

EXEMPTION FROM FISHING LICENSE

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: _____

LONG TITLE

General Description:

This bill authorizes scouts and adult scout leaders to fish without a license during a scouting activity.

Highlighted Provisions:

This bill:

▶ authorizes scouts and adult scout leaders to fish during a scout troop activity without a fishing license if the troop obtains a valid tour permit from the troop's scouting organization;

▶ requires the scout leader to instruct the scout troop on fishing laws; and

▶ requires the Division of Wildlife Resources to provide educational materials on fishing laws.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

23-19-14.5, Utah Code Annotated 1953

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



28 Section 1. Section **23-19-14.5** is enacted to read:

29 **23-19-14.5. Persons participating in scouting activity authorized to fish without**
30 **license.**

31 (1) The Division of Wildlife Resources shall permit a person to fish without a license

32 if:

33 (a) the person is a member or adult leader of:

34 (i) the Boy Scouts of America; or

35 (ii) the Girl Scouts of the USA;

36 (b) the fishing is part of a scout troop activity;

37 (c) the scout troop obtains from the troop's scouting organization a valid tour permit;

38 and

39 (d) the fishing is in compliance with all state fishing statutes and rules.

40 (2) (a) The adult scout leader shall instruct the scout troop on fishing statutes and rules.

41 (b) The division shall provide educational materials to the scout leader to assist the

42 scout leader in complying with Subsection (2)(a).

Legislative Review Note
as of 1-19-07 3:56 PM

As required by legislative rule and practice, the Office of Legislative Research and General Counsel provides the following legislative review note to assist the Legislature in making its own determination as to the constitutionality of the bill. The note is based on an analysis of relevant state and federal constitutional law as applied to the bill. The note is not written for the purpose of influencing whether the bill should become law, but is written to provide information relevant to legislators' consideration of this bill. The note is not a substitute for the judgment of the judiciary, which has authority to determine the constitutionality of a law in the context of a specific case.

This legislation authorizes youth members and adult volunteer leaders from the Boy Scouts of America and the Girl Scouts of the USA, which are private non-profit organizations, to fish without a license during official scouting activities. Article VI, Section 26 of the Utah Constitution prohibits special legislation. The Utah Supreme Court has defined special legislation as legislation that classifies the subject of the legislation unreasonably, by selecting a class of particular persons, places, or things to apply a privilege or burden that is not applied to others who are similarly situated. There is a high probability that a court would determine that this legislation classifies the Boy Scouts of America and the Girl Scouts of the USA unreasonably to grant a privilege that is not granted to other organizations who are similarly situated and therefore may be held unconstitutional as special legislation.

Office of Legislative Research and General Counsel