to harvest predators with the appropriate permit during a
5531 big game hunting season, including issuing over-the-counter predator permits;

5532 (c) professional trapping and predator control by the United States Department of
5533 Agriculture Wildlife Services, private contracts, and the general public, including aerial control
5534 measures; and

5535 (d) other management tools as determined by the director.

5536 ~~[(5)] (4)~~ The director shall annually give a status report on predator control measures
5537 implemented pursuant to this chapter and Chapter 8, Part 4, Damage by Big Game, to the
5538 Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and
5539 Natural Resources, Agriculture, and Environment Interim Committee.

5540 Section 213. Section **23A-11-401**, which is renumbered from Section 23-30-102 is

5541 renumbered and amended to read:

5542 **Part 4. Mule Deer Protection**

5543 ~~[23-30-102].~~ **23A-11-401. Definitions.**

5544 As used in this [chapter] part:

5545 (1) "General predator control" means a predatory animal removal effort by the division
5546 to reduce predatory animal numbers for the benefit of mule deer.

5547 (2) [~~"Predatory]~~ Notwithstanding Section 23A-8-101, "predatory animal" means a
5548 coyote.

5549 (3) "Targeted predator control" means a predatory animal removal effort by the
5550 division:

5551 (a) to reduce predatory animal numbers in an area where mule deer predation occurs;
5552 and

5553 (b) that focuses on specific locations and certain times.

5554 Section 214. Section **23A-11-402**, which is renumbered from Section 23-30-104 is
5555 renumbered and amended to read:

5556 ~~[23-30-104].~~ **23A-11-402. Rulemaking authority, coordination, and**
5557 **administration for predator control.**

5558 (1) The [division] Wildlife Board may make rules, in accordance with Title 63G,
5559 Chapter 3, Utah Administrative Rulemaking Act, to establish programs to accomplish targeted
5560 predator control or general predator control, including programs that offer incentives or
5561 compensation to participants who remove a predatory animal that is detrimental to mule deer
5562 production.

5563 (2) The division shall:

5564 (a) administer a program established under Subsection (1);

5565 (b) coordinate with federal, state, and local governments, and private persons to
5566 accomplish the purposes of this [chapter] part; and

5567 (c) coordinate with the Department of Agriculture and Food and the Agriculture and
5568 Wildlife Damage Prevention Board created in Section 4-23-104 to:

5569 (i) minimize unnecessary duplication of predator control efforts; and

5570 (ii) prevent interference between predator control programs administered under Title 4,
5571 Chapter 23, Agricultural and Wildlife Damage Prevention Act, and this [chapter] part.

5572 (3) The division may:
 5573 (a) contract with a vendor that offers targeted predator control services; and
 5574 (b) prepare and distribute educational and training materials related to mule deer
 5575 protection.

5576 Section 215. Section **23A-12-101** is enacted to read:

5577 **CHAPTER 12. BIRDS IN GENERAL**

5578 **Part 1. General Provisions**

5579 **23A-12-101. Definitions.**

5580 Reserved.

5581 Section 216. Section **23A-12-201**, which is renumbered from Section 23-17-5.2 is
 5582 renumbered and amended to read:

5583 **Part 2. Hunting of Birds**

5584 **~~[23-17-5.2].~~ 23A-12-201. General season turkey hunts.**

5585 The Wildlife Board may establish two general season turkey hunts per year.

5586 Section 217. Section **23A-12-202**, which is renumbered from Section 23-17-6 is
 5587 renumbered and amended to read:

5588 **~~[23-17-6].~~ 23A-12-202. Commercial hunting area -- Registration --**

5589 **Requirements for hunters.**

5590 (1) (a) A person desiring to operate a commercial hunting area within the state to
 5591 permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for
 5592 authorization to do so.

5593 (b) The Wildlife Board may issue the applicant a certificate of registration to operate a
 5594 commercial hunting area in accordance with rules prescribed by the [board] Wildlife Board in
 5595 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5596 (c) The Wildlife Board may determine the number of commercial hunting areas that
 5597 may be established in each county of the state.

5598 (2) (a) A certificate of registration issued under Subsection (1) shall specify the species
 5599 of birds that the applicant may propagate, keep, and release for shooting on the area covered by
 5600 the certificate of registration.

5601 (b) The applicant may charge a fee for harvesting the birds specified under Subsection
 5602 (2)(a).

- 5603 (3) (a) A person hunting within the state on a commercial hunting area shall:
- 5604 (i) (A) possess proof of passing a division-approved hunter education course, if the
- 5605 person was born after December 31, 1965; or
- 5606 (B) possess a trial hunting authorization issued under Section [~~23-19-14.6~~] 23A-4-701;
- 5607 (ii) comply with the accompaniment requirements of Sections [~~23-19-14.6 and~~
- 5608 ~~23-20-20~~] 23A-4-701 and 23A-4-708, if applicable; and
- 5609 (iii) have the permission of the owner or operator of the commercial hunting area.
- 5610 (b) The operator of a commercial hunting area shall verify that each hunter on the
- 5611 commercial hunting area meets the requirements of Subsection (3)(a)(i).
- 5612 (4) Hunting on commercial hunting areas is permitted only during the commercial
- 5613 hunting area season prescribed by the Wildlife Board.

5614 Section 218. Section **23A-12-203**, which is renumbered from Section 23-17-7 is

5615 renumbered and amended to read:

5616 [~~23-17-7~~]. **23A-12-203. Falconry authorized.**

5617 The Wildlife Board may authorize the practice of falconry within the state [~~of Utah~~] and

5618 the capturing and keeping in possession of birds to be used in the practice of falconry under

5619 rules [~~and regulations specified by it~~] made by the Wildlife Board in accordance with Title

5620 63G, Chapter 3, Utah Administrative Rulemaking Act.

5621 Section 219. Section **23A-12-204**, which is renumbered from Section 23-17-8 is

5622 renumbered and amended to read:

5623 [~~23-17-8~~]. **23A-12-204. Dog field meets.**

5624 (1) [~~It is lawful within the state to hold dog field meets or trials~~] Subject to Subsection

5625 (2), a person may hold within the state a dog field meet or trial where dogs are permitted to

5626 work in exhibition or contest where the skill of dogs is demonstrated by locating or retrieving

5627 birds [~~which~~] that have been obtained from a legal source.

5628 (2) Before [~~any~~] a meet or trial is held, [~~application shall be made~~] a person shall apply

5629 in writing to the [~~Division of Wildlife Resources~~] division, which may authorize the meet or

5630 trial under rules [~~and regulations promulgated~~] made by the Wildlife Board in accordance with

5631 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5632 Section 220. Section **23A-12-205**, which is renumbered from Section 23-17-9 is

5633 renumbered and amended to read:

5634 ~~[23-17-9]~~. 23A-12-205. Training of dogs -- Use of protected or privately owned
 5635 **wildlife.**

5636 The Wildlife Board may authorize the use of protected wildlife or privately owned
 5637 wildlife for the training of dogs within the state ~~[of Utah]~~ under rules ~~[and regulations it may~~
 5638 ~~promulgate]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
 5639 Administrative Rulemaking Act.

5640 Section 221. Section **23A-12-301**, which is renumbered from Section 23-32-102 is
 5641 renumbered and amended to read:

5642 **Part 3. Waterfowl Management Areas Act**

5643 ~~[23-32-102]~~. 23A-12-301. Definitions.

5644 (1) The definitions in Section 58-79-102 apply to this ~~[chapter]~~ part.

5645 (2) (a) As used in this ~~[chapter]~~ part, "waterfowl management area" means real
 5646 property owned or managed by the ~~[Division of Wildlife Resources]~~ division that is:

5647 (i) primarily used for the conservation, production, or recreational harvest of ducks,
 5648 mergansers, geese, brant, swans, and other waterfowl; and

5649 (ii) designated as a waterfowl management area by the Wildlife Board in accordance
 5650 with Section ~~[23-32-104]~~ 23A-12-303.

5651 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management
 5652 Area and the Harold Crane Waterfowl Management Area described in Section ~~[23-21-5]~~
 5653 23A-6-403.

5654 Section 222. Section **23A-12-302**, which is renumbered from Section 23-32-103 is
 5655 renumbered and amended to read:

5656 ~~[23-32-103]~~. 23A-12-302. Prohibited activities.

5657 (1) A commercial hunting guide or outfitter may not use a waterfowl management area
 5658 for any of the following, unless the commercial hunting guide or outfitter has an annual permit,
 5659 issued by the Wildlife Board pursuant to this ~~[chapter]~~ part, for the use:

5660 (a) hunting guide services or outfitter services; or

5661 (b) transportation of an individual to another area for the purpose of providing hunting
 5662 guide services or outfitter services.

5663 (2) An individual may not construct a permanent blind or other permanent structure
 5664 that is used for hunting within the boundaries of a waterfowl management area.

5665 Section 223. Section **23A-12-303**, which is renumbered from Section 23-32-104 is
 5666 renumbered and amended to read:

5667 ~~[23-32-104].~~ **23A-12-303. Rulemaking -- Notice.**

5668 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 5669 Wildlife Board shall make rules:

5670 (a) designating and establishing the boundaries of a waterfowl management area;

5671 (b) governing the management and use of a waterfowl management area in accordance
 5672 with ~~[the provisions of this chapter]~~ this part; and

5673 (c) to create an annual permit process by which commercial hunting guides and
 5674 outfitters may use waterfowl management areas in accordance with ~~[the provisions of this~~
 5675 ~~chapter]~~ this part.

5676 (2) The annual permit process described in Subsection (1)(c) shall:

5677 (a) preserve the opportunity for non-guided hunters to use waterfowl management
 5678 areas; and

5679 (b) require a permit holder to comply with safety standards established by the Wildlife
 5680 Board.

5681 (3) The division shall provide an annual report to the Natural Resources, Agriculture,
 5682 and Environment Interim Committee regarding any rules made or changed in accordance with
 5683 this ~~[chapter]~~ part.

5684 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl
 5685 management area.

5686 (5) Nothing in this ~~[chapter]~~ part modifies or limits:

5687 (a) ~~[the provisions of Section 23-21-5]~~ Section 23A-6-403, or the discretion of the
 5688 division to manage waterfowl management areas for other beneficial purposes, including for
 5689 the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

5690 (b) the authority of the division, the director ~~[of the division]~~, or the Wildlife Board
 5691 under ~~[Title 23, Chapter 21]~~ Chapter 6, Lands and Waters for Wildlife Purposes.

5692 Section 224. Section **23A-13-101**, which is renumbered from Section 23-28-102 is
 5693 renumbered and amended to read:

5694 **CHAPTER 13. MIGRATORY BIRD PRODUCTION AREA**

5695 **Part 1. General Provisions**

5696 ~~[23-28-102]~~. 23A-13-101. Definitions.

5697 As used in this chapter:

5698 (1) "Migratory bird" ~~[is-as]~~ means the same as that term is defined in 16 U.S.C. Sec.
5699 715j.

5700 (2) "Migratory bird production area" means an area of land that is:

5701 (a) created under this chapter; and

5702 (b) used according to the description in Subsections ~~[23-28-201]~~

5703 23A-13-201(1)(b)(iii)(A) ~~[through]~~ and (B).

5704 Section 225. Section **23A-13-201**, which is renumbered from Section 23-28-201 is
5705 renumbered and amended to read:

5706 **Part 2. Migratory Bird Production Area**

5707 ~~[23-28-201]~~. 23A-13-201. Creation of a migratory bird production area.

5708 (1) (a) On or before July 1, 2022, an owner or owners of at least 500 contiguous acres
5709 of land in an unincorporated area may dedicate the land as a migratory bird production area by
5710 filing a notice of dedication with the county recorder of the county in which the land is located.

5711 (b) The notice of dedication shall contain:

5712 (i) the legal description of the land included within the migratory bird production area;

5713 (ii) the name of the owner or owners of the land included within the migratory bird
5714 production area; and

5715 (iii) an affidavit signed by each landowner that all of the land, except as provided by

5716 Subsection (2), within the migratory bird production area is:

5717 (A) actively managed for migratory bird:

5718 (I) production;

5719 (II) habitat; or

5720 (III) hunting; and

5721 (B) used for a purpose compatible with the purposes described in Subsection

5722 (1)(b)(iii)(A).

5723 (c) A person who files a notice of dedication under this section shall give a copy of the
5724 notice of dedication within 10 days of its filing to the legislative body of the county in which
5725 the migratory bird production area is located.

5726 (2) (a) The notice of dedication may designate land, the amount of which is less than

5727 1% of the total acreage within a migratory bird production area, upon which the landowner
5728 may build a structure described in Subsection [~~23-28-302~~] 23A-13-302(1)(c).

5729 (b) (i) An owner may build or maintain a road, dike, or water control structure within
5730 the migratory bird production area.

5731 (ii) A road, dike, or water control structure is not considered a structure for purposes of
5732 Subsection (2)(a).

5733 (3) (a) Within 30 days of the day on which the county legislative body receives a copy
5734 of the notice of dedication under Subsection (1)(c), the county legislative body may bring an
5735 action in district court to cancel or revise a migratory bird production area on the basis that an
5736 affidavit filed as part of the notice of dedication under Subsection (1)(b)(iii) is inaccurate.

5737 (b) In bringing the action, the county legislative body shall specify the portion of the
5738 migratory bird production area and the affidavit subject to the action.

5739 (c) In an action brought under this Subsection (3), the person who files an affidavit
5740 described in Subsection (3)(a) has the burden to prove by a preponderance of the evidence that
5741 the affidavit is accurate.

5742 (d) If the court cancels or revises a migratory bird production area, the person who filed
5743 the original notice of dedication shall file a revision notice with the county recorder reflecting
5744 the court's order.

5745 (4) In accordance with Section [~~23-28-202~~] 23A-13-202, a person may at any time add
5746 land to a migratory bird production area created under this section.

5747 Section 226. Section **23A-13-202**, which is renumbered from Section 23-28-202 is
5748 renumbered and amended to read:

5749 [~~23-28-202~~]. **23A-13-202. Adding to or removing land from a migratory**
5750 **bird production area.**

5751 (1) Subject to the other provisions of this section, a landowner may file a revision
5752 notice with the county recorder of the county in which the migratory bird production area is
5753 located to add land to or remove land from a migratory bird production area.

5754 (2) The revision notice shall contain:

5755 (a) a legal description of the land added to or removed from the migratory bird
5756 production area; and

5757 (b) the name of the owner or owners of the land added to or removed from the

5758 migratory bird production area.

5759 (3) A person who files a revision notice under this section shall give a copy of the
5760 revision notice within 10 days of its filing to the legislative body of the county in which the
5761 migratory bird production area is located.

5762 (4) If removing land from a migratory bird production area results in a migratory bird
5763 production area of less than 300 contiguous acres:

5764 (a) the migratory bird production area ceases to exist; and

5765 (b) the landowner shall:

5766 (i) notify each landowner within the former migratory bird production area; and

5767 (ii) file the revision notice required by this section for the entire migratory bird
5768 production area.

5769 (5) A landowner may add land to a migratory bird production area only if:

5770 (a) the land to be added is contiguous to the migratory bird production area; and

5771 (b) all the landowners of the contiguous land to be added to the migratory bird
5772 production area consent to the contiguous land being added to the migratory bird production
5773 area.

5774 (6) A landowner of a migratory bird production area may include an easement in the
5775 migratory bird production area if:

5776 (a) the landowner owns the easement;

5777 (b) the easement is on land that is contiguous to the migratory bird production area;

5778 and

5779 (c) the owner of the land where the easement is located consents to the easement being
5780 included in the migratory bird production area.

5781 Section 227. Section **23A-13-301**, which is renumbered from Section 23-28-301 is
5782 renumbered and amended to read:

5783

Part 3. Protections

5784 ~~[23-28-301]~~. **23A-13-301. Farmland Assessment Act.**

5785 (1) Creation of a migratory bird production area does not impair the ability of land
5786 within the migratory bird production area to qualify for the benefits of Title 59, Chapter 2, Part
5787 5, Farmland Assessment Act.

5788 (2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland

5789 Assessment Act, is determined exclusively by [the provisions of] that act, notwithstanding the
5790 land's location within a migratory bird production area.

5791 Section 228. Section **23A-13-302**, which is renumbered from Section 23-28-302 is
5792 renumbered and amended to read:

5793 ~~[23-28-302]~~. **23A-13-302. Limitations on local regulations.**

5794 (1) (a) A county within which a migratory bird production area is located shall
5795 encourage the continuity, development, and viability of the migratory bird production area.

5796 (b) Except as otherwise specifically provided in this chapter, the purposes, uses, and
5797 activities of a migratory bird production area described in this chapter are afforded the highest
5798 priority of use status.

5799 (c) A structure, improvement, or activity historically or customarily used in
5800 conjunction with a migratory bird production area is considered a permitted use under the
5801 county's zoning law, ordinance, or regulation.

5802 (2) A county within which a migratory bird production area is located may not:

5803 (a) enact a law, ordinance, or regulation that unreasonably restricts an activity normally
5804 associated with the migratory bird production area;

5805 (b) change the zoning designation of, or a zoning regulation applying to land within a
5806 migratory bird production area unless the county receives written approval for the change from
5807 all the landowners within the migratory bird production area; or

5808 (c) enact a law, ordinance, or regulation concerning the use, operation, or discharge of
5809 a firearm on a migratory bird production area.

5810 (3) For purposes of Subsection (2)(a), a law, ordinance, or regulation is unreasonable if
5811 it restricts or impairs the purposes, uses, and activities historically or customarily associated
5812 with a migratory bird production area.

5813 Section 229. Section **23A-13-303**, which is renumbered from Section 23-28-303 is
5814 renumbered and amended to read:

5815 ~~[23-28-303]~~. **23A-13-303. Nuisances.**

5816 (1) (a) A county shall exclude the activities described in Subsection (1)(b) from the
5817 definition of public nuisance in a county law or ordinance regulating a public nuisance.

5818 (b) An activity or occurrence normally associated with a migratory bird production area
5819 is not a nuisance, including:

- 5820 (i) hunting;
- 5821 (ii) discharging a firearm;
- 5822 (iii) improving habitat;
- 5823 (iv) trapping;
- 5824 (v) eradicating weeds;
- 5825 (vi) discing;
- 5826 (vii) planting;
- 5827 (viii) impounding water;
- 5828 (ix) raising a bird or other domestic animal;
- 5829 (x) grazing;
- 5830 (xi) an activity conducted in the normal course of an agricultural operation as defined
- 5831 in Section 4-44-102; and
- 5832 (xii) an odor.

5833 (2) In a civil action for nuisance or a criminal action for public nuisance under Section

5834 76-10-803, it is a complete defense if the action is:

- 5835 (a) normally associated with a migratory bird production area;
- 5836 (b) conducted within a migratory bird production area; and
- 5837 (c) not in violation of [any] federal or state law.

5838 (3) An owner of a new development located in whole or in part within 1,000 feet of a

5839 migratory bird production area shall provide the following notice on [any] a plat filed with the

5840 county recorder:

5841 "Migratory Bird Production Area

5842 This property is located in the vicinity of an established migratory bird production area

5843 in which hunting and activities related to the management and operation of land for the benefit

5844 of migratory birds have been afforded the highest priority use status. It can be anticipated that

5845 these uses and activities may now or in the future be conducted on land within the migratory

5846 bird production area. The use and enjoyment of this property is expressly conditioned on

5847 acceptance of any annoyance or inconvenience that may result from activities normally

5848 associated with a migratory bird production area."

5849 Section 230. Section **23A-13-304**, which is renumbered from Section 23-28-304 is

5850 renumbered and amended to read:

5851 ~~[23-28-304].~~ **23A-13-304. Annexation restrictions.**

5852 A municipality may annex real property within a migratory bird production area as
5853 provided by Title 10, Chapter 2, Part 4, Annexation.

5854 Section 231. Section **23A-13-305**, which is renumbered from Section 23-28-305 is
5855 renumbered and amended to read:

5856 ~~[23-28-305].~~ **23A-13-305. Application of Water Quality Act.**

5857 A migratory bird production area is subject to Title 19, Chapter 5, Water Quality Act.

5858 Section 232. Section **23A-14-101** is enacted to read:

5859 **CHAPTER 14. FURBEARERS**

5860 **Part 1. General Provisions**

5861 **23A-14-101. Definitions.**

5862 Reserved.

5863 Section 233. Section **23A-14-201**, which is renumbered from Section 23-18-2 is
5864 renumbered and amended to read:

5865 **Part 2. Taking of Furbearers**

5866 ~~[23-18-2].~~ **23A-14-201. Taking of furbearers.**

5867 ~~[Any]~~ A person holding a furbearer license may take ~~[furbearers]~~ a furbearer in
5868 accordance with the rules ~~[promulgated]~~ made by the Wildlife Board in accordance with Title
5869 63G, Chapter 3, Utah Administrative Rulemaking Act.

5870 Section 234. Section **23A-14-202**, which is renumbered from Section 23-18-3 is
5871 renumbered and amended to read:

5872 ~~[23-18-3].~~ **23A-14-202. Trapping on lands controlled by division governed by**
5873 **Wildlife Board.**

5874 ~~[All trapping]~~ The Wildlife Board shall govern trapping on lands controlled by the
5875 ~~[Division of Wildlife Resources shall be governed by the Wildlife Board]~~ division.

5876 Section 235. Section **23A-14-203**, which is renumbered from Section 23-18-6 is
5877 renumbered and amended to read:

5878 ~~[23-18-6].~~ **23A-14-203. Taking red fox or striped skunk.**

5879 Red fox or striped skunk may be taken anytime without a license as provided by this
5880 title ~~[or rules]~~, a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
5881 Rulemaking Act, or a proclamation of the Wildlife Board.

5882 Section 236. Section **23A-15-101**, which is renumbered from Section 23-29-102 is
5883 renumbered and amended to read:

5884 **CHAPTER 15. WOLF MANAGEMENT ACT**

5885 ~~[23-29-102].~~ **23A-15-101. Definitions.**

5886 As used in this chapter:

5887 (1) "Endangered Species Act" means the Endangered Species Act of 1973, 16 U.S.C.
5888 Sec. 1531 et seq.

5889 ~~[(1)]~~ (2) "Service" means the United States Fish and Wildlife Service.

5890 ~~[(2)]~~ (3) "Wolf" means the species *Canis lupus*.

5891 Section 237. Section **23A-15-102**, which is renumbered from Section 23-29-103 is
5892 renumbered and amended to read:

5893 ~~[23-29-103].~~ **23A-15-102. Legislative findings and declarations.**

5894 (1) Section ~~[23-14-1]~~ 23A-2-201 appoints the division as trustee and custodian of
5895 protected wildlife in the state.

5896 (2) The wolf ~~[is]~~ has been listed as endangered under the federal Endangered Species
5897 Act throughout the greater portion of the state.

5898 (3) The service is the federal agency charged with responsibility to administer the
5899 Endangered Species Act.

5900 (4) The service acknowledges that Utah is not critical to the recovery of wolves and
5901 that it does not intend to actively recover wolves in the state.

5902 (5) The division prepared a wolf management plan outlining ~~[its]~~ the division's
5903 management objectives for the wolf in Utah when the wolf was delisted and removed from
5904 federal control.

5905 (6) The wolf management plan prepared by the division was formally submitted to the
5906 service in 2007 for approval.

5907 (7) The service has neither approved, denied, nor otherwise commented on the plan
5908 since receiving it in 2007.

5909 (8) The state formally requested, in writing on multiple occasions, that the service
5910 delist the wolf throughout Utah, and the service has failed to acknowledge or otherwise
5911 respond to ~~[any of]~~ the requests.

5912 (9) The state cannot adequately or effectively manage wolves on a pack level in the

5913 small area of the state where the species is currently delisted without significantly harming
5914 other vital state interests, including livestock and big game populations.

5915 (10) It is the policy of the state to legally advocate and facilitate the delisting of wolves
5916 in Utah under the Endangered Species Act and to return wolf management authority to the
5917 state.

5918 Section 238. Section **23A-15-201**, which is renumbered from Section 23-29-201 is
5919 renumbered and amended to read:

5920 **Part 2. Wolf Management**

5921 ~~[23-29-201]~~. **23A-15-201. Wolf management.**

5922 (1) The division shall contact the service upon discovering a wolf in ~~[any]~~ an area of
5923 the state where wolves are listed as threatened or endangered under the Endangered Species
5924 Act and request immediate removal of the animal from the state.

5925 (2) The division shall manage wolves to prevent the establishment of a viable pack in
5926 all areas of the state where the wolf is not listed as threatened or endangered under the
5927 Endangered Species Act until the wolf is completely delisted under the act and removed from
5928 federal control in the entire state.

5929 (3) Subsections (1) and (2) do not apply to wolves lawfully held in captivity and
5930 restrained.

5931 Section 239. Section **23A-15-202**, which is renumbered from Section 23-29-202 is
5932 renumbered and amended to read:

5933 ~~[23-29-202]~~. **23A-15-202. Rulemaking.**

5934 The ~~[division]~~ Wildlife Board may make administrative rules in accordance with Title
5935 63G, Chapter 3, Utah Administrative Rulemaking Act, to manage the wolf in accordance with
5936 this chapter.

5937 Section 240. **Repealer.**

5938 This bill repeals:

5939 Section **23-13-1, Title.**

5940 Section **23-13-16, Judicial notice of proclamations.**

5941 Section **23-14-2.1, Procedures -- Adjudicative proceedings.**

5942 Section **23-14-11, Official seal of division.**

5943 Section **23-14-16, Unexpended fund balances converted to general fund account.**

5944 Section **23-17-5, Damages for destroyed crops -- Limitations -- Appraisal.**

5945 Section **23-20-23, Aiding or assisting violation unlawful.**

5946 Section **23-21a-1, Short title.**

5947 Section **23-21a-2, Legislative findings and policy.**

5948 Section **23-21a-3, State to condemn and purchase islands in Great Salt Lake --**

5949 **Protection of American white pelican.**

5950 Section **23-21a-4, Payment of fair market value to landowners -- Impartial**

5951 **appraisal.**

5952 Section **23-21a-5, Mineral rights retained by landowners -- Oil discovery.**

5953 Section **23-21a-6, Nonlapsing appropriation for appraisal and purchase.**

5954 Section **23-25-1, Short title.**

5955 Section **23-25-12, Title.**

5956 Section **23-27-101, Title.**

5957 Section **23-28-101, Title.**

5958 Section **23-29-101, Title.**

5959 Section **23-30-101, Title.**

5960 Section **23-31-101, Title.**

5961 Section **23-32-101, Title.**

5962 Section 241. **Effective date.**

5963 This bill takes effect on July 1, 2023.

5964 Section 242. **Revisor instructions.**

5965 The Legislature intends that the Office of Legislative Research and General Counsel, in

5966 preparing the Utah Code database for publication, not enroll this bill if X.B. XXX, Wildlife

5967 Resources Recodification Cross References, does not pass.