

1 **WILDLIFE LICENSE FEE**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Bradley T. Johnson**

5 AN ACT RELATING TO FISH AND GAME; SPECIFYING ELIGIBILITY REQUIREMENTS
6 FOR FREE FISHING LICENSES.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9 **23-19-2**, as last amended by Chapter 145, Laws of Utah 1996

10 **23-19-14**, as last amended by Chapter 207, Laws of Utah 1991

11 **23-19-16**, as last amended by Chapter 242, Laws of Utah 1998

12 **23-19-36**, as last amended by Chapters 174 and 375, Laws of Utah 1997

13 **23-19-39**, as last amended by Chapter 18, Laws of Utah 1990

14 **23-19-42**, as last amended by Chapter 242, Laws of Utah 1998

15 REPEALS:

16 **23-19-37**, as last amended by Chapter 21, Laws of Utah 1996

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

18 Section 1. Section **23-19-2** is amended to read:

19 **23-19-2. License and certificate forms prescribed by Wildlife Board.**

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

22 (2) Any license issued pursuant to Section 23-19-36 [~~or 23-19-37~~] shall be designated as
23 such by a code number and shall contain no reference to the licensee's disability.

24 Section 2. Section **23-19-14** is amended to read:

25 **23-19-14. Persons residing in certain institutions authorized to fish without license.**

26 (1) The Division of Wildlife Resources shall permit [~~persons committed to the custody of~~]
27 a person to fish without a license if:

28 (a) the person resides in:

29 (i) the Utah State Developmental Center in American Fork~~[-the state];~~

29a h (ii) THE STATE HOSPITAL; h

30 h [(ii) a not-for-profit:

31 ~~—— (A) veteran's hospital[,];~~

32 ~~—— (B) veteran's nursing home;~~

33 ~~—— (C) youth detention center[,];~~

34 ~~—— (D) mental health center[,];~~

35 ~~—— (E) group [homes,] home; or~~

36 ~~—— (F) halfway [houses, and industrial school, as determined in advance by the director of the~~
 37 ~~division of wildlife resources, to fish without a license if:] house; or] h~~

38 [(1) the institution notifies the Division of Wildlife Resources in writing at least 10 days
 39 in advance of the time and place such persons will fish; and]

40 h [(iii) other similar not-for-profit institution approved by the division;]

40a ~~[-(ii)]~~ (iii) A VETERAN'S HOSPITAL;

40b ~~[(iii)]~~ (iv) A VETERAN'S NURSING HOME;

40c ~~[-(iv)]~~ (v) A MENTAL HEALTH CENTER;

40d ~~[(v)]~~ (vi) AN INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED;

40e ~~[(vi)]~~ (vii) A GROUP HOME LICENSED BY THE DEPARTMENT OF HUMAN SERVICES AND

40f OPERATED UNDER CONTRACT WITH THE DIVISION OF SERVICES FOR PEOPLE WITH

DISABILITIES;

40g OR

40h ~~[(vii)]~~ (viii) OTHER SIMILAR INSTITUTION APPROVED BY THE DIVISION; h

41 ~~[(2) such persons are]~~ (b) the person is properly supervised by a representative of the
 42 institution [whose name is specified in the notice.]; and

43 (c) the institution obtains from the division a certificate of registration that specifies:

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

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

46 (2) The institution must apply for the certificate of registration at least ten days before the
 47 fishing outing.

48 Section 3. Section **23-19-16** is amended to read:

49 **23-19-16. Licenses obtained from agents of division.**

50 (1) Licenses provided for in Sections 23-19-17 through 23-19-27 and 23-19-42 may be
 51 obtained from the division or one of its authorized wildlife license agents.

52 (2) Licenses provided for in Sections 23-19-17.5, 23-19-34.5, 23-19-34.7, and 23-19-36[;
 53 and 23-19-37] may be obtained only from the division.

54 Section 4. Section **23-19-36** is amended to read:

55 **23-19-36. Disabled, mentally impaired, terminally ill persons, and children in the**
56 **custody of the state -- License to fish for free.**

57 (1) A resident who is blind, paraplegic, or otherwise permanently disabled so as to be
58 permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower

59 extremities, may receive a free license to fish upon[~~:(a)~~] furnishing satisfactory proof of this fact
60 to the Division of Wildlife Resources[~~; and (b) payment of a fee of 50 cents~~].

61 (2) A resident who is a mentally retarded person and is not eligible under Section 23-19-14
62 to fish without a license may receive a free license to fish upon[~~:(a)~~] furnishing verification of
63 mental retardation, as defined in Section 62A-5-101, from a physician[~~; and (b) payment of a fee~~
64 ~~of \$5~~].

65 (3) A resident who is terminally ill, and has less than five years to live, may receive a free
66 license to fish:

- 67 (a) upon furnishing verification from a physician; and
- 68 (b) if he qualifies for assistance under any low income public assistance program
69 administered by a state agency.

70 (4) A child placed in the custody of the state by a court order may receive a free fishing
71 license upon furnishing verification of custody to the Division of Wildlife Resources.

72 Section 5. Section **23-19-39** is amended to read:

73 **23-19-39. Additional appropriation.**

74 ~~h~~ **[There shall be annually appropriated] THE DIVISION EACH YEAR SHALL REQUEST THE**
74a **LEGISLATURE TO APPROPRIATE** ~~h~~ from the General Fund in the appropriations act, for
75 deposit in the Wildlife Resources Restricted Account, a sum equal to the total of the fees, as
76 determined by the previous year's license sales, that would have otherwise been collected for
77 fishing licenses had full fees been paid by those 65 years of age or older[~~, those blind, paraplegic,~~
78 ~~or otherwise permanently disabled, or mentally retarded, and for] or those who received free
79 fishing privileges [granted] under the provisions of [Sections] Section 23-19-14[; or 23-19-36[;
80 and 23-19-37].~~

81 Section 6. Section **23-19-42** is amended to read:

82 **23-19-42. Wildlife habitat authorization -- Surcharge.**

83 (1) (a) A person 14 years of age or older must purchase an annual wildlife habitat
84 authorization before purchasing a wildlife heritage certificate or any license or permit required by
85 this title, except:

- 86 (i) those licenses provided for in Sections 23-19-17.5, 23-19-34.7, and 23-19-36[~~and~~
87 ~~23-19-37~~];
- 88 (ii) reciprocal fishing stamps; and
- 89 (iii) one day fishing licenses.

90 (b) A person 13 years of age may purchase a wildlife habitat authorization for the purpose
91 of purchasing a big game permit if that person's 14th birthday falls within the calendar year for
92 which the permit is issued.

93 (2) A person must purchase only one wildlife habitat authorization each year regardless
94 of the number of licenses or permits purchased during that year.

95 (3) (a) In addition to the fees imposed under this chapter, there is imposed a 25 cent
96 surcharge on each annual wildlife habitat authorization.

97 (b) This surcharge shall be deposited in the General Fund as a dedicated credit for the
98 Search and Rescue Financial Assistance Program created under Section 53-2-107.

99 Section 7. **Repealer.**

100 This act repeals:

101 Section **23-19-37, Disabled veterans -- Free fishing license.**

Legislative Review Note
as of 10-27-98 2:19 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.