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**WILDLIFE - HUNTING AND FISHING FEES**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael R. Styler**

**This act modifies the Wildlife Resources Code of Utah to eliminate license fees set in statute and to allow the Wildlife Board to set license fees which must be approved by the Legislature. Provisions specifying fees are repealed January 1, 2003.**

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

**AMENDS:**

**23-14-18**, as last amended by Chapter 211, Laws of Utah 1995

**23-15-14**, as enacted by Chapter 242, Laws of Utah 1998

**23-19-17**, as last amended by Chapter 195, Laws of Utah 2000

**23-19-18**, as last amended by Chapter 259, Laws of Utah 1995

**23-19-21**, as last amended by Chapter 259, Laws of Utah 1995

**23-19-24**, as last amended by Chapter 195, Laws of Utah 2000

**23-19-25**, as last amended by Chapter 195, Laws of Utah 2000

**23-19-26**, as last amended by Chapter 195, Laws of Utah 2000

**23-19-27**, as last amended by Chapter 126, Laws of Utah 1983

**23-19-34.7**, as last amended by Chapter 76, Laws of Utah 1986

**23-19-40**, as last amended by Chapter 195, Laws of Utah 2000

**23-19-42**, as last amended by Chapter 195, Laws of Utah 2000

**23-26-4**, as last amended by Chapter 195, Laws of Utah 2000

**ENACTS:**

**63-55b-123**, Utah Code Annotated 1953

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

Section 1. Section **23-14-18** is amended to read:

**23-14-18. Establishment of seasons, locations, limits, and regulations by Wildlife**

**\*HB0054\***

**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 which may be taken.

(2) The Wildlife Board shall, except as otherwise specified in this code:

(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 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 their 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 ~~deemed~~ 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 licenses, permits, tags, and certificates of registration shall be required and procedures for their issuance and use; and

~~[(h)]~~ (ii) establish ~~[the use,]~~ forms~~;~~ and fees ~~[of]~~ for licenses, permits, tags, and certificates of registration; and

(i) prescribe rules and regulations as it may ~~deem~~ consider necessary to control the use and harvest of protected wildlife by private associations, clubs, partnerships, or corporations, provided the rules and regulations 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) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates of registration in accordance with Section 63-38-3.2.

Section 2. Section **23-15-14** is amended to read:

**23-15-14. State Fish Hatchery Maintenance Account -- Contents -- Use of account monies.**

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

(2) The following monies shall be deposited into the account:

(a) \$2.00 of each fishing license fee or combination license fee [~~as listed in Section 23-19-40~~]; and

(b) interest and earnings on account monies.

(3) Money in the account shall be used by the division, after appropriation by the Legislature, for major repairs or replacement of facilities and equipment at fish hatcheries owned and operated by the division for the production and distribution of fish to enhance sport fishing opportunities in the state.

Section 3. Section **23-19-17** is amended to read:

**23-19-17. Fishing and hunting license -- Resident 12 or older -- Use of fee.**

(1) A resident 12 years of age or older, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a combination license to fish and to hunt for small game as provided in the rules of the Wildlife Board.

(2) One dollar of the combination license fee shall be used for the hunter education program in any of the following:

(a) instructor and student training;

(b) assisting local organizations with development;

(c) maintenance of existing facilities; or

(d) operation and maintenance of the hunter education program.

(3) (a) Fifty cents of the combination license fee shall be used for the upland game program as follows:

(i) to acquire pen-raised birds; or

(ii) to capture and transplant upland game species.

(b) The combination license fee revenue designated for the upland game program by

Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 4. Section **23-19-18** is amended to read:

**23-19-18. Fishing license -- Season.**

(1) A person 14 years of age or older, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a season fishing license.

(2) A person under 14 years of age may:

(a) fish without a license and take a 1/2 [~~a~~] bag and possession limit; or

(b) purchase a license and take a full bag and possession limit.

(3) A resident 65 years of age or older, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a season fishing license.

Section 5. Section **23-19-21** is amended to read:

**23-19-21. Fishing license -- Limited number of days.**

(1) A person, upon paying the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a license to fish:

(a) for one day; or

(b) for seven consecutive days.

(2) The effective date shall be indicated on the license.

Section 6. Section **23-19-24** is amended to read:

**23-19-24. Small game hunting license -- Resident 14 or older -- Use of fee.**

(1) A resident 14 years of age or older, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a license to hunt small game.

(2) One dollar of the small game hunting license fee shall be used for the hunter education program.

(3) (a) Fifty cents of the small game hunting license fee shall be used for the upland game program as follows:

(i) to acquire pen-raised birds; or

(ii) to capture and transplant upland game species.

(b) The small game license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to any small game license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 7. Section **23-19-25** is amended to read:

**23-19-25. Small game hunting license -- Resident 12 or 13 -- Use of fee.**

(1) A resident under the age of 14 years and 12 years of age or older, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a license to hunt small game.

(2) One dollar of the small game hunting license fee shall be used for the hunter education program.

(3) (a) Fifty cents of the small game hunting license fee shall be used for the upland game program as follows:

(i) to acquire pen-raised birds; or

(ii) to capture and transplant upland game species.

(b) The small game license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to any small game license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 8. Section **23-19-26** is amended to read:

**23-19-26. Small game hunting license -- Nonresident 12 or older -- Use of fee.**

(1) A nonresident 12 years of age or older, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a license to hunt small game.

(2) (a) Fifty cents of the small game hunting license fee shall be used for the upland game program as follows:

(i) to acquire pen-raised birds; or

(ii) to capture and transplant upland game species.

(b) The small game license fee revenue designated for the upland game program by Subsection (2)(a) is in addition to any small game license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 9. Section **23-19-27** is amended to read:

**23-19-27. Furbearer license -- Resident or nonresident.**

A resident or nonresident, upon payment of the fee prescribed [~~in Section 23-19-40~~] by the Wildlife Board, may receive a license to take furbearers.

Section 10. Section **23-19-34.7** is amended to read:

**23-19-34.7. Nonresident falconry meet license.**

[Any] (1) A nonresident ~~[participating]~~ 14 years of age or older may participate in a falconry meet in this state ~~[must be at least 14 years old and possess a valid falconry meet license. Such license shall be issued only to nonresidents,]~~ upon payment of a fee prescribed ~~[in Section 23-19-40, and]~~ by the Wildlife Board.

(2) A nonresident falconry meet license shall be valid only for five consecutive days, the dates to be designated on the license. The holder of the license may engage in the sport of falconry on nongame wildlife species and ~~[also]~~ small game species, during the specified five-day period.

Section 11. Section **23-19-40** is amended to read:

**23-19-40. Fees for licenses.**

(1) Residents and nonresidents may engage in hunting, fishing, trapping, bird hunting in commercial areas, and falconry upon obtaining a license through the payment of one or more of the following applicable fees:

WILDLIFE LICENSE FEE SCHEDULE

Type of License	Age and Time	Fee
RESIDENT		
Combination	12 years or older	\$31.75
Fishing	Under 65 (Season)	23.75
	65 years or older	13.75
	(Season)	
	Any age (1-day)	6.75
	Any age (7-day)	14.75
Small Game	12-13 years	10.75
	14 years or older	16.75
Furbearer	Any age	29.00
NONRESIDENT		
Fishing	Any age (Season)	45.75
	Any age (1-day)	7.75
	Any age (7-day)	20.75
Small Game	12 years or older	44.75
Furbearer	Any age	154.00
Falconry	14 years or older	15.00

(5-day)

(2) Statewide fish stamps or fees may not be imposed without legislative approval.

(3) Notwithstanding the provisions of Sections 23-19-17, 23-19-18, 23-19-21, 23-19-24, 23-19-25, 23-19-26, 23-19-27, and 23-19-34.7 authorizing the Wildlife Board to prescribe license fees, the fees listed in Subsection (1) shall be in effect through December 31, 2002.

(4) Notwithstanding the provisions of Section 23-26-4 authorizing the Wildlife Board to prescribe fees for Wildlife Heritage certificates, through December 31, 2002:

(a) a resident or nonresident, 12 years of age or older, upon payment of \$20, may receive a Wildlife Heritage certificate; and

(b) a resident or nonresident, under 12 years of age, upon payment of \$10, may receive a Wildlife Heritage certificate.

Section 12. Section **23-19-42** is amended to read:

**23-19-42. Search and rescue surcharge.**

(1) In addition to the fees imposed under this chapter, there is imposed a 25 cent surcharge on each fishing, small game, or combination license [~~listed in Section 23-19-40~~].

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

Section 13. Section **23-26-4** is amended to read:

**23-26-4. Wildlife Heritage certificate -- Benefits -- Use of revenue.**

(1) (a) A resident or nonresident, 12 years of age or older, upon payment of [~~\$20~~] the fee prescribed by the Wildlife Board, may receive a Wildlife Heritage certificate.

(b) A resident or nonresident, under 12 years of age, upon payment of [~~\$10~~] the fee prescribed by the Wildlife Board, may receive a Wildlife Heritage certificate.

(2) The Wildlife Heritage certificate allows the holder to receive the benefits and participate in the activities of the Wildlife Heritage program as determined by the Wildlife Board and the division.

(3) Revenue from the sale of Wildlife Heritage certificates shall be used for activities and projects that fulfill the program's purposes as specified in Section 23-26-2, including:

(a) information and education;

(b) the establishment and enhancement of nonconsumptive wildlife management areas that are managed consistent with Section 23-14-18;

214 (c) wildlife and ecosystem research; and  
215 (d) administration, development, and promotion of the program.  
216 (4) Revenue from the sale of Wildlife Heritage certificates may be used for emergency  
217 feeding of wildlife.

218 Section 14. Section **63-55b-123** is enacted to read:  
219 **63-55b-123. Repeal dates -- Title 23.**  
220 **Section 23-19-40 is repealed January 1, 2003.**

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**Legislative Review Note**  
**as of 12-13-00 9:40 AM**

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

**Office of Legislative Research and General Counsel**