

TURKEY HUNTING PERMITS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Gregg Buxton

LONG TITLE

General Description:

This bill amends the Wildlife Code to allow for the taking of turkeys and provides for a permit fee.

Highlighted Provisions:

This bill:

- ▶ allows a person 12 years or older to buy a permit to take turkeys; and
- ▶ provides for \$1 collected from the permit fee to be used for the hunter education program.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-13-2, as last amended by Chapter 9, Laws of Utah 2001

ENACTS:

23-19-22.6, Utah Code Annotated 1953

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

Section 1. Section **23-13-2** is amended to read:

23-13-2. Definitions.



28 As used in this title:

29 (1) "Activity regulated under this title" means any act, attempted act, or activity
30 prohibited or regulated under any provision of Title 23 or the rules, and proclamations
31 promulgated thereunder pertaining to protected wildlife including:

32 (a) fishing;

33 (b) hunting;

34 (c) trapping;

35 (d) taking;

36 (e) permitting any dog, falcon, or other domesticated animal to take;

37 (f) transporting;

38 (g) possessing;

39 (h) selling;

40 (i) wasting;

41 (j) importing;

42 (k) exporting;

43 (l) rearing;

44 (m) keeping;

45 (n) utilizing as a commercial venture; and

46 (o) releasing to the wild.

47 (2) "Aquatic animal" has the meaning provided in Section 4-37-103.

48 (3) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
49 amphibians.

50 (4) "Aquaculture facility" has the meaning provided in Section 4-37-103.

51 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife
52 that one person may legally take during one day.

53 (6) "Big game" means species of hoofed protected wildlife.

54 (7) "Carcass" means the dead body of an animal or its parts.

55 (8) "Certificate of registration" means a document issued under this title, or any rule or
56 proclamation of the Wildlife Board granting authority to engage in activities not covered by a
57 license, permit, or tag.

58 (9) "Closed season" means the period of time during which the taking of protected

59 wildlife is prohibited.

60 (10) "Conservation officer" means a full-time, permanent employee of the Division of
61 Wildlife Resources who is POST certified as a peace or a special function officer.

62 (11) "Dedicated hunter program" means a program that provides:

63 (a) expanded hunting opportunities;

64 (b) opportunities to participate in projects that are beneficial to wildlife; and

65 (c) education in hunter ethics and wildlife management principles.

66 (12) "Division" means the Division of Wildlife Resources.

67 (13) (a) "Domicile" means the place:

68 (i) where an individual has a fixed permanent home and principal establishment;

69 (ii) to which the individual if absent, intends to return; and

70 (iii) in which the individual, and the individual's family voluntarily reside, not for a
71 special or temporary purpose, but with the intention of making a permanent home.

72 (b) To create a new domicile an individual must:

73 (i) abandon the old domicile; and

74 (ii) be able to prove that a new domicile has been established.

75 (14) "Endangered" means wildlife designated as such pursuant to Section 3 of the
76 federal Endangered Species Act of 1973.

77 (15) "Fee fishing facility" has the meaning provided in Section 4-37-103.

78 (16) "Feral" means an animal which is normally domesticated but has reverted to the
79 wild.

80 (17) "Fishing" means to take fish or crayfish by any means.

81 (18) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
82 Castoridae families, except coyote and cougar.

83 (19) "Game" means wildlife normally pursued, caught, or taken by sporting means for
84 human use.

85 (20) (a) "Guide" means a person who receives compensation or advertises services for
86 assisting another person to take protected wildlife.

87 (b) Assistance under Subsection (20)(a) includes the provision of food, shelter, or
88 transportation, or any combination of these.

89 (21) "Guide's agent" means a person who is employed by a guide to assist another

90 person to take protected wildlife.

91 (22) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
92 means.

93 (23) "Intimidate or harass" means to physically interfere with or impede, hinder, or
94 diminish the efforts of an officer in the performance of the officer's duty.

95 (24) "Nonresident" means a person who does not qualify as a resident.

96 (25) "Open season" means the period of time during which protected wildlife may be
97 legally taken.

98 (26) "Pecuniary gain" means the acquisition of money or something of monetary value.

99 (27) "Permit" means a document, including a stamp, which grants authority to engage
100 in specified activities under this title or a rule or proclamation of the Wildlife Board.

101 (28) "Person" means an individual, association, partnership, government agency,
102 corporation, or an agent of the foregoing.

103 (29) "Possession" means actual or constructive possession.

104 (30) "Possession limit" means the number of bag limits one individual may legally
105 possess.

106 (31) (a) "Private fish installation" means a body of water where privately owned,
107 protected aquatic wildlife are propagated or kept.

108 (b) "Private fish installation" does not include any aquaculture facility or fee fishing
109 facility.

110 (32) "Private wildlife farm" means an enclosed place where privately owned birds or
111 furbearers are propagated or kept and which restricts the birds or furbearers from:

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

113 (b) escaping into the wild.

114 (33) "Proclamation" means the publication used to convey a statute, rule, policy, or
115 pertinent information as it relates to wildlife.

116 (34) (a) "Protected aquatic wildlife" means aquatic wildlife as defined in Subsection
117 (3), except as provided in Subsection (34)(b).

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

119 (35) (a) "Protected wildlife" means wildlife as defined in Subsection (49), except as
120 provided in Subsection (35)(b).

121 (b) "Protected wildlife" does not include coyote, field mouse, gopher, ground squirrel,
122 jack rabbit, muskrat, and raccoon.

123 (36) "Released to the wild" means to be turned loose from confinement.

124 (37) (a) "Resident" means a person who:

125 (i) has been domiciled in the state of Utah for six consecutive months immediately
126 preceding the purchase of a license; and

127 (ii) does not claim residency for hunting, fishing, or trapping in any other state or
128 country.

129 (b) A Utah resident retains Utah residency if that person leaves this state:

130 (i) to serve in the armed forces of the United States or for religious or educational
131 purposes; and

132 (ii) complies with Subsection (37)(a)(ii).

133 (c) (i) A member of the armed forces of the United States and dependents are residents
134 for the purposes of this chapter as of the date the member reports for duty under assigned
135 orders in the state if the member:

136 (A) is not on temporary duty in this state; and

137 (B) complies with Subsection (37)(a)(ii).

138 (ii) A copy of the assignment orders must be presented to a wildlife division office to
139 verify the member's qualification as a resident.

140 (d) A nonresident attending an institution of higher learning in this state as a full-time
141 student may qualify as a resident for purposes of this chapter if the student:

142 (i) has been present in this state for 60 consecutive days immediately preceding the
143 purchase of the license; and

144 (ii) complies with Subsection (37)(a)(ii).

145 (e) A Utah resident license is invalid if a resident license for hunting, fishing, or
146 trapping is purchased in any other state or country.

147 (f) An absentee landowner paying property tax on land in Utah does not qualify as a
148 resident.

149 (38) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of
150 selling, bartering, exchanging, or trading.

151 (39) "Small game" means species of protected wildlife:

152 (a) commonly pursued for sporting purposes; and

153 (b) not classified as big game, aquatic wildlife, or furbearers and excluding turkey,
154 cougar, and bear.

155 (40) "Spoiled" means impairment of the flesh of wildlife which renders it unfit for
156 human consumption.

157 (41) "Spotlighting" means throwing or casting the rays of any spotlight, headlight, or
158 other artificial light on any highway or in any field, woodland, or forest while having in
159 possession a weapon by which protected wildlife may be killed.

160 (42) "Tag" means a card, label, or other identification device issued for attachment to
161 the carcass of protected wildlife.

162 (43) "Take" means to:

163 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill any protected
164 wildlife; or

165 (b) attempt any action referred to in Subsection (43)(a).

166 (44) "Threatened" means wildlife designated as such pursuant to Section 3 of the
167 federal Endangered Species Act of 1973.

168 (45) "Trapping" means taking protected wildlife with a trapping device.

169 (46) "Trophy animal" means an animal described as follows:

170 (a) deer - any buck with an outside antler measurement of 24 inches or greater;

171 (b) elk - any bull with six points on at least one side;

172 (c) bighorn, desert, or rocky mountain sheep - any ram with a curl exceeding half curl;

173 (d) moose - any bull;

174 (e) mountain goat - any male or female;

175 (f) pronghorn antelope - any buck with horns exceeding 14 inches; or

176 (g) bison - any bull.

177 (47) "Waste" means to abandon protected wildlife or to allow protected wildlife to
178 spoil or to be used in a manner not normally associated with its beneficial use.

179 (48) "Water pollution" means the introduction of matter or thermal energy to waters
180 within this state which:

181 (a) exceeds state water quality standards; or

182 (b) could be harmful to protected wildlife.

- 183 (49) "Wildlife" means:
184 (a) crustaceans, including brine shrimp and crayfish;
185 (b) mollusks; and
186 (c) vertebrate animals living in nature, except feral animals.

187 Section 2. Section **23-19-22.6** is enacted to read:

188 **23-19-22.6. Turkey hunting permit.**

189 (1) A person 12 years of age or older, upon paying the fee prescribed by the Wildlife
190 Board, may receive a permit to take turkey as provided by rules of the Wildlife Board.

191 (2) One dollar of each turkey permit fee collected from a resident shall be used for the
192 hunter education program.

Legislative Review Note
as of 1-21-04 1:19 PM

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

Office of Legislative Research and General Counsel

State Impact

This bill eliminates the requirement to purchase a small game license prior to purchasing a turkey permit, resulting in a revenue decrease to the Division of Wildlife Resources of \$15,500. However, the division has submitted a request to the appropriations subcommittee to increase the turkey permit fee sufficient to make the overall revenue impact neutral. Since it is currently unknown whether the fee increase will pass, the numbers shown below reflect only the revenue loss associated with this bill.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
GF Restrict-Wildlife Res.	\$0	\$0	(\$15,500)	(\$15,500)
TOTAL	\$0	\$0	(\$15,500)	(\$15,500)

Individual and Business Impact

Individual turkey hunters would not be required to pay a \$17 small game license fee prior to purchasing a turkey permit. However, the price of a turkey permit may increase if approved through the appropriations process.

Office of the Legislative Fiscal Analyst