

**Effective 7/1/2023**

## **Chapter 2 Administration**

### **Part 1 General Provisions**

#### **23A-2-101 Definitions.**

Reserved.

Enacted by Chapter 103, 2023 General Session

#### **23A-2-102 Powers of division to determine facts -- Policymaking powers of Wildlife Board.**

- (1) The division may determine the facts relevant to the wildlife resources of this state.
- (2)
  - (a) Upon a determination of the facts, the Wildlife Board shall establish the policies best designed to accomplish the purposes and fulfill the intent of 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 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 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 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) An authority conferred upon the Wildlife Board by this title may not supersede the administrative authority of the executive director or the director.

Renumbered and Amended by Chapter 103, 2023 General Session

### **Part 2 Division and Director**

#### **23A-2-201 Division of Wildlife Resources -- Limits on authority of political subdivisions -- Adjudicative proceedings -- Official seal.**

- (1)

- (a) There is created the Division of Wildlife Resources within the Department of Natural Resources under the administration and general supervision of the executive director.
  - (b) The division is the wildlife authority for Utah and is vested with the functions, powers, duties, rights, and responsibilities provided in this title and other law.
- (2)
- (a) Subject to the broad policymaking authority of the Wildlife Board, the division shall protect, propagate, manage, conserve, and distribute protected wildlife throughout the state.
  - (b) The division is the trustee and custodian of protected wildlife and may initiate civil proceedings, in addition to criminal proceedings provided for in this title, to:
    - (i) recover damages;
    - (ii) compel performance;
    - (iii) compel substitution;
    - (iv) restrain or enjoin;
    - (v) initiate any other appropriate action; and
    - (vi) seek appropriate remedies in the division's capacity as trustee and custodian.
- (3)
- (a) If a political subdivision of the state adopts an ordinance or regulation concerning hunting, fishing, or trapping that conflicts with this title or rules made pursuant to this title, state law prevails.
  - (b) A community may close areas to hunting for safety reasons after confirmation by the Wildlife Board.
- (4) The division shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in the division's adjudicative proceedings.
- (5) The division shall adopt an official seal and file an impression and a description of the official seal with the Division of Archives.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-202 Director of the division -- Qualifications.**

- (1) The director shall:
  - (a) be the executive and administrative head of the division; and
  - (b) have demonstrated ability in management and administration and experience in the protection, conservation, restoration, and management of wildlife resources.
- (2) The director may not hold another public office or be involved in a political party or organization.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-203 Director powers.**

The director, under administrative supervision of the executive director, has:

- (1) executive authority and control of the division so that policies of the Wildlife Board are carried out in accordance with the laws of this state;
- (2) authority over personnel matters;
- (3) full control of property acquired and held for the purposes specified in this title; and
- (4) authority to declare emergency closed or open seasons in the interest of the wildlife resources of the state.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-204 Compensation of division employees -- Travel expenses of director and employees.**

An employee of the division shall receive the compensation the director determines within limits established for state employees by Title 63A, Chapter 17, Utah State Personnel Management Act. In addition to salaries provided for within this title, the director and employees of the division are entitled to receive travel expenses as provided in the rules established by the Division of Finance.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-205 Oaths administered by director.**

The director may administer oaths for the purposes required in the discharge of the director's duties.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-206 Jurisdiction of division over public or private land and waters.**

Wildlife within this state, including wildlife on public or private land or in public or private waters within this state, is within the jurisdiction of the division.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-207 Taking of wildlife by division.**

- (1) Subject to the other provisions of this section, the division may take wildlife of any kind from any place and in any manner for purposes considered by the director to be in the interest of wildlife conservation.
- (2) The division shall deliver notice to an affected landowner or an agent of an affected landowner, either in writing or orally, before the taking of wildlife on privately owned land under this section. The division may take the wildlife immediately after or at a time reasonably required for the taking after delivering notice.
- (3) The notice requirements in Subsection (2) do not apply in a situation when there is a threat to public safety or exigent circumstances exist.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-208 Use of fireworks and explosives by division employees and certain federal game agents.**

Notwithstanding any other provision of law, the following may, without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife as may be necessary to protect property or wildlife resources:

- (1) an employee of the division designated by the director; or
- (2) a federal game agent charged with the duty of managing wildlife resources.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-209 Transplants of big game, turkeys, wolves, or sensitive species.**

- (1) Subject to Subsection (7), the division may transplant big game, turkeys, wolves, or sensitive species only in accordance with:
  - (a)

- (i) a list of sites for the transplant of each particular species that is prepared and adopted in accordance with Subsections (2) through (5);
  - (ii) a species management plan, such as a deer or elk management plan adopted under Section 23A-11-301 or a recovery plan for a threatened or endangered species, provided that:
    - (A) the plan identifies sites for the transplant of the species or the lands or waters the species are expected to occupy; and
    - (B) the public has had an opportunity to comment and make recommendations on the plan; and
  - (iii) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq. if the transplant involves a threatened or endangered species; or
  - (b) a legal agreement between the state and a tribal government that identifies potential transplants
- (2) The division shall:
- (a) consult with the landowner in determining the suitability of a site for the transplant of a species;
  - (b) prepare a list of proposed sites for the transplant of species; and
  - (c) provide notification of proposed sites for the transplant of species to:
    - (i) local government officials having jurisdiction over areas that may be affected by a transplant; and
    - (ii) the Resource Development Coordinating Committee created in Section 63L-11-401.
- (3) After receiving comments from local government officials and the Resource Development Coordinating Committee, the division shall submit the list of proposed transplant sites, or a revised list, to regional advisory councils for the one or more regions that may be affected by the transplants of species.
- (4) A regional advisory council reviewing a list of proposed sites for the transplant of species may submit recommendations to the Wildlife Board.
- (5) The Wildlife Board shall approve, modify, or reject a proposal for the transplant of a species.
- (6) A list of proposed transplant sites approved by the Wildlife Board shall have a termination date after which a transplant may not occur.
- (7) Before reintroducing a big game animal to a new area under this section, the Wildlife Board shall approve a mitigation plan that complies with Section 23A-2-210.

Renumbered and Amended by Chapter 103, 2023 General Session

Amended by Chapter 198, 2023 General Session

**23A-2-210 Mitigation plan related to big game reintroduction.**

- (1) Before reintroducing a big game animal, turkey, wolf, or sensitive species to a new area in accordance with Section 23A-2-209, the Wildlife Board shall approve a mitigation plan for the area into which the animal is being transplanted.
- (2)
  - (a) A mitigation plan described in this section shall:
    - (i) identify the objectives of the reintroduction of an animal;
    - (ii) provide conditions for issuing a permit to the landowner or lessee to take a big game animal, that is causing depredation, during a general or special season hunt authorized by the Wildlife Board; and
    - (iii) describe conditions for removal of a transplanted animal if:

- (A) transplant objectives identified in the mitigation plan are not met; or
- (B) property damage occurs.
- (b) A mitigation plan described in this section may provide for:
  - (i) the scheduling of a depredation hunt;
  - (ii) allowing a landowner or lessee to designate a recipient who may obtain a mitigation permit to take a big game animal on the landowner's or lessee's land during a general or special season hunt authorized by the Wildlife Board; and
  - (iii) a description of how the division will assess and compensate the landowner or lessee under Section 23A-8-405 for damage to cultivated crops, fences, or irrigation equipment.
- (3) The division shall specify the number and sex of the big game animals that may be taken under Subsection (2)(a) or (2)(b)(ii).
- (4) The division shall determine the number of animals taken under Subsection (2)(a) of which the landowner or lessee may retain possession.
- (5) In determining appropriate remedial action under a mitigation plan described in this section, the division shall consider the:
  - (a) extent of damage experienced;
  - (b) use of landowner permits;
  - (c) use of mitigation permits; and
  - (d) objectives for the wildlife population.

Enacted by Chapter 198, 2023 General Session

### **Part 3**

## **Wildlife Board and Regional Councils**

#### **23A-2-301 Wildlife Board created.**

- (1) There is created a Wildlife Board that consists of seven members appointed by the governor with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- (2)
  - (a) In addition to the requirements of Section 79-2-203, the members of the Wildlife Board shall have expertise or experience in at least one of the following areas:
    - (i) wildlife management or biology;
    - (ii) habitat management, including range or aquatic;
    - (iii) business, including knowledge of private land issues; and
    - (iv) economics, including knowledge of recreational wildlife uses.
  - (b) At least one member of the Wildlife Board shall represent each of the areas of expertise under Subsection (2)(a).
- (3)
  - (a) The governor shall select a board member from a list of nominees submitted by the nominating committee pursuant to Section 23A-2-302.
  - (b) No more than two members shall be from a single wildlife region described in Subsection 23A-2-303(1).
  - (c) The governor may request an additional list of at least two nominees from the nominating committee if the initial list of nominees for a given position is unacceptable.
  - (d)

- (i) If the governor fails to appoint a board member within 60 days after receipt of the initial or additional list, the nominating committee shall make an interim appointment by majority vote.
  - (ii) The interim board member shall serve until the matter is resolved by the nominating committee and the governor or until the board member is replaced pursuant to this chapter.
- (4)
- (a) Except as required by Subsection (4)(b), as terms of current board members expire, the governor shall appoint a new member or reappointed member to a six-year term.
  - (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:
    - (i) the terms of board members are staggered so that approximately one-third of the Wildlife Board is appointed every two years; and
    - (ii) members serving from the same region have staggered terms.
  - (c) If a vacancy occurs, the nominating committee shall submit at least two names, as provided in Subsection 23A-2-302(4), to the governor and the governor shall appoint a replacement for the unexpired term.
  - (d) A board member may serve only one term unless the board member:
    - (i) is among the first board members appointed to serve four years or less; or
    - (ii) filled a vacancy under Subsection (4)(c) for four years or less.
- (5)
- (a) The Wildlife Board shall elect a chair and a vice chair from the Wildlife Board's membership.
  - (b) Four members of the Wildlife Board constitutes a quorum.
  - (c) The director shall act as secretary to the Wildlife Board, but is not a voting member of the Wildlife Board.
- (6)
- (a) The Wildlife Board shall hold a sufficient number of public meetings each year to expeditiously conduct the Wildlife Board's business.
  - (b) Meetings may be called by the chair upon five days notice or upon shorter notice in emergency situations.
  - (c) Meetings may be held at the Salt Lake City office of the division or elsewhere as determined by the Wildlife Board.
- (7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8)
- (a) A member of the Wildlife Board shall complete an orientation course to assist the member in the performance of the duties of the member's office.
  - (b) The department shall provide the course required under Subsection (8)(a).
- (9) A member shall comply with the conflict of interest provisions described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

Renumbered and Amended by Chapter 103, 2023 General Session

Amended by Chapter 211, 2023 General Session

**23A-2-302 Wildlife Board Nominating Committee created.**

- (1) There is created a Wildlife Board Nominating Committee that consists of 11 members.

- (2) The governor shall appoint members to the nominating committee as follows:
  - (a) three members shall be appointed from a list of at least two nominees per position submitted by the agriculture industry;
  - (b) three members shall be appointed from a list of at least two nominees per position submitted by sportsmen groups;
  - (c) two members shall be appointed from a list of at least two nominees per position submitted by nonconsumptive wildlife interests;
  - (d) one member shall be appointed from a list of at least two nominees submitted by federal land management agencies;
  - (e) one local elected official shall be appointed from a list of at least two nominees submitted by the Utah Association of Counties; and
  - (f) one range management specialist shall be appointed from a list of at least two nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah Chapter, The Wildlife Society.
- (3) A wildlife region described in Subsection 23A-2-303(1) shall be represented by at least one member. A wildlife region may not be represented by more than three members.
- (4) The nominating committee shall nominate at least two, but not more than four, candidates for each position or vacancy that occurs on the Wildlife Board.
- (5)
  - (a) Except as required by Subsection (5)(b), as terms of current nominating committee members expire, the governor shall appoint a new or reappointed member to a four-year term.
  - (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that:
    - (i) the terms of nominating committee members are staggered so that approximately half of the nominating committee is appointed every two years; and
    - (ii) members from the same wildlife region serve staggered terms.
  - (c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the same manner that the position was originally filled to serve the remainder of the unexpired term.
- (6) The nominating committee shall select a chair and vice chair from the nominating committee's membership.
- (7) Six members shall constitute a quorum.
- (8) A member of the nominating committee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 103, 2023 General Session  
Amended by Chapter 211, 2023 General Session

**23A-2-303 Regional advisory councils created.**

- (1) There are created five regional advisory councils that consist of 12 to 15 members each from the wildlife region whose boundaries are established for administrative purposes by the division.
- (2) The members shall include individuals who represent the following groups and interests:
  - (a) agriculture;
  - (b) sportsmen;
  - (c) nonconsumptive wildlife;

- (d) locally elected public officials;
  - (e) federal land agencies; and
  - (f) the public at large.
- (3) The executive director, in consultation with the director, shall select the members from a list of nominees submitted by the respective interest group or agency.
- (4) The regional advisory councils shall:
- (a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;
  - (b) gather information from staff, the public, and government agencies; and
  - (c) make recommendations to the Wildlife Board in an advisory capacity.
- (5)
- (a) Except as required by Subsection (5)(b), a member shall serve a four-year term.
  - (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
- (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (7) The councils shall determine:
- (a) the time and place of meetings; and
  - (b) a procedural matter not specified in this chapter.
- (8) Members of the councils shall complete an orientation course described in Subsection 23A-2-301(8).
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 103, 2023 General Session  
Amended by Chapter 211, 2023 General Session

**23A-2-304 Rules, proclamations, and orders of the Wildlife Board -- Judicial notice of proclamations.**

- (1) The Wildlife Board shall exercise the Wildlife Board's powers by making rules and issuing proclamations and orders pursuant to this title.
- (2) A court shall take judicial notice of a proclamation published under the authority of this title.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-305 Establishment of seasons, locations, limits, and regulations by the Wildlife Board.**

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



- (2) The Wildlife Board shall, except as otherwise specified in this title:
- (a) fix seasons and shorten, extend, or close seasons on any species of protected wildlife in any locality, or in the entire state, if the Wildlife Board finds that the action is necessary to effectuate proper wildlife management and control;
  - (b) close or open areas to fishing, trapping, or hunting;
  - (c) establish refuges and preserves;
  - (d) regulate and prescribe the means by which protected wildlife may be taken;
  - (e) regulate the transportation and storage of protected wildlife, or the wildlife parts, within the boundaries of the state and the shipment or transportation out of the state;
  - (f) establish or change bag limits and possession limits;
  - (g) prescribe safety measures and establish other regulations as may be considered necessary in the interest of wildlife conservation and the safety and welfare of hunters, trappers, fishermen, landowners, and the public;
  - (h)
    - (i) prescribe when a license, permit, tag, or certificate of registration is required and procedures for their issuance and use; and
    - (ii) establish forms and fees for a license, permit, tag, or certificate of registration; and
  - (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as the Wildlife Board may consider necessary to control the use and harvest of protected wildlife by private associations, clubs, partnerships, or corporations, provided the rules do not preclude the landowner from personally controlling trespass upon the owner's properties nor from charging a fee to trespass for purposes of hunting or fishing.
- (3) The Wildlife Board may allow a season on protected wildlife to commence on any day of the week except Sunday.
- (4)
- (a) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates of registration in accordance with Section 63J-1-504.
  - (b) The Wildlife Board may adjust the amount for an electronic duck stamp fee as provided in Section 23A-4-211.
- (5) The Wildlife Board may not issue a license, permit, tag, or certificate of registration as a reward for an individual's assistance with a prosecution for violation of Section 76-6-111.

Amended by Chapter 82, 2023 General Session

Renumbered and Amended by Chapter 103, 2023 General Session

## **Part 4**

### **Cooperative and Reciprocal Agreements**

#### **23A-2-401 Cooperative agreements and programs authorized.**

- (1) The division may enter into cooperative agreements and programs with other state agencies, federal agencies, states, educational institutions, municipalities, counties, corporations, organized clubs, landowners, associations, and individuals for purposes of wildlife conservation.
- (2) Cooperative agreements that are policy in nature shall be:
- (a) approved by the executive director; and
  - (b) reviewed by the Wildlife Board.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-402 Acceptance of Acts of Congress.**

- (1) The state assents to the Wildlife Restoration Act, 16 U.S.C. Sec. 669 et seq., and the Sport Fish Restoration Act, 16 U.S.C. 777 et seq.
- (2) The division shall conduct and establish cooperative fish and wildlife restoration projects as provided by the acts specified in Subsection (1) and rules made under those acts.
- (3) The following revenues received by the state may not be used for any purpose other than the administration of the division:
  - (a) revenue from the sale of a license, permit, tag, or certificate of registration that conveys to a person the privilege to take wildlife for sport or recreation, less reasonable vendor fees;
  - (b) revenue from the sale, lease, rental, or other granting of rights of real or personal property acquired with revenue specified in Subsection (3)(a);
  - (c) interest, dividends, or other income earned on revenue specified in Subsection (3)(a) or (b); and
  - (d) federal aid project reimbursements to the extent that revenue specified in Subsection (3)(a) or (b) originally funded the project for which the reimbursement is being made.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-403 Reciprocal agreements with other states.**

- (1) The Wildlife Board may enter into reciprocal agreements with other states to:
  - (a) license and regulate fishing, hunting, and related activities; and
  - (b) promote and implement wildlife management programs.
- (2) Reciprocal agreements shall be approved by the executive director.

Renumbered and Amended by Chapter 103, 2023 General Session

**Part 5  
Wildlife Violator Compact**

**23A-2-501 Adoption and text of compact.**

- (1) The participating states find that:
  - (a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
  - (b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of the resources.
  - (c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of the natural resources.
  - (d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

- (e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
  - (f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.
  - (g) Usually, a person who is cited for a wildlife violation in a state other than his home state:
    - (i) is required to post collateral or bond to secure appearance for a trial at a later date; or
    - (ii) is taken directly into custody until collateral or bond is posted; or
    - (iii) is taken directly to court for an immediate appearance.
  - (h) The purpose of the enforcement practices set forth in Subsection (1)(g) is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.
  - (i) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.
  - (j) The practices described in Subsection (1)(g) cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and is compelled to remain in custody until some alternative arrangement is made.
  - (k) The enforcement practices described in Subsection (1)(g) consume an undue amount of enforcement time.
- (2) It is the policy of the participating states to:
- (a) promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to the management of wildlife resources in their respective states;
  - (b) recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by a participating state and treat the suspension as if it had occurred in their state;
  - (c) allow a violator, except as provided in Subsection 23A-2-503(2), to accept a wildlife citation and, without delay, proceed on his way, whether or not the violator is a resident of the state in which the citation was issued, provided that the violator's home state is a party to this compact;
  - (d) report to the appropriate participating state, as provided in the compact manual, a conviction recorded against a person whose home state was not the issuing state;
  - (e) allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state;
  - (f) extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another state;
  - (g) maximize effective use of law enforcement personnel and information; and
  - (h) assist court systems in the efficient disposition of wildlife violations.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-502 Definitions.**

As used in this compact:

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

- (2) "Collateral" means cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
- (3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges.
- (4) "Conviction" means a conviction, including any court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule. This conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.
- (5) "Court" means a court of law, including magistrate's court and the justice of the peace court.
- (6) "Home state" means the state of primary residence of a person.
- (7) "Issuing state" means the participating state which issues a wildlife citation to the violator.
- (8) "License" means a license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
- (9) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (10) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.
- (11) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.
- (12) "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other countries.
- (13) "Suspension" means a revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.
- (14) "Wildlife" means species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purpose of this compact shall be based on local law.
- (15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.
- (16) "Wildlife officer" means an individual authorized by a participating state to issue a citation for a wildlife violation.
- (17) "Wildlife violation" means a cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-503 Procedures for issuing state.**

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

- (2) Personal recognizance is acceptable:
  - (a) if not prohibited by local law or the compact manual; and
  - (b) if the violator provides adequate proof of identification to the wildlife officer.
- (3)
  - (a) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued.
  - (b) The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.
- (4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and with the content as prescribed in the compact manual.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-504 Procedure for home state.**

- (1)
  - (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the term of a citation, the licensing authority of the home state shall:
    - (i) notify the violator;
    - (ii) initiate a suspension action in accordance with the home state's suspension procedures; and
    - (iii) suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority.
  - (b) Due process safeguards will be accorded.
- (2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction as though it occurred in the home state for the purposes of the suspension of license privileges.
- (3) The licensing authority of the home state shall:
  - (a) maintain a record of actions taken; and
  - (b) make reports to issuing states as provided in the compact manual.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-505 Reciprocal recognition of suspension.**

- (1) All participating states shall recognize the suspension of license privileges of a person by the participating state as though the violation resulting in the suspension:
  - (a) had occurred in their state; and
  - (b) could have been the basis of the suspension of license privileges in their state.
- (2) Each participating state shall communicate suspension information to other participating states in the form and with the content as contained in the compact manual.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-506 Applicability of other laws.**

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

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-507 Compact administrator procedures.**

- (1)
  - (a) A Board of Compact Administrators is established to:
    - (i) administer the provisions of this compact; and
    - (ii) serve as a governing body for the resolution of all matters relating to the operation of this compact.
  - (b) The board shall be composed of one representative from each of the participating states to be known as the compact administrator.
  - (c) The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents.
  - (d) A compact administrator may provide for the discharge of his duties and the performance of his function as a board member by an alternate.
  - (e) An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.
- (2)
  - (a) Each member of the board of compact administrators shall be entitled to one vote.
  - (b) An action of the board shall not be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof.
  - (c) Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (3) The board shall elect annually from its membership a chairman and vice-chairman.
- (4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (5) The board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize, and dispose of the donations and grants.
- (6) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
- (7) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted to board action shall be contained in a compact manual.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-508 Entry into compact and withdrawal.**

- (1) This compact shall become effective at the time it is adopted in substantially similar form by two or more states.
- (2)
  - (a) Entry into the compact shall be made by resolution of ratification by the authorized officials of the applying state and submitted to the chairman of the board.
  - (b) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:
    - (i) a citation of the authority from which the state is empowered to become a party to this compact;
    - (ii) an agreement of compliance with the terms and provisions of this compact; and
    - (iii) an agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.
  - (c) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice has been given:
    - (i) by the chairman of the board of the compact administrators; or
    - (ii) by the secretary of the board to each participating state that the resolution from the applying state has been received.
- (3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-509 Amendments to the compact.**

- (1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and shall be initiated by one or more participating states.
- (2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.
- (3) Failure of a participating state to respond to the compact chairman within 120 days after receipt of a proposed amendment shall constitute endorsement thereof.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-510 Construction and severability.**

- (1) This compact shall be liberally construed so as to effectuate the purposes stated herein.
- (2) The provisions of this compact shall be severable and if a phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of a participating state or of the United States, or the applicability thereof to a government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby.
- (3) If this compact is held contrary to the constitution of a participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected regarding all severable matters.

Renumbered and Amended by Chapter 103, 2023 General Session

**23A-2-511 Licensing authority -- Administrator -- Expenses.**

- (1) The Division of Wildlife Resources is designated as the licensing authority in this state for the purpose of the compact.
- (2) The director of the Division of Wildlife Resources shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the compact.
- (3) The compact administrator provided for in Section 23A-2-507, "Wildlife Violator Compact," shall not be entitled to any additional compensation for his service as the administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as administrator in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Renumbered and Amended by Chapter 103, 2023 General Session