

Senator Ralph Okerlund proposes the following substitute bill:

MULE DEER PROTECTION ACT

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill enacts the Mule Deer Protection Act.

Highlighted Provisions:

This bill:

- ▶ enacts Title 23, Chapter 30, Mule Deer Protection Act;
- ▶ creates the Mule Deer Protection Account;
- ▶ grants rulemaking authority to the ~~§→ [Wildlife Board]~~ Division of Wildlife

Resources ~~←§~~ to establish programs that reduce

and control the coyote population generally and in areas where mule deer predation occurs;

- ▶ requires the Division of Wildlife Resources to:
 - administer programs that reduce and control the coyote population; and
 - coordinate with government entities and state entities in administering programs

that reduce and control the coyote population;

▶ permits the Division of Wildlife Resources to contract with a vendor to reduce and control the coyote population in areas where mule deer predation occurs; ~~§→~~ and ~~←§~~

▶ permits the Division of Wildlife Resources to prepare and distribute training materials related to mule deer protection ~~§→~~ [;

~~→ authorizes the Wildlife Board to establish fees under programs that control and~~

1st Sub. S.B. 245



26 ~~reduce the coyote population; and~~
27 ~~—→ authorizes the Division of Wildlife Resources to collect fees established by the~~
28 ~~Wildlife Board under programs that control and reduce the coyote population.] . ←\$~~

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

31 ▶ to the General Fund Restricted - Mule Deer Protection Account, as an ongoing
32 appropriation:

- 33 • from the General Fund, \$500,000;

34 ▶ to the Division of Wildlife Resources - Wildlife Section, as an ongoing
35 appropriation:

- 36 • from the General Fund Restricted - Mule Deer Protection Account, \$500,000 ~~\$→~~ [;] ,

36a **subject to intent language that the appropriation is non-lapsing;** ←\$

37 ▶ to the General Fund Restricted - Agriculture and Wildlife Damage Prevention
38 Account, as an ongoing appropriation:

- 39 • from the General Fund, \$250,000; and

40 ▶ to the Department of Agriculture and Food - Predatory Animal Control, as an
41 ongoing appropriation:

- 42 • from the General Fund Restricted - Agriculture and Wildlife Damage

43 Prevention Account, as an ongoing appropriation, \$250,000 ~~\$→~~ [;] , **subject to intent language**

43a **that the appropriation is non-lapsing.** ←\$

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 ENACTS:

48 **23-30-101**, Utah Code Annotated 1953

49 **23-30-102**, Utah Code Annotated 1953

50 **23-30-103**, Utah Code Annotated 1953

51 **23-30-104**, Utah Code Annotated 1953

52 ~~**\$→** [~~23-30-105~~, Utah Code Annotated 1953]~~ ←\$



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

55 Section 1. Section **23-30-101** is enacted to read:

56 **CHAPTER 30. MULE DEER PROTECTION ACT**

57 **23-30-101. Title.**

58 This chapter is known as the "Mule Deer Protection Act."

59 Section 2. Section **23-30-102** is enacted to read:

60 **23-30-102. Definitions.**

61 As used in this chapter:

62 (1) "General predator control" means a predatory animal removal effort by the division
63 to reduce predatory animal numbers for the benefit of mule deer.

64 (2) "Predatory animal" means a coyote.

65 (3) "Targeted predator control" means a predatory animal removal effort by the
66 division:

67 (a) to reduce predatory animal numbers in an area where mule deer predation occurs;

68 and

69 (b) that focuses on specific locations and certain times.

70 Section 3. Section **23-30-103** is enacted to read:

71 **23-30-103. Mule Deer Protection Account -- Contents -- Use of Funds.**

72 (1) There is created a restricted account within the General Fund known as the "Mule
73 Deer Protection Restricted Account."

74 (a) The restricted account shall consist of:

75 (i) appropriations made by the Legislature; ~~§~~ and ~~←§~~

76 (ii) grants or donations from:

77 (A) the federal government;

78 (B) a state agency;

79 (C) a local government; or

80 (D) a person ~~§~~ [; and

81 ~~(iii) revenue from fees collected under Section 23-30-105.] . ~~←§~~~~

82 (b) The division shall administer the restricted account.

83 (2) Subject to appropriation, the division may expend money in the restricted account
84 on:

85 (a) a program established by rule under Subsection 23-30-104(1);

86 (b) a contract for targeted predator control described in Subsection 23-30-104(3)(a);

87 (c) predator control education and training related to mule deer protection described in

88 Subsection 23-30-104(3)(b); and

89 (d) administration costs incurred to carry out the requirements of this chapter.

90 Section 4. Section **23-30-104** is enacted to read:

91 **23-30-104. ~~§~~→ [Predatory animal control.] Rulemaking authority, coordination, and**
 91a **administration for predator control. ~~←~~§**

92 (1) The ~~§~~→ [Wildlife Board shall] division may ~~←~~§ make rules, in accordance with Title
 92a 63G, Chapter 3, Utah

93 Administrative Rulemaking Act, to establish programs to accomplish targeted predator control
 94 or general predator control, including programs that offer incentives or compensation to
 95 participants who remove a predatory animal that is detrimental to mule deer production.

96 (2) The division shall:

97 (a) administer a program established under Subsection (1);

98 (b) coordinate with federal, state, and local governments, and private persons to
 99 accomplish the purposes of this chapter; and

100 (c) coordinate with the Department of Agriculture and Food and the Agriculture and
 101 Wildlife Damage Prevention Board created in Section 4-23-4 to:

102 (i) minimize unnecessary duplication of predator control efforts; and

103 (ii) prevent interference between predator control programs administered under Title 4,
 104 Chapter 23, Agricultural and Wildlife Damage Prevention Act, and this chapter.

105 (3) The division may:

106 (a) contract with a vendor that offers targeted predator control services; and

107 (b) prepare and distribute educational and training materials related to mule deer
 108 protection.

109 ~~§~~→ [Section 5. Section **23-30-105** is enacted to read:

110 ~~— 23-30-105. Authorization to establish and collect fees.~~

111 ~~— (1) (a) The Wildlife Board may, in accordance with Section 63J-1-504, establish fees~~
 112 ~~for participation in a program established under Subsection 23-30-104(1);~~

113 ~~— (b) The division shall collect a fee established under Subsection (1);~~

114 ~~— (2) Fees collected under Subsection (1) shall be:~~

115 ~~— (a) deposited into the Mule Deer Protection Restricted Account established in Section~~
 116 ~~23-30-103; and~~

117 ~~— (b) expended in accordance with the requirements of Section 23-30-103.] ~~←~~§~~

118 Section ~~§~~→ [6.] 5. ~~←~~§ Appropriation.

119 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
 120 following sums of money are appropriated from resources not otherwise appropriated, or
 121 reduced from amounts previously appropriated, out of the funds or accounts indicated for the
 122 fiscal year beginning July 1, 2012, and ending June 30, 2013. These are additions to any
 123 amounts previously appropriated for fiscal year 2013.

124 To General Fund Restricted - Mule Deer Protection Account

125 From General Fund \$500,000

126 Schedule of Programs:

127 Mule Deer Protection Account \$500,000

128 To Department of Natural Resources - Division of Wildlife Resources

129 From General Fund Restricted - Mule Deer Protection Account \$500,000

130 Schedule of Programs:

131 Wildlife Section \$500,000

131a **§→ The Legislature intends that, under Section 63J-1-603 of the Utah Code, the appropriation**
 131b **from the Mule Deer Protection Account to the Division of Wildlife Resources not lapse at the**
 131c **close of fiscal year 2013. ←§**

132 To General Fund Restricted - Agriculture and Wildlife Damage Prevention Account

133 From General Fund \$250,000

134 Schedule of programs:

135 Agriculture and Wildlife Damage

136 Prevention Account \$250,000

137 To Department of Agriculture and Food - Predatory Animal Control

138 From General Fund Restricted -

139 Agriculture and Wildlife Damage Prevention Account \$250,000

140 Schedule of programs:

141 Predatory Animal Control \$250,000

141a **§→ The Legislature intends that, under Section 63J-1-603 of the Utah Code, the appropriation**
 141b **from the Agriculture and Wildlife Damage Prevention Account to the Department of**
 141c **Agriculture and Food not lapse at the close of fiscal year 2013. ←§**