

HB0295S01 compared with HB0295

~~text~~ shows text that was in HB0295 but was deleted in HB0295S01.

inserted text shows text that was not in HB0295 but was inserted into HB0295S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Casey Snider proposes the following substitute bill:

WILDLIFE MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to the hunting of waterfowl and other wildlife.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the use of trail cameras on public land at certain times ~~and~~ with ~~certain~~ specific exceptions;
- ▶ authorizes and instructs the Wildlife Board to make rules governing the use of trail cameras;
- ▶ prohibits big game baiting;
- ▶ prohibits the construction of permanent blinds or other structures used for hunting within a waterfowl management area;

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- ▶ prohibits commercial hunting guides from transporting individuals across a waterfowl management area; and
- ▶ authorizes and instructs the Wildlife Board to make rules regarding the creation and management of waterfowl management areas.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{ENACTS}~~ AMENDS:

~~{23-13-20}~~ 23-13-18, as enacted by Laws of Utah ~~{Code Annotated 1953}~~ 2008,
Chapter 34

ENACTS:

23-16-11, Utah Code Annotated 1953
23-32-101, Utah Code Annotated 1953
23-32-102, Utah Code Annotated 1953
23-32-103, Utah Code Annotated 1953
23-32-104, Utah Code Annotated 1953

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

Section 1. Section 23-13-18 is amended to read:

23-13-18. Use of a computer or other device to remotely hunt wildlife prohibited

-- Trail cameras.

(1) A person may not use a computer or other device to remotely control the aiming and discharge of a firearm or other weapon for hunting an animal.

(2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

~~{Section 1. Section 23-13-20 is enacted to read:~~

~~—————~~ 23-13-20. Trail cameras.

~~—————~~ {(1)}(3) (a) As used in this {section} Subsection (3), "trail camera" means a device that is not held or manually operated by a person and is used to capture images, video, or location data of wildlife using heat or motion to trigger the device.

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~~(2)(b)~~ Except as provided in Subsection (3)(c), it is unlawful for a person to place, maintain, or use a trail camera or similar device ~~;~~

~~—— (a) on public land at any time during the period beginning August 1 and ending December 31 of each year;~~

~~—— (b) at any time during the period beginning July 1 and ending December 31 of each year if the trail camera or similar device wirelessly transmits or is capable of wirelessly transmitting images, videos, or location data of wildlife; or~~

~~—— (c) at any time, if the placement, maintenance, or use of the trail camera or similar device prevents wildlife from accessing, or alters the manner in which wildlife accesses, a spring, water source, or artificial basin that collects water or is designed and constructed to collect water;~~

~~—— (3) Subsection (2);~~

(c) Subsection (3)(b) does not apply to:

(i) a person who places, maintains, or uses a trail camera on the person's private property or on private property with the landowner's permission; or

(ii) an individual who is acting within the scope of the individual's official duties if:

(i)A) the individual is an employee or authorized agent of the state, a political subdivision of the state, the federal government, an institution of higher education as that term is defined in Section 76-8-701, or a foreign nonprofit corporation or domestic nonprofit corporation as those terms are defined in Section 16-6a-102; and

(ii)B) the individual clearly marks each trail camera or similar device to indicate ownership;

~~(b) a person who places, maintains, or uses a trail camera or similar device with the division's approval; or~~

~~—— (c) a person who places, maintains, or uses a trail camera on private property with the landowner's permission;~~d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board shall make rules to create a system or process to facilitate the enforcement of this Subsection (3).

(e) The division shall provide an annual report to the Natural Resources, Agriculture, and Environment Interim Committee regarding any rules made or changed in accordance with

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this Subsection (3).

Section 2. Section **23-16-11** is enacted to read:

23-16-11. Big game baiting prohibited.

(1) As used in this section:

(a) (i) "Bait" means intentionally placing food or nutrient substances to manipulate the behavior of wildlife for the purpose of taking or attempting to take big game.

(ii) "Bait" does not include:

(A) the use of a chemical as an attractant or mask; ~~or~~

(B) the use of salt, mineral blocks, or other commonly used types of livestock substances for normal agricultural purposes ~~or~~; or

(C) standing crops, flooded standing crops or aquatics, natural vegetation, flooded harvested croplands, or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

(b) "Baited area" means all land within a 50-yard radius of the site where bait is placed, including the site where bait is placed.

(2) Unless authorized by a certificate of registration, it is unlawful to:

(a) bait big game between August 1 and ~~January~~ **December** 31 of each year;

(b) take big game in a baited area; or

(c) take big game that has been lured to or is traveling from a baited area.

(3) The division may issue a certificate of registration to allow for the baiting of big game if the division determines that baiting is necessary to alleviate substantial big game depredation on cultivated crops.

Section 3. Section **23-32-101** is enacted to read:

CHAPTER 32. WATERFOWL MANAGEMENT AREAS ACT

23-32-101. Title.

This chapter is known as the "Waterfowl Management Areas Act."

Section 4. Section **23-32-102** is enacted to read:

23-32-102. Definitions.

(1) The definitions in Section 58-79-102 apply to this chapter.

(2) (a) As used in this chapter, "waterfowl management area" means real property

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owned or managed by the Division of Wildlife Resources that is:

(i) primarily used for the conservation, production, or recreational harvest of ducks, mergansers, geese, brant, swans, and other waterfowl; and

(ii) designated as a waterfowl management area by the Wildlife Board in accordance with Section 23-32-104.

(b) "Waterfowl management area" includes the Willard Spur Waterfowl Management Area and the Harold Crane Waterfowl Management Area described in Section 23-21-5.

Section 5. Section **23-32-103** is enacted to read:

23-32-103. Prohibited Activities.

(1) A commercial hunting guide or outfitter may not use a waterfowl management area ~~{may not be used by a}~~ for any of the following, unless the commercial hunting guide or outfitter has a permit, issued by the Wildlife Board pursuant to this chapter, for the use:

(a) hunting guide services or outfitter services; or

(b) transportation of an individual to another area for the purpose of providing hunting guide services or outfitter services.

(2) An individual may not construct a permanent blind or other permanent structure that is used for hunting within the boundaries of a waterfowl management area.

Section 6. Section **23-32-104** is enacted to read:

23-32-104. Rulemaking -- Notice.

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

(a) designating and establishing the boundaries of a waterfowl management area; ~~f~~ and

(b) governing the management and use of a waterfowl management area in accordance with the provisions of this chapter; and

(c) to create a permit process by which commercial hunting guides and outfitters may use waterfowl management areas in accordance with the provisions of this chapter.

(2) The division shall provide an annual report to the Natural Resources, Agriculture, and Environment Interim Committee regarding any rules made or changed in accordance with this chapter.

(3) The Wildlife Board shall publish a map of the boundaries of each waterfowl

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management area.

(4) Nothing in this chapter modifies or limits:

(a) the provisions of Section 23-21-5, or the discretion of the division to manage waterfowl management areas for other beneficial purposes, including for the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

(b) the authority of the division, the director of the division, or the Wildlife Board under Title 23, Chapter 21, Lands and Waters for Wildlife Purposes.