

WILD TURKEY MANAGEMENT

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the management of turkeys.

Highlighted Provisions:

This bill:

- ▶ allows a person to take a turkey if the turkey is on the person's private property;
- ▶ requires the Division of Wildlife Resources to investigate and mitigate damage by a turkey;
- ▶ requires the Division of Wildlife Resources to establish two general season turkey hunts per year; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-19-1, as last amended by Laws of Utah 2011, Chapter 366

ENACTS:

23-17-5.1, Utah Code Annotated 1953

23-17-5.2, Utah Code Annotated 1953



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

Section 1. Section **23-17-5.1** is enacted to read:

23-17-5.1. Damage by turkeys.

(1) (a) If a turkey damages a person's private property the person may:

(i) notify the division of the damage; and

(ii) request that the division take action to alleviate the damage.

(b) The person shall allow division staff reasonable access to the damaged property to verify and alleviate the damage.

(2) Within 72 hours after receiving the request for action under Subsection (1)(a)(ii), the division shall investigate the damaged property, and if it appears that damage by a turkey may continue, the division shall:

(a) remove the turkeys causing damage; and

(b) implement a damage mitigation and prevention plan with the written approval of the property owner.

Section 2. Section **23-17-5.2** is enacted to read:

23-17-5.2. General season turkey hunts.

The Wildlife Board shall establish two general season turkey hunts per year.

Section 3. Section **23-19-1** is amended to read:

23-19-1. Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- Free fishing day.

(1) [A] Except as provided in Subsection (5), a person may not [~~engage in hunting, trapping, fishing, or seining~~] take, hunt, fish, or seine protected wildlife or [~~in the sale~~] sell, trade, or barter [~~of~~] protected wildlife or [~~their parts without first having procured~~] wildlife parts unless the person:

(a) procures the necessary licenses, certificates of registration, permits, [~~and~~] or tags [~~as provided~~] required under this [~~chapter~~] title, by rule made by the Wildlife Board under this title, or by an order or proclamation issued in accordance with a rule made by the Wildlife Board under this title; and [~~having at the same time the licenses, certificates of registration, permits, and tags on his or her person, except as provided under Subsection (3).~~]

(b) carries in the person's possession while engaging in the activities described in

59 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by
 60 rule made by the Wildlife Board under this title, or by an order or proclamation issued in
 61 accordance with a rule made by the Wildlife Board under this title.

62 (2) ~~[(a)]~~ Except as provided in Subsection ~~[(2)(b)]~~ (3) a person may not:
 63 ~~[(i)]~~ (a) lend, transfer, sell, give, or assign ~~[licenses, certificates of registration, permits,~~
 64 ~~or tags];~~

65 (i) a license, certificate of registration, permit, or tag belonging to the person; or ~~[the~~
 66 ~~rights granted by licenses, certificates of registration, permits, or tags; or]~~

67 (ii) a right granted by a license, certificate of registration, permit, or tag; or

68 ~~[(ii)]~~ (b) use or attempt to use a license, certificate of registration, permit, or tag of
 69 another person.

70 ~~[(b) The]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative
 71 Rulemaking Act, the Wildlife Board may, by rule, make exceptions to the prohibitions
 72 [specified in Subsection (2)(a) for purposes of] described in Subsection (2) to:

73 ~~[(i) transporting wildlife;]~~

74 (a) transport wildlife;

75 ~~[(ii) taking]~~ (b) allow a person to take protected wildlife [for a] for another person if:

76 (i) the person [who] possessing the license, certificate of registration, permit, or tag has
 77 a permanent physical impairment due to a congenital or acquired injury or disease[; congenital
 78 or acquired, that]; and

79 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a
 80 disability that renders the person physically unable to use a legal hunting weapon or fishing
 81 device; or

82 ~~[(iii) transferring]~~ (c) subject to the requirements of Subsection (4), transfer to another
 83 person a certificate of registration to harvest brine shrimp and brine shrimp eggs [to another
 84 person], if the certificate is transferred in connection with the sale or transfer of the brine
 85 shrimp harvest operation or [the] harvesting equipment[; subject to the restrictions referred to
 86 under Subsection (2)(c)].

87 ~~[(c) (i) A certificate of registration to harvest brine shrimp and brine shrimp eggs may~~
 88 ~~not be transferred without the approval of the division.]~~

89 ~~[(ii) Application to allow the transfer of a certificate of registration to harvest brine~~

90 shrimp and brine shrimp eggs shall be made to the division on a form prescribed and furnished
91 by it.]

92 [(iii) The division may grant a transfer of a certificate of registration to harvest brine
93 shrimp and brine shrimp eggs if the proposed transferee meets all the requirements necessary to
94 obtain an original certificate of registration.]

95 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine
96 shrimp eggs if:

97 (a) the person submits to the division an application to transfer the certificate on a form
98 provided by the division;

99 (b) the proposed transferee meets all requirements necessary to obtain an original
100 certificate of registration; and

101 (c) the division approves the transfer of the certificate.

102 [~~(3) No~~] (5) A person is not required to obtain a license, certificate of registration,
103 permit, or tag [is required] to:

104 (a) fish on a free fishing day [which] that the Wildlife Board may establish each year
105 [under rules prescribed by the board] by rule made by the Wildlife Board under this title or by
106 an order or proclamation issued in accordance with a rule made by the Wildlife Board under
107 this title;

108 (b) fish at a private fish pond operated in accordance with Section 23-15-10; [or]

109 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to
110 propagate, keep, and release for shooting [pursuant to] in accordance with a certificate of
111 registration issued under Section 23-17-6[-]; or

112 (d) take a turkey on private property owned by the person.

Legislative Review Note
as of 2-18-13 5:39 PM

Office of Legislative Research and General Counsel