

HB0084S01 compared with HB0084

~~{deleted text}~~ shows text that was in HB0084 but was deleted in HB0084S01.

inserted text shows text that was not in HB0084 but was inserted into HB0084S01.

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Representative Mike K. McKell proposes the following substitute bill:

WILDLIFE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill clarifies the nature of a license, permit, tag, certificate of registration, point, or credit issued to a person by the Division of Wildlife Resources and modifies procedures for receiving a big game hunting permit.

Highlighted Provisions:

This bill:

- ▶ states that a license, permit, tag, or certificate of registration issued to a person by the Division of Wildlife Resources is a privilege, not a right;
- ▶ states that a point or credit issued to a person to improve the person's chances of receiving a hunting permit in a division-administered drawing:
 - may not be transferred, sold, or assigned to another person; and
 - is not a right;

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- ▶ modifies the procedure for receiving a big game hunting permit; 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 2013, Chapter 418

23-19-14.6, as enacted by Laws of Utah 2014, Chapter 33

23-19-22, as last amended by Laws of Utah 2012, Chapter 142

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

Section 1. 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 -- Nature of licenses, permits, or tags issued by the division.

(1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

(a) procures the necessary licenses, certificates of registration, permits, or tags required under this 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

(b) carries in the person's possession while engaging in the activities described in Subsection (1) the license, certificate of registration, permit, or tag required under this 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.

(2) Except as provided in Subsection (3) a person may not:

(a) lend, transfer, sell, give, or assign:

(i) a license, certificate of registration, permit, or tag belonging to the person; or

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

(b) use or attempt to use a license, certificate of registration, permit, or tag of another

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person.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2) to:

- (a) transport wildlife;
- (b) allow a person to take protected wildlife for another person if:
 - (i) the person possessing the license, certificate of registration, permit, or tag has a permanent physical impairment due to a congenital or acquired injury or disease; and
 - (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a disability that renders the person physically unable to use a legal hunting weapon or fishing device;
- (c) allow a resident minor under 18 years of age to use the resident or nonresident hunting permit of another person if:
 - (i) the resident minor is:
 - (A) the permit holder's child, stepchild, grandchild, or legal ward, if the permit holder's guardianship of the legal ward is based solely on the minor's age; or
 - (B) suffering from a life threatening medical condition; and
 - (ii) the permit holder:
 - (A) receives no form of compensation or remuneration for allowing the minor to use the permit;
 - (B) obtains the division's prior written approval to allow the minor to use the permit;
- and
- (C) accompanies the minor, for the purposes of advising and assisting during the hunt, at a distance where the permit holder can communicate with the minor, in person, by voice or visual signals; or
- (d) subject to the requirements of Subsection (4), transfer to another person a certificate of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in connection with the sale or transfer of the brine shrimp harvest operation or harvesting equipment.

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

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

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

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

(5) A person is not required to obtain a license, certificate of registration, permit, or tag to:

(a) fish on a free fishing day that the Wildlife Board may establish each year 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;

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

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

(6) (a) A license, permit, tag, or certificate of registration issued under this title, or the rules of the Wildlife Board issued pursuant to authority granted by this title, to take protected wildlife is:

(i) a privilege; and

(ii) not a right or property for any purpose.

(b) A point or other form of credit issued to, or accumulated by, a person under procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a hunting permit in a division-administered drawing:

(i) may not be transferred, sold, or assigned to another person; and

(ii) is not a right or property for any purpose.

†

Legislative Review Note

Office of Legislative Research and General Counsel
amended to read:

Section 2. Section 23-19-14.6 is

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23-19-14.6. Trial hunting authorization.

(1) Upon application, the division may issue a trial hunting authorization to an individual who:

(a) is 11 years of age or older at the time of application;

(b) is eligible under state and federal law to possess a firearm and archery equipment;

and

(c) (i) was born after 1965; and

(ii) has not completed a division approved hunter education course.

(2) Notwithstanding the requirements of Section 23-19-11, an individual who has obtained a trial hunting authorization under Subsection (1) may obtain:

(a) a hunting license under Sections 23-19-17, 23-19-24, and 23-19-26; or

(b) a hunting permit authorized by the Wildlife Board under Subsection (4).

(3) An individual who has obtained a hunting license or permit with a trial hunting authorization under Subsection (2) may use the license or permit if the individual is:

(a) 12 years of age or older[~~, except as required in Subsection 23-19-22(3)~~]; and

(b) accompanied, as defined in Subsection 23-20-20(1), in the field while hunting by an individual who:

(i) is 21 years of age or older;

(ii) is eligible under state and federal law to possess a firearm and archery equipment;

(iii) possesses a current Utah hunting or combination license;

(iv) has satisfied applicable hunter education requirements under this chapter; and

(v) possesses the written consent of the holder's parent or legal guardian, if

accompanying a holder of a trial hunting authorization who is under 18 years of age.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules to:

(a) designate the types of hunting permits under Subsection (2) that may be obtained with a trial hunting authorization;

(b) establish the term of a trial hunting authorization;

(c) establish the number of years a person may obtain a trial hunting authorization;

(d) prescribe the number of individuals using a trial hunting authorization that an individual may accompany in the field under Subsection (3) at a single time;

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(e) establish the application process for an individual to obtain a trial hunting authorization; and

(f) administer and enforce the provisions of this section.

Section 3. Section 23-19-22 is amended to read:

23-19-22. Big game hunting permit.

(1) A person who is at least 12 years old, upon paying the big game hunting permit fee established by the Wildlife Board, paying the fee established by Subsection [(5)] (4), and possessing a valid hunting or combination license, may apply for or obtain a permit to hunt big game as provided by rules and proclamations of the Wildlife Board.

(2) (a) A person who is 11 years old may apply for or obtain a big game hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year for which the permit is issued.

(b) A person may not use a permit to hunt big game before the person's 12th birthday.

[(3) (a) Except as provided by Subsection (3)(b), a person who is younger than 14 years old may not apply for or obtain the following types of big game permits issued by the division through a public drawing:]

[(i) premium limited entry;]

[(ii) limited entry;]

[(iii) once-in-a-lifetime; and]

[(iv) cooperative wildlife management unit.]

[(b) A person who is 13 years old may obtain a type of permit listed in Subsection (3)(a) if that person's 14th birthday falls within the calendar year for which the permit is issued.]

[(4)] (3) One dollar of each big game permit fee collected from a resident shall be used for the hunter education program as provided in Section 23-19-17.

[(5)] (4) There is established a fee in the amount of \$5 added to each permit under this section to be deposited in the Predator Control Restricted Account.