

1 **WILDLIFE RESOURCES CODE RECODIFICATION**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Casey Snider**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill recodifies Title 23, Wildlife Resources Code of Utah.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ addresses definitions;
- 13 ▶ reorders provisions;
- 14 ▶ removes outdated language;
- 15 ▶ clarifies rulemaking authority;
- 16 ▶ addresses compensation of employees;
- 17 ▶ clarifies delegation to employees of use of fireworks;
- 18 ▶ makes consistent references to nominations by nominating committee;
- 19 ▶ clarifies delegation to employees related to issuing duplicates;
- 20 ▶ addresses references to criminal penalty provisions;
- 21 ▶ addresses cross references;
- 22 ▶ clarifies review by regional advisory councils of cooperative wildlife management

23 units; and

- 24 ▶ makes technical changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 This bill provides revisor instructions.

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **23A-1-103**, Utah Code Annotated 1953

33 **23A-2-101**, Utah Code Annotated 1953

34 **23A-3-101**, Utah Code Annotated 1953

35 **23A-4-101**, Utah Code Annotated 1953

36 **23A-4-502**, Utah Code Annotated 1953

37 **23A-4-1104**, Utah Code Annotated 1953

38 **23A-4-1105**, Utah Code Annotated 1953

39 **23A-4-1107**, Utah Code Annotated 1953

40 **23A-5-101**, Utah Code Annotated 1953

41 **23A-5-306**, Utah Code Annotated 1953

42 **23A-8-101**, Utah Code Annotated 1953

43 **23A-9-101**, Utah Code Annotated 1953

44 **23A-12-101**, Utah Code Annotated 1953

45 **23A-14-101**, Utah Code Annotated 1953

46 RENUMBERS AND AMENDS:

47 **23A-1-101**, (Renumbered from 23-13-2, as last amended by Laws of Utah 2019,
48 Chapter 125)

49 **23A-1-102**, (Renumbered from 23-13-3, as last amended by Laws of Utah 1992,
50 Chapter 27)

51 **23A-1-201**, (Renumbered from 23-13-8, as last amended by Laws of Utah 1986,
52 Chapter 76)

53 **23A-1-202**, (Renumbered from 23-13-12.5, as last amended by Laws of Utah 2002,
54 Chapter 70)

55 **23A-1-203**, (Renumbered from 23-13-15, as enacted by Laws of Utah 1973, Chapter
56 33)

57 **23A-1-204**, (Renumbered from 23-13-17, as last amended by Laws of Utah 2011,

58 Chapter 297)
59 **23A-1-205**, (Renumbered from 23-20-9, as last amended by Laws of Utah 2011,
60 Chapter 297)
61 **23A-2-102**, (Renumbered from 23-14-3, as last amended by Laws of Utah 2020,
62 Chapter 154)
63 **23A-2-201**, (Renumbered from 23-14-1, as last amended by Laws of Utah 1995,
64 Chapter 211)
65 **23A-2-202**, (Renumbered from 23-14-7, as last amended by Laws of Utah 1995,
66 Chapter 56)
67 **23A-2-203**, (Renumbered from 23-14-8, as last amended by Laws of Utah 1995,
68 Chapter 211)
69 **23A-2-204**, (Renumbered from 23-14-10, as last amended by Laws of Utah 1989,
70 Chapter 22)
71 **23A-2-205**, (Renumbered from 23-14-12, as enacted by Laws of Utah 1971, Chapter
72 46)
73 **23A-2-206**, (Renumbered from 23-15-2, as last amended by Laws of Utah 2011,
74 Chapter 297)
75 **23A-2-207**, (Renumbered from 23-13-6, as last amended by Laws of Utah 2021,
76 Chapter 109)
77 **23A-2-208**, (Renumbered from 23-13-7, as last amended by Laws of Utah 1986,
78 Chapter 76)
79 **23A-2-209**, (Renumbered from 23-14-21, as last amended by Laws of Utah 2021,
80 Chapter 382)
81 **23A-2-301**, (Renumbered from 23-14-2, as last amended by Laws of Utah 2020,
82 Chapters 352 and 373)
83 **23A-2-302**, (Renumbered from 23-14-2.5, as last amended by Laws of Utah 2003,
84 Chapter 36)
85 **23A-2-303**, (Renumbered from 23-14-2.6, as last amended by Laws of Utah 2010,

86 Chapters 286 and 324)
87 **23A-2-304**, (Renumbered from 23-14-19, as last amended by Laws of Utah 1995,
88 Chapter 211)
89 **23A-2-305**, (Renumbered from 23-14-18, as last amended by Laws of Utah 2021,
90 Chapter 57)
91 **23A-2-401**, (Renumbered from 23-22-1, as last amended by Laws of Utah 2011,
92 Chapter 297)
93 **23A-2-402**, (Renumbered from 23-22-2, as last amended by Laws of Utah 2010,
94 Chapter 324)
95 **23A-2-403**, (Renumbered from 23-22-3, as last amended by Laws of Utah 2011,
96 Chapter 297)
97 **23A-2-501**, (Renumbered from 23-25-2, as last amended by Laws of Utah 2015,
98 Chapter 258)
99 **23A-2-502**, (Renumbered from 23-25-3, as enacted by Laws of Utah 1992, Chapter
100 260)
101 **23A-2-503**, (Renumbered from 23-25-4, as enacted by Laws of Utah 1992, Chapter
102 260)
103 **23A-2-504**, (Renumbered from 23-25-5, as enacted by Laws of Utah 1992, Chapter
104 260)
105 **23A-2-505**, (Renumbered from 23-25-6, as enacted by Laws of Utah 1992, Chapter
106 260)
107 **23A-2-506**, (Renumbered from 23-25-7, as enacted by Laws of Utah 1992, Chapter
108 260)
109 **23A-2-507**, (Renumbered from 23-25-8, as enacted by Laws of Utah 1992, Chapter
110 260)
111 **23A-2-508**, (Renumbered from 23-25-9, as enacted by Laws of Utah 1992, Chapter
112 260)
113 **23A-2-509**, (Renumbered from 23-25-10, as last amended by Laws of Utah 1993,

114 Chapter 4)
115 **23A-2-510**, (Renumbered from 23-25-11, as enacted by Laws of Utah 1992, Chapter
116 260)
117 **23A-2-511**, (Renumbered from 23-25-13, as enacted by Laws of Utah 1992, Chapter
118 260)
119 **23A-3-201**, (Renumbered from 23-14-13, as last amended by Laws of Utah 2015,
120 Chapter 30)
121 **23A-3-202**, (Renumbered from 23-14-14, as enacted by Laws of Utah 1971, Chapter
122 46)
123 **23A-3-203**, (Renumbered from 23-14-13.5, as enacted by Laws of Utah 2017, Chapter
124 383)
125 **23A-3-204**, (Renumbered from 23-14-14.2, as last amended by Laws of Utah 2022,
126 Chapter 68)
127 **23A-3-205**, (Renumbered from 23-13-20, as enacted by Laws of Utah 2022, Chapter
128 37)
129 **23A-3-206**, (Renumbered from 23-14-14.3, as enacted by Laws of Utah 2022, Chapter
130 53)
131 **23A-3-207**, (Renumbered from 23-19-43, as last amended by Laws of Utah 2000,
132 Chapter 195)
133 **23A-3-208**, (Renumbered from 23-19-47, as last amended by Laws of Utah 2007,
134 Chapter 187)
135 **23A-3-209**, (Renumbered from 23-19-48, as enacted by Laws of Utah 2012, Chapter
136 142)
137 **23A-3-210**, (Renumbered from 23-15-14, as last amended by Laws of Utah 2001,
138 Chapter 22)
139 **23A-3-211**, (Renumbered from 23-27-305, as enacted by Laws of Utah 2020, Chapter
140 195)
141 **23A-3-212**, (Renumbered from 23-30-103, as enacted by Laws of Utah 2012, Chapter

142 143)
143 **23A-3-213**, (Renumbered from 23-19-17.7, as enacted by Laws of Utah 1984, Chapter
144 30)
145 **23A-3-301**, (Renumbered from 23-31-102, as enacted by Laws of Utah 2020, Chapter
146 190)
147 **23A-3-302**, (Renumbered from 23-31-103, as enacted by Laws of Utah 2020, Chapter
148 190)
149 **23A-3-303**, (Renumbered from 23-31-104, as enacted by Laws of Utah 2020, Chapter
150 190)
151 **23A-3-304**, (Renumbered from 23-31-201, as enacted by Laws of Utah 2020, Chapter
152 190)
153 **23A-3-305**, (Renumbered from 23-31-202, as enacted by Laws of Utah 2020, Chapter
154 190)
155 **23A-3-306**, (Renumbered from 23-31-203, as enacted by Laws of Utah 2020, Chapter
156 190)
157 **23A-4-201**, (Renumbered from 23-19-1, as last amended by Laws of Utah 2017,
158 Chapter 104)
159 **23A-4-202**, (Renumbered from 23-19-2, as last amended by Laws of Utah 2019,
160 Chapter 125)
161 **23A-4-203**, (Renumbered from 23-19-3, as last amended by Laws of Utah 1995,
162 Chapter 211)
163 **23A-4-204**, (Renumbered from 23-19-4, as last amended by Laws of Utah 2007,
164 Chapter 136)
165 **23A-4-205**, (Renumbered from 23-19-7, as last amended by Laws of Utah 2014,
166 Chapter 21)
167 **23A-4-206**, (Renumbered from 23-19-8, as last amended by Laws of Utah 2019,
168 Chapter 125)
169 **23A-4-207**, (Renumbered from 23-19-38, as last amended by Laws of Utah 2019,

170 Chapter 349)
171 [23A-4-208](#), (Renumbered from 23-19-10, as last amended by Laws of Utah 2005,
172 Chapter 117)
173 [23A-4-209](#), (Renumbered from 23-19-42, as last amended by Laws of Utah 2013,
174 Chapter 295)
175 [23A-4-210](#), (Renumbered from 23-19-45, as enacted by Laws of Utah 1997, Chapter
176 179)
177 [23A-4-301](#), (Renumbered from 23-19-38.2, as last amended by Laws of Utah 2011,
178 Chapter 297)
179 [23A-4-302](#), (Renumbered from 23-19-38.3, as last amended by Laws of Utah 2019,
180 Chapter 135)
181 [23A-4-303](#), (Renumbered from 23-19-14, as last amended by Laws of Utah 2018,
182 Chapter 39)
183 [23A-4-304](#), (Renumbered from 23-19-14.5, as last amended by Laws of Utah 2015,
184 Chapter 25)
185 [23A-4-305](#), (Renumbered from 23-19-36, as last amended by Laws of Utah 2019,
186 Chapter 349)
187 [23A-4-306](#), (Renumbered from 23-19-39, as last amended by Laws of Utah 1999,
188 Chapter 128)
189 [23A-4-401](#), (Renumbered from 23-19-17, as last amended by Laws of Utah 2007,
190 Chapter 187)
191 [23A-4-402](#), (Renumbered from 23-19-17.5, as last amended by Laws of Utah 2017,
192 Chapter 46)
193 [23A-4-501](#), (Renumbered from 23-19-15, as last amended by Laws of Utah 2017,
194 Chapter 46)
195 [23A-4-503](#), (Renumbered from 23-19-16, as last amended by Laws of Utah 2000,
196 Chapter 195)
197 [23A-4-601](#), (Renumbered from 23-19-21, as last amended by Laws of Utah 2014,

198 Chapter 21)
199 **23A-4-602**, (Renumbered from 23-19-35, as last amended by Laws of Utah 1980,
200 Chapter 28)
201 **23A-4-701**, (Renumbered from 23-19-14.6, as last amended by Laws of Utah 2016,
202 Chapter 258)
203 **23A-4-702**, (Renumbered from 23-19-49, as enacted by Laws of Utah 2022, Chapter
204 102)
205 **23A-4-703**, (Renumbered from 23-19-22, as last amended by Laws of Utah 2016,
206 Chapter 258)
207 **23A-4-704**, (Renumbered from 23-19-22.5, as last amended by Laws of Utah 2007,
208 Chapter 187)
209 **23A-4-705**, (Renumbered from 23-19-22.6, as last amended by Laws of Utah 2007,
210 Chapter 187)
211 **23A-4-706**, (Renumbered from 23-19-24, as last amended by Laws of Utah 2007,
212 Chapter 187)
213 **23A-4-707**, (Renumbered from 23-19-26, as last amended by Laws of Utah 2007,
214 Chapter 187)
215 **23A-4-708**, (Renumbered from 23-20-20, as last amended by Laws of Utah 2011,
216 Chapter 297)
217 **23A-4-709**, (Renumbered from 23-20-30, as last amended by Laws of Utah 2020,
218 Chapter 135)
219 **23A-4-801**, (Renumbered from 23-19-34.5, as last amended by Laws of Utah 2010,
220 Chapter 256)
221 **23A-4-802**, (Renumbered from 23-19-34.7, as last amended by Laws of Utah 2010,
222 Chapter 256)
223 **23A-4-901**, (Renumbered from 23-19-27, as last amended by Laws of Utah 2001,
224 Chapter 22)
225 **23A-4-902**, (Renumbered from 23-19-31, as last amended by Laws of Utah 1980,

226 Chapter 28)
227 **23A-4-903**, (Renumbered from 23-19-32, as last amended by Laws of Utah 1980,
228 Chapter 28)
229 **23A-4-904**, (Renumbered from 23-19-33, as last amended by Laws of Utah 1980,
230 Chapter 28)
231 **23A-4-905**, (Renumbered from 23-18-5, as last amended by Laws of Utah 2011,
232 Chapter 297)
233 **23A-4-1001**, (Renumbered from 23-19-11, as last amended by Laws of Utah 2022,
234 Chapter 57)
235 **23A-4-1002**, (Renumbered from 23-19-11.1, as last amended by Laws of Utah 2017,
236 Chapter 46)
237 **23A-4-1003**, (Renumbered from 23-19-12, as last amended by Laws of Utah 2022,
238 Chapter 57)
239 **23A-4-1004**, (Renumbered from 23-19-12.7, as enacted by Laws of Utah 1998, Chapter
240 166)
241 **23A-4-1005**, (Renumbered from 23-19-11.5, as last amended by Laws of Utah 2017,
242 Chapter 46)
243 **23A-4-1006**, (Renumbered from 23-19-12.5, as enacted by Laws of Utah 1995, Chapter
244 120)
245 **23A-4-1007**, (Renumbered from 23-19-13, as last amended by Laws of Utah 1995,
246 Chapter 120)
247 **23A-4-1101**, (Renumbered from 23-19-5, as last amended by Laws of Utah 2007,
248 Chapter 136)
249 **23A-4-1102**, (Renumbered from 23-19-5.5, as last amended by Laws of Utah 2022,
250 Chapter 58)
251 **23A-4-1103**, (Renumbered from 23-19-6, as last amended by Laws of Utah 1979,
252 Chapter 90)
253 **23A-4-1106**, (Renumbered from 23-19-9, as last amended by Laws of Utah 2021,

254 Chapter 57)
255 **23A-4-1108**, (Renumbered from 23-19-9.1, as enacted by Laws of Utah 1997, Chapter
256 232)
257 **23A-4-1109**, (Renumbered from 23-19-9.5, as last amended by Laws of Utah 1995,
258 Chapter 211)
259 **23A-5-201**, (Renumbered from 23-20-1, as last amended by Laws of Utah 2013,
260 Chapter 394)
261 **23A-5-202**, (Renumbered from 23-20-1.5, as last amended by Laws of Utah 1998,
262 Chapter 282)
263 **23A-5-203**, (Renumbered from 23-20-2, as enacted by Laws of Utah 1971, Chapter 46)
264 **23A-5-204**, (Renumbered from 23-20-10, as last amended by Laws of Utah 2019,
265 Chapter 125)
266 **23A-5-205**, (Renumbered from 23-20-16, as last amended by Laws of Utah 1998,
267 Chapter 282)
268 **23A-5-206**, (Renumbered from 23-20-28, as last amended by Laws of Utah 2011,
269 Chapter 297)
270 **23A-5-207**, (Renumbered from 23-20-25, as last amended by Laws of Utah 1994,
271 Chapter 208)
272 **23A-5-301**, (Renumbered from 23-13-11, as last amended by Laws of Utah 2009,
273 Chapter 347)
274 **23A-5-302**, (Renumbered from 23-13-4, as enacted by Laws of Utah 1971, Chapter 46)
275 **23A-5-303**, (Renumbered from 23-13-5, as last amended by Laws of Utah 1973,
276 Chapter 33)
277 **23A-5-304**, (Renumbered from 23-13-13, as last amended by Laws of Utah 1975,
278 Chapter 60)
279 **23A-5-305**, (Renumbered from 23-13-14, as last amended by Laws of Utah 2017,
280 Chapter 129)
281 **23A-5-307**, (Renumbered from 23-13-18, as last amended by Laws of Utah 2021,

282 Chapter 177)
283 **23A-5-308**, (Renumbered from 23-13-19, as last amended by Laws of Utah 2017,
284 Chapter 345)
285 **23A-5-309**, (Renumbered from 23-20-3, as last amended by Laws of Utah 2009,
286 Chapter 347)
287 **23A-5-310**, (Renumbered from 23-20-3.5, as enacted by Laws of Utah 2000, Chapter 5)
288 **23A-5-311**, (Renumbered from 23-20-4, as last amended by Laws of Utah 2009,
289 Chapter 250)
290 **23A-5-312**, (Renumbered from 23-20-4.5, as last amended by Laws of Utah 2009,
291 Chapter 250)
292 **23A-5-313**, (Renumbered from 23-20-4.7, as enacted by Laws of Utah 2010, Chapter
293 52)
294 **23A-5-314**, (Renumbered from 23-20-8, as last amended by Laws of Utah 2013,
295 Chapter 282)
296 **23A-5-315**, (Renumbered from 23-20-12, as last amended by Laws of Utah 2011,
297 Chapter 366)
298 **23A-5-316**, (Renumbered from 23-20-13, as last amended by Laws of Utah 1995,
299 Chapters 23 and 211)
300 **23A-5-317**, (Renumbered from 23-20-14, as last amended by Laws of Utah 2022,
301 Chapter 87)
302 **23A-5-318**, (Renumbered from 23-20-15, as enacted by Laws of Utah 1971, Chapter
303 46)
304 **23A-5-319**, (Renumbered from 23-20-18, as last amended by Laws of Utah 1975,
305 Chapter 60)
306 **23A-5-320**, (Renumbered from 23-20-19, as last amended by Laws of Utah 1975,
307 Chapter 60)
308 **23A-5-321**, (Renumbered from 23-20-29, as last amended by Laws of Utah 2011,
309 Chapter 297)

310 **23A-5-322**, (Renumbered from 23-20-29.5, as enacted by Laws of Utah 1994, Chapter
311 87)
312 **23A-6-101**, (Renumbered from 23-21-.5, as last amended by Laws of Utah 2019,
313 Chapter 141)
314 **23A-6-201**, (Renumbered from 23-21-1, as enacted by Laws of Utah 1971, Chapter 46)
315 **23A-6-202**, (Renumbered from 23-21-1.5, as last amended by Laws of Utah 2009,
316 Chapter 388)
317 **23A-6-203**, (Renumbered from 23-21-2, as last amended by Laws of Utah 2011,
318 Chapter 297)
319 **23A-6-204**, (Renumbered from 23-21-6, as last amended by Laws of Utah 1993,
320 Chapter 227)
321 **23A-6-301**, (Renumbered from 23-21-2.1, as enacted by Laws of Utah 1998, Chapter
322 218)
323 **23A-6-302**, (Renumbered from 23-21-2.2, as enacted by Laws of Utah 1998, Chapter
324 218)
325 **23A-6-303**, (Renumbered from 23-21-2.3, as last amended by Laws of Utah 2021,
326 Chapter 382)
327 **23A-6-304**, (Renumbered from 23-21-2.4, as enacted by Laws of Utah 1998, Chapter
328 218)
329 **23A-6-305**, (Renumbered from 23-21-2.5, as enacted by Laws of Utah 1998, Chapter
330 218)
331 **23A-6-401**, (Renumbered from 23-21-2.6, as enacted by Laws of Utah 2022, Chapter
332 52)
333 **23A-6-402**, (Renumbered from 23-21-4, as last amended by Laws of Utah 2000,
334 Chapter 156)
335 **23A-6-403**, (Renumbered from 23-21-5, as last amended by Laws of Utah 2019,
336 Chapter 141)
337 **23A-6-404**, (Renumbered from 23-21-7, as enacted by Laws of Utah 2009, Chapter

338 347)
339 **23A-7-101**, (Renumbered from 23-23-2, as last amended by Laws of Utah 2005,
340 Chapter 112)
341 **23A-7-102**, (Renumbered from 23-23-3, as last amended by Laws of Utah 2005,
342 Chapter 112)
343 **23A-7-103**, (Renumbered from 23-23-1, as last amended by Laws of Utah 1997,
344 Chapter 258)
345 **23A-7-201**, (Renumbered from 23-23-4, as last amended by Laws of Utah 1997,
346 Chapter 258)
347 **23A-7-202**, (Renumbered from 23-23-5, as last amended by Laws of Utah 1997,
348 Chapter 258)
349 **23A-7-203**, (Renumbered from 23-23-6, as repealed and reenacted by Laws of Utah
350 1997, Chapter 258)
351 **23A-7-204**, (Renumbered from 23-23-7, as last amended by Laws of Utah 2005,
352 Chapter 112)
353 **23A-7-205**, (Renumbered from 23-23-7.5, as enacted by Laws of Utah 1997, Chapter
354 258)
355 **23A-7-206**, (Renumbered from 23-23-8, as last amended by Laws of Utah 1997,
356 Chapter 258)
357 **23A-7-207**, (Renumbered from 23-23-9, as last amended by Laws of Utah 1997,
358 Chapter 258)
359 **23A-7-208**, (Renumbered from 23-23-10, as last amended by Laws of Utah 2000,
360 Chapter 44)
361 **23A-7-209**, (Renumbered from 23-23-11, as last amended by Laws of Utah 2011,
362 Chapter 297)
363 **23A-7-210**, (Renumbered from 23-23-12, as enacted by Laws of Utah 1988, Chapter
364 158)
365 **23A-7-211**, (Renumbered from 23-23-13, as enacted by Laws of Utah 1988, Chapter

366 158)
367 **23A-7-212**, (Renumbered from 23-23-14, as last amended by Laws of Utah 2013,
368 Chapter 212)
369 **23A-8-201**, (Renumbered from 23-24-1, as last amended by Laws of Utah 2017,
370 Chapter 345)
371 **23A-8-202**, (Renumbered from 23-24-2, as enacted by Laws of Utah 2020, Chapter
372 100)
373 **23A-8-203**, (Renumbered from 23-18-4, as enacted by Laws of Utah 1971, Chapter 46)
374 **23A-8-301**, (Renumbered from 23-17-4, as last amended by Laws of Utah 2011,
375 Chapter 297)
376 **23A-8-302**, (Renumbered from 23-17-5.1, as enacted by Laws of Utah 2013, Chapter
377 375)
378 **23A-8-401**, (Renumbered from 23-16-2, as enacted by Laws of Utah 1971, Chapter 46)
379 **23A-8-402**, (Renumbered from 23-16-3, as last amended by Laws of Utah 2022,
380 Chapter 45)
381 **23A-8-403**, (Renumbered from 23-16-3.1, as last amended by Laws of Utah 2022,
382 Chapter 45)
383 **23A-8-404**, (Renumbered from 23-16-3.2, as last amended by Laws of Utah 2022,
384 Chapter 45)
385 **23A-8-405**, (Renumbered from 23-16-4, as last amended by Laws of Utah 2022,
386 Chapter 45)
387 **23A-9-201**, (Renumbered from 23-15-4, as last amended by Laws of Utah 2018,
388 Chapter 148)
389 **23A-9-202**, (Renumbered from 23-15-5, as enacted by Laws of Utah 1971, Chapter 46)
390 **23A-9-203**, (Renumbered from 23-15-10, as last amended by Laws of Utah 2017,
391 Chapter 412)
392 **23A-9-204**, (Renumbered from 23-15-13, as last amended by Laws of Utah 1997,
393 Chapter 82)

394 **23A-9-301**, (Renumbered from 23-15-3, as last amended by Laws of Utah 1983,
395 Chapter 347)
396 **23A-9-302**, (Renumbered from 23-15-6, as enacted by Laws of Utah 1971, Chapter 46)
397 **23A-9-303**, (Renumbered from 23-15-7, as enacted by Laws of Utah 1971, Chapter 46)
398 **23A-9-304**, (Renumbered from 23-15-8, as last amended by Laws of Utah 1994,
399 Chapter 153)
400 **23A-9-305**, (Renumbered from 23-15-9, as last amended by Laws of Utah 2011,
401 Chapter 297)
402 **23A-10-101**, (Renumbered from 23-27-102, as last amended by Laws of Utah 2020,
403 Chapter 195)
404 **23A-10-201**, (Renumbered from 23-27-201, as last amended by Laws of Utah 2014,
405 Chapter 274)
406 **23A-10-202**, (Renumbered from 23-27-202, as enacted by Laws of Utah 2008, Chapter
407 284)
408 **23A-10-301**, (Renumbered from 23-27-301, as last amended by Laws of Utah 2020,
409 Chapter 195)
410 **23A-10-302**, (Renumbered from 23-27-302, as enacted by Laws of Utah 2008, Chapter
411 284)
412 **23A-10-303**, (Renumbered from 23-27-303, as enacted by Laws of Utah 2008, Chapter
413 284)
414 **23A-10-304**, (Renumbered from 23-27-304, as enacted by Laws of Utah 2020, Chapter
415 195)
416 **23A-10-305**, (Renumbered from 23-27-306, as enacted by Laws of Utah 2020, Chapter
417 195)
418 **23A-10-401**, (Renumbered from 23-27-401, as enacted by Laws of Utah 2008, Chapter
419 284)
420 **23A-10-501**, (Renumbered from 23-27-501, as enacted by Laws of Utah 2021, Chapter
421 248)

422 **23A-11-101**, (Renumbered from 23-16-1.1, as last amended by Laws of Utah 2022,
423 Chapter 45)
424 **23A-11-201**, (Renumbered from 23-16-5, as last amended by Laws of Utah 2022,
425 Chapter 294)
426 **23A-11-202**, (Renumbered from 23-16-6, as last amended by Laws of Utah 2008,
427 Chapter 239)
428 **23A-11-203**, (Renumbered from 23-16-11, as enacted by Laws of Utah 2021, Chapter
429 177)
430 **23A-11-204**, (Renumbered from 23-20-33, as enacted by Laws of Utah 2022, Chapter
431 45)
432 **23A-11-205**, (Renumbered from 23-20-31, as last amended by Laws of Utah 2011,
433 Chapter 297)
434 **23A-11-301**, (Renumbered from 23-16-7, as last amended by Laws of Utah 1995,
435 Chapter 211)
436 **23A-11-302**, (Renumbered from 23-16-10, as enacted by Laws of Utah 2020, Chapter
437 15)
438 **23A-11-401**, (Renumbered from 23-30-102, as enacted by Laws of Utah 2012, Chapter
439 143)
440 **23A-11-402**, (Renumbered from 23-30-104, as enacted by Laws of Utah 2012, Chapter
441 143)
442 **23A-12-201**, (Renumbered from 23-17-5.2, as enacted by Laws of Utah 2013, Chapter
443 375)
444 **23A-12-202**, (Renumbered from 23-17-6, as last amended by Laws of Utah 2015,
445 Chapter 200)
446 **23A-12-203**, (Renumbered from 23-17-7, as enacted by Laws of Utah 1971, Chapter
447 46)
448 **23A-12-204**, (Renumbered from 23-17-8, as last amended by Laws of Utah 2011,
449 Chapter 297)

450 **23A-12-205**, (Renumbered from 23-17-9, as enacted by Laws of Utah 1971, Chapter
451 46)
452 **23A-12-301**, (Renumbered from 23-32-102, as enacted by Laws of Utah 2021, Chapter
453 177)
454 **23A-12-302**, (Renumbered from 23-32-103, as enacted by Laws of Utah 2021, Chapter
455 177)
456 **23A-12-303**, (Renumbered from 23-32-104, as enacted by Laws of Utah 2021, Chapter
457 177)
458 **23A-13-101**, (Renumbered from 23-28-102, as enacted by Laws of Utah 2009, Chapter
459 273)
460 **23A-13-201**, (Renumbered from 23-28-201, as last amended by Laws of Utah 2021,
461 Chapter 41)
462 **23A-13-202**, (Renumbered from 23-28-202, as last amended by Laws of Utah 2021,
463 Chapter 41)
464 **23A-13-301**, (Renumbered from 23-28-301, as enacted by Laws of Utah 2009, Chapter
465 273)
466 **23A-13-302**, (Renumbered from 23-28-302, as last amended by Laws of Utah 2021,
467 Chapter 41)
468 **23A-13-303**, (Renumbered from 23-28-303, as last amended by Laws of Utah 2019,
469 Chapter 81)
470 **23A-13-304**, (Renumbered from 23-28-304, as enacted by Laws of Utah 2009, Chapter
471 273)
472 **23A-13-305**, (Renumbered from 23-28-305, as enacted by Laws of Utah 2009, Chapter
473 273)
474 **23A-14-201**, (Renumbered from 23-18-2, as last amended by Laws of Utah 1986,
475 Chapter 76)
476 **23A-14-202**, (Renumbered from 23-18-3, as enacted by Laws of Utah 1971, Chapter
477 46)

478 **23A-14-203**, (Renumbered from 23-18-6, as enacted by Laws of Utah 1993, Chapter
479 264)
480 **23A-15-101**, (Renumbered from 23-29-102, as enacted by Laws of Utah 2010, Chapter
481 20)
482 **23A-15-102**, (Renumbered from 23-29-103, as enacted by Laws of Utah 2010, Chapter
483 20)
484 **23A-15-201**, (Renumbered from 23-29-201, as enacted by Laws of Utah 2010, Chapter
485 20)
486 **23A-15-202**, (Renumbered from 23-29-202, as enacted by Laws of Utah 2010, Chapter
487 20)
488 REPEALS:
489 **23-13-1**, as last amended by Laws of Utah 2007, Chapter 306
490 **23-13-16**, as enacted by Laws of Utah 1992, Chapter 261
491 **23-14-2.1**, as last amended by Laws of Utah 2008, Chapter 382
492 **23-14-11**, as last amended by Laws of Utah 1984, Chapter 67
493 **23-14-16**, as last amended by Laws of Utah 1992, Chapter 30
494 **23-17-5**, as enacted by Laws of Utah 1971, Chapter 46
495 **23-20-23**, as enacted by Laws of Utah 1971, Chapter 46
496 **23-21a-1**, as enacted by Laws of Utah 1977, Chapter 103
497 **23-21a-2**, as enacted by Laws of Utah 1977, Chapter 103
498 **23-21a-3**, as enacted by Laws of Utah 1977, Chapter 103
499 **23-21a-4**, as enacted by Laws of Utah 1977, Chapter 103
500 **23-21a-5**, as enacted by Laws of Utah 1977, Chapter 103
501 **23-21a-6**, as enacted by Laws of Utah 1977, Chapter 103
502 **23-25-1**, as enacted by Laws of Utah 1992, Chapter 260
503 **23-25-12**, as enacted by Laws of Utah 1992, Chapter 260
504 **23-27-101**, as enacted by Laws of Utah 2008, Chapter 284
505 **23-28-101**, as enacted by Laws of Utah 2009, Chapter 273

- 506 **23-29-101**, as enacted by Laws of Utah 2010, Chapter 20
- 507 **23-30-101**, as enacted by Laws of Utah 2012, Chapter 143
- 508 **23-31-101**, as enacted by Laws of Utah 2020, Chapter 190
- 509 **23-32-101**, as enacted by Laws of Utah 2021, Chapter 177



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

512 Section 1. Section **23A-1-101**, which is renumbered from Section 23-13-2 is
513 renumbered and amended to read:

514 **TITLE 23A. WILDLIFE RESOURCES ACT**

515 **CHAPTER 1. GENERAL PROVISIONS**

516 **Part 1. General Provisions**

517 ~~[23-13-2]~~. **23A-1-101. Definitions.**

518 As used in this title:

519 (1) "Activity regulated under this title" means an act, attempted act, or activity
520 prohibited or regulated under this title or the rules[;] and proclamations promulgated under this
521 title pertaining to protected wildlife including:

- 522 (a) fishing;
- 523 (b) hunting;
- 524 (c) trapping;
- 525 (d) taking;
- 526 (e) permitting [~~any~~] a dog, falcon, or other domesticated animal to take;
- 527 (f) transporting;
- 528 (g) possessing;
- 529 (h) selling;
- 530 (i) wasting;
- 531 (j) importing;
- 532 (k) exporting;
- 533 (l) rearing;

- 534 (m) keeping;
- 535 (n) using as a commercial venture; and
- 536 (o) releasing to the wild.
- 537 (2) "Aquaculture facility" means the same as that term is defined in Section [4-37-103](#).
- 538 (3) "Aquatic animal" means the same as that term is defined in Section [4-37-103](#).
- 539 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
- 540 amphibians.
- 541 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife
- 542 that one person may legally take during one day.
- 543 (6) "Big game" means species of hoofed protected wildlife.
- 544 (7) "Carcass" means the dead body of an animal or ~~[its]~~ the animal's parts.
- 545 (8) "Certificate of registration" means a paper-based or electronic document issued
- 546 under this title, or ~~[any]~~ a rule or proclamation of the Wildlife Board granting authority to
- 547 engage in activities not covered by a license, permit, or tag.
- 548 (9) "Closed season" means the period of time during which the taking of protected
- 549 wildlife is prohibited.
- 550 (10) "Conservation officer" means a full-time, permanent employee of the ~~[Division of~~
- 551 ~~Wildlife Resources]~~ division who is POST certified as a peace or a special function officer.
- 552 (11) "Dedicated hunter program" means a program that provides:
- 553 (a) expanded hunting opportunities;
- 554 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 555 (c) education in hunter ethics and wildlife management principles.
- 556 (12) "Department" means the Department of Natural Resources.
- 557 (13) "Director" means the director of the division appointed under Section [23A-2-202](#).
- 558 ~~[(12)]~~ (14) "Division" means the Division of Wildlife Resources.
- 559 ~~[(13)]~~ (a) "Domicile" (15) Subject to Section [23A-1-103](#), "domicile" means the place:
- 560 [(i)] (a) where an individual has a fixed permanent home and principal establishment;
- 561 [(ii)] (b) to which the individual if absent, intends to return; and

562 [(iii)] (c) in which the individual, and the individual's family voluntarily reside, not for
563 a special or temporary purpose, but with the intention of making a permanent home.

564 [~~(b) To create a new domicile an individual shall:~~]

565 [~~(i) abandon the old domicile; and]~~

566 [~~(ii) be able to prove that a new domicile has been established.]~~

567 [(14)] (16) "Endangered" means wildlife designated as endangered according to
568 Section 3 of the federal Endangered Species Act of 1973.

569 (17) "Executive director" means the executive director of the Department of Natural
570 Resources.

571 [(15)] (18) "Fee fishing facility" means the same as that term is defined in Section
572 [4-37-103](#).

573 [(16)] (19) "Feral" means an animal that is normally domesticated but has reverted to
574 the wild.

575 [(17)] (20) "Fishing" means to take fish or crayfish by any means.

576 [(18)] (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae,
577 Mustelidae, and Castoridae families, except coyote and cougar.

578 [(19)] (22) "Game" means wildlife normally pursued, caught, or taken by sporting
579 means for human use.

580 [~~(20) "Guide" means a person who receives compensation or advertises services for
581 assisting another person to take protected wildlife, including the provision of food, shelter, or
582 transportation, or any combination of these:]~~

583 [~~(21) "Guide's agent" means a person who is employed by a guide to assist another
584 person to take protected wildlife:]~~

585 [(22)] (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by
586 any means.

587 (24) "Hunting guide" means the same as that term is defined in Section [58-79-102](#).

588 [(23)] (25) "Intimidate or harass" means to physically interfere with or impede, hinder,
589 or diminish the efforts of an officer in the performance of the officer's duty.

590 ~~[(24)]~~ (26) (a) "Natural flowing stream" means a topographic low where water collects
591 and perennially or intermittently flows with a perceptible current in a channel formed
592 exclusively by forces of nature.

593 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:

594 (i) realigned or modified channel that replaces the historic, natural flowing stream
595 channel; and

596 (ii) dredged natural flowing stream channel.

597 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
598 other water delivery system that diverts and conveys water to an approved place of use
599 pursuant to a certificated water right.

600 ~~[(25)]~~ (27) (a) "Natural lake" means a perennial or intermittent body of water that
601 collects on the surface of the earth exclusively through the forces of nature and without human
602 assistance.

603 (b) "Natural lake" does not mean a lake where ~~[a]t~~ the surface water sources supplying
604 the body of water originate from groundwater springs no more than 100 yards upstream.

605 (28) "Nominating committee" means the Wildlife Board Nominating Committee
606 created in Section 23A-2-302.

607 ~~[(26)]~~ (29) "Nonresident" means a person who does not qualify as a resident.

608 ~~[(27)]~~ (30) "Open season" means the period of time during which protected wildlife
609 may be legally taken.

610 (31) "Outfitter" means the same as that term is defined in Section 58-79-102.

611 ~~[(28)]~~ (32) "Pecuniary gain" means the acquisition of money or something of monetary
612 value.

613 ~~[(29)]~~ (33) "Permit" means a paper-based or electronic document~~[-including a stamp,]~~
614 that grants authority to engage in specified activities under this title or a rule or proclamation of
615 the Wildlife Board.

616 ~~[(30)]~~ (34) "Person" means an individual, association, partnership, government agency,
617 corporation, or an agent of the ~~[foregoing]~~ individual, association, partnership, government

618 agency, or corporation.

619 (35) "Pollute water" means to introduce into waters within the state matter or thermal
620 energy that:

621 (a) exceeds state water quality standards; or

622 (b) could harm protected wildlife.

623 ~~[(31)]~~ (36) "Possession" means actual or constructive possession.

624 ~~[(32)]~~ (37) "Possession limit" means the number of bag limits one individual may
625 legally possess.

626 ~~[(33)]~~ (38) (a) "Private fish pond" means a pond, reservoir, or other body of water,
627 including a fish culture system, located on privately owned land where privately owned fish:

628 (i) are propagated or kept for a private noncommercial purpose; and

629 (ii) may be taken without a fishing license.

630 (b) "Private fish pond" does not include:

631 (i) an aquaculture facility[;];

632 (ii) a fee fishing facility[;];

633 (iii) a short-term fishing event[;]; or

634 (iv) private stocking.

635 ~~[(34)-(a)]~~ (39) "Private stocking" means an authorized release of privately owned, live
636 fish in the waters of the state not eligible as:

637 (a) a private fish pond under Section ~~[23-15-10]~~ [23A-9-203](#); or

638 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture
639 Act.

640 ~~[(b) Fish released under private stocking become the property of the state and subject~~
641 ~~to the fishing regulations set forth in this title and the rules and proclamations of the Wildlife~~
642 ~~Board.]~~

643 ~~[(35)]~~ (40) "Private wildlife farm" means an enclosed place where privately owned
644 birds or furbearers are propagated or kept and that restricts the birds or furbearers from:

645 (a) commingling with wild birds or furbearers; and

646 (b) escaping into the wild.

647 [~~(36)~~] (41) "Proclamation" means the publication that is:

648 (a) used to convey a statute, rule, policy, or pertinent information [~~as it relates~~] related
649 to wildlife[-]; and

650 (b) issued in accordance with a rule made by the Wildlife Board under this title.

651 [~~(37)~~] (42) (a) "Protected aquatic wildlife" means aquatic wildlife [~~as defined in~~
652 ~~Subsection (3);~~] except as provided in Subsection [~~(37)~~] (42)(b).

653 (b) "Protected aquatic wildlife" does not include aquatic insects.

654 [~~(38)~~] (43) (a) "Protected wildlife" means wildlife [~~as defined in Subsection (54)~~],
655 except as provided in Subsection [~~(38)~~] (43)(b).

656 (b) "Protected wildlife" does not include:

657 (i) coyote[-];

658 (ii) field mouse[-];

659 (iii) gopher[-];

660 (iv) ground squirrel[-];

661 (v) jack rabbit[-];

662 (vi) muskrat[-, ~~and~~]; or

663 (vii) raccoon.

664 (44) "Regional advisory council" means a council created under Section [23A-2-303](#).

665 [~~(39)~~] (45) "Released to the wild" means to be turned loose from confinement.

666 [~~(40)~~] (46) (a) "Reservoir constructed on a natural stream channel" means a body of
667 water collected and stored on the course of a natural flowing stream by impounding the stream
668 through excavation or diking.

669 (b) "Reservoir constructed on a natural stream channel" does not mean an
670 impoundment on a natural flowing stream where all surface water sources supplying the
671 impoundment originate from groundwater springs no more than 100 yards upstream.

672 [~~(41)~~] (a) ~~"Resident"~~ (47) Subject to Section [23A-1-103](#), "resident" means a person
673 who:

674 [(i)] (a) has been domiciled in the state for six consecutive months immediately
675 preceding the purchase of a license; and

676 [(ii)] (b) does not claim residency for hunting, fishing, or trapping in [any other]
677 another state or country.

678 [~~(b) A Utah resident retains Utah residency if that person leaves this state:~~]

679 [~~(i) to serve in the armed forces of the United States or for religious or educational
680 purposes; and]~~

681 [~~(ii) the person complies with Subsection (41)(a)(ii):]~~

682 [~~(c) (i) A member of the armed forces of the United States and dependents are residents
683 for the purposes of this chapter as of the date the member reports for duty under assigned
684 orders in the state if the member:]~~

685 [~~(A) is not on temporary duty in this state; and]~~

686 [~~(B) complies with Subsection (41)(a)(ii):]~~

687 [~~(ii) A copy of the assignment orders shall be presented to a wildlife division office to
688 verify the member's qualification as a resident:]~~

689 [~~(d) A nonresident attending an institution of higher learning in this state as a full-time
690 student may qualify as a resident for purposes of this chapter if the student:]~~

691 [(i) has been present in this state for 60 consecutive days immediately preceding the
692 purchase of the license; and]

693 [(ii) complies with Subsection (41)(a)(ii):]

694 [(e) A Utah resident license is invalid if a resident license for hunting, fishing, or
695 trapping is purchased in any other state or country:]

696 [(f) An absentee landowner paying property tax on land in Utah does not qualify as a
697 resident:]

698 [(42)] (48) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the
699 act of selling, bartering, exchanging, or trading.

700 [(43)(a)] (49) "Short-term fishing event" means an event when:

701 (a) privately acquired fish are held or confined for a period not to exceed 10 days for

702 the purpose of providing fishing or recreational opportunity; and ~~[where]~~

703 (b) no fee is charged as a requirement to fish.

704 ~~[(b) A fishing license is not required to take fish at a short-term fishing event.]~~

705 ~~[(44)]~~ (50) "Small game" means species of protected wildlife:

706 (a) commonly pursued for sporting purposes;

707 (b) not classified as big game, aquatic wildlife, or furbearers; and

708 (c) excluding turkey, cougar, and bear.

709 ~~[(45)]~~ (51) "Spoiled" means impairment of the flesh of wildlife that renders the flesh
710 unfit for human consumption.

711 ~~[(46)]~~ (52) "Spotlighting" means throwing or casting the rays of ~~[any]~~ a spotlight,
712 headlight, or other artificial light on ~~[any]~~ a highway or in ~~[any]~~ a field, woodland, or forest
713 while having in possession a weapon by which protected wildlife may be killed.

714 ~~[(47)]~~ (53) "Tag" means a card, label, or other paper-based or electronic means of
715 identification used to document harvest of protected wildlife.

716 ~~[(48)]~~ (54) "Take" means to:

717 (a) hunt, pursue, harass, catch, capture, possess, angle, seine, trap, or kill ~~[any]~~
718 protected wildlife; or

719 (b) attempt ~~[any]~~ an action referred to in Subsection ~~[(48)]~~ (54)(a).

720 ~~[(49)]~~ (55) "Threatened" means wildlife designated as ~~[such]~~ threatened pursuant to
721 Section 3 of the federal Endangered Species Act of 1973.

722 ~~[(50)]~~ (56) "Trapping" means taking protected wildlife with a trapping device.

723 ~~[(51)]~~ (57) "Trophy animal" means an animal described as follows:

724 (a) deer - a buck with an outside antler measurement of 24 inches or greater;

725 (b) elk - a bull with six points on at least one side;

726 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;

727 (d) moose - a bull with at least one antler exceeding five inches in length;

728 (e) mountain goat - a male or female;

729 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or

730 (g) bison - a bull.

731 (58) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning

732 dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

733 [~~(52)~~] (59) "Waste" means to:

734 (a) abandon protected wildlife [~~or to~~]; or

735 (b) allow protected wildlife to spoil or to be used in a manner not normally associated

736 with the protected wildlife's beneficial use.

737 [~~(53) "Water pollution" means the introduction of matter or thermal energy to waters~~

738 ~~within this state that:]~~

739 [~~(a) exceeds state water quality standards; or]~~

740 [~~(b) could be harmful to protected wildlife.]~~

741 [~~(54)~~] (60) "Wildlife" means:

742 (a) crustaceans, including brine shrimp and crayfish;

743 (b) mollusks; and

744 (c) vertebrate animals living in nature, except feral animals.

745 (61) "Wildlife Board" means the board created in Section [23A-2-301](#).

746 Section 2. Section **23A-1-102**, which is renumbered from Section 23-13-3 is

747 renumbered and amended to read:

748 **[23-13-3]. 23A-1-102. Wildlife declared property of the state.**

749 [~~All wildlife~~] (1) Wildlife existing within this state, not held by private ownership and

750 legally acquired, is the property of the state.

751 (2) Fish released under private stocking become the property of the state and subject to

752 the fishing regulations set forth in this title or a rule or proclamation of the Wildlife Board.

753 Section 3. Section **23A-1-103** is enacted to read:

754 **23A-1-103. Domicile or residency.**

755 (1) To create a new domicile an individual shall:

756 (a) abandon the old domicile; and

757 (b) be able to prove that a new domicile has been established.

- 758 (2) A Utah resident retains Utah residency if that person leaves this state:
 759 (a) to serve in the armed forces of the United States or for religious or educational
 760 purposes; and
 761 (b) the person complies with Subsection 23A-1-101(47)(b).
 762 (3) (a) A member of the armed forces of the United States and dependents are residents
 763 for the purposes of this title as of the date the member reports for duty under assigned orders in
 764 the state if the member:
 765 (i) is not on temporary duty in this state; and
 766 (ii) complies with Subsection 23A-1-101(47)(b).
 767 (b) A member shall present a copy of the assignment orders to a division office to
 768 verify the member's qualification as a resident.
 769 (4) A nonresident attending an institution of higher learning in this state as a full-time
 770 student may qualify as a resident for purposes of this title if the student:
 771 (a) has been present in this state for 60 consecutive days immediately preceding the
 772 purchase of the license; and
 773 (b) complies with Subsection 23A-1-101(47)(b).
 774 (5) A Utah resident license is invalid if a resident license for hunting, fishing, or
 775 trapping is purchased in another state or country.
 776 (6) An absentee landowner paying property tax on land in Utah does not qualify as a
 777 resident.

778 Section 4. Section **23A-1-201**, which is renumbered from Section 23-13-8 is
 779 renumbered and amended to read:

780 **Part 2. Miscellaneous**

- 781 ~~[23-13-8].~~ **23A-1-201. Private wildlife farms.**
 782 (1) ~~[Any]~~ (a) Subject to the requirements of this section, a person may:
 783 (i) establish and maintain a private wildlife ~~[farms]~~ farm for propagating, rearing, and
 784 keeping furbearers or birds classified as protected wildlife ~~[and may]~~; and
 785 (ii) sell or dispose of wildlife reared upon ~~[such farms]~~ the private wildlife farm,

786 except that disposal may not include release to the wild without first securing written
787 permission from the Wildlife Board.

788 (b) Before establishing [~~such~~] a private wildlife farm, a person shall obtain written
789 authorization from the [~~Division of Wildlife Resources~~] division in accordance with rules
790 established by the Wildlife Board[~~Any wildlife which~~] in accordance with Title 63G, Chapter
791 3, Utah Administrative Rulemaking Act.

792 (c) Wildlife that escapes from a private wildlife [~~farms~~] farm becomes the property of
793 the state.

794 (2) This section does not:

795 (a) apply to a private fur [~~farms~~] farm established and maintained for rearing
796 domesticated, privately owned mink or chinchilla [~~which~~] that were not acquired as wild
797 animals from [~~any~~] a state or country[~~, nor does it~~]; or

798 (b) provide for the propagating, rearing, and keeping of [~~any~~] a protected wildlife other
799 than [~~those~~] a wildlife specified in this section.

800 Section 5. Section **23A-1-202**, which is renumbered from Section 23-13-12.5 is
801 renumbered and amended to read:

802 [~~23-13-12.5~~]. **23A-1-202. Agreement with a tribe.**

803 (1) As used in this section, "tribe" means a federally recognized:

804 (a) Indian tribe; or

805 (b) Indian band.

806 (2) (a) Subject to the requirements of this section, the governor may enter into an
807 agreement with a tribe to settle a dispute between the state and the tribe concerning a hunting,
808 fishing, or trapping right claim that is:

809 (i) based on:

810 (A) a treaty;

811 (B) an aboriginal right; or

812 (C) other recognized federal right; and

813 (ii) on lands located within the state.

814 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection
815 (2)(a) may not exempt ~~[any]~~ a person from the requirements of this title.

816 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a
817 tribe that is a party to the agreement or a member of that tribe from:

818 (i) Section ~~[23-16-5]~~ 23A-11-201, placing a limit of one of any species of big game
819 during a license year;

820 (ii) Section ~~[23-16-6]~~ 23A-11-202, commencement date of the general deer season;

821 (iii) a hunter or furharvester education requirement under Chapter ~~[19]~~ 4, Licenses,
822 Permits, Certificates of Registration, and Tags;

823 (iv) an age restriction under Chapter ~~[19]~~ 4, Licenses, Permits, Certificates of
824 Registration, and Tags;

825 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping license
826 or permit;

827 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or

828 (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is
829 not inconsistent with this title.

830 (d) An agreement permitted under Subsection (2)(a) shall:

831 (i) be in writing;

832 (ii) be signed by:

833 (A) the governor; and

834 (B) the governing body of the tribe that:

835 (I) is designated by the tribe; and

836 (II) may bind the tribe to the terms of the agreement;

837 (iii) be conditioned on obtaining any approval required by federal law;

838 (iv) state the effective date of the agreement;

839 (v) provide that the governor shall renegotiate the agreement if the agreement is or
840 becomes inconsistent with a state statute for which an exemption is not authorized under this
841 section; and

842 (vi) include any accommodation made by the tribe that:
 843 (A) is agreed to by the tribe;
 844 (B) is reasonably related to the agreement; and
 845 (C) concerns the management and use of wildlife resources or habitat.
 846 (e) [~~Prior to~~] Before executing an agreement under this Subsection (2), the governor
 847 shall consult with:

- 848 (i) the division; and
- 849 (ii) the chair of the Wildlife Board [~~created in Section 23-14-2~~].
- 850 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
 851 governor or the governor's designee shall provide a copy of the agreement in the form that the
 852 agreement will be executed to:
 - 853 (i) the chairs of the Native American Legislative Liaison Committee; and
 - 854 (ii) the Office of Legislative Research and General Counsel.

855 Section 6. Section **23A-1-203**, which is renumbered from Section 23-13-15 is
 856 renumbered and amended to read:

857 ~~[23-13-15]~~. **23A-1-203. Utah State Hunting and Fishing Day.**

858 In recognition of the substantial and continued contribution by hunters and fishermen
 859 toward the sound management of wildlife in Utah, the fourth Saturday of September of each
 860 year is [~~hereby established~~] known as "Utah State Hunting and Fishing Day."

861 Section 7. Section **23A-1-204**, which is renumbered from Section 23-13-17 is
 862 renumbered and amended to read:

863 ~~[23-13-17]~~. **23A-1-204. Spotlighting of coyote, red fox, striped skunk, and**
 864 **raccoon -- County ordinances -- Permits.**

865 (1) For purposes of a county ordinance enacted pursuant to this section, "motor
 866 vehicle" means the same as that term is defined in Section 41-6a-102.

867 [~~(1)~~] (2) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon
 868 [~~where~~] when allowed by a county ordinance enacted pursuant to this section.

869 [~~(2)~~] (3) The ordinance shall provide that:

870 (a) ~~[any]~~ a hunter shall carry the artificial light used to spotlight coyote, red fox, striped
871 skunk, or raccoon ~~[shall be carried by the hunter];~~

872 (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may
873 not be used to spotlight the ~~[animal]~~ coyote, red fox, striped skunk, or raccoon; and

874 (c) while hunting with the use of an artificial light, the hunter may not occupy or
875 operate ~~[any]~~ a motor vehicle.

876 ~~[(3) For purposes of the county ordinance, "motor vehicle" shall have the meaning as~~
877 ~~defined in Section 41-6a-102.]~~

878 (4) The ordinance may specify:

879 (a) the time of day and seasons when spotlighting is permitted;

880 (b) areas closed or open to spotlighting within the unincorporated area of the county;

881 (c) safety zones within which spotlighting is prohibited;

882 (d) the weapons permitted; and

883 (e) penalties for violation of the ordinance.

884 (5) (a) A county may restrict the number of hunters engaging in spotlighting by
885 requiring a permit to spotlight and issuing a limited number of permits.

886 (b) (i) A county may charge a fee ~~[may be charged]~~ for a spotlighting permit.

887 ~~[(ii) Any permit fee shall be established by the county ordinance.]~~

888 (ii) A county ordinance shall establish the permit fee.

889 (iii) ~~[Revenues]~~ A county shall remit revenue generated by the permit fee ~~[shall be~~
890 ~~remitted to the Division of Wildlife Resources]~~ to the division for deposit into the Wildlife

891 Resources Account, except the Wildlife Board may allow ~~[any]~~ a county that enacts an

892 ordinance pursuant to this section to retain a reasonable amount to pay for the costs of

893 administering and enforcing the ordinance~~[, provided this]~~ if the use of the permit revenues

894 does not affect federal funds received by the state under Wildlife Restoration Act, 16 U.S.C.

895 Sec. 669 et seq., ~~[Wildlife Restoration Act]~~ and Sport Fish Restoration Act, 16 U.S.C. Sec. 777

896 et seq.~~[, Sport Fish Restoration Act.]~~

897 (6) A county may require ~~[hunters]~~ a hunter to notify the county sheriff of the time and

898 place [~~they~~] the hunter will be engaged in spotlighting.

899 (7) The requirement that a county enact an ordinance [~~shall be enacted~~] before a person
900 may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

901 (a) a person or the person's agent who is lawfully acting to protect the person's crops or
902 domestic animals from predation by those animals; or

903 (b) an animal damage control agent acting in the agent's official capacity under a
904 memorandum of agreement with the division.

905 Section 8. Section **23A-1-205**, which is renumbered from Section 23-20-9 is
906 renumbered and amended to read:

907 [~~23-20-9~~]. **23A-1-205. Donating protected wildlife.**

908 (1) A person may only donate protected wildlife or [~~their~~] wildlife parts to another
909 person at:

910 (a) the residence of the donor;

911 (b) the residence of the person receiving protected wildlife or [~~their~~] the wildlife parts;

912 (c) a meat locker;

913 (d) a storage plant;

914 (e) a meat processing facility; or

915 (f) a location authorized by the Wildlife Board in rule, proclamation, or order.

916 (2) A written statement of donation shall be kept with the protected wildlife or parts
917 showing:

918 (a) the number and species of protected wildlife or parts donated;

919 (b) the date of donation;

920 (c) the license or permit number of the donor; and

921 (d) the signature of the donor.

922 (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big
923 game animal to another person or organization at any place without a donation slip.

924 Section 9. Section **23A-2-101** is enacted to read:

925 **CHAPTER 2. ADMINISTRATION**

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Part 1. General Provisions

23A-2-101. Definitions.

Reserved.

Section 10. Section **23A-2-102**, which is renumbered from Section 23-14-3 is renumbered and amended to read:

[23-14-3]. 23A-2-102. Powers of division to determine facts -- Policymaking powers of Wildlife Board.

(1) The [~~Division of Wildlife Resources~~] division may determine the facts relevant to the wildlife resources of this state.

(2) (a) Upon a determination of [~~these~~] the facts, the Wildlife Board shall establish the policies best designed to accomplish the purposes and fulfill the intent of [~~all~~] the laws pertaining to wildlife and the preservation, protection, conservation, perpetuation, introduction, and management of wildlife.

(b) In establishing policy, the Wildlife Board shall:

(i) recognize that wildlife and [~~its~~] the wildlife's habitat are an essential part of a healthy, productive environment;

(ii) recognize the impact of wildlife on humans, human economic activities, private property rights, and local economies;

(iii) seek to balance the habitat requirements of wildlife with the social and economic activities of [~~man~~] humans;

(iv) recognize the social and economic values of wildlife, including fishing, hunting, and other uses; and

(v) seek to maintain wildlife on a sustainable basis.

(c) (i) The Wildlife Board shall consider the recommendations of the regional advisory councils established in Section [~~23-14-2.6~~] 23A-2-303.

(ii) If a regional advisory council recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the recommendation, the Wildlife Board shall provide a written explanation to the regional advisory council recommending the opposing position.

954 (3) ~~[No]~~ An authority conferred upon the Wildlife Board by this title ~~[shall]~~ may not
 955 supersede the administrative authority of the executive director ~~[of the Department of Natural~~
 956 ~~Resources]~~ or the director ~~[of the Division of Wildlife Resources]~~.

957 Section 11. Section **23A-2-201**, which is renumbered from Section 23-14-1 is
 958 renumbered and amended to read:

959 **Part 2. Division and Director**

960 ~~[23-14-1]~~. **23A-2-201. Division of Wildlife Resources -- Limits on authority of**
 961 **political subdivisions -- Adjudicative proceedings -- Official seal.**

962 (1) (a) There is created the Division of Wildlife Resources within the Department of
 963 Natural Resources under the administration and general supervision of the executive director
 964 ~~[of the Department of Natural Resources]~~.

965 (b) The ~~[Division of Wildlife Resources]~~ division is the wildlife authority for Utah and
 966 is vested with the functions, powers, duties, rights, and responsibilities provided in this title
 967 and other law.

968 (2) (a) Subject to the broad policymaking authority of the Wildlife Board, the ~~[Division~~
 969 ~~of Wildlife Resources]~~ division shall protect, propagate, manage, conserve, and distribute
 970 protected wildlife throughout the state.

971 (b) The ~~[Division of Wildlife Resources is appointed as]~~ division is the trustee and
 972 custodian of protected wildlife and may initiate civil proceedings, in addition to criminal
 973 proceedings provided for in this title, to:

- 974 (i) recover damages;
- 975 (ii) compel performance;
- 976 (iii) compel substitution;
- 977 (iv) restrain or enjoin;
- 978 (v) initiate any other appropriate action; and
- 979 (vi) seek ~~[any]~~ appropriate remedies in ~~[its]~~ the division's capacity as trustee and
 980 custodian.

981 (3) (a) If a political subdivision of the state adopts ~~[ordinances or regulations]~~ an

982 ordinance or regulation concerning hunting, fishing, or trapping that [~~conflict~~] conflicts with
983 this title or rules [~~promulgated~~] made pursuant to this title, state law [~~shall prevail~~] prevails.

984 (b) [~~Communities~~] A community may close areas to hunting for safety reasons after
985 confirmation by the Wildlife Board.

986 (4) The division shall comply with Title 63G, Chapter 4, Administrative Procedures
987 Act, in the division's adjudicative proceedings.

988 (5) The division shall adopt an official seal and file an impression and a description of
989 the official seal with the Division of Archives.

990 Section 12. Section **23A-2-202**, which is renumbered from Section 23-14-7 is
991 renumbered and amended to read:

992 [~~23-14-7~~]. **23A-2-202. Director of the division -- Qualifications.**

993 (1) The director shall:

994 (a) be the executive and administrative head of the [~~Division of Wildlife Resources~~]
995 division; and

996 (b) have demonstrated ability in management and administration and experience in the
997 protection, conservation, restoration, and management of wildlife resources.

998 (2) The director may not hold [~~any other~~] another public office or be involved in a
999 political party or organization.

1000 Section 13. Section **23A-2-203**, which is renumbered from Section 23-14-8 is
1001 renumbered and amended to read:

1002 [~~23-14-8~~]. **23A-2-203. Director powers.**

1003 The director [~~of the Division of Wildlife Resources~~], under administrative supervision
1004 of the executive director [~~of the Department of Natural Resources, shall have~~], has:

1005 (1) executive authority and control of the [~~Division of Wildlife Resources~~] division so
1006 that policies of the Wildlife Board are carried out in accordance with the laws of this state;

1007 (2) authority over [~~all~~] personnel matters;

1008 (3) full control of [~~all~~] property acquired and held for the purposes specified in this
1009 title; and

1010 (4) authority to declare emergency closed or open seasons in the interest of the wildlife
1011 resources of the state.

1012 Section 14. Section **23A-2-204**, which is renumbered from Section 23-14-10 is
1013 renumbered and amended to read:

1014 ~~[23-14-10].~~ **23A-2-204. Compensation of division employees -- Travel expenses**
1015 **of director and employees.**

1016 ~~[Employees of the Division of Wildlife Resources shall receive such]~~ An employee of
1017 the division shall receive the compensation ~~[as]~~ the director ~~[shall determine]~~ determines
1018 within limits established for state employees by ~~[the Division of Finance]~~ Title 63A, Chapter
1019 17, Utah State Personnel Management Act. In addition to salaries provided for within this title,
1020 the director and employees of the ~~[Division of Wildlife Resources]~~ division are entitled to
1021 receive travel expenses as provided in the rules established by the Division of Finance.

1022 Section 15. Section **23A-2-205**, which is renumbered from Section 23-14-12 is
1023 renumbered and amended to read:

1024 ~~[23-14-12].~~ **23A-2-205. Oaths administered by director.**

1025 The director ~~[of wildlife resources shall have the power to]~~ may administer oaths for
1026 ~~[a]]~~ the purposes required in the discharge of ~~[his]~~ the director's duties.

1027 Section 16. Section **23A-2-206**, which is renumbered from Section 23-15-2 is
1028 renumbered and amended to read:

1029 ~~[23-15-2].~~ **23A-2-206. Jurisdiction of division over public or private land and**
1030 **waters.**

1031 ~~[All wildlife]~~ Wildlife within this state, including wildlife on public or private land or
1032 in public or private waters within this state, ~~[shall fall]~~ is within the jurisdiction of the
1033 ~~[Division of Wildlife Resources]~~ division.

1034 Section 17. Section **23A-2-207**, which is renumbered from Section 23-13-6 is
1035 renumbered and amended to read:

1036 ~~[23-13-6].~~ **23A-2-207. Taking of wildlife by division.**

1037 (1) Subject to the other provisions of this section, the division may take wildlife of any

1038 kind from any place and in any manner for purposes considered by the director [~~of the division~~]
1039 to be in the interest of wildlife conservation.

1040 (2) The division shall deliver notice to an affected landowner or an agent of an affected
1041 landowner, either in writing or orally, before the taking of wildlife on privately owned land
1042 under this section. The division may take the wildlife immediately after or at a time reasonably
1043 required for the taking after delivering notice.

1044 (3) The notice requirements in Subsection (2) do not apply in a situation when there is
1045 a threat to public safety or exigent circumstances exist.

1046 Section 18. Section **23A-2-208**, which is renumbered from Section 23-13-7 is
1047 renumbered and amended to read:

1048 ~~[23-13-7].~~ **23A-2-208. Use of fireworks and explosives by division employees**
1049 **and certain federal game agents.**

1050 Notwithstanding any other provision of law, [~~employees of the Division of Wildlife~~
1051 ~~Resources and federal game agents~~] the following may, without obtaining a permit, use
1052 fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife as may
1053 be necessary to protect property or wildlife resources:

1054 (1) an employee of the division designated by the director; or

1055 (2) a federal game agent charged with the duty of managing wildlife resources [~~may,~~
1056 ~~without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise disperse~~
1057 ~~concentrations of wildlife as may be necessary to protect property or wildlife resources~~].

1058 Section 19. Section **23A-2-209**, which is renumbered from Section 23-14-21 is
1059 renumbered and amended to read:

1060 ~~[23-14-21].~~ **23A-2-209. Transplants of big game, turkeys, wolves, or sensitive**
1061 **species.**

1062 (1) The division may transplant big game, turkeys, wolves, or sensitive species only in
1063 accordance with:

1064 (a) (i) a list of sites for the transplant of a particular species that is prepared and
1065 adopted in accordance with Subsections (2) through (5);

1066 ~~[(b)]~~ (ii) a species management plan, such as a deer or elk management plan adopted
1067 under Section ~~[23-16-7]~~ 23A-11-301 or a recovery plan for a threatened or endangered species,
1068 provided that:

1069 ~~[(i)]~~ (A) the plan identifies sites for the transplant of the species or the lands or waters
1070 the species are expected to occupy; and

1071 ~~[(ii)]~~ (B) the public has had an opportunity to comment and make recommendations on
1072 the plan; ~~[or]~~ and

1073 (iii) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.; or

1074 ~~[(c)]~~ (b) a legal agreement between the state and a tribal government that identifies
1075 potential transplants~~;~~ and

1076 ~~[(d)]~~ the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.].

1077 (2) The division shall:

1078 (a) consult with the landowner in determining the suitability of a site for the transplant
1079 of a species;

1080 (b) prepare a list of proposed sites for the transplant of species; and

1081 (c) provide notification of proposed sites for the transplant of species to:

1082 (i) local government officials having jurisdiction over areas that may be affected by a
1083 transplant; and

1084 (ii) the Resource Development Coordinating Committee created in Section
1085 63L-11-401.

1086 (3) After receiving comments from local government officials and the Resource
1087 Development Coordinating Committee, the division shall submit the list of proposed transplant
1088 sites, or a revised list, to regional advisory councils for the one or more regions that may be
1089 affected by the transplants of species.

1090 (4) ~~[Each]~~ A regional advisory council reviewing a list of proposed sites for the
1091 transplant of species may submit recommendations to the Wildlife Board.

1092 (5) The Wildlife Board shall approve, modify, or reject ~~[each]~~ a proposal for the
1093 transplant of a species.

1094 (6) ~~[Each]~~ A list of proposed transplant sites approved by the Wildlife Board shall have
1095 a termination date after which a transplant may not occur.

1096 Section 20. Section **23A-2-301**, which is renumbered from Section 23-14-2 is
1097 renumbered and amended to read:

1098 **Part 3. Wildlife Board and Regional Councils**

1099 ~~[23-14-2].~~ **23A-2-301. Wildlife Board created.**

1100 (1) There is created a Wildlife Board ~~[which shall consist]~~ that consists of seven
1101 members appointed by the governor with the advice and consent of the Senate in accordance
1102 with Title 63G, Chapter 24, Part 2, Vacancies.

1103 (2) (a) In addition to the requirements of Section 79-2-203, the members of the ~~[board]~~
1104 Wildlife Board shall have expertise or experience in at least one of the following areas:

- 1105 (i) wildlife management or biology;
1106 (ii) habitat management, including range or aquatic;
1107 (iii) business, including knowledge of private land issues; and
1108 (iv) economics, including knowledge of recreational wildlife uses.

1109 (b) ~~[Each]~~ At least one member of the Wildlife Board shall represent each of the areas
1110 of expertise under Subsection (2)(a) ~~[shall be represented by at least one member of the~~
1111 ~~Wildlife Board]~~.

1112 (3) (a) The governor shall select ~~[each]~~ a board member from a list of nominees
1113 submitted by the nominating committee pursuant to Section ~~[23-14-2.5]~~ 23A-2-302.

1114 (b) No more than two members shall be from a single wildlife region described in
1115 Subsection ~~[23-14-2.6]~~ 23A-2-303(1).

1116 (c) The governor may request an additional list of at least two nominees from the
1117 nominating committee if the initial list of nominees for a given position is unacceptable.

1118 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of
1119 the initial or additional list, the nominating committee shall make an interim appointment by
1120 majority vote.

1121 (ii) The interim board member shall serve until the matter is resolved by the

1122 nominating committee and the governor or until the board member is replaced pursuant to this
1123 chapter.

1124 (4) (a) Except as required by Subsection (4)(b), as terms of current board members
1125 expire, the governor shall appoint [~~each~~] a new member or reappointed member to a six-year
1126 term.

1127 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1128 time of appointment or reappointment, adjust the length of terms to ensure that:

1129 (i) the terms of board members are staggered so that approximately one-third of the
1130 [~~board~~] Wildlife Board is appointed every two years; and

1131 (ii) members serving from the same region have staggered terms.

1132 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as
1133 provided in Subsection [~~23-14-2.5~~] 23A-2-302(4), to the governor and the governor shall
1134 appoint a replacement for the unexpired term.

1135 (d) [~~Board members~~] A board member may serve only one term unless the board
1136 member:

1137 (i) [~~the member~~] is among the first board members appointed to serve four years or
1138 less; or

1139 (ii) [~~the member~~] filled a vacancy under Subsection (4)(c) for four years or less.

1140 (5) (a) The [~~board~~] Wildlife Board shall elect a chair and a vice chair from [~~its~~] the
1141 Wildlife Board's membership.

1142 (b) Four members of the [~~board shall constitute~~] Wildlife Board constitutes a quorum.

1143 (c) The director [~~of the Division of Wildlife Resources~~] shall act as secretary to the
1144 [~~board~~] Wildlife Board, but is not a voting member of the [~~board~~] Wildlife Board.

1145 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year
1146 to expeditiously conduct [~~its~~] the Wildlife Board's business.

1147 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in
1148 emergency situations.

1149 (c) Meetings may be held at the Salt Lake City office of the [~~Division of Wildlife~~

1150 ~~Resources~~ division or elsewhere as determined by the Wildlife Board.

1151 (7) A member may not receive compensation or benefits for the member's service, but
1152 may receive per diem and travel expenses in accordance with:

1153 (a) Section [63A-3-106](#);

1154 (b) Section [63A-3-107](#); and

1155 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1156 [63A-3-107](#).

1157 (8) (a) ~~[The members]~~ A member of the Wildlife Board shall complete an orientation
1158 course to assist ~~[them]~~ the member in the performance of the duties of ~~[their]~~ the member's
1159 office.

1160 (b) The ~~[Department of Natural Resources]~~ department shall provide the course
1161 required under Subsection (8)(a).

1162 (9) A member shall comply with the conflict of interest provisions described in Title
1163 63G, Chapter 24, Part 3, Conflicts of Interest.

1164 Section 21. Section **23A-2-302**, which is renumbered from Section 23-14-2.5 is
1165 renumbered and amended to read:

1166 ~~[23-14-2.5]~~. **23A-2-302. Wildlife Board Nominating Committee created.**

1167 (1) There is created a Wildlife Board Nominating Committee ~~[which shall consist]~~ that
1168 consists of 11 members.

1169 (2) The governor shall appoint members to the nominating committee as follows:

1170 (a) three members shall be appointed from a list of at least two nominees per position
1171 submitted by the agriculture industry;

1172 (b) three members shall be appointed from a list of at least two nominees per position
1173 submitted by sportsmen groups;

1174 (c) two members shall be appointed from a list of at least two nominees per position
1175 submitted by nonconsumptive wildlife interests;

1176 (d) one member shall be appointed from a list of at least two nominees submitted by
1177 federal land management agencies;

1178 (e) one local elected official shall be appointed from a list of at least two nominees
1179 submitted by the Utah Association of Counties; and

1180 (f) one range management specialist shall be appointed from a list of at least two
1181 nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah
1182 Chapter, The Wildlife Society.

1183 (3) ~~[Each]~~ A wildlife region described in Subsection ~~[23-14-2.6]~~ 23A-2-303(1) shall be
1184 represented by at least one member ~~[and no]~~. A wildlife region may not be represented by more
1185 than three members.

1186 (4) The nominating committee shall nominate at least two, but not more than four,
1187 candidates for each position or vacancy ~~[which]~~ that occurs on the ~~[board]~~ Wildlife Board.

1188 (5) (a) Except as required by Subsection (5)(b), as terms of current ~~[board]~~ nominating
1189 committee members expire, the governor shall appoint ~~[each]~~ a new or reappointed member to
1190 a four-year term.

1191 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the
1192 time of appointment or reappointment, adjust the length of terms to ensure that:

1193 (i) the terms of ~~[board]~~ nominating committee members are staggered so that
1194 approximately half of the ~~[board]~~ nominating committee is appointed every two years; and

1195 (ii) members from the same wildlife region serve staggered terms.

1196 (c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the
1197 same manner that the position was originally filled to serve the remainder of the unexpired
1198 term.

1199 (6) The nominating committee shall select a chair and vice chair from ~~[its]~~ the
1200 nominating committee's membership.

1201 (7) Six members shall constitute a quorum.

1202 (8) A member of the nominating committee may not receive compensation or benefits
1203 for the member's service, but may receive per diem and travel expenses in accordance with:

1204 (a) Section 63A-3-106;

1205 (b) Section 63A-3-107; and

1206 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1207 63A-3-107.

1208 Section 22. Section **23A-2-303**, which is renumbered from Section 23-14-2.6 is
1209 renumbered and amended to read:

1210 ~~[23-14-2.6].~~ **23A-2-303. Regional advisory councils created.**

1211 (1) There are created five regional advisory councils ~~[which shall]~~ that consist of 12 to
1212 15 members each from the wildlife region whose boundaries are established for administrative
1213 purposes by the division.

1214 (2) The members shall include individuals who represent the following groups and
1215 interests:

- 1216 (a) agriculture;
- 1217 (b) sportsmen;
- 1218 (c) nonconsumptive wildlife;
- 1219 (d) locally elected public officials;
- 1220 (e) federal land agencies; and
- 1221 (f) the public at large.

1222 (3) The executive director ~~[of the Department of Natural Resources]~~, in consultation
1223 with the director ~~[of the Division of Wildlife Resources]~~, shall select the members from a list
1224 of nominees submitted by the respective interest group or agency.

1225 (4) The regional advisory councils shall:

- 1226 (a) hear broad input, including recommendations, biological data, and information
1227 regarding the effects of wildlife;
- 1228 (b) gather information from staff, the public, and government agencies; and
- 1229 (c) make recommendations to the Wildlife Board in an advisory capacity.

1230 (5) (a) Except as required by Subsection (5)(b), ~~[each]~~ a member shall serve a four-year
1231 term.

1232 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,
1233 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms

1234 of council members are staggered so that approximately half of the council is appointed every
1235 two years.

1236 (6) When a vacancy occurs in the membership for any reason, the replacement shall be
1237 appointed for the unexpired term.

1238 (7) The councils shall determine:

1239 (a) the time and place of meetings; and

1240 (b) ~~[any other]~~ a procedural matter not specified in this chapter.

1241 (8) Members of the councils shall complete an orientation course ~~[as provided]~~
1242 described in Subsection ~~[23-14-2]~~ 23A-2-301(8).

1243 (9) A member may not receive compensation or benefits for the member's service, but
1244 may receive per diem and travel expenses in accordance with:

1245 (a) Section 63A-3-106;

1246 (b) Section 63A-3-107; and

1247 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1248 63A-3-107.

1249 Section 23. Section 23A-2-304, which is renumbered from Section 23-14-19 is
1250 renumbered and amended to read:

1251 ~~[23-14-19]~~. 23A-2-304. Rules, proclamations, and orders of the Wildlife Board
1252 -- Judicial notice of proclamations.

1253 (1) The Wildlife Board shall exercise ~~[its]~~ the Wildlife Board's powers by making rules
1254 and issuing proclamations and orders pursuant to this ~~[code]~~ title.

1255 (2) A court shall take judicial notice of a proclamation published under the authority of
1256 this title.

1257 Section 24. Section 23A-2-305, which is renumbered from Section 23-14-18 is
1258 renumbered and amended to read:

1259 ~~[23-14-18]~~. 23A-2-305. Establishment of seasons, locations, limits, and
1260 regulations by the Wildlife Board.

1261 (1) To provide an adequate and flexible system of protection, propagation,

1262 introduction, increase, control, harvest, management, and conservation of protected wildlife in
1263 this state and to provide for the use and development of protected wildlife for public recreation
1264 and food supply while maintaining a sustainable population of protected wildlife, the Wildlife
1265 Board shall determine the circumstances, time, location, means, and the amounts[;] and
1266 numbers of protected wildlife [~~which~~] that may be taken.

1267 (2) The Wildlife Board shall, except as otherwise specified in this [~~code~~] title:

1268 (a) fix seasons and shorten, extend, or close seasons on any species of protected
1269 wildlife in any locality, or in the entire state, if the [~~board~~] Wildlife Board finds that the action
1270 is necessary to effectuate proper wildlife management and control;

1271 (b) close or open areas to fishing, trapping, or hunting;

1272 (c) establish refuges and preserves;

1273 (d) regulate and prescribe the means by which protected wildlife may be taken;

1274 (e) regulate the transportation and storage of protected wildlife, or [~~their~~] the wildlife
1275 parts, within the boundaries of the state and the shipment or transportation out of the state;

1276 (f) establish or change bag limits and possession limits;

1277 (g) prescribe safety measures and establish other regulations as may be considered
1278 necessary in the interest of wildlife conservation and the safety and welfare of hunters,
1279 trappers, fishermen, landowners, and the public;

1280 (h) (i) prescribe when [~~licenses, permits, tags, and certificates of registration shall be~~] a
1281 license, permit, tag, or certificate of registration is required and procedures for their issuance
1282 and use; and

1283 (ii) establish forms and fees for [~~licenses, permits, tags, and certificates of registration~~]
1284 a license, permit, tag, or certificate of registration; and

1285 (i) [~~prescribe rules and regulations as it~~] make rules, in accordance with Title 63G,
1286 Chapter 3, Utah Administrative Rulemaking Act, as the Wildlife Board may consider necessary
1287 to control the use and harvest of protected wildlife by private associations, clubs, partnerships,
1288 or corporations, provided the rules [~~and regulations~~] do not preclude the landowner from
1289 personally controlling trespass upon the owner's properties nor from charging a fee to trespass

1290 for purposes of hunting or fishing.

1291 (3) The Wildlife Board may allow a season on protected wildlife to commence on any
1292 day of the week except Sunday.

1293 (4) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates
1294 of registration in accordance with Section [63J-1-504](#).

1295 (5) The Wildlife Board may not issue a license, permit, tag, or certificate of registration
1296 as a reward for an individual's assistance with a prosecution for violation of Section [76-6-111](#).

1297 Section 25. Section **23A-2-401**, which is renumbered from Section 23-22-1 is
1298 renumbered and amended to read:

1299 **Part 4. Cooperative and Reciprocal Agreements**

1300 ~~[23-22-1]~~. **23A-2-401. Cooperative agreements and programs authorized.**

1301 (1) The ~~[Division of Wildlife Resources]~~ division may enter into cooperative
1302 agreements and programs with other state agencies, federal agencies, states, educational
1303 institutions, municipalities, counties, corporations, organized clubs, landowners, associations,
1304 and individuals for purposes of wildlife conservation.

1305 (2) Cooperative agreements that are policy in nature shall be:

- 1306 (a) approved by the executive director ~~[of the Department of Natural Resources]~~; and
- 1307 (b) reviewed by the Wildlife Board.

1308 Section 26. Section **23A-2-402**, which is renumbered from Section 23-22-2 is
1309 renumbered and amended to read:

1310 ~~[23-22-2]~~. **23A-2-402. Acceptance of Acts of Congress.**

1311 (1) The state assents to ~~[the provisions of]~~ the Wildlife Restoration Act, 16 U.S.C. Sec.
1312 669 et seq., ~~[Wildlife Restoration Act]~~ and the Sport Fish Restoration Act, 16 U.S.C. 777 et
1313 seq., ~~[Sport Fish Restoration Act.]~~

1314 (2) The division shall conduct and establish cooperative fish and wildlife restoration
1315 projects as provided by the acts specified in Subsection (1) and rules ~~[promulgated]~~ made
1316 under those acts.

1317 (3) The following revenues received by the state may not be used for any purpose other

1318 than the administration of the division:

1319 (a) revenue from the sale of ~~[any]~~ a license, permit, tag, ~~[stamp,]~~ or certificate of
1320 registration that conveys to a person the privilege to take wildlife for sport or recreation, less
1321 reasonable vendor fees;

1322 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
1323 property acquired with revenue specified in Subsection (3)(a);

1324 (c) interest, dividends, or other income earned on revenue specified in Subsection
1325 (3)(a) or (b); and

1326 (d) federal aid project reimbursements to the extent that revenue specified in
1327 Subsection (3)(a) or (b) originally funded the project for which the reimbursement is being
1328 made.

1329 Section 27. Section **23A-2-403**, which is renumbered from Section 23-22-3 is
1330 renumbered and amended to read:

1331 ~~[23-22-3].~~ **23A-2-403. Reciprocal agreements with other states.**

1332 (1) The Wildlife Board ~~[is authorized to]~~ may enter into reciprocal agreements with
1333 other states to:

1334 (a) license and regulate fishing, hunting, and related activities; and

1335 (b) promote and implement wildlife management programs.

1336 (2) Reciprocal agreements shall be approved by the executive director ~~[of the~~
1337 ~~Department of Natural Resources]~~.

1338 Section 28. Section **23A-2-501**, which is renumbered from Section 23-25-2 is
1339 renumbered and amended to read:

1340 **Part 5. Wildlife Violator Compact**

1341 ~~[23-25-2].~~ **23A-2-501. Adoption and text of compact.**

1342 (1) The participating states find that:

1343 (a) Wildlife resources are managed in trust by the respective states for the benefit of all
1344 residents and visitors.

1345 (b) The protection of the wildlife resources of a state is materially affected by the

1346 degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules
1347 relating to the management of the resources.

1348 (c) The preservation, protection, management, and restoration of wildlife contributes
1349 immeasurably to the aesthetic, recreational, and economic aspects of the natural resources.

1350 (d) Wildlife resources are valuable without regard to political boundaries; therefore,
1351 every person should be required to comply with wildlife preservation, protection, management,
1352 and restoration laws, ordinances, and administrative rules and regulations of the participating
1353 states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap,
1354 or possess wildlife.

1355 (e) Violation of wildlife laws interferes with the management of wildlife resources and
1356 may endanger the safety of persons and property.

1357 (f) The mobility of many wildlife law violators necessitates the maintenance of
1358 channels of communication among the various states.

1359 (g) Usually, a person who is cited for a wildlife violation in a state other than his home
1360 state:

1361 (i) is required to post collateral or bond to secure appearance for a trial at a later date;

1362 or

1363 (ii) is taken directly into custody until collateral or bond is posted; or

1364 (iii) is taken directly to court for an immediate appearance.

1365 (h) The purpose of the enforcement practices set forth in Subsection (1)(g) is to ensure
1366 compliance with the terms of a wildlife citation by the cited person who, if permitted to
1367 continue on his way after receiving the citation, could return to his home state and disregard his
1368 duty under the terms of the citation.

1369 (i) In most instances, a person receiving a wildlife citation in his home state is
1370 permitted to accept the citation from the officer at the scene of the violation and immediately
1371 continue on his way after agreeing or being instructed to comply with the terms of the citation.

1372 (j) The practices described in Subsection (1)(g) cause unnecessary inconvenience and,
1373 at times, a hardship for the person who is unable at the time to post collateral, furnish a bond,

1374 stand trial, or pay a fine, and is compelled to remain in custody until some alternative
1375 arrangement is made.

1376 (k) The enforcement practices described in Subsection (1)(g) consume an undue
1377 amount of enforcement time.

1378 (2) It is the policy of the participating states to:

1379 (a) promote compliance with the statutes, laws, ordinances, regulations, and
1380 administrative rules relating to the management of wildlife resources in their respective states;

1381 (b) recognize the suspension of wildlife license privileges of a person whose license
1382 privileges have been suspended by a participating state and treat the suspension as if it had
1383 occurred in their state;

1384 (c) allow a violator, except as provided in Subsection [~~23-25-4~~] 23A-2-503(2), to
1385 accept a wildlife citation and, without delay, proceed on his way, whether or not the violator is
1386 a resident of the state in which the citation was issued, provided that the violator's home state is
1387 a party to this compact;

1388 (d) report to the appropriate participating state, as provided in the compact manual, a
1389 conviction recorded against a person whose home state was not the issuing state;

1390 (e) allow the home state to recognize and treat convictions recorded against its
1391 residents, which convictions occurred in a participating state, as though they had occurred in
1392 the home state;

1393 (f) extend cooperation to its fullest extent among the participating states for enforcing
1394 compliance with the terms of a wildlife citation issued in one participating state to a resident of
1395 another state;

1396 (g) maximize effective use of law enforcement personnel and information; and

1397 (h) assist court systems in the efficient disposition of wildlife violations.

1398 Section 29. Section **23A-2-502**, which is renumbered from Section 23-25-3 is
1399 renumbered and amended to read:

1400 [~~23-25-3~~]. **23A-2-502. Definitions.**

1401 As used in this compact:

1402 (1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty
1403 assessment, or other official document issued to a person by a wildlife officer or other peace
1404 officer for a wildlife violation which contains an order requiring the person to respond.

1405 (2) "Collateral" means cash or other security deposited to secure an appearance for trial
1406 in connection with the issuance by a wildlife officer or other peace officer of a citation for a
1407 wildlife violation.

1408 (3) "Compliance" with respect to a citation means the act of answering a citation
1409 through an appearance in a court or tribunal, or through the payment of fines, costs, and
1410 surcharges.

1411 (4) "Conviction" means a conviction, including any court conviction, for an offense
1412 related to the preservation, protection, management, or restoration of wildlife which is
1413 prohibited by state statute, law, regulation, ordinance, or administrative rule. This conviction
1414 shall also include the forfeiture of any bail, bond, or other security deposited to secure
1415 appearance by a person charged with having committed the offense, the payment of a penalty
1416 assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence
1417 by the court.

1418 (5) "Court" means a court of law, including magistrate's court and the justice of the
1419 peace court.

1420 (6) "Home state" means the state of primary residence of a person.

1421 (7) "Issuing state" means the participating state which issues a wildlife citation to the
1422 violator.

1423 (8) "License" means a license, permit, or other public document which conveys to the
1424 person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife
1425 regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

1426 (9) "Licensing authority" means the department or division within each participating
1427 state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or
1428 possess wildlife.

1429 (10) "Participating state" means any state which enacts legislation to become a member

1430 of this wildlife compact.

1431 (11) "Personal recognizance" means an agreement by a person made at the time of
1432 issuance of the wildlife citation that the person will comply with the terms of the citation.

1433 (12) "State" means a state, territory, or possession of the United States, the District of
1434 Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other
1435 countries.

1436 (13) "Suspension" means a revocation, denial, or withdrawal of any or all license
1437 privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by
1438 any license.

1439 (14) "Wildlife" means species of animals including, but not limited to, mammals,
1440 birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and
1441 are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative
1442 rule in a participating state. Species included in the definition of "wildlife" vary from state to
1443 state and determination of whether a species is "wildlife" for the purpose of this compact shall
1444 be based on local law.

1445 (15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative
1446 rule developed and enacted for the management and use of wildlife resources.

1447 (16) "Wildlife officer" means an individual authorized by a participating state to issue a
1448 citation for a wildlife violation.

1449 (17) "Wildlife violation" means a cited violation of a statute, law, regulation,
1450 ordinance, or administrative rule developed and enacted for the management and use of
1451 wildlife resources.

1452 Section 30. Section **23A-2-503**, which is renumbered from Section 23-25-4 is
1453 renumbered and amended to read:

1454 ~~[23-25-4]~~. **23A-2-503. Procedures for issuing state.**

1455 (1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a
1456 citation to a person whose primary residence is in a participating state in the same manner as
1457 though the person were a resident of the issuing state and shall not require the person to post

1458 collateral to secure appearance, subject to the exceptions under Subsection (2), if the officer
1459 receives the recognizance of the person that he will comply with the terms of the citation.

1460 (2) Personal recognizance is acceptable:

1461 (a) if not prohibited by local law or the compact manual; and

1462 (b) if the violator provides adequate proof of identification to the wildlife officer.

1463 (3) (a) Upon conviction or failure of a person to comply with the terms of a wildlife
1464 citation, the appropriate official shall report the conviction or failure to comply to the licensing
1465 authority of the participating state in which the wildlife citation was issued.

1466 (b) The report shall be made in accordance with procedures specified by the issuing
1467 state and shall contain information as specified in the compact manual as minimum
1468 requirements for effective processing by the home state.

1469 (4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection
1470 (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority of the
1471 home state of the violator the information in the form and with the content as prescribed in the
1472 compact manual.

1473 Section 31. Section **23A-2-504**, which is renumbered from Section 23-25-5 is
1474 renumbered and amended to read:

1475 ~~[23-25-5]~~. **23A-2-504**. **Procedure for home state.**

1476 (1) (a) Upon receipt of a report from the licensing authority of the issuing state
1477 reporting the failure of a violator to comply with the term of a citation, the licensing authority
1478 of the home state shall:

1479 (i) notify the violator;

1480 (ii) initiate a suspension action in accordance with the home state's suspension
1481 procedures; and

1482 (iii) suspend the violator's license privileges until satisfactory evidence of compliance
1483 with the terms of the wildlife citation has been furnished by the issuing state to the home state
1484 licensing authority.

1485 (b) Due process safeguards will be accorded.

1486 (2) Upon receipt of a report of conviction from the licensing authority of the issuing
1487 state, the licensing authority of the home state shall enter the conviction as though it occurred
1488 in the home state for the purposes of the suspension of license privileges.

1489 (3) The licensing authority of the home state shall:

1490 (a) maintain a record of actions taken; and

1491 (b) make reports to issuing states as provided in the compact manual.

1492 Section 32. Section **23A-2-505**, which is renumbered from Section 23-25-6 is
1493 renumbered and amended to read:

1494 ~~[23-25-6].~~ **23A-2-505. Reciprocal recognition of suspension.**

1495 (1) All participating states shall recognize the suspension of license privileges of a
1496 person by the participating state as though the violation resulting in the suspension:

1497 (a) had occurred in their state; and

1498 (b) could have been the basis of the suspension of license privileges in their state.

1499 (2) Each participating state shall communicate suspension information to other
1500 participating states in the form and with the content as contained in the compact manual.

1501 Section 33. Section **23A-2-506**, which is renumbered from Section 23-25-7 is
1502 renumbered and amended to read:

1503 ~~[23-25-7].~~ **23A-2-506. Applicability of other laws.**

1504 Except as expressly required by provisions of this compact, nothing herein shall be
1505 construed to affect the right of any participating state to apply any of its laws relating to license
1506 privileges to a person or circumstance or to invalidate or prevent any agreement or other
1507 cooperative arrangement between a participating state and a nonparticipating state concerning
1508 wildlife law enforcement.

1509 Section 34. Section **23A-2-507**, which is renumbered from Section 23-25-8 is
1510 renumbered and amended to read:

1511 ~~[23-25-8].~~ **23A-2-507. Compact administrator procedures.**

1512 (1) (a) A Board of Compact Administrators is established to:

1513 (i) administer the provisions of this compact; and

1514 (ii) serve as a governing body for the resolution of all matters relating to the operation
1515 of this compact.

1516 (b) The board shall be composed of one representative from each of the participating
1517 states to be known as the compact administrator.

1518 (c) The compact administrator shall be appointed by the head of the licensing authority
1519 of each participating state and shall serve and be subject to removal in accordance with the
1520 laws of the state he represents.

1521 (d) A compact administrator may provide for the discharge of his duties and the
1522 performance of his function as a board member by an alternate.

1523 (e) An alternate shall not be entitled to serve unless written notification of his identity
1524 has been given to the board.

1525 (2) (a) Each member of the board of compact administrators shall be entitled to one
1526 vote.

1527 (b) An action of the board shall not be binding unless taken at a meeting at which a
1528 majority of the total number of the board's votes are cast in favor thereof.

1529 (c) Action by the board shall be only at a meeting at which a majority of the
1530 participating states are represented.

1531 (3) The board shall elect annually from its membership a chairman and vice-chairman.

1532 (4) The board shall adopt bylaws not inconsistent with the provisions of this compact
1533 or the laws of a participating state for the conduct of its business and shall have the power to
1534 amend and rescind its bylaws.

1535 (5) The board may accept for any of its purposes and functions under this compact any
1536 and all donations and grants of money, equipment, supplies, materials, and services,
1537 conditional or otherwise, from any state, the United States, or any governmental agency, and
1538 may receive, utilize, and dispose of the donations and grants.

1539 (6) The board may contract with, or accept services or personnel from, any
1540 governmental or intergovernmental agency, individual, firm, or corporation, or any private
1541 nonprofit organization or institution.

1542 (7) The board shall formulate all necessary procedures and develop uniform forms and
1543 documents for administering the provisions of this compact. All procedures and forms adopted
1544 to board action shall be contained in a compact manual.

1545 Section 35. Section **23A-2-508**, which is renumbered from Section 23-25-9 is
1546 renumbered and amended to read:

1547 ~~[23-25-9]~~. **23A-2-508**. **Entry into compact and withdrawal.**

1548 (1) This compact shall become effective at the time it is adopted in substantially
1549 similar form by two or more states.

1550 (2) (a) Entry into the compact shall be made by resolution of ratification by the
1551 authorized officials of the applying state and submitted to the chairman of the board.

1552 (b) The resolution shall substantially be in the form and content as provided in the
1553 compact manual and shall include the following:

1554 (i) a citation of the authority from which the state is empowered to become a party to
1555 this compact;

1556 (ii) an agreement of compliance with the terms and provisions of this compact; and

1557 (iii) an agreement that compact entry is with all states participating in the compact and
1558 with all additional states legally becoming a party to the compact.

1559 (c) The effective date of entry shall be specified by the applying state but shall not be
1560 less than 60 days after notice has been given:

1561 (i) by the chairman of the board of the compact administrators; or

1562 (ii) by the secretary of the board to each participating state that the resolution from the
1563 applying state has been received.

1564 (3) A participating state may withdraw from participation in this compact by official
1565 written notice to each participating state, but withdrawal shall not become effective until 90
1566 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity
1567 of this compact as to the remaining participating states.

1568 Section 36. Section **23A-2-509**, which is renumbered from Section 23-25-10 is
1569 renumbered and amended to read:

1570 ~~[23-25-10]~~. 23A-2-509. **Amendments to the compact.**

1571 (1) This compact may be amended from time to time. Amendments shall be presented
1572 in resolution form to the chairman of the Board of Compact Administrators and shall be
1573 initiated by one or more participating states.

1574 (2) Adoption of an amendment shall require endorsement by all participating states and
1575 shall become effective 30 days after the date of the last endorsement.

1576 (3) Failure of a participating state to respond to the compact chairman within 120 days
1577 after receipt of a proposed amendment shall constitute endorsement thereof.

1578 Section 37. Section **23A-2-510**, which is renumbered from Section 23-25-11 is
1579 renumbered and amended to read:

1580 ~~[23-25-11]~~. 23A-2-510. **Construction and severability.**

1581 (1) This compact shall be liberally construed so as to effectuate the purposes stated
1582 herein.

1583 (2) The provisions of this compact shall be severable and if a phrase, clause, sentence,
1584 or provision of this compact is declared to be contrary to the constitution of a participating state
1585 or of the United States, or the applicability thereof to a government, agency, individual, or
1586 circumstance is held invalid, the validity of the remainder of this compact shall not be affected
1587 thereby.

1588 (3) If this compact is held contrary to the constitution of a participating state, the
1589 compact shall remain in full force and effect as to the remaining states and in full force and
1590 effect as to the participating state affected regarding all severable matters.

1591 Section 38. Section **23A-2-511**, which is renumbered from Section 23-25-13 is
1592 renumbered and amended to read:

1593 ~~[23-25-13]~~. 23A-2-511. **Licensing authority -- Administrator -- Expenses.**

1594 (1) The Division of Wildlife Resources is designated as the licensing authority in this
1595 state for the purpose of the compact.

1596 (2) The director of the Division of Wildlife Resources shall furnish to the appropriate
1597 authorities of the participating states any information or documents reasonably necessary to

1598 facilitate the administration of the compact.

1599 (3) The compact administrator provided for in Section [~~23-25-8~~] 23A-2-507, "Wildlife
1600 Violator Compact," shall not be entitled to any additional compensation for his service as the
1601 administrator but shall be entitled to expenses incurred in connection with his duties and
1602 responsibilities as administrator in the same manner as for expenses incurred in connection
1603 with any other duties or responsibilities of his office or employment.

1604 Section 39. Section **23A-3-101** is enacted to read:

CHAPTER 3. FUNDS AND ACCOUNTS

Part 1. General Provisions

23A-3-101. Definitions.

Reserved.

1609 Section 40. Section **23A-3-201**, which is renumbered from Section 23-14-13 is
1610 renumbered and amended to read:

Part 2. Funds and Accounts in General

**[~~23-14-13~~]. 23A-3-201. Wildlife Resources Account -- Unexpected fund
1613 balances converted to General Fund account.**

1614 (1) There is created a restricted account within the General Fund known as the
1615 "Wildlife Resources Account."

1616 (2) The following money shall be deposited into the Wildlife Resources Account:

1617 (a) revenue from the sale of licenses, permits, tags, and certificates of registration
1618 issued under this title or a rule or proclamation of the Wildlife Board, except as otherwise
1619 provided by this title;

1620 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
1621 property acquired with revenue specified in Subsection (2)(a);

1622 (c) revenue from fines and forfeitures for violations of this title or [~~any~~] a rule,
1623 proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule
1624 adopted by the Judicial Council;

1625 (d) [~~funds~~] money appropriated from the General Fund by the Legislature pursuant to

1626 Section ~~[23-19-39]~~ 23A-4-306;

1627 (e) other money received by the division under ~~[any provision of]~~ this title, except as
1628 otherwise provided by this title; and

1629 (f) interest, dividends, or other income earned on account money.

1630 (3) Money in the Wildlife Resources Account shall be used for the administration of
1631 this title.

1632 (4) The state auditor and director of the Division of Finance shall, at the close of the
1633 fiscal year, convert into the Wildlife Resources Account the unexpended balances of the
1634 Wildlife Resources Account not legally obligated by contract or appropriated by the Wildlife
1635 Board for capital outlay projects or other programs that may extend beyond the close of the
1636 fiscal year.

1637 Section 41. Section **23A-3-202**, which is renumbered from Section 23-14-14 is
1638 renumbered and amended to read:

1639 ~~[23-14-14].~~ **23A-3-202. Grants or gifts accepted by division -- Special account.**

1640 The ~~[Division of Wildlife Resources is authorized to]~~ division may accept grants or
1641 gifts of money, property, water rights or other endowments that ~~[will]~~ benefit the wildlife
1642 resources of the state. ~~[Money]~~ The division shall place money as received ~~[shall be placed]~~ in
1643 a special account to be used for specific use as indicated by the grantor.

1644 Section 42. Section **23A-3-203**, which is renumbered from Section 23-14-13.5 is
1645 renumbered and amended to read:

1646 ~~[23-14-13.5].~~ **23A-3-203. Support for State-Owned Shooting Ranges**
1647 **Restricted Account.**

1648 (1) There is created in the General Fund a restricted account known as the "Support for
1649 State-Owned Shooting Ranges Restricted Account."

1650 (2) The account shall be funded by:

1651 (a) contributions deposited into the ~~[account]~~ Support for State-Owned Shooting
1652 Ranges Restricted Account in accordance with Section 41-1a-422;

1653 (b) private contributions; and

1654 (c) donations or grants from public or private entities.
1655 (3) Upon appropriation by the Legislature, the division shall distribute [~~funds~~] money
1656 in the [~~account~~] Support for State-Owned Shooting Ranges Restricted Account to facilitate
1657 construction of new firearm shooting ranges, and operation and maintenance of existing ranges,
1658 that are:

- 1659 (a) built on land owned or leased by the state;
- 1660 (b) owned by the division; and
- 1661 (c) operated by the division or the division's contractors.

1662 (4) The division shall only expend the [~~funds~~] Support for State-Owned Shooting
1663 Ranges Restricted Account to:

- 1664 (a) construct, operate, and maintain firearm shooting ranges described in Subsection
1665 (3); and
- 1666 (b) pay the costs of issuing or reordering Support the 2nd Amendment and
1667 State-Owned Shooting Ranges support special group license plate decals.

1668 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are
1669 nonlapsing.

1670 Section 43. Section **23A-3-204**, which is renumbered from Section 23-14-14.2 is
1671 renumbered and amended to read:

1672 ~~[23-14-14.2]~~. **23A-3-204. Wildlife Resources Conservation Easement**
1673 **Restricted Account.**

- 1674 (1) There is created within the General Fund a restricted account known as the
1675 "Wildlife Resources Conservation Easement Account."
- 1676 (2) The Wildlife Resources Conservation Easement Account consists of:
 - 1677 (a) grants from private foundations;
 - 1678 (b) grants from local governments, the state, or the federal government;
 - 1679 (c) grants from the Land Conservation Board created under Section [4-46-201](#);
 - 1680 (d) donations from landowners for monitoring and managing conservation easements;
 - 1681 (e) donations from any other person; and

1682 (f) interest on account money.

1683 (3) Upon appropriation by the Legislature, the [~~Division of Wildlife Resources~~]
1684 division shall use money from the [~~account~~] Wildlife Resources Conservation Easement
1685 Account to monitor and manage conservation easements held by the division.

1686 (4) The division may not receive or expend donations from the [~~account~~] Wildlife
1687 Resources Conservation Easement Account to acquire conservation easements.

1688 Section 44. Section **23A-3-205**, which is renumbered from Section 23-13-20 is
1689 renumbered and amended to read:

1690 ~~[23-13-20].~~ **23A-3-205. Wildlife Conservation Fund.**

1691 (1) As used in this section:

1692 (a) "Fund" means the Wildlife Conservation Fund created by this section.

1693 (b) "Wildlife conservation permit program" means a program under which the division
1694 issues permit opportunities to be sold by a conservation organization for auction to the highest
1695 bidder at a fund-raising event.

1696 (c) "Wildlife exposition program" means a program under which the division allocates
1697 permits to a drawing administered by a selected conservation organization as part of a regional
1698 or national exposition for the purpose of generating revenue to fund wildlife conservation
1699 activities in Utah.

1700 (2) There is created an expendable special revenue fund known as the "Wildlife
1701 Conservation Fund."

1702 (3) The fund consists of:

1703 (a) wildlife conservation permit program revenue transferred to the division pursuant to
1704 rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
1705 Administrative Rulemaking Act;

1706 (b) wildlife exposition program revenue transferred to the division pursuant to rules,
1707 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative
1708 Rulemaking Act;

1709 (c) money appropriated to the fund by the Legislature;

1710 (d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted
1711 by the division and specifically directed to the fund; and

1712 (e) interest and earnings on the fund.

1713 (4) (a) The fund shall earn interest and other earnings.

1714 (b) The interest and earnings described in Subsection (4)(a) shall be deposited into the
1715 fund.

1716 (5) (a) The division shall use proceeds in the fund to carry out the purposes of the
1717 wildlife conservation permit program or wildlife exposition program.

1718 (b) Deposits into and expenditures from the fund shall specifically identify the wildlife
1719 conservation permit program or wildlife exposition program to which the deposits and
1720 expenditures apply.

1721 (c) The division shall make expenditures from the fund consistent with the rules
1722 governing the applicable program.

1723 (6) The division shall annually report to the Natural Resources, Agriculture, and
1724 Environmental Quality Appropriations Subcommittee regarding:

1725 (a) the amount of money in the fund ~~[from]~~;

1726 (b) the sources of money ~~[for]~~ in the fund; and

1727 (c) how the money is expended.

1728 Section 45. Section **23A-3-206**, which is renumbered from Section 23-14-14.3 is
1729 renumbered and amended to read:

1730 ~~[23-14-14.3]~~. **23A-3-206. Donations related to donation of wild game meat**
1731 **-- Wild Game Meat Donation Fund.**

1732 (1) As used in this section:

1733 ~~[(a) "Division" means the Division of Wildlife Resources.]~~

1734 ~~[(b)]~~ (a) "Fund" means the expendable special revenue fund created in this section.

1735 ~~[(c)]~~ (b) "Nonprofit charitable organization" means the same as that term is defined in
1736 Section [4-34-102](#).

1737 ~~[(d)]~~ (c) "Wild game" means the same as that term is defined in Section [4-32-105](#).

1738 (2) There is created an expendable special revenue fund known as the "Wild Game
1739 Meat Donation Fund."

1740 (3) The fund consists of:

1741 (a) donations made to the division for the purpose of addressing the processing of wild
1742 game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable
1743 organization to feed individuals in need;

1744 (b) appropriations from the Legislature; and

1745 (c) interest and earnings on the fund.

1746 (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter
1747 7, State Money Management Act, except that the state treasurer shall deposit in the fund
1748 interest or other earnings derived from those investments [~~shall be deposited into the fund~~].

1749 (5) The division may use money in the fund only to address the processing of wild
1750 game meat that is donated in accordance with Section 4-34-108 to a nonprofit charitable
1751 organization to feed individuals in need.

1752 (6) The division shall coordinate with the Department of Agriculture and Food to
1753 implement this section.

1754 Section 46. Section **23A-3-207**, which is renumbered from Section 23-19-43 is
1755 renumbered and amended to read:

1756 [~~23-19-43~~]. **23A-3-207. Wildlife Habitat Account.**

1757 (1) There is created a restricted account within the General Fund known as the
1758 "Wildlife Habitat Account."

1759 (2) The contents of the [~~account~~] Wildlife Habitat Account shall consist of:

1760 (a) revenue from the sale of licenses, permits, [~~stamps,~~] and certificates of registration[;
1761 ~~and Wildlife Heritage certificates~~] as provided in Section [~~23-19-47~~] 23A-3-208;

1762 (b) money donated to the division for a purpose specified in Subsection (6); and

1763 (c) interest and earnings on account money.

1764 (3) [~~Revenue~~] The division shall use the revenue from the sale of licenses, permits,
1765 [~~stamps,~~] and certificates of registration[~~, and Wildlife Heritage certificates~~] that is deposited to

1766 the account pursuant to Section ~~[23-19-47 shall be used by the division]~~ 23A-3-208, after
1767 appropriation by the Legislature, as provided in Subsections (4) through (6).

1768 (4) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$70,000 or 4% of the
1769 annual deposits to the [account] Wildlife Habitat Account, whichever amount is greater, ~~[shall~~
1770 ~~be allocated]~~ for the development, restoration, and preservation of wetlands that are beneficial
1771 to waterfowl.

1772 (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the
1773 Legislature for use by a nonprofit conservation organization for wetland development projects
1774 within the state that benefit waterfowl.

1775 (5) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$230,000 or 12% of the
1776 annual deposits to the [account] Wildlife Habitat Account, whichever amount is greater, ~~[shall~~
1777 ~~be allocated]~~ to upland game projects as follows:

- 1778 (i) the control of predators;
- 1779 (ii) the development, improvement, restoration, or maintenance of critical habitat
1780 through the establishment of landowner incentives, cooperative programs, or other means;
- 1781 (iii) the acquisition or preservation of critical habitat;
- 1782 (iv) landowner habitat education and assistance programs;
- 1783 (v) public access to private lands; and
- 1784 (vi) upland game transplant and reintroduction programs.

1785 ~~[(b) As used in this section "upland game" means pheasant, quail, chukar, partridge,~~
1786 ~~sage grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse, ptarmigan,~~
1787 ~~mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.]~~

1788 ~~[(e)]~~ (b) Money allocated to upland game may not be used for the acquisition,
1789 development, improvement, restoration, or maintenance of habitat within commercial hunting
1790 areas.

1791 ~~[(d)]~~ (c) No more than 5% of the money allocated to upland game may be used for
1792 landowner habitat education programs.

1793 ~~[(e)]~~ (d) The division shall use money allocated to upland game ~~[shall be used]~~ for

1794 programs and activities relating to upland game species based generally upon the proportion of
 1795 average annual hunter participation for each species.

1796 ~~[(f)]~~ (e) Projects for which free public access is assured shall receive first priority for
 1797 funding from money allocated to upland game.

1798 ~~[(g)]~~ (f) Projects for which public access is assured shall receive second priority for
 1799 funding from money allocated to upland game.

1800 (6) The division shall use remaining money in the ~~[account shall be used]~~ Wildlife
 1801 Habitat Account for the following purposes:

1802 (a) the enhancement, acquisition, preservation, protection, and management of aquatic
 1803 and terrestrial wildlife habitat; and

1804 (b) to improve access for fishing and hunting.

1805 (7) The division shall seek the advice and recommendations of the Habitat Council,
 1806 created by the division, regarding the expenditure of account money.

1807 (8) Donations of money deposited into the ~~[account]~~ Wildlife Habitat Account and
 1808 interest earned on that money shall be expended:

1809 (a) as directed by the donor; and

1810 (b) without being appropriated by the Legislature.

1811 Section 47. Section **23A-3-208**, which is renumbered from Section 23-19-47 is
 1812 renumbered and amended to read:

1813 ~~[23-19-47].~~ **23A-3-208. Portion of revenue from license, permit, and certificate**
 1814 **of registration fees deposited into Wildlife Habitat Account.**

1815 (1) Fifty cents of the fee charged for ~~[any of the following licenses or stamps]~~ a
 1816 one-day fishing license shall be deposited in the Wildlife Habitat Account created in Section
 1817 ~~[23-19-43:]~~ 23A-3-207.

1818 ~~[(a) a one-day fishing license; or]~~

1819 ~~[(b) a one-day fishing stamp.]~~

1820 (2) Three dollars and fifty cents of the fee charged for any of the following licenses or
 1821 permits shall be deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~

1822 [23A-3-207](#):

- 1823 (a) a fishing license, except any one-day fishing license;
- 1824 (b) a hunting license;
- 1825 (c) a combination license;
- 1826 (d) a furbearer license; or
- 1827 (e) a fishing permit~~[, except any fish stamp]~~.

1828 (3) Four dollars and seventy-five cents of the fee charged for any of the following
 1829 certificates of registration~~[, permits, or Wildlife Heritage certificates]~~ or permits shall be
 1830 deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~ [23A-3-207](#):

- 1831 (a) a certificate of registration for the dedicated hunter program, except a certificate of
 1832 registration issued to a lifetime licensee;
- 1833 (b) a big game permit;
- 1834 (c) a bear permit;
- 1835 (d) a cougar permit;
- 1836 (e) a turkey permit; or
- 1837 (f) a muskrat permit~~[, or]~~
- 1838 ~~[(g) a Wildlife Heritage certificate]~~.

1839 Section 48. Section ~~23A-3-209~~, which is renumbered from Section 23-19-48 is
 1840 renumbered and amended to read:

1841 ~~[23-19-48]~~. **23A-3-209. Predator Control Restricted Account.**

1842 (1) There is created a restricted account within the General Fund known as the
 1843 "Predator Control Restricted Account."

1844 (2) The ~~[restricted account]~~ Predator Control Restricted Account includes:

1845 (a) deposits made to the ~~[restricted account]~~ Predator Control Restricted Account from
 1846 fees established on hunting permits in accordance with Section ~~[23-19-22]~~ [23A-4-703](#); and

1847 (b) ~~[any other amount]~~ other amounts deposited in the ~~[restricted account]~~ Predator
 1848 Control Restricted Account from donations or appropriations.

1849 (3) ~~[Money from the restricted account shall be used by the]~~ The division shall use

1850 money from the Predator Control Restricted Account to fund a predator control program to
1851 control populations of predatory animals that endanger the health of nonpredatory wildlife
1852 populations in the state, consistent with the policies of the Wildlife Board.

1853 Section 49. Section **23A-3-210**, which is renumbered from Section 23-15-14 is
1854 renumbered and amended to read:

1855 ~~[23-15-14].~~ **23A-3-210. State Fish Hatchery Maintenance Account.**

1856 (1) There is created a restricted account within the General Fund known as the "State
1857 Fish Hatchery Maintenance Account."

1858 (2) The following money shall be deposited into the ~~[account]~~ State Fish Hatchery
1859 Maintenance Account:

1860 (a) \$2.00 of ~~[each]~~ a fishing license fee or combination license fee; and

1861 (b) interest and earnings on account money.

1862 (3) ~~[Money in the account shall be used by the]~~ The division, after appropriation by the
1863 Legislature, shall use money in the State Fish Hatchery Maintenance Account for major repairs
1864 or replacement of facilities and equipment at fish hatcheries owned and operated by the
1865 division for the production and distribution of fish to enhance sport fishing opportunities in the
1866 state.

1867 Section 50. Section **23A-3-211**, which is renumbered from Section 23-27-305 is
1868 renumbered and amended to read:

1869 ~~[23-27-305].~~ **23A-3-211. Aquatic Invasive Species Interdiction Account.**

1870 (1) There is created within the General Fund a restricted account known as the
1871 "Aquatic Invasive Species Interdiction Account."

1872 (2) The ~~[restricted account]~~ Aquatic Invasive Species Interdiction Account shall consist
1873 of:

1874 (a) nonresident aquatic invasive species fees collected under Section ~~[23-27-304]~~

1875 23A-10-304;

1876 (b) resident aquatic invasive species fees collected under Section ~~73-18-26~~; and

1877 (c) ~~[any other amount]~~ other amounts deposited in the ~~[restricted account]~~ Aquatic

1878 Invasive Species Interdiction Account from donations, appropriations, contractual agreements,
1879 and accrued interest.

1880 (3) Upon appropriation, the division shall use the fees collected under [Sections
1881 ~~23-27-305~~] this section and Section 73-18-26 and deposited in the Aquatic Invasive Species
1882 Account to fund aquatic invasive species prevention and containment efforts.

1883 Section 51. Section **23A-3-212**, which is renumbered from Section 23-30-103 is
1884 renumbered and amended to read:

1885 ~~[23-30-103].~~ **23A-3-212. Mule Deer Protection Account.**

1886 (1) There is created a restricted account within the General Fund known as the "Mule
1887 Deer Protection Restricted Account."

1888 (a) The [~~restricted account~~] Mule Deer Protection Restricted Account shall consist of:

1889 (i) appropriations made by the Legislature; and

1890 (ii) grants or donations from:

1891 (A) the federal government;

1892 (B) a state agency;

1893 (C) a local government; or

1894 (D) a person.

1895 (b) The division shall administer the [~~restricted account~~] Mule Deer Protection
1896 Restricted Account.

1897 (2) Subject to appropriation, the division may expend money in the [~~restricted account~~]
1898 Mule Deer Protection Restricted Account on:

1899 (a) a program established by rule under Subsection [~~23-30-104~~] 23A-11-402(1);

1900 (b) a contract for targeted predator control described in Subsection [~~23-30-104~~]
1901 23A-11-402(3)(a);

1902 (c) predator control education and training related to mule deer protection described in
1903 Subsection [~~23-30-104~~] 23A-11-402(3)(b); and

1904 (d) administration costs incurred to carry out [~~the requirements of this chapter~~] Chapter
1905 11, Part 4, Mule Deer Protection.

1906 Section 52. Section **23A-3-213**, which is renumbered from Section 23-19-17.7 is
1907 renumbered and amended to read:

1908 ~~[23-19-17.7].~~ **23A-3-213. Wildlife Resources Trust Account.**

1909 (1) There is created within the General Fund a restricted account to be known as the
1910 "Wildlife Resources Trust Account~~[-All fees].~~" Fees received from the sale of lifetime licenses
1911 shall be deposited in that account.

1912 (2) ~~[All interest]~~ Interest earned by investments of the funds in the Wildlife Resources
1913 Trust Account shall, on July 1 of each year, be deposited in the Wildlife Resources Account
1914 created in Section ~~[23-14-13]~~ 23A-3-201.

1915 (3) Money in the Wildlife Resources Trust Account is subject to the restriction in
1916 Section ~~[23-22-2]~~ 23A-2-402 that no money paid to the state for hunting and fishing license
1917 fees shall be diverted for any other purpose than the enhancement of wildlife by the ~~[Division~~
1918 ~~of Wildlife Resources]~~ division.

1919 Section 53. Section **23A-3-301**, which is renumbered from Section 23-31-102 is
1920 renumbered and amended to read:

1921 **Part 3. Utah Natural Resources Legacy Fund**

1922 ~~[23-31-102].~~ **23A-3-301. Definitions.**

1923 As used in this ~~[chapter]~~ part:

1924 (1) "Board" means the Utah Natural Resources Legacy Fund Board created in Section
1925 ~~[23-31-202]~~ 23A-3-305.

1926 ~~[(2) "Department" means the Department of Natural Resources.]~~

1927 ~~[(3)]~~ (2) "Legacy fund" means the Utah Natural Resources Legacy Fund created in
1928 Section ~~[23-31-201]~~ 23A-3-304.

1929 Section 54. Section **23A-3-302**, which is renumbered from Section 23-31-103 is
1930 renumbered and amended to read:

1931 ~~[23-31-103].~~ **23A-3-302. Application to mineral estates.**

1932 This ~~[chapter]~~ part does not change law regarding:

1933 (1) the primacy of a mineral estate;

1934 (2) limiting access to a mineral estate; or

1935 (3) limiting development of a mineral estate.

1936 Section 55. Section **23A-3-303**, which is renumbered from Section 23-31-104 is
1937 renumbered and amended to read:

1938 ~~[23-31-104]~~. **23A-3-303. Reporting.**

1939 The division shall annually report to the governor and the Natural Resources,
1940 Agriculture, and Environment Interim Committee on or before September 1 with respect to:

1941 (1) federal grants, state appropriations, and other contributions, grants, gifts, transfers,
1942 bequests, and donations received and credited to the legacy fund during the preceding fiscal
1943 year; and

1944 (2) expenditures from the legacy fund under Section ~~[23-31-203]~~ 23A-3-306.

1945 Section 56. Section **23A-3-304**, which is renumbered from Section 23-31-201 is
1946 renumbered and amended to read:

1947 ~~[23-31-201]~~. **23A-3-304. Utah Natural Resources Legacy Fund.**

1948 (1) There is created an expendable special revenue fund known as the "Utah Natural
1949 Resources Legacy Fund."

1950 (2) The legacy fund consists of:

1951 (a) appropriations to the legacy fund by the Legislature;

1952 (b) federal grants accepted by the department or a division of the department and
1953 specifically directed to the legacy fund; and

1954 (c) contributions, grants, gifts, transfers, bequests, and donations to the legacy fund
1955 accepted by the department and specifically directed to the legacy fund.

1956 (3) (a) The ~~[account]~~ legacy fund shall earn interest.

1957 (b) The interest described in Subsection (3)(a) shall be deposited into the ~~[account]~~
1958 legacy fund.

1959 Section 57. Section **23A-3-305**, which is renumbered from Section 23-31-202 is
1960 renumbered and amended to read:

1961 ~~[23-31-202]~~. **23A-3-305. Utah Natural Resources Legacy Fund Board.**

1962 (1) Subject to Subsection (12), there is created within the department the Utah Natural
1963 Resources Legacy Fund Board that consists of eight members as follows:

1964 (a) the following voting members:

1965 (i) two members representing the agriculture industry, appointed by the commissioner
1966 of the Department of Agriculture and Food;

1967 (ii) one member representing a non-government entity that has as a primary purpose
1968 conserving non-game wildlife and habitat, appointed by the director [~~of the Division of~~
1969 ~~Wildlife Resources~~];

1970 (iii) one member representing hunting, fishing, and trapping interests in Utah,
1971 appointed by the director [~~of the Division of Wildlife Resources~~];

1972 (iv) one member representing mineral extraction and development interests, appointed
1973 by the director of the Division of Oil, Gas, and Mining;

1974 (v) one member representing water development and distribution interests, appointed
1975 by the executive director [~~of the department~~]; and

1976 (vi) one at-large member, appointed by the executive director [~~of the department~~]; and
1977 (b) the director [~~of the division~~] as a nonvoting member.

1978 (2) A voting member of the board shall be appointed for a three-year term.

1979 (3) Notwithstanding Subsection (2), terms of board members are staggered as follows
1980 so that approximately one-third of the board is appointed every year:

1981 (a) the initial individuals appointed under Subsections (1)(a)(i) and (ii) shall be
1982 appointed for three-year terms;

1983 (b) the initial individuals appointed under Subsections (1)(a)(iii) and (iv) shall be
1984 appointed for two-year terms; and

1985 (c) the initial individuals appointed under Subsections (1)(a)(v) and (vi) shall be
1986 appointed for one-year terms.

1987 (4) An individual may be appointed to more than one term.

1988 (5) When a vacancy occurs in the membership for any reason, an individual shall be
1989 appointed in accordance with Subsection (1) to replace the member for the unexpired term.

- 1990 (6) The board shall elect one member to serve as chair of the board.
- 1991 (7) The board shall meet regularly as called by the chair.
- 1992 (8) Four voting members constitute a quorum.
- 1993 (9) An action by the majority of voting members present when a quorum is present is
- 1994 an action of the board.
- 1995 (10) A member may not receive compensation or benefits for the member's service, but
- 1996 may receive per diem and travel expenses in accordance with:
- 1997 (a) Section [63A-3-106](#);
- 1998 (b) Section [63A-3-107](#); and
- 1999 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2000 [63A-3-107](#).
- 2001 (11) The division shall staff the board.
- 2002 (12) The board is not created and may not begin operation until the legacy fund
- 2003 described in Section [~~23-31-201~~] [23A-3-304](#) holds at least \$200,000.
- 2004 Section 58. Section **23A-3-306**, which is renumbered from Section 23-31-203 is
- 2005 renumbered and amended to read:
- 2006 ~~[23-31-203]~~. **23A-3-306. Uses of legacy fund.**
- 2007 (1) Each year, when the board creates a budget, the board shall allocate:
- 2008 (a) 40% of the budget:
- 2009 (i) for staff and expenses to administer the legacy fund under this [~~chapter~~] part;
- 2010 (ii) to conduct research, monitoring, and management actions that benefit non-game
- 2011 species; or
- 2012 (iii) to otherwise reduce the likelihood of future species listings under the Endangered
- 2013 Species Act, 16 U.S.C. Sec. 1531 et seq.; and
- 2014 (b) 60% of the budget to fund the following projects that provide the following
- 2015 landscape level conservation benefits:
- 2016 (i) preserving open spaces, wildlife habitat, and critical agricultural lands;
- 2017 (ii) providing perpetual access for hunting, fishing, or trapping;

2018 (iii) addressing and mitigating impacts detrimental to wildlife habitat, the environment,
2019 and the multiple use of renewable natural resources attributable to residential, mineral, and
2020 industrial development; or

2021 (iv) preserving a viable agricultural industry.

2022 (2) (a) The board shall make recommendations to the division regarding expenditures
2023 from the legacy fund for the purposes described in Subsection (1)(b).

2024 (b) The division shall consider the board's recommendations in approving an
2025 expenditure from the legacy fund under Subsection (1) and, if the division rejects the board's
2026 recommendation, the director [~~of the division~~] shall provide the board with a written
2027 explanation of the reason for the rejection.

2028 (3) In performing the actions described in Subsection (1)(b), the division shall comply
2029 with [~~the requirements described in Section 23-21-1.5~~] Section 23A-6-202.

2030 (4) This section does not give the division the power of eminent domain.

2031 (5) The division may not use assets from the legacy fund for litigation.

2032 (6) Money in the legacy fund may not be used to develop or implement a habitat
2033 conservation plan required under federal law unless the federal government pays for at least
2034 one-third of the habitat conservation plan costs.

2035 Section 59. Section ~~23A-4-101~~ is enacted to read:

2036 **CHAPTER 4. LICENSES, PERMITS, CERTIFICATES OF REGISTRATION, AND**
2037 **TAGS**

2038 **Part 1. General Provisions**

2039 **23A-4-101. Definitions.**

2040 Reserved.

2041 Section 60. Section ~~23A-4-201~~, which is renumbered from Section 23-19-1 is
2042 renumbered and amended to read:

2043 **Part 2. Basic Requirements**

2044 [~~23-19-1~~]. **23A-4-201. Possession of licenses, certificates of registration,**
2045 **permits, and tags required -- Nonassignability -- Exceptions -- Nature of licenses, permits,**

2046 **or tags issued by the division.**

2047 (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine
2048 protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

2049 (a) procures the necessary licenses, certificates of registration, permits, or tags required
2050 under this title, by rule made by the Wildlife Board under this title, or by an order or
2051 proclamation [~~issued in accordance with a rule made by the Wildlife Board under this title~~];
2052 and

2053 (b) carries in the person's possession while engaging in the activities described in
2054 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by
2055 rule made by the Wildlife Board under this title, or by an order or proclamation [~~issued in
2056 accordance with a rule made by the Wildlife Board under this title~~].

2057 (2) Except as provided in Subsection (3) a person may not:

2058 (a) lend, transfer, sell, give, or assign:

2059 (i) a license, certificate of registration, permit, or tag belonging to the person; or

2060 (ii) a right granted by a license, certificate of registration, permit, or tag; or

2061 (b) use or attempt to use a license, certificate of registration, permit, or tag of another
2062 person.

2063 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2064 Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2)
2065 to:

2066 (a) transport wildlife;

2067 (b) allow a person to take protected wildlife for another person if:

2068 (i) the person possessing the license, certificate of registration, permit, or tag has a
2069 permanent physical impairment due to a congenital or acquired injury or disease; and

2070 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a
2071 disability that renders the person physically unable to use a legal hunting weapon or fishing
2072 device;

2073 (c) allow a resident minor under 18 years [~~of age~~] old to use the resident or nonresident

2074 hunting permit of another person if:

2075 (i) the resident minor is otherwise legally eligible to hunt; and

2076 (ii) the permit holder:

2077 (A) receives no form of compensation or remuneration for allowing the minor to use

2078 the permit;

2079 (B) obtains the division's prior written approval to allow the minor to use the permit;

2080 and

2081 (C) accompanies the minor, for the purposes of advising and assisting during the hunt,

2082 at a distance where the permit holder can communicate with the minor, in person, by voice or

2083 visual signals; or

2084 (d) subject to the requirements of Subsection (4), transfer to another person a certificate

2085 of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in

2086 connection with the sale or transfer of the brine shrimp harvest operation or harvesting

2087 equipment.

2088 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine

2089 shrimp eggs if:

2090 (a) the person submits to the division an application to transfer the certificate on a form

2091 provided by the division;

2092 (b) the proposed transferee meets ~~all~~ the requirements necessary to obtain an original

2093 certificate of registration; and

2094 (c) the division approves the transfer of the certificate.

2095 (5) A person is not required to obtain a license, certificate of registration, permit, or tag

2096 to:

2097 (a) fish on a free fishing day that the Wildlife Board may establish each year by rule

2098 made by the Wildlife Board under this title or by an order or proclamation ~~[issued in~~

2099 ~~accordance with a rule made by the Wildlife Board under this title];~~

2100 (b) fish at a private fish pond operated in accordance with Section ~~[23-15-10; or]~~

2101 [23A-9-203](#);

2102 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to
2103 propagate, keep, and release for shooting in accordance with a certificate of registration issued
2104 under Section [~~23-17-6~~] [23A-12-202](#); or

2105 (d) take fish at a short-term fishing event.

2106 (6) (a) A license, permit, tag, or certificate of registration issued under this title, or the
2107 rules of the Wildlife Board issued pursuant to [~~authority granted by~~] this title, to take protected
2108 wildlife is:

2109 (i) a privilege; and

2110 (ii) not a right or property for any purpose.

2111 (b) A point or other form of credit issued to, or accumulated by, a person under
2112 procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a
2113 hunting permit in a division-administered drawing:

2114 (i) may not be transferred, sold, or assigned to another person; and

2115 (ii) is not a right or property for any purpose.

2116 Section 61. Section **23A-4-202**, which is renumbered from Section 23-19-2 is
2117 renumbered and amended to read:

2118 [~~23-19-2~~]. **23A-4-202. License, permit, and certificate forms prescribed by**
2119 **Wildlife Board.**

2120 (1) The Wildlife Board shall prescribe the form of a license, permit, or certificate of
2121 registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

2122 (2) A license, permit, or certificate of registration may be paper-based or in electronic
2123 format pursuant to the rules [~~established~~] made by the Wildlife Board in accordance with Title
2124 63G, Chapter 3, Utah Administrative Rulemaking Act.

2125 (3) A license issued pursuant to Section [~~23-19-36~~] [23A-4-305](#) shall be designated as
2126 such by a code number and may not contain a reference to the licensee's disability.

2127 Section 62. Section **23A-4-203**, which is renumbered from Section 23-19-3 is
2128 renumbered and amended to read:

2129 [~~23-19-3~~]. **23A-4-203. Tag as supplement to licenses and permits.**

2130 The division may issue, [~~as supplements to appropriate licenses and permits, special~~
2131 ~~tags~~] as a supplement to the appropriate license or permit, a tag for protected wildlife, as
2132 determined by the Wildlife Board.

2133 Section 63. Section **23A-4-204**, which is renumbered from Section 23-19-4 is
2134 renumbered and amended to read:

2135 ~~[23-19-4].~~ **23A-4-204. Alien's and nonresident peace officer's ability to obtain**
2136 **licenses and certificates.**

2137 (1) An alien resident of [~~the State of~~] Utah may purchase a hunting, fishing, trapping,
2138 seining, and fur dealer [~~licenses and certificates of registration~~] license or certificate of
2139 registration upon the same terms as a resident citizen.

2140 (2) [~~All nonresident aliens~~] A nonresident alien may purchase a hunting, fishing,
2141 trapping, seining, [~~and~~] or fur dealer [~~licenses and certificates~~] license or certificate of
2142 registration upon the same terms as nonresident citizens.

2143 (3) Notwithstanding Subsection [~~23-19-5~~] 23A-4-1101(1)(b), a nonresident may
2144 purchase a hunting, fishing, trapping, seining, and fur dealer license [~~and~~] or certificate of
2145 registration upon the same terms as a resident citizen if the person is:

2146 (a) employed by the state as a peace officer, as classified by Title 53, Chapter 13, Peace
2147 Officer Classifications; and

2148 (b) required to live outside the state as a condition of the person's employment.

2149 Section 64. Section **23A-4-205**, which is renumbered from Section 23-19-7 is
2150 renumbered and amended to read:

2151 ~~[23-19-7].~~ **23A-4-205. Expiration date of licenses, permits, and certificates of**
2152 **registration.**

2153 (1) The Wildlife Board shall establish the term and expiration date for a license,
2154 permit, [~~and~~] or certificate of registration issued under this title.

2155 (2) The division shall indicate the term and expiration date established under
2156 Subsection (1) on [~~each~~] a license, permit, [~~and~~] or certificate of registration.

2157 Section 65. Section **23A-4-206**, which is renumbered from Section 23-19-8 is

2158 renumbered and amended to read:

2159 ~~[23-19-8].~~ 23A-4-206. **Signature on documents -- Considered under oath --**
 2160 **Prohibition on use of unsigned documents.**

2161 (1) A person's signature on a license, permit, tag, or certificate of registration is
 2162 certification of that person's eligibility to use the license, permit, tag, or certificate of
 2163 registration for the purpose intended by this title.

2164 (2) ~~[The]~~ A signature described in Subsection (1) need not be notarized but shall be
 2165 considered to be made under oath.

2166 (3) A signature may be an electronic signature if allowed by rule made by the Wildlife
 2167 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2168 ~~[(3)]~~ (4) A person may not use an unsigned license, permit, tag, or certificate of
 2169 registration.

2170 Section 66. Section **23A-4-207**, which is renumbered from Section 23-19-38 is
 2171 renumbered and amended to read:

2172 ~~[23-19-38].~~ 23A-4-207. **Sales of licenses, certificates, or permits final --**
 2173 **Exceptions -- Reallocation of surrendered permits.**

2174 (1) ~~[Sales of all licenses, certificates, or permits are final, and no refunds may be made~~
 2175 ~~by the division]~~ A sale of a license, permit, or certificate is final, and the division may not
 2176 refund money except as provided in Subsections (2) and (3) or Section [23A-4-301](#).

2177 (2) The division may refund the amount of ~~[the]~~ a license, certificate, or permit if:

2178 (a) the division or the Wildlife Board discontinues the activity for which the license,
 2179 certificate, or permit was obtained;

2180 (b) the division determines that ~~[it]~~ the division has erroneously collected a fee;

2181 (c) (i) the person to whom the license, certificate, or permit is issued becomes ill or
 2182 suffers an injury that precludes the person from using the license, certificate, or permit;

2183 (ii) the person furnishes verification of illness or injury from a physician or physician
 2184 assistant;

2185 (iii) the person does not actually use the license, certificate, or permit; and

2186 (iv) the license, certificate, or permit is surrendered before the end of the season for
2187 which the permit was issued; or

2188 (d) the person to whom the license, certificate, or permit is issued dies [~~prior to~~] before
2189 the person being able to use the license, certificate, or permit.

2190 (3) The Wildlife Board may establish additional exceptions [~~in rule~~] to the refund
2191 prohibitions in Subsection (1) by rule made in accordance with Title 63G, Chapter 3, Utah
2192 Administrative Rulemaking Act.

2193 (4) The [~~division~~] director may reallocate surrendered permits in accordance with rules
2194 [~~adopted~~] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
2195 Administrative Rulemaking Act.

2196 Section 67. Section **23A-4-208**, which is renumbered from Section 23-19-10 is
2197 renumbered and amended to read:

2198 [~~23-19-10~~]. **23A-4-208. Duplicate license, permit, tag, or certificate of**
2199 **registration.**

2200 If an unexpired license, permit, tag, or certificate of registration issued under [~~the~~
2201 ~~provisions of this code~~] this title is destroyed, lost, or stolen, the [~~Division of Wildlife~~
2202 ~~Resources and its~~] division, a person designated by the director, or the division's authorized
2203 license agents may issue a duplicate license, permit, tag, or certificate of registration in
2204 accordance with the rules set and fees determined by the Wildlife Board.

2205 Section 68. Section **23A-4-209**, which is renumbered from Section 23-19-42 is
2206 renumbered and amended to read:

2207 [~~23-19-42~~]. **23A-4-209. Search and rescue surcharge.**

2208 (1) In addition to the fees imposed under this [~~chapter~~] title, there is imposed a 25 cent
2209 surcharge on [~~each~~] a fishing, hunting, or combination license.

2210 (2) [~~This~~] The surcharge imposed under Subsection (1) shall be deposited in the
2211 General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program
2212 created under Section [~~53-2a-1101~~] 53-2a-1102.

2213 Section 69. Section **23A-4-210**, which is renumbered from Section 23-19-45 is

2214 renumbered and amended to read:

2215 ~~[23-19-45].~~ 23A-4-210. **Fees and certificates of registration to harvest brine**
2216 **shrimp eggs.**

2217 [(1)] The Wildlife Board may not impose [~~fees~~] a fee to harvest brine shrimp eggs other
2218 than a certificate of registration [~~fees~~] fee.

2219 [~~(2) Each person holding certificates of registration for the harvesting of brine shrimp~~
2220 ~~eggs in the 1996-97 harvesting season may obtain the same number of certificates of~~
2221 ~~registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.]~~

2222 Section 70. Section **23A-4-301**, which is renumbered from Section 23-19-38.2 is
2223 renumbered and amended to read:

2224 **Part 3. Special Circumstances**

2225 ~~[23-19-38.2].~~ 23A-4-301. **Refunds for armed forces or public health or**
2226 **safety organization members.**

2227 (1) A member of the United States Armed Forces or public health or public safety
2228 organization who is mobilized or deployed on order in the interest of national defense or
2229 emergency and is precluded from using a purchased license, certificate, tag, or permit, may, as
2230 provided in Subsection (2):

- 2231 (a) receive a refund from the division; and
- 2232 (b) if the person has drawn a permit, have [~~att~~] the opportunities to draw that permit in
2233 a future draw reinstated.

2234 (2) To qualify, the person or a legal representative shall:

- 2235 (a) notify the division within a reasonable amount of time that the person is applying
2236 for a refund;
- 2237 (b) surrender the license, certificate, tag, or permit to the division; and
- 2238 (c) furnish satisfactory proof to the division that the person:
 - 2239 (i) is a member of:
 - 2240 (A) the United States Armed Forces;
 - 2241 (B) a public health organization; or

2242 (C) a public safety organization; and

2243 (ii) was precluded from using the license, certificate, tag, or permit as a result of being
2244 called to active duty.

2245 (3) The Wildlife Board may [~~adopt~~] make rules in accordance with Title 63G, Chapter
2246 3, Utah Administrative Rulemaking Act, necessary to administer this section including
2247 allowing retroactive refund to September 11, 2001.

2248 Section 71. Section **23A-4-302**, which is renumbered from Section 23-19-38.3 is
2249 renumbered and amended to read:

2250 ~~[23-19-38.3]~~. **23A-4-302. Licenses for disabled veterans.**

2251 (1) The [~~division~~] Wildlife Board shall make rules in accordance with Title 63G,
2252 Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may
2253 receive a hunting, fishing, or combination license free or at a reduced price.

2254 (2) In making rules under this section, the [~~division~~] Wildlife Board shall:

2255 (a) use the same guidelines for disability as the United States Department of Veterans
2256 Affairs; and

2257 (b) provide at a minimum a reduction under this section of 25% of the full fee.

2258 Section 72. Section **23A-4-303**, which is renumbered from Section 23-19-14 is
2259 renumbered and amended to read:

2260 ~~[23-19-14]~~. **23A-4-303. Persons residing in certain institutions may fish without**
2261 **license.**

2262 (1) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without
2263 a license if:

2264 (a) (i) the person resides in:

2265 (A) the Utah State Developmental Center in American Fork;

2266 (B) the state hospital;

2267 (C) a veterans hospital;

2268 (D) a veterans nursing home;

2269 (E) a mental health center;

- 2270 (F) an intermediate care facility for people with an intellectual disability;
- 2271 (G) a group home licensed by the Department of Human Services and operated under
- 2272 contract with the Division of Services for People with Disabilities;
- 2273 (H) a group home or other community-based placement licensed by the Department of
- 2274 Human Services and operated under contract with the Division of Juvenile Justice Services;
- 2275 (I) a private residential facility for at-risk youth licensed by the Department of Human
- 2276 Services; or
- 2277 (J) another similar institution approved by the division; or
- 2278 (ii) the person is a youth who participates in a work camp operated by the Division of
- 2279 Juvenile Justice Services;
- 2280 (b) the person is properly supervised by a representative of the institution described in
- 2281 Subsection (1)(a); and
- 2282 (c) the institution described in Subsection (1)(a) obtains from the division a certificate
- 2283 of registration that specifies:
 - 2284 (i) the date and place where the person will fish; and
 - 2285 (ii) the name of the institution's representative who will supervise the person fishing.
- 2286 (2) The institution described in Subsection (1) shall apply for the certificate of
- 2287 registration at least 10 days before the fishing outing.
- 2288 (3) (a) An institution that receives a certificate of registration authorizing at-risk youth
- 2289 to fish shall provide instruction to the youth on fishing laws and regulations.
- 2290 (b) The division shall provide educational materials to the institution to assist [†] the
- 2291 institution in complying with Subsection (3)(a).
- 2292 Section 73. Section **23A-4-304**, which is renumbered from Section 23-19-14.5 is
- 2293 renumbered and amended to read:
- 2294 ~~[23-19-14.5]~~. **23A-4-304. Persons participating in youth organization or**
- 2295 **school activity may fish without license.**
- 2296 (1) As used in this section:
- 2297 (a) "School" means an elementary school or a secondary school that:

- 2298 (i) is a public or private school located in the state; and
- 2299 (ii) provides student instruction for one or more years of kindergarten through grade 9.
- 2300 (b) "Youth organization" means a local Utah chapter of:
- 2301 (i) the Boy Scouts of America;
- 2302 (ii) the Girls Scouts of the USA; or
- 2303 (iii) an organization that:
- 2304 (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and
- 2305 (B) promotes character building through outdoor activities.
- 2306 (2) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without
- 2307 a license during a youth organization or school activity if:
- 2308 (a) the person is:
- 2309 (i) (A) a member of the youth organization; or
- 2310 (B) a student enrolled in the school; and
- 2311 (ii) younger than 16 years old;
- 2312 (b) the fishing is in compliance with [~~the~~] the fishing statutes and rules;
- 2313 (c) the activity is part of a recreational or instructional program of the youth
- 2314 organization or school; and
- 2315 (d) an adult leader of the activity obtains from the youth organization or school:
- 2316 (i) a valid tour permit; or
- 2317 (ii) documentation that specifies:
- 2318 (A) the date and place of the fishing activity;
- 2319 (B) the name of the adult leader that will supervise the fishing; and
- 2320 (C) that the activity is officially sanctioned or authorized by the youth organization or
- 2321 school.
- 2322 (3) (a) The adult leader shall:
- 2323 (i) possess a valid Utah fishing or combination license; and
- 2324 (ii) instruct the activity participants on fishing statutes and rules.
- 2325 (b) The division shall provide educational materials on [~~its~~] the division's website to

2326 assist the adult leader in complying with Subsection (3)(a).

2327 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2328 Wildlife Board shall adopt rules specifying the form of the documentation required under
2329 Subsection (2)(d)(ii).

2330 Section 74. Section **23A-4-305**, which is renumbered from Section 23-19-36 is
2331 renumbered and amended to read:

2332 ~~[23-19-36].~~ **23A-4-305. Persons with a physical or intellectual disability,**
2333 **terminally ill persons, and children in the custody of the state may fish for free.**

2334 (1) A resident who is blind, has paraplegia, or has another permanent disability so as to
2335 be permanently confined to a wheelchair or the use of crutches, or who has lost either or both
2336 lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this
2337 fact to the ~~[Division of Wildlife Resources]~~ division.

2338 (2) A resident who has an intellectual disability and is not eligible under Section
2339 ~~[23-19-14]~~ 23A-4-303 to fish without a license may receive a free license to fish upon
2340 furnishing verification from a physician or physician assistant that the person has an
2341 intellectual disability.

2342 (3) A resident who is terminally ill, and has less than five years to live, may receive a
2343 free license to fish:

2344 (a) upon furnishing verification from a physician or physician assistant; and

2345 (b) if the resident qualifies for assistance under ~~[any]~~ a low income public assistance
2346 program administered by a state agency.

2347 (4) A child placed in the custody of the state by a court order may receive a free fishing
2348 license upon furnishing verification of custody to the ~~[Division of Wildlife Resources]~~
2349 division.

2350 Section 75. Section **23A-4-306**, which is renumbered from Section 23-19-39 is
2351 renumbered and amended to read:

2352 ~~[23-19-39].~~ **23A-4-306. Additional appropriation.**

2353 The division each year shall request the Legislature to appropriate from the General

2354 Fund in ~~[the]~~ an appropriations act, for deposit in the Wildlife Resources Restricted Account, a
2355 sum equal to the total of the fees, as determined by the previous year's license sales, that would
2356 have otherwise been collected for fishing licenses had full fees been paid by those 65 years ~~[of~~
2357 ~~age]~~ old or older or those who received free fishing privileges under ~~[the provisions of Section~~
2358 ~~23-19-14 or 23-19-36]~~ Section 23A-4-303 or 23A-4-305.

2359 Section 76. Section **23A-4-401**, which is renumbered from Section 23-19-17 is
2360 renumbered and amended to read:

2361 **Part 4. Combined or Lifetime Licenses**

2362 ~~[23-19-17].~~ **23A-4-401. Resident fishing and hunting license -- Use of fee.**

2363 (1) A resident, after paying the fee established by the Wildlife Board, may obtain, as
2364 provided by the Wildlife Board's rules, a combination license to:

2365 (a) fish;

2366 (b) hunt for small game; and

2367 (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2368 (2) Up to \$1 of the combination license fee may be used for the hunter education
2369 program for any of the following:

2370 (a) instructor and student training;

2371 (b) assisting local organizations with development;

2372 (c) maintenance of existing facilities; or

2373 (d) operation and maintenance of the hunter education program.

2374 (3) (a) Up to 50 cents of the combination license fee may be used for the upland game
2375 program to:

2376 (i) acquire pen-raised birds; or

2377 (ii) capture and transplant upland game species.

2378 (b) The combination license fee revenue designated for the upland game program by

2379 Subsection (3)(a) is in addition to ~~[any]~~ combination license fee revenue that may be used for

2380 the upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and

2381 23A-3-208.

2382 Section 77. Section ~~23A-4-402~~, which is renumbered from Section 23-19-17.5 is
 2383 renumbered and amended to read:

2384 ~~[23-19-17.5]~~. **23A-4-402. Lifetime hunting and fishing licenses.**

2385 (1) ~~[Lifetime licensees]~~ A lifetime licensee who is born after December 31, 1965, shall
 2386 complete the hunter education requirements under Section ~~[23-19-11]~~ 23A-4-1001 before
 2387 engaging in hunting.

2388 (2) A lifetime license ~~[shall remain]~~ remains valid if the residency of the lifetime
 2389 licensee changes to another state or country.

2390 (3) (a) A lifetime license may be used in lieu of a hunting or fishing license.

2391 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag
 2392 of the lifetime licensee's choice for one of the following general season deer hunts:

2393 (i) archery;

2394 (ii) rifle; or

2395 (iii) muzzleloader.

2396 (c) A lifetime licensee is subject to each requirement for special hunting and fishing
 2397 permits and tags, except as provided in Subsections (3)(a) and (b).

2398 (4) The Wildlife Board may ~~[adopt]~~ make rules, in accordance with Title 63G, Chapter
 2399 3, Utah Administrative Rulemaking Act, necessary to carry out ~~[the provisions of]~~ this section.

2400 Section 78. Section ~~23A-4-501~~, which is renumbered from Section 23-19-15 is
 2401 renumbered and amended to read:

2402 **Part 5. License Agents**

2403 ~~[23-19-15]~~. **23A-4-501. Wildlife license agents.**

2404 (1) The director ~~[of the division]~~ may designate wildlife license agents to sell licenses,
 2405 permits, and tags.

2406 (2) ~~[Wildlife license agents]~~ A wildlife license agent may:

2407 (a) sell ~~[licenses, permits, and tags to all eligible applicants, except those licenses,~~
 2408 ~~permits, and tags]~~ a license, permit, or tag to an eligible applicant, except for a license, permit,
 2409 or tag specified in Subsection ~~[23-19-16]~~ 23A-4-503(2) which may be sold only by the

2410 division; and

2411 (b) collect a fee for ~~[each]~~ a license, permit, or tag sold.

2412 (3) A wildlife license agent shall receive:

2413 (a) for ~~[any]~~ a wildlife license, permit, or tag having a fee equal to \$10 or less ~~[and]~~ but

2414 greater than \$1, 50 cents for ~~[each]~~ a wildlife license, permit, or tag sold; and

2415 (b) for ~~[any]~~ a wildlife license, permit, or tag having a fee greater than \$10, 5% of the

2416 fee.

2417 (4) The division may require a wildlife license ~~[agents]~~ agent to obtain a bond in a

2418 reasonable amount.

2419 (5) (a) As directed by the division, ~~[each]~~ a wildlife license agent shall:

2420 (i) report ~~[all]~~ the wildlife license agent's sales to the division; and

2421 (ii) submit ~~[all-of]~~ to the division the fees obtained from the sale of licenses, permits,

2422 and tags less the remuneration provided in Subsection (3).

2423 (b) If a wildlife license agent fails to pay the amount due, the division may assess a

2424 penalty of 20% of the amount due. ~~[All delinquent payments]~~ A delinquent payment shall bear

2425 interest at the rate of 1% per month. If the amount due is not paid because of bad faith or

2426 fraud, the division shall assess a penalty of 100% of the total amount due together with interest.

2427 (c) ~~[All fees]~~ Fees, except the remuneration provided in Subsection (3), shall:

2428 (i) be kept separate from the private ~~[funds]~~ money of the wildlife license agents; and

2429 (ii) belong to the state.

2430 (6) A wildlife license agent may not intentionally:

2431 (a) fail to date or misdate a license, permit, or tag;

2432 (b) issue a hunting license or permit to an individual until that individual furnishes

2433 proof of successful completion of a division-approved hunter education course as provided in

2434 Section ~~[23-19-11]~~ 23A-4-1001; or

2435 (c) issue a furbearer license to an individual until that individual furnishes proof of

2436 successful completion of a division-approved furharvester education course as provided in

2437 Section ~~[23-19-11.5]~~ 23A-4-1005.

2438 ~~[(7) (a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a~~
2439 ~~class B misdemeanor.]~~

2440 ~~[(b) A violation of this section is a class A misdemeanor if the aggregate amount~~
2441 ~~required under Subsection (5)(a):]~~

2442 ~~[(i) is at least \$1,000, but less than \$10,000;]~~

2443 ~~[(ii) is not submitted for one or more months; and]~~

2444 ~~[(iii) remains uncollectable.]~~

2445 ~~[(c) A violation of this section is a felony of the third degree if the aggregate amount~~
2446 ~~required under Subsection (5)(a):]~~

2447 ~~[(i) is \$10,000 or more;]~~

2448 ~~[(ii) is not submitted for one or more months; and]~~

2449 ~~[(iii) remains uncollectable.]~~

2450 ~~[(8) Violation of any provision of this section may be cause for revocation of the~~
2451 ~~wildlife license agent authorization.]~~

2452 Section 79. Section **23A-4-502** is enacted to read:

2453 **23A-4-502. Violations by a wildlife license agent -- Criminal penalty.**

2454 (1) A person is guilty of an unlawful act if the actor:

2455 (a) fails to take an action required by Section [23A-4-501](#); or

2456 (b) takes an action prohibited by Section [23A-4-501](#).

2457 (2) (a) Except as provided in Subsections (2)(b) and (c), a violation of Subsection (1) is
2458 a class B misdemeanor.

2459 (b) A violation of Subsection (1) is a class A misdemeanor if the aggregate amount
2460 required under Subsection [23A-4-501\(5\)\(a\)](#):

2461 (i) is at least \$1,000, but less than \$10,000;

2462 (ii) is not submitted for one or more months; and

2463 (iii) remains uncollectable.

2464 (c) A violation of Subsection (1) is a felony of the third degree if the aggregate amount
2465 required under Subsection [23A-4-501\(5\)\(a\)](#):

- 2466 (i) is \$10,000 or more;
- 2467 (ii) is not submitted for one or more months; and
- 2468 (iii) remains uncollectable.
- 2469 (3) A violation of Subsection (1) may be cause for revocation of the wildlife license
- 2470 agent authorization.

2471 Section 80. Section **23A-4-503**, which is renumbered from Section 23-19-16 is

2472 renumbered and amended to read:

2473 **[23-19-16]. 23A-4-503. Licenses obtained from agents of division.**

2474 (1) [~~Licenses~~] A person may obtain a license provided for in [Sections 23-19-17

2475 through 23-19-27 may be obtained] the following sections from the division or one of [its] the

2476 division's authorized wildlife license agents:

- 2477 (a) Section 23A-4-401;
- 2478 (b) Section 23A-4-601;
- 2479 (c) Sections 23A-4-703 through 23A-4-707; and
- 2480 (d) Section 23A-4-901.

2481 (2) [~~Licenses~~] A person may obtain a license provided for in [Sections 23-19-17.5,

2482 23-19-34.7, and 23-19-36 may be obtained] Section 23A-4-305, 23A-4-402, or 23A-4-802 only

2483 from the division.

2484 Section 81. Section **23A-4-601**, which is renumbered from Section 23-19-21 is

2485 renumbered and amended to read:

2486 **Part 6. Fishing**

2487 **[23-19-21]. 23A-4-601. Fishing license.**

2488 (1) A person 12 years [~~of age~~] old or older shall purchase a fishing license before

2489 engaging in a regulated fishing activity.

2490 (2) Upon paying the fee prescribed by the Wildlife Board, a person may obtain a

2491 license to fish and engage in a regulated fishing activity in accordance with the rules,

2492 proclamations, and orders of the Wildlife Board.

2493 (3) A person under 12 years [~~of age~~] old may fish without a license in accordance with

2494 the rules, proclamations, and orders of the Wildlife Board.

2495 Section 82. Section ~~23A-4-602~~, which is renumbered from Section 23-19-35 is
2496 renumbered and amended to read:

2497 ~~[23-19-35]~~. 23A-4-602. Seining registration.

2498 ~~[Any]~~ A person, upon application to the Wildlife Board, may be registered to seine.

2499 Section 83. Section ~~23A-4-701~~, which is renumbered from Section 23-19-14.6 is
2500 renumbered and amended to read:

2501 **Part 7. Hunting**

2502 ~~[23-19-14.6]~~. 23A-4-701. Trial hunting authorization.

2503 (1) Upon application, the division may issue a trial hunting authorization to an
2504 individual who:

2505 (a) is 11 years ~~[of age]~~ old or older at the time of application;

2506 (b) is eligible under state and federal law to possess a firearm and archery equipment;

2507 and

2508 (c) (i) was born after 1965; and

2509 (ii) has not completed a division approved hunter education course.

2510 (2) Notwithstanding ~~[the requirements of Section 23-19-11]~~ Section 23A-4-1001, an
2511 individual who ~~[has obtained]~~ obtains a trial hunting authorization under Subsection (1) may
2512 obtain:

2513 (a) a hunting license under ~~[Sections 23-19-17, 23-19-24, and 23-19-26]~~ Section
2514 23A-4-401, 23A-4-706, or 23A-4-707; or

2515 (b) a hunting permit authorized by the Wildlife Board under Subsection (4).

2516 (3) An individual who ~~[has obtained]~~ obtains a hunting license or permit with a trial
2517 hunting authorization under Subsection (2) may use the license or permit if the individual is:

2518 (a) 12 years ~~[of age]~~ old or older; and

2519 (b) accompanied, as defined in Subsection ~~[23-20-20]~~ 23A-4-708(1), in the field while
2520 hunting by an individual who:

2521 (i) is 21 years ~~[of age]~~ old or older;

- 2522 (ii) is eligible under state and federal law to possess a firearm and archery equipment;
- 2523 (iii) possesses a current Utah hunting or combination license;
- 2524 (iv) has satisfied applicable hunter education requirements under this chapter; and
- 2525 (v) possesses the written consent of the holder's parent or legal guardian, if
- 2526 accompanying a holder of a trial hunting authorization who is under 18 years ~~[of age]~~ old.

2527 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 2528 Wildlife Board may make rules to:

- 2529 (a) designate the types of hunting permits under Subsection (2) that may be obtained
- 2530 with a trial hunting authorization;
- 2531 (b) establish the term of a trial hunting authorization;
- 2532 (c) establish the number of years a person may obtain a trial hunting authorization;
- 2533 (d) prescribe the number of individuals using a trial hunting authorization that an
- 2534 individual may accompany in the field under Subsection (3) at a single time;
- 2535 (e) establish the application process for an individual to obtain a trial hunting
- 2536 authorization; and
- 2537 (f) administer and enforce ~~[the provisions of]~~ this section.

2538 Section 84. Section ~~23A-4-702~~, which is renumbered from Section 23-19-49 is
 2539 renumbered and amended to read:

2540 ~~[23-19-49].~~ **23A-4-702. Air rifle hunting.**

2541 (1) As used in this section~~[:—(a) "Division" means the Division of Wildlife~~
 2542 ~~Resources.(b) "Pre-charged"],~~ "pre-charged pneumatic air rifle" means a rifle that fires a single
 2543 projectile with compressed air released from a chamber:

- 2544 [(i)] (a) built into the rifle; and
- 2545 [(ii)] (b) pressurized at a minimum of 2,000 pounds per square inch from an external
- 2546 high compression device or source, such as a hand pump, compressor, or scuba tank.

2547 (2) (a) An individual shall obtain a permit issued under this section before using a
 2548 pre-charged pneumatic air rifle to hunt a species of wildlife designated by the Wildlife Board.

2549 (b) The Wildlife Board shall by rule, made in accordance with Title 63G, Chapter 3,

2550 Utah Administrative Rulemaking Act, designate which species of wildlife may be hunted with
2551 the use of a pre-charged pneumatic air rifle.

2552 (3) The division shall review the funding available for the regulation of hunting with
2553 pre-charged pneumatic air rifles and report the division's findings to the Natural Resources,
2554 Agriculture, and Environment Interim Committee by no later than the November 2024 interim
2555 committee meeting.

2556 Section 85. Section **23A-4-703**, which is renumbered from Section 23-19-22 is
2557 renumbered and amended to read:

2558 ~~[23-19-22].~~ **23A-4-703. Big game hunting permit.**

2559 (1) A person who is at least 12 years old~~[, upon paying the big game hunting permit fee~~
2560 ~~established by the Wildlife Board, paying the fee established by Subsection (4), and possessing~~
2561 ~~a valid hunting or combination license,]~~ may apply for or obtain a permit to hunt big game as
2562 provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife Board~~[-:]~~ upon:

2563 (a) paying the big game hunting permit fee established by the Wildlife Board;

2564 (b) paying the fee established by Subsection (4); and

2565 (c) possessing a valid hunting or combination license.

2566 (2) (a) A person who is 11 years old may apply for or obtain a big game hunting permit
2567 consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the
2568 calendar year for which the permit is issued.

2569 (b) A person may not use a permit to hunt big game before the person's 12th birthday.

2570 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a big game permit fee collected
2571 from a resident ~~[shall be used]~~ for the hunter education program as provided in Section
2572 ~~[23-19-17]~~ 23A-4-401.

2573 (4) There is established a fee in the amount of \$5 added to ~~[each]~~ a permit under this
2574 section to be deposited in the Predator Control Restricted Account.

2575 Section 86. Section **23A-4-704**, which is renumbered from Section 23-19-22.5 is
2576 renumbered and amended to read:

2577 ~~[23-19-22.5].~~ **23A-4-704. Cougar or bear hunting permit.**

2578 (1) A person 12 years ~~[of age]~~ old or older ~~[, upon paying the cougar or bear hunting~~
2579 ~~permit fee established by the Wildlife Board and possessing a valid hunting or combination~~
2580 ~~license;]~~ may apply for or obtain a permit to take cougar or bear as provided by ~~[rules and~~
2581 ~~proclamations]~~ a rule or proclamation of the Wildlife Board~~[-]~~ upon:

2582 (a) paying the cougar or bear hunting permit fee established by the Wildlife Board; and
2583 (b) possessing a valid hunting or combination license.

2584 (2) A person 11 years ~~[of age]~~ old may apply for or obtain a cougar or bear hunting
2585 permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls
2586 within the calendar year in which the permit is issued.

2587 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a cougar or bear permit fee
2588 collected from a resident ~~[shall be used]~~ for the hunter education program.

2589 Section 87. Section **23A-4-705**, which is renumbered from Section 23-19-22.6 is
2590 renumbered and amended to read:

2591 ~~[23-19-22.6].~~ **23A-4-705. Turkey hunting permit -- Use of fee.**

2592 (1) ~~[A person, upon paying the turkey permit fee established by the Wildlife Board and~~
2593 ~~possessing a valid hunting or combination license;]~~ A person may apply for or obtain a permit
2594 to take turkey as provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife
2595 Board~~[-]~~ upon:

2596 (a) paying the turkey permit fee established by the Wildlife Board; and

2597 (b) possessing a valid hunting or combination license.

2598 (2) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a turkey permit fee collected from
2599 a resident ~~[shall be used]~~ for the hunter education program.

2600 Section 88. Section **23A-4-706**, which is renumbered from Section 23-19-24 is
2601 renumbered and amended to read:

2602 ~~[23-19-24].~~ **23A-4-706. Resident hunting license -- Use of fee.**

2603 (1) A resident ~~[, after paying the fee established by the Wildlife Board;]~~ may obtain a
2604 hunting license after paying the fee established by the Wildlife Board.

2605 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife

2606 Board's rules and proclamations:

2607 (a) take small game; and

2608 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2609 (3) Up to \$1 of the hunting license fee may be used for the hunter education program.

2610 (4) (a) Up to 50 cents of the hunting license fee may be used for the upland game

2611 program to:

2612 (i) acquire pen-raised birds; or

2613 (ii) capture and transplant upland game species.

2614 (b) The hunting license fee revenue designated for the upland game program by

2615 Subsection (4)(a) is in addition to [~~any~~] hunting license fee revenue that may be used for the

2616 upland game program as provided by Sections [~~23-19-43 and 23-19-47~~] [23A-3-207](#) and

2617 [23A-3-208](#).

2618 Section 89. Section **23A-4-707**, which is renumbered from Section 23-19-26 is

2619 renumbered and amended to read:

2620 [~~23-19-26~~]. **23A-4-707. Nonresident hunting license -- Use of fee.**

2621 (1) A nonresident[~~, after paying the fee established by the Wildlife Board,~~] may obtain

2622 a hunting license after paying the fee established by the Wildlife Board.

2623 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife

2624 Board's rules and proclamations:

2625 (a) take small game; and

2626 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2627 (3) (a) Up to 50 cents of the hunting license fee may be used for the upland game

2628 program to:

2629 (i) acquire pen-raised birds; or

2630 (ii) capture and transplant upland game species.

2631 (b) The hunting license fee revenue designated for the upland game program by

2632 Subsection (3)(a) is in addition to [~~any~~] hunting license fee revenue that may be used for the

2633 upland game program as provided by Sections [~~23-19-43 and 23-19-47~~] [23A-3-207](#) and

2634 [23A-3-208](#).

2635 Section 90. Section **23A-4-708**, which is renumbered from Section 23-20-20 is
2636 renumbered and amended to read:

2637 ~~[23-20-20]~~. **23A-4-708. Children accompanied by adults while hunting with**
2638 **weapon.**

2639 (1) As used in this section:

2640 (a) "Accompanied" means at a distance within which visual and verbal communication
2641 is maintained for the purposes of advising and assisting.

2642 (b) (i) "Electronic device" means a mechanism powered by electricity that allows
2643 communication between two or more people.

2644 (ii) "Electronic device" includes a mobile telephone or two-way radio.

2645 (c) "Verbal communication" means the conveyance of information through speech that
2646 does not involve an electronic device.

2647 (2) A person younger than 14 years old who is hunting with ~~[any]~~ a weapon shall be
2648 accompanied by:

2649 (a) the person's parent or legal guardian; or

2650 (b) a responsible person who is at least 21 years old and who is approved by the
2651 person's parent or guardian.

2652 (3) A person younger than 16 years old who is hunting big game with ~~[any]~~ a weapon
2653 shall be accompanied by:

2654 (a) the person's parent or legal guardian; or

2655 (b) a responsible person who is at least 21 years old and who is approved by the
2656 person's parent or guardian.

2657 (4) A person who is at least 14 years old but younger than 16 years old shall be
2658 accompanied by a person who is at least 21 years old while hunting wildlife, other than big
2659 game, with ~~[any]~~ a weapon.

2660 Section 91. Section **23A-4-709**, which is renumbered from Section 23-20-30 is
2661 renumbered and amended to read:

2662 ~~[23-20-30].~~ 23A-4-709. **Tagging requirements.**

2663 (1) The Wildlife Board may make rules that require the carcass of certain species of
2664 protected wildlife to be tagged.

2665 (2) Except as provided by the Wildlife Board by rules made in accordance with Title
2666 63G, Chapter 3, Utah Administrative Rulemaking Act, a hunter shall tag the carcass of ~~[any]~~ a
2667 species of protected wildlife required to be tagged ~~[shall be tagged]~~ before the carcass is moved
2668 from or the hunter leaves the site of kill.

2669 (3) To tag a carcass, a person shall:

2670 (a) (i) completely detach the tag from the license or permit;

2671 (ii) completely remove the appropriate notches to correspond with:

2672 (A) the date the animal was taken; and

2673 (B) the sex of the animal; and

2674 (iii) attach the tag to the carcass so that the tag remains securely fastened and visible;

2675 or

2676 (b) complete an electronic tagging certification according to standards approved by the
2677 Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
2678 Rulemaking Act.

2679 (4) A person may not:

2680 (a) remove more than one notch indicating date or sex; or

2681 (b) tag more than one carcass using the same tag.

2682 Section 92. Section **23A-4-801**, which is renumbered from Section 23-19-34.5 is
2683 renumbered and amended to read:

2684 **Part 8. Falconry**

2685 ~~[23-19-34.5].~~ 23A-4-801. **Falconry certificate of registration -- Residents**
2686 **12 or older may obtain certificate of registration -- License for falconry meet for**
2687 **nonresidents -- Wildlife Board approval required for falconry meet -- Hunting license**
2688 **required to take protected game.**

2689 (1) A resident 12 years ~~[of age]~~ old or older~~[, upon application to the division,]~~ may

2690 obtain a certificate of registration to hold falcons and engage in the sport of falconry on
 2691 nongame wildlife species upon application to the division.

2692 (2) A nonresident entering Utah to participate in the sport of falconry at an organized
 2693 meet shall obtain a license as provided in Section [~~23-19-34.7~~] 23A-4-802.

2694 (3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife
 2695 Board [~~in order~~] to conduct an organized falconry meet.

2696 (4) (a) [~~Any~~] A person engaging in the sport of falconry on protected small game
 2697 species shall possess, in addition to the falconry certificate of registration, a hunting license.

2698 (b) [~~Any~~] A nonresident who has been issued a license pursuant to Section
 2699 [~~23-19-34.7~~] 23A-4-802 is not required to possess a hunting license [~~in order~~] to take small
 2700 game during the five-day period of the license.

2701 Section 93. Section **23A-4-802**, which is renumbered from Section 23-19-34.7 is
 2702 renumbered and amended to read:

~~[23-19-34.7].~~ **23A-4-802. Nonresident falconry meet license.**

2704 (1) A nonresident 12 years [~~of age~~] old or older may participate in a falconry meet in
 2705 this state upon payment of a fee prescribed by the Wildlife Board.

2706 (2) (a) A nonresident falconry meet license is valid only for five consecutive days, the
 2707 dates to be designated on the license.

2708 (b) The holder of the license may engage in the sport of falconry on nongame wildlife
 2709 species and small game species[;] during the specified five-day period.

2710 Section 94. Section **23A-4-901**, which is renumbered from Section 23-19-27 is
 2711 renumbered and amended to read:

Part 9. Furbearer License or Registration

~~[23-19-27].~~ **23A-4-901. Furbearer license -- Resident or nonresident.**

2714 A resident or nonresident[~~, upon payment of the fee prescribed by the Wildlife Board,~~]
 2715 may receive a license to take furbearers upon payment of the fee prescribed by the Wildlife
 2716 Board.

2717 Section 95. Section **23A-4-902**, which is renumbered from Section 23-19-31 is

2718 renumbered and amended to read:

2719 ~~[23-19-31].~~ **23A-4-902. Resident fur dealer registration.**

2720 A resident~~[, upon application to the Wildlife Board,]~~ may be registered as a fur dealer
2721 upon application to the Wildlife Board.

2722 Section 96. Section **23A-4-903**, which is renumbered from Section 23-19-32 is
2723 renumbered and amended to read:

2724 ~~[23-19-32].~~ **23A-4-903. Nonresident fur dealer registration.**

2725 A nonresident~~[, upon application to the wildlife board,]~~ may be registered as a fur
2726 dealer upon application to the Wildlife Board.

2727 Section 97. Section **23A-4-904**, which is renumbered from Section 23-19-33 is
2728 renumbered and amended to read:

2729 ~~[23-19-33].~~ **23A-4-904. Registration of fur dealer's agent.**

2730 ~~[Any]~~ A person who is employed by a fur dealer as a fur buyer in the field~~[, upon~~
2731 ~~application to the Wildlife Board,]~~ may be registered as a fur dealer's agent upon application to
2732 the Wildlife Board.

2733 Section 98. Section **23A-4-905**, which is renumbered from Section 23-18-5 is
2734 renumbered and amended to read:

2735 ~~[23-18-5].~~ **23A-4-905. Fur dealer and fur dealer's agent -- Certificates of**
2736 **registration required -- Receipts required.**

2737 (1) (a) ~~[Any]~~ A person engaging in, carrying on, or conducting, wholly or in part, the
2738 business of buying, selling, trading, or dealing, within the state, in the skins or pelts of
2739 furbearing mammals ~~[shall be deemed]~~ is considered a fur dealer within the meaning of this
2740 ~~[code. All fur dealers]~~ title.

2741 (b) A fur dealer shall secure a fur dealer certificate of registration from the ~~[Division of~~
2742 ~~Wildlife Resources, but no]~~ division, except a certificate of registration [shall be] is not
2743 required for:

2744 (i) a licensed trapper or fur farmer selling skins or pelts ~~[which]~~ that the licensed
2745 trapper or fur farmer has lawfully taken~~[,]~~ or raised~~[, nor for any]; or~~

2746 (ii) a person who is not a fur dealer and who purchases ~~[any such]~~ skins or pelts
2747 described in Subsection (1)(b)(i) exclusively for the person's own use and not for sale.

2748 (2) ~~[Any]~~ (a) A person who is employed by a resident or nonresident fur dealer as a fur
2749 buyer, in the field, is ~~[deemed]~~ considered a fur dealer's agent.

2750 ~~[Application]~~ (b) The fur dealer employing an agent shall apply for a fur dealer's agent
2751 certificate of registration ~~[shall be made by the fur dealer employing the agent, and no]~~, and an
2752 agent certificate of registration ~~[shall]~~ may not be issued until the necessary fur dealer
2753 certificate of registration has been first secured by the employer of the agent.

2754 (3) ~~[Receipts shall be issued by the]~~ The vendor shall issue a receipt to the vendee
2755 whenever the skins or pelts of furbearing mammals change ownership by virtue of sale,
2756 exchange, barter, or gift~~[-, and both]~~. Both the vendor and vendee shall produce ~~[this]~~ the
2757 receipt or evidence of legal transaction upon request by the ~~[Division of Wildlife Resources]~~
2758 division or other person authorized to enforce ~~[the provisions of this code]~~ this title.

2759 Section 99. Section **23A-4-1001**, which is renumbered from Section 23-19-11 is
2760 renumbered and amended to read:

2761 **Part 10. Education**

2762 ~~[23-19-11]~~. **23A-4-1001. Hunter education required.**

2763 (1) (a) Except as provided in Section ~~[23-19-14.6]~~ 23A-4-701, an individual born after
2764 December 31, 1965, may not acquire or possess a hunting license or permit unless the
2765 individual has successfully completed a division-approved hunter education course.

2766 (b) A division-approved hunter education course shall include education concerning
2767 the importance of gates and fences used in agriculture and how to properly close a gate.

2768 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2769 Wildlife Board may make rules establishing:

2770 (a) criteria and standards for approving a hunter education course, including a course
2771 offered in another state or country; and

2772 (b) procedures for verifying and documenting that an individual seeking a hunting
2773 license or permit has successfully completed a division-approved hunter education course.

2774 ~~[(3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting~~
2775 ~~license or permit in violation of the hunter education requirements in Subsection (1).]~~

2776 ~~[(b) A hunting license or permit obtained or possessed in violation of this section is~~
2777 ~~invalid.]~~

2778 Section 100. Section **23A-4-1002**, which is renumbered from Section 23-19-11.1 is
2779 renumbered and amended to read:

2780 ~~[23-19-11.1].~~ **23A-4-1002. Hunter education practical shooting test --**

2781 **Exemptions.**

2782 (1) Except as provided in Subsection (2), the Wildlife Board may require that the
2783 division-approved hunter education course required by Section ~~[23-19-11]~~ [23A-4-1001](#) include
2784 a practical shooting test.

2785 (2) A member of the United States Armed Forces, including the Utah National Guard,
2786 is exempt from a practical shooting test that may be required under Subsection (1) if the
2787 member has passed firearms training in the United States Armed Forces or Utah National
2788 Guard.

2789 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2790 Wildlife Board may make rules establishing firearms test verification requirements.

2791 Section 101. Section **23A-4-1003**, which is renumbered from Section 23-19-12 is
2792 renumbered and amended to read:

2793 ~~[23-19-12].~~ **23A-4-1003. Instruction in hunter education -- Issuance of**
2794 **certificate of competency.**

2795 (1) The ~~[Division of Wildlife Resources]~~ division shall provide for ~~[individuals]~~ an
2796 individual interested in obtaining an instructor's certificate in hunter education a course of
2797 instruction in:

2798 (a) the safe handling of firearms;

2799 (b) conservation;

2800 (c) hunting ethics;

2801 (d) information required by Subsection ~~[23-19-11]~~ [23A-4-1001](#)(1)(b); and

2802 (e) related subject matter.

2803 (2) A certified instructor may, on a voluntary basis, give instruction in the course of
2804 hunter education, as established by the [~~Division of Wildlife Resources~~] division, to eligible
2805 persons [~~who, upon the successful completion of the course, shall be issued~~]. The division shall
2806 issue a certificate of competency in hunter education upon the successful completion of the
2807 course.

2808 Section 102. Section **23A-4-1004**, which is renumbered from Section 23-19-12.7 is
2809 renumbered and amended to read:

2810 [~~23-19-12.7~~]. **23A-4-1004. Instruction in bow hunter education -- Issuance**
2811 **of certificate of completion.**

2812 (1) The division shall establish criteria for a bow hunter education course, which may
2813 be offered by [~~any~~] an entity that meets the division's criteria.

2814 (2) The bow hunter education course shall include instruction in:

2815 (a) the safe use of bow hunting equipment;

2816 (b) fundamentals of bow hunting;

2817 (c) shooting and hunting techniques; and

2818 (d) hunter ethics.

2819 (3) The division shall issue a certificate of completion to a participant upon successful
2820 completion of a bow hunter education course which meets the requirements of this section and
2821 criteria established by the division.

2822 Section 103. Section **23A-4-1005**, which is renumbered from Section 23-19-11.5 is
2823 renumbered and amended to read:

2824 [~~23-19-11.5~~]. **23A-4-1005. Proof of furharvester education required.**

2825 (1) A resident born after December 31, 1984, may not acquire or possess a furbearer
2826 license unless the individual has successfully completed a division-approved furharvester
2827 education course.

2828 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2829 Wildlife Board may make rules establishing:

2830 (a) criteria and standards for approving a furharvester education course, including a
2831 course offered in another state or country; and

2832 (b) procedures for verifying and documenting that an individual seeking a furbearer
2833 license has successfully completed a division-approved furharvester education course.

2834 ~~[(3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a~~
2835 ~~furbearer license in violation of the furharvester education requirements in Subsection (1).]~~

2836 ~~[(b) A furbearer license or permit obtained or possessed in violation of this section is~~
2837 ~~invalid.]~~

2838 Section 104. Section ~~23A-4-1006~~, which is renumbered from Section 23-19-12.5 is
2839 renumbered and amended to read:

2840 ~~[23-19-12.5].~~ 23A-4-1006. Instruction in furharvester education --
2841 **Issuance of certificate of completion.**

2842 (1) The division shall provide a course of instruction in safe and responsible trapping,
2843 including instruction in:

2844 (a) the use of trapping devices;

2845 (b) trapping laws;

2846 (c) trapping ethics;

2847 (d) techniques in safely releasing nontarget animals;

2848 (e) firearms safety;

2849 (f) wildlife management;

2850 (g) proper catch handling;

2851 (h) trapper health and safety; and

2852 (i) ethics relating to the avoidance of conflicts with other public land users and private
2853 landowners.

2854 (2) (a) ~~[Certified instructors will]~~ A certified instructor may, on a voluntary basis, give
2855 instruction in the course of furharvester education, as established by the division.

2856 (b) Upon the successful completion of the course, ~~[each]~~ the division shall issue to the
2857 participant in the furharvester education course ~~[shall be issued]~~ a certificate of completion in

2858 furharvester education.

2859 Section 105. Section **23A-4-1007**, which is renumbered from Section 23-19-13 is
2860 renumbered and amended to read:

2861 ~~[23-19-13].~~ **23A-4-1007. Hunter and furharvester education training -- Fee.**

2862 The Wildlife Board shall establish the fees to be assessed for obtaining instruction in
2863 hunter education and furharvester education.

2864 Section 106. Section **23A-4-1101**, which is renumbered from Section 23-19-5 is
2865 renumbered and amended to read:

2866 **Part 11. Violations and Enforcement**

2867 ~~[23-19-5].~~ **23A-4-1101. Fraud, deceit, or misrepresentation in obtaining a**
2868 **license, permit, tag, or certificate of registration -- Criminal penalty.**

2869 (1) ~~[It is unlawful for]~~ A person may not:

2870 (a) ~~[any person to]~~ obtain or attempt to obtain a license, permit, tag, or certificate of
2871 registration by fraud, deceit, or misrepresentation;

2872 (b) if a nonresident ~~[to]~~, purchase a resident license; and

2873 (c) if a resident ~~[to]~~, purchase a nonresident license.

2874 ~~[(2) Any license, permit, tag, or certificate of registration obtained in violation of~~
2875 ~~Subsection (1) is invalid.]~~

2876 ~~[(3) Any]~~ (2) A person violating Subsection (1) is guilty of a class B misdemeanor.

2877 (3) A license, permit, certificate of registration, or tag obtained in violation of
2878 Subsection (1) is invalid.

2879 (4) A fraudulent claim of residency in another state or country does not exempt a
2880 person from the definition of resident in Section ~~[23-13-2]~~ 23A-1-101.

2881 Section 107. Section **23A-4-1102**, which is renumbered from Section 23-19-5.5 is
2882 renumbered and amended to read:

2883 ~~[23-19-5.5].~~ **23A-4-1102. Issuance of license, permit, or tag prohibited for**
2884 **failure to pay child support.**

2885 (1) As used in this section:

- 2886 (a) "Child support" means the same as that term is defined in Section [62A-11-401](#).
- 2887 (b) "Delinquent on a child support obligation" means that:
- 2888 (i) an individual owes at least \$2,500 on an arrearage obligation of child support based
- 2889 on an administrative or judicial order;
- 2890 (ii) the individual has not obtained a judicial order staying enforcement of the
- 2891 individual's obligation on the amount in arrears; and
- 2892 (iii) the office has obtained a statutory judgment lien pursuant to Section
- 2893 [62A-11-312.5](#).
- 2894 (c) "Office" means the Office of Recovery Services created in Section [62A-11-102](#).
- 2895 (d) "Wildlife license agent" means a person authorized under Section [~~23-19-15~~
- 2896 [23A-4-501](#) to sell a license, permit, or tag in accordance with this chapter.
- 2897 (2) (a) An individual who is delinquent on a child support obligation may not apply for,
- 2898 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by
- 2899 the Wildlife Board under this title, or by an order or proclamation [~~issued in accordance with a~~
- 2900 ~~rule made by the Wildlife Board under this title~~].
- 2901 (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or
- 2902 tag in violation of Subsection (2)(a) violates Section [~~23-19-5~~] [23A-4-1101](#).
- 2903 (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.
- 2904 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag
- 2905 violates Section [~~23-20-3~~] [23A-5-309](#).
- 2906 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective
- 2907 until the office notifies the division that the individual who is delinquent on a child support
- 2908 obligation has:
- 2909 (i) paid the delinquency in full; or
- 2910 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive
- 2911 months with a payment schedule entered into with the office.
- 2912 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:
- 2913 (i) pay the current child support obligation in full each month; and

2914 (ii) pays an additional amount as assessed by the office pursuant to Section
2915 [62A-11-320](#) towards the child support arrears.

2916 (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the
2917 payment schedule described in Subsection (3)(b), the office may notify the division and the
2918 individual is considered to be an individual who is delinquent on a child support obligation and
2919 cannot obtain a new license, permit, or tag without complying with this Subsection (3).

2920 (d) If an individual fails to comply with the payment schedule described in Subsection
2921 (3)(b) for one month of the 12-month period because of a transition to new employment, the
2922 individual may obtain a license, permit, or tag and is considered in compliance with this
2923 Subsection (3) if the individual:

2924 (i) provides the office with information regarding the individual's new employer within
2925 30 days from the day on which the missed payment was due;

2926 (ii) pays the missed payment within 30 days from the day on which the missed payment
2927 was due; and

2928 (iii) complies with the payment schedule for all other payments owed for child support
2929 within the 12-month period.

2930 (4) (a) The division or a wildlife license agent may not knowingly issue a license,
2931 permit, or tag under this title to an individual identified by the office as delinquent on a child
2932 support obligation until notified by the office that the individual has complied with Subsection
2933 (3).

2934 (b) The division is not required to hold or reserve a license, permit, or tag opportunity
2935 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that
2936 individual upon compliance with Subsection (3).

2937 (c) The division may immediately reissue to another qualified person a license, permit,
2938 or tag opportunity withheld from an individual identified by the office as delinquent on a child
2939 support obligation pursuant to Subsection (4)(a).

2940 (5) The office and division shall automate the process for the division or a wildlife
2941 license agent to be notified whether an individual is delinquent on a child support obligation or

2942 has complied with Subsection (3).

2943 (6) The office is responsible to provide ~~[any]~~ administrative or judicial review required
 2944 incident to the division issuing or denying a license, permit, or tag to an individual under
 2945 Subsection (4).

2946 (7) The denial or withholding of a license, permit, or tag under this section is not a
 2947 suspension or revocation of license and permit privileges for purposes of:

2948 (a) Section ~~[23-19-9]~~ [23A-4-1106](#);

2949 (b) Subsection ~~[23-20-4]~~ [23A-5-311](#)(1); and

2950 (c) Section ~~[23-25-6]~~ [23A-2-505](#).

2951 (8) This section does not modify a court action to withhold, suspend, or revoke a
 2952 recreational license under Sections [62A-11-107](#) and [78B-6-315](#).

2953 Section 108. Section **23A-4-1103**, which is renumbered from Section 23-19-6 is
 2954 renumbered and amended to read:

2955 ~~[23-19-6]~~. **23A-4-1103. Imitating or counterfeiting license unlawful --**
 2956 **Criminal penalty.**

2957 ~~[It is unlawful to]~~ (1) A person may not imitate or counterfeit ~~[any]~~ a license, permit,
 2958 tag, or certificate of registration for the purpose of defrauding the state ~~[of Utah]~~ or for evading
 2959 the purposes and provisions of this ~~[code. Any]~~ title.

2960 (2) A person who violates ~~[any provision of]~~ this section is guilty of a class A
 2961 misdemeanor.

2962 Section 109. Section **23A-4-1104** is enacted to read:

2963 **23A-4-1104. Violation of hunter education requirements -- Criminal penalty.**

2964 (1) An individual may not obtain, attempt to obtain, or possess a hunting license or
 2965 permit in violation of the hunter education requirements in Subsection [23A-4-1001](#)(1).

2966 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2967 (3) A hunting license or permit obtained or possessed in violation of Section
 2968 [23A-4-1101](#) is invalid.

2969 Section 110. Section **23A-4-1105** is enacted to read:

2970 **23A-4-1105. Violation of furharvester education requirements -- Criminal**
2971 **penalty.**

2972 (1) An individual may not obtain, attempt to obtain, or possess a furbearer license in
2973 violation of the furharvester education requirements in Subsection [23A-4-1005\(1\)](#).

2974 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2975 (3) A furbearer license or permit obtained or possessed in violation of this section is
2976 invalid.

2977 Section 111. Section **23A-4-1106**, which is renumbered from Section 23-19-9 is
2978 renumbered and amended to read:

2979 ~~[23-19-9]~~. **23A-4-1106. Suspension of license or permit privileges --**
2980 **Suspension of certificates of registration.**

2981 (1) As used in this section:

2982 (a) "License or permit privileges" means the privilege of applying for, purchasing, and
2983 exercising the benefits conferred by a license or permit issued by the division.

2984 (b) "Livestock guardian dog" means the same as that term is defined in Section
2985 [76-6-111](#).

2986 (2) A hearing officer, appointed by the division, may suspend a person's license or
2987 permit privileges if:

2988 (a) in a court of law, the person:

2989 (i) is convicted of:

2990 (A) violating this title or a rule of the Wildlife Board;

2991 (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in
2992 an activity regulated under this title;

2993 (C) violating Section [76-6-111](#); or

2994 (D) violating Section [76-10-508](#) while engaged in an activity regulated under this title;

2995 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no
2996 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

2997 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person

2998 enters into a diversion agreement which suspends the prosecution of the offense; and
2999 (b) the hearing officer determines the person committed the offense intentionally,
3000 knowingly, or recklessly, as defined in Section 76-2-103.

3001 (3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing
3002 officer shall consider in determining:

- 3003 (i) the type of license or permit privileges to suspend; and
- 3004 (ii) the duration of the suspension.

3005 (b) The Wildlife Board shall ensure that the guidelines established under Subsection
3006 (3)(a) are consistent with Subsections (4), (5), and (6).

3007 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a
3008 person's license or permit privileges according to Subsection (2) for a period of time not to
3009 exceed:

3010 (a) seven years for:

- 3011 (i) a felony conviction;
- 3012 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is
3013 held in abeyance pursuant to a plea in abeyance agreement; or

3014 (iii) being charged with an offense punishable as a felony, the prosecution of which is
3015 suspended pursuant to a diversion agreement;

3016 (b) five years for:

- 3017 (i) a class A misdemeanor conviction;
- 3018 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,
3019 which plea is held in abeyance pursuant to a plea in abeyance agreement; or

3020 (iii) being charged with an offense punishable as a class A misdemeanor, the
3021 prosecution of which is suspended pursuant to a diversion agreement;

3022 (c) three years for:

- 3023 (i) a class B misdemeanor conviction;
- 3024 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor
3025 when the plea is held in abeyance according to a plea in abeyance agreement; or

3026 (iii) being charged with an offense punishable as a class B misdemeanor, the
3027 prosecution of which is suspended pursuant to a diversion agreement; and
3028 (d) one year for:
3029 (i) a class C misdemeanor conviction;
3030 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,
3031 when the plea is held in abeyance according to a plea in abeyance agreement; or
3032 (iii) being charged with an offense punishable as a class C misdemeanor, the
3033 prosecution of which is suspended according to a diversion agreement.
3034 (5) The hearing officer may double a suspension period established in Subsection (4)
3035 for offenses:
3036 (a) committed in violation of an existing suspension or revocation order issued by the
3037 courts, division, or Wildlife Board; or
3038 (b) involving the unlawful taking of a trophy animal, as defined in Section [~~23-13-2~~]
3039 [23A-1-101](#).
3040 (6) (a) A hearing officer may suspend, according to Subsection (2), a person's license
3041 or permit privileges for a particular license or permit only once for each single criminal
3042 episode, as defined in Section [76-1-401](#).
3043 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the
3044 suspension periods of [~~any~~] license or permit privileges of the same type suspended, according
3045 to Subsection (2), may run consecutively.
3046 (c) If a hearing officer suspends, according to Subsection (2), license or permit
3047 privileges of the type that have been previously suspended by a court, a hearing officer, or the
3048 Wildlife Board and the suspension period has not expired, the suspension periods may run
3049 consecutively.
3050 (7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of
3051 applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:
3052 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as
3053 defined in Section [76-2-103](#), violated:

- 3054 (A) this title;
- 3055 (B) a rule or order of the Wildlife Board;
- 3056 (C) the terms of a certificate of registration; or
- 3057 (D) the terms of a certificate of registration application or agreement; or
- 3058 (ii) the person, in a court of law:
 - 3059 (A) is convicted of an offense that the hearing officer determines bears a reasonable
 - 3060 relationship to the person's ability to safely and responsibly perform the activities authorized by
 - 3061 the certificate of registration;
 - 3062 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a
 - 3063 reasonable relationship to the person's ability to safely and responsibly perform the activities
 - 3064 authorized by the certificate of registration, and the plea is held in abeyance in accordance with
 - 3065 a plea in abeyance agreement; or
 - 3066 (C) is charged with an offense that the hearing officer determines bears a reasonable
 - 3067 relationship to the person's ability to safely and responsibly perform the activities authorized by
 - 3068 the certificate of registration, and prosecution of the offense is suspended in accordance with a
 - 3069 diversion agreement.
- 3070 (b) ~~[All certificates]~~ A hearing officer shall suspend a certificate of registration for the
- 3071 harvesting of brine shrimp eggs, as defined in Section 59-23-3, ~~[shall be suspended by a~~
- 3072 ~~hearing officer,]~~ if the hearing officer determines the holder of the ~~[certificates]~~ certificate of
- 3073 registration has violated Section 59-23-5.
- 3074 (8) (a) The director shall appoint a qualified person as a hearing officer to perform the
- 3075 adjudicative functions provided in this section.
- 3076 (b) The director may not appoint a division employee who investigates or enforces
- 3077 wildlife violations.
- 3078 (9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply
- 3079 for, purchase, or exercise the benefits conferred by a license, permit, or certificate of
- 3080 registration.
- 3081 (b) The courts shall promptly notify the division of ~~[any]~~ suspension orders or

3082 recommendations entered.

3083 (c) The division, upon receiving notification of suspension from the courts, shall
 3084 prohibit the person from applying for, purchasing, or exercising the benefits conferred by a
 3085 license, permit, or certification of registration for the duration and of the type specified in the
 3086 court order.

3087 (d) The hearing officer shall consider ~~[any]~~ a recommendation made by a sentencing
 3088 court concerning suspension before issuing a suspension order.

3089 ~~[(10) (a) A person may not apply for, purchase, possess, or attempt to exercise the
 3090 benefits conferred by any permit, license, or certificate of registration specified in an order of
 3091 suspension while that order is in effect.]~~

3092 ~~[(b) Any license possessed or obtained in violation of the order shall be considered
 3093 invalid.]~~

3094 ~~[(c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.]~~

3095 ~~[(11)]~~ (10) Before suspension under this section, ~~[a person shall be]~~ the division shall
 3096 give a person:

3097 (a) ~~[given]~~ written notice of ~~[any]~~ action the division intends to take; and

3098 (b) ~~[provided with]~~ an opportunity for a hearing.

3099 ~~[(12)]~~ (11) (a) A person may file an appeal of a hearing officer's decision with the
 3100 Wildlife Board.

3101 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and
 3102 any written documentation submitted at the hearing.

3103 (c) The Wildlife Board may:

3104 (i) take no action;

3105 (ii) vacate or remand the decision; or

3106 (iii) amend the period or type of suspension.

3107 ~~[(13)]~~ (12) The division shall suspend and reinstate all hunting, fishing, trapping, and
 3108 falconry privileges consistent with ~~[Title 23, Chapter 25,]~~ Chapter 2, Part 5, Wildlife Violator
 3109 Compact.

3110 ~~[(14)]~~ (13) The Wildlife Board may make rules to implement this section in accordance
3111 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3112 Section 112. Section **23A-4-1107** is enacted to read:

3113 **23A-4-1107. Violation of suspension -- Criminal penalty.**

3114 (1) A person may not apply for, purchase, possess, or attempt to exercise the benefits
3115 conferred by a permit, license, or certificate of registration specified in an order of suspension
3116 while that order is in effect.

3117 (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

3118 (3) A license possessed or obtained in violation of the order is invalid.

3119 Section 113. Section **23A-4-1108**, which is renumbered from Section 23-19-9.1 is
3120 renumbered and amended to read:

3121 ~~[23-19-9.1].~~ **23A-4-1108. Court-ordered action against a license.**

3122 The division shall promptly withhold, suspend, restrict, or reinstate the use of a license
3123 issued under this chapter if so ordered by a court.

3124 Section 114. Section **23A-4-1109**, which is renumbered from Section 23-19-9.5 is
3125 renumbered and amended to read:

3126 ~~[23-19-9.5].~~ **23A-4-1109. Warrant outstanding or failure to comply with citation**
3127 **-- Person not entitled to license, permit, tag, or certificate.**

3128 (1) A person may not purchase a license, permit, tag, or certificate of registration if:

3129 (a) there is an outstanding Utah warrant against ~~[him]~~ the person for failure to appear
3130 in answer to a summons for a violation of:

3131 (i) ~~[a provision of]~~ this title; or

3132 (ii) a rule, proclamation, or order of the Wildlife Board; or

3133 (b) ~~[he has failed]~~ the person fails to comply with a wildlife citation in a state which is
3134 a party to the Wildlife Violator Compact set forth in ~~[Title 23, Chapter 25;]~~ Chapter 2, Part 5,
3135 Wildlife Violator Compact.

3136 (2) The division may allow a person referred to in Subsection (1) to purchase a license,
3137 permit, tag, or certificate of registration if satisfactory proof is given that:

- 3138 (a) the warrant is no longer outstanding; or
- 3139 (b) ~~[he]~~ the person has complied with the wildlife citation.

3140 Section 115. Section **23A-5-101** is enacted to read:

3141 **CHAPTER 5. ENFORCEMENT AND VIOLATIONS**

3142 **Part 1. General Provisions**

3143 **23A-5-101. Definitions.**

3144 Reserved.

3145 Section 116. Section **23A-5-201**, which is renumbered from Section 23-20-1 is
3146 renumbered and amended to read:

3147 **Part 2. Enforcement**

3148 ~~[23-20-1].~~ **23A-5-201. Enforcement authority of conservation officers --**
3149 **Seizure and disposition of property.**

3150 (1) ~~[Conservation officers]~~ A conservation officer of the division shall enforce ~~[the~~
3151 ~~provisions of]~~ this title with the same authority and following the same procedures as other law
3152 enforcement officers.

3153 (2) (a) ~~[Conservation officers]~~ A conservation officer shall seize ~~[any]~~ protected
3154 wildlife illegally taken or held.

3155 (b) (i) Upon determination of a defendant's guilt by the court~~[-];~~

3156 (A) the court shall confiscate the protected wildlife ~~[shall be confiscated by the court~~
3157 ~~and sold or otherwise disposed of by the division]; and~~

3158 (B) the division shall sell or otherwise dispose of the protected wildlife.

3159 (ii) Proceeds of ~~[the sales]~~ a sale under this section shall be deposited in the Wildlife
3160 Resources Account.

3161 (iii) Migratory wildfowl may not be sold, but ~~[shall be given]~~ the division shall give the
3162 migratory wildfowl to a charitable institution ~~[or used]~~ for other charitable purposes.

3163 (3) (a) ~~[Conservation officers]~~ A conservation officer may seize and impound a vehicle
3164 used for the unlawful taking or possessing of protected wildlife for any of the following
3165 purposes:

3166 (i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;

3167 (ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search
3168 warrant; or

3169 (iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or
3170 possessed.

3171 (b) The division shall store ~~[any]~~ a seized vehicle in a public or private garage, state
3172 impound lot, or other secured storage facility.

3173 (4) A seized vehicle shall be released to the owner no later than 30 days after the date
3174 the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of
3175 wildlife by a person who is charged with committing a felony under this title.

3176 (5) (a) The owner of a seized vehicle is liable for the payment of any impound fee if the
3177 owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court
3178 to be guilty of a violation of this title.

3179 (b) The owner of a seized vehicle is not liable for the payment of any impound fee or,
3180 if the fees have been paid, is entitled to reimbursement of the fees paid, if:

3181 (i) no charges are filed or all charges are dropped ~~[which]~~ that involve the use of the
3182 vehicle for the unlawful taking or possessing of wildlife;

3183 (ii) the person charged with using the vehicle for the unlawful taking or possessing of
3184 wildlife is found by a court to be not guilty; or

3185 (iii) the owner did not consent to a use of the vehicle ~~[which]~~ that violates this chapter.

3186 Section 117. Section **23A-5-202**, which is renumbered from Section 23-20-1.5 is
3187 renumbered and amended to read:

3188 ~~[23-20-1.5].~~ **23A-5-202. Powers of law enforcement section.**

3189 (1) The chief and assistant chief of the law enforcement section, an enforcement
3190 ~~[agents, and]~~ agent, or conservation ~~[officers]~~ officer of the law enforcement section within the
3191 ~~[Division of Wildlife Resources]~~ division are vested with the powers of law enforcement
3192 officers throughout ~~[all of]~~ the counties of the state with exception of the power to serve civil
3193 process and:

3194 (a) may serve criminal process, arrest, and prosecute ~~[violators of any]~~ a violator of a
3195 law of this state; and

3196 (b) ~~[shall have]~~ has the same right as other law enforcement officers to require aid in
3197 executing ~~[their]~~ the duties.

3198 (2) The powers and duties conferred by this section upon employees of the law
3199 enforcement section of the ~~[Division of Wildlife Resources]~~ division shall be supplementary to
3200 and in no way a limitation on the powers and duties of other law enforcement officers in the
3201 state.

3202 Section 118. Section **23A-5-203**, which is renumbered from Section 23-20-2 is
3203 renumbered and amended to read:

3204 ~~[23-20-2].~~ **23A-5-203. Special deputies -- Appointment -- Duties.**

3205 The director ~~[of the Division of Wildlife Resources is authorized to]~~ may appoint
3206 ~~[persons]~~ a person, on a temporary basis, as a special ~~[deputies. These special deputies shall~~
3207 ~~have the authority to enforce provisions of this code and all rules and regulations promulgated~~
3208 ~~under this code.]~~ deputy. A special deputy may enforce this title and rules made under this
3209 title.

3210 Section 119. Section **23A-5-204**, which is renumbered from Section 23-20-10 is
3211 renumbered and amended to read:

3212 ~~[23-20-10].~~ **23A-5-204. Butcher, locker, or storage plant to require proper tag**
3213 **or donation slip.**

3214 ~~[It is unlawful for a]~~ A butcher or owner or employee of a locker plant or storage plant
3215 ~~[to]~~ may not receive for processing or storage the carcass of ~~[any]~~ protected wildlife that by law
3216 or regulation is required to be tagged, unless the carcass is properly tagged or is accompanied
3217 with a valid donation slip.

3218 Section 120. Section **23A-5-205**, which is renumbered from Section 23-20-16 is
3219 renumbered and amended to read:

3220 ~~[23-20-16].~~ **23A-5-205. Enforcement -- Procedure.**

3221 In enforcing the misdemeanor or felony provisions of this ~~[code]~~ title, ~~[the]~~ a peace

3222 officer shall follow [~~the procedures and requirements of~~] Title 53, Chapter 13, Peace Officer
3223 Classifications.

3224 Section 121. Section **23A-5-206**, which is renumbered from Section 23-20-28 is
3225 renumbered and amended to read:

3226 [~~23-20-28~~]. **23A-5-206. Search warrants.**

3227 (1) A search warrant may be issued by a magistrate to search for [~~any~~] property [~~which~~]
3228 that may constitute evidence of [~~any violation of the provisions of this code~~] a violation of this
3229 title, rules, [~~regulations;~~] or proclamations of the Wildlife Board upon an affidavit of [~~any~~] a
3230 person.

3231 (2) The search warrant shall be directed to a conservation officer or a peace officer,
3232 directing the officer to search for evidence and to bring [~~it~~] the evidence before the magistrate.

3233 (3) A search warrant may not be issued except upon probable cause supported by oath
3234 or affirmation, particularly describing the place, person, or thing to be searched for and the
3235 person or thing to be seized.

3236 (4) The warrant shall be served in the daytime, unless there is reason to believe that the
3237 service of the search warrant is required immediately because a person may:

- 3238 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
- 3239 (b) destroy or conceal evidence of the commission of [~~any~~] a violation; or
- 3240 (c) injure another person or damage property.

3241 (5) [~~The~~] Notwithstanding Subsection (4), a search warrant may be served at night if:

- 3242 (a) there is reason to believe that a violation may occur at night; or
- 3243 (b) the evidence of the violation may not be available to the officers serving the
3244 warrant during the day.

3245 Section 122. Section **23A-5-207**, which is renumbered from Section 23-20-25 is
3246 renumbered and amended to read:

3247 [~~23-20-25~~]. **23A-5-207. Exhibition of license, permit, tag, or device required --**
3248 **Criminal penalty.**

3249 (1) [~~Any~~] A person while engaged in [~~any~~] an activity regulated under this title, shall

3250 ~~[be required upon demand of any]~~ exhibit the following at the request of conservation officer or
 3251 ~~[any]~~ other peace officer ~~[to exhibit]:~~

3252 (a) the required license, permit, or tag;

3253 (b) ~~[any]~~ device or apparatus in that person's possession used for ~~[any]~~ an activity
 3254 regulated under this title; or

3255 (c) ~~[any]~~ wildlife in that person's possession.

3256 (2) ~~[Any]~~ A conservation officer who has a reasonable belief that a person is engaged
 3257 in ~~[any]~~ an activity regulated under this title may stop and temporarily detain that person ~~[in~~
 3258 ~~order]~~ to demand and inspect:

3259 (a) the required license, permit, or tag;

3260 (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity
 3261 regulated under this title; or

3262 (c) ~~[any]~~ wildlife in that person's possession.

3263 (3) ~~[Any]~~ A person ~~[who]~~ is subject to the penalties of Section [23A-5-301](#) if the person
 3264 fails to produce for examination to ~~[an]~~ a correction officer or other peace officer any of the
 3265 required licenses, permits, tags, devices or apparatuses used for ~~[any]~~ an activity regulated
 3266 under this title or ~~[any]~~ wildlife in that person's possession ~~[is guilty of a class B~~
 3267 ~~misdemeanor]~~.

3268 Section 123. Section **23A-5-301**, which is renumbered from Section 23-13-11 is
 3269 renumbered and amended to read:

Part 3. Violations

3271 ~~[23-13-11].~~ **23A-5-301. Violations in general -- Criminal penalty -- Aiding or**
 3272 **assisting violation.**

3273 (1) Except as otherwise provided in this title:

3274 ~~[(1)]~~ (a) a violation of ~~[any provision of]~~ this title is a class B misdemeanor; and

3275 ~~[(2)]~~ (b) a violation of ~~[any]~~ a rule of the Wildlife Board, made in accordance with
 3276 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the Wildlife
 3277 Board is an infraction.

3278 (2) (a) A person may not aid or assist another person to violate this title or a rule made
3279 by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah
3280 Administrative Rulemaking Act.

3281 (b) The penalty for violating this Subsection (2) is the same as for the provision or rule
3282 for which aid or assistance is given.

3283 Section 124. Section **23A-5-302**, which is renumbered from Section 23-13-4 is
3284 renumbered and amended to read:

3285 ~~[23-13-4].~~ **23A-5-302. Captivity of protected wildlife unlawful -- Criminal**
3286 **penalty.**

3287 ~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not hold in captivity at any time ~~[any]~~
3288 protected wildlife except as provided by this ~~[code]~~ title or rules ~~[and regulations of]~~ made by
3289 the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3290 Act.

3291 (2) A person who violates this section is subject to the penalty provided in Section
3292 [23A-5-301](#).

3293 Section 125. Section **23A-5-303**, which is renumbered from Section 23-13-5 is
3294 renumbered and amended to read:

3295 ~~[23-13-5].~~ **23A-5-303. Importation or exportation and release of wildlife**
3296 **unlawful -- Criminal penalty.**

3297 ~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not:

3298 (a) import into or export from the state ~~[of Utah any]~~ a species of live native or exotic
3299 wildlife; or ~~[to]~~

3300 (b) possess or release from captivity ~~[any such]~~ imported live wildlife ~~[except as]~~
3301 described in Subsection (1)(a).

3302 (2) Notwithstanding Subsection (1), a person may engage in an act described in
3303 Subsection (1) if:

3304 (a) provided for in this ~~[code]~~ title or the rules ~~[and regulations of]~~ made by the
3305 Wildlife Board ~~[without]~~ in accordance with Title 63G, Chapter 3, Utah Administrative

3306 Rulemaking Act; and

3307 (b) the person first [securing] secures written permission from the division ~~[of Wildlife~~
 3308 ~~Resources]~~.

3309 (3) A person who violates this section is subject to the penalty provided in Section
 3310 23A-5-301.

3311 Section 126. Section **23A-5-304**, which is renumbered from Section 23-13-13 is
 3312 renumbered and amended to read:

3313 ~~[23-13-13].~~ **23A-5-304. Commercialization of wildlife unlawful -- Criminal**
 3314 **penalty.**

3315 ~~[It shall be unlawful for any person to utilize]~~ (1) A person may not use wildlife as a
 3316 commercial venture for financial gain except as provided in this [code] title or under rules [and
 3317 regulations of] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
 3318 Administrative Rulemaking Act.

3319 (2) A person who violates this section is subject to the penalty provided in Section
 3320 23A-5-301.

3321 Section 127. Section **23A-5-305**, which is renumbered from Section 23-13-14 is
 3322 renumbered and amended to read:

3323 ~~[23-13-14].~~ **23A-5-305. Release of wildlife unlawful -- Criminal penalty.**

3324 (1) (a) A person may not release or transplant a live terrestrial or aquatic wildlife into
 3325 the wild:

3326 (i) without a certificate of registration issued by the division authorizing the release; or

3327 (ii) except as provided in this title and rules ~~[and regulations established]~~ made by the
 3328 Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3329 (b) The division may only authorize the transplanting of big game, turkeys, wolves,
 3330 threatened or endangered species, or sensitive species as provided in Section ~~[23-14-21]~~

3331 23A-2-209.

3332 (2) Except as provided in ~~[Subsection (3)]~~ Section 23A-5-306, a person who violates
 3333 Subsection (1) is guilty of a class A misdemeanor.

3334 ~~[(3) A person who knowingly and without lawful authority imports, transports, or~~
3335 ~~releases a live species of wildlife that the person knows is listed as threatened or endangered, or~~
3336 ~~is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with~~
3337 ~~the intent to establish the presence of that species in an area of the state not currently known to~~
3338 ~~be occupied by a reproducing population of that species is guilty of a third degree felony.]~~

3339 Section 128. Section **23A-5-306** is enacted to read:

3340 **23A-5-306. Import, transport, or release of threatened or endangered species --**
3341 **Criminal penalty.**

3342 (1) A person may not knowingly and without lawful authority import, transport, or
3343 release a live species of wildlife that the person knows is listed as threatened or endangered, or
3344 is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with
3345 the intent to establish the presence of that species in an area of the state not currently known to
3346 be occupied by a reproducing population of that species.

3347 (2) A person who violates Subsection (1) is guilty of a third degree felony.

3348 Section 129. Section **23A-5-307**, which is renumbered from Section 23-13-18 is
3349 renumbered and amended to read:

3350 ~~[23-13-18].~~ **23A-5-307. Use of a computer or other device to remotely hunt**
3351 **wildlife prohibited -- Trail cameras -- Criminal penalty.**

3352 (1) As used in this section, "trail camera" means a device that is not held or manually
3353 operated by a person and is used to capture images, video, or location data of wildlife using
3354 heat or motion to trigger the device.

3355 ~~[(1)]~~ (2) A person may not use a computer or other device to remotely control the
3356 aiming and discharge of a firearm or other weapon for hunting an animal.

3357 ~~[(2)]~~ (3) A person who violates Subsection (1) is guilty of a class A misdemeanor.

3358 ~~[(3)(a) As used in this Subsection (3), "trail camera" means a device that is not held or~~
3359 ~~manually operated by a person and is used to capture images, video, or location data of wildlife~~
3360 ~~using heat or motion to trigger the device.]~~

3361 ~~[(b)]~~ (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

3362 Act, the Wildlife Board shall make rules regulating the use of trail cameras.

3363 ~~[(e)]~~ (b) The division shall provide an annual report to the Natural Resources,
3364 Agriculture, and Environment Interim Committee regarding rules made or changed in
3365 accordance with this Subsection ~~[(3)]~~ (4).

3366 (c) A person who violates rules made by the Wildlife Board under this Subsection (4)
3367 is subject to the penalty provided in Section 23A-5-301.

3368 Section 130. Section **23A-5-308**, which is renumbered from Section 23-13-19 is
3369 renumbered and amended to read:

3370 ~~[23-13-19]~~. **23A-5-308. Administering substances to protected wildlife**
3371 **prohibited -- Exceptions -- Criminal penalty.**

3372 (1) For purposes of this section:

3373 (a) "Administer" means the application of a substance by any method, including:

3374 (i) injection;

3375 (ii) inhalation;

3376 (iii) ingestion; or

3377 (iv) absorption.

3378 (b) "Agricultural producer" means a person who produces an agricultural product.

3379 (c) "Agricultural product" means the same as that term is defined in Section 4-1-109.

3380 (d) "Substance" means a chemical or organic substance that:

3381 (i) pacifies;

3382 (ii) sedates;

3383 (iii) immobilizes;

3384 (iv) harms;

3385 (v) kills;

3386 (vi) controls fertility; or

3387 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).

3388 (2) Except as authorized by Subsection ~~[(3)]~~ (4) or a rule made by the Wildlife Board
3389 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a person may

3390 not administer or attempt to administer a substance to protected wildlife.

3391 (3) A person who violates this section is subject to the penalty provided in Section
3392 23A-5-301.

3393 ~~[(3)]~~ (4) (a) A division employee or a person with written permission from the division
3394 may administer a substance to protected wildlife if that employee or person administers the
3395 substance to promote wildlife management and conservation.

3396 (b) One or more of the following may administer a substance to protected wildlife that
3397 the person is authorized by this title, the Wildlife Board, or the division to possess:

3398 (i) a licensed veterinarian;

3399 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or

3400 (iii) a person who is following written instructions for veterinary care from a licensed
3401 veterinarian.

3402 ~~[(4)-A]~~ (5) Notwithstanding the other provisions of this section, a person is not liable
3403 under this section for administering a substance, notwithstanding the substance has an effect
3404 described in Subsection (1)(d) on protected wildlife, if:

3405 (a) an agricultural producer administers the substance:

3406 (i) for the sole purpose of producing an agricultural product and not for the purpose of
3407 affecting protected wildlife in a manner described in Subsection (1)(d);

3408 (ii) consistent with generally accepted agricultural practices; and

3409 (iii) in compliance with applicable local, state, and federal law; or

3410 (b) the protected wildlife presents an immediate threat of death or serious bodily injury
3411 to a person.

3412 Section 131. Section **23A-5-309**, which is renumbered from Section 23-20-3 is
3413 renumbered and amended to read:

3414 ~~[23-20-3].~~ **23A-5-309. Taking, transporting, selling, or purchasing protected**
3415 **wildlife illegal except as authorized -- Criminal penalty.**

3416 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife
3417 Board, a person may not:

- 3418 (a) take protected wildlife or ~~[its]~~ wildlife parts;
- 3419 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export
3420 protected wildlife or ~~[its]~~ wildlife parts;
- 3421 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or ~~[its]~~
3422 wildlife parts without having previously procured the necessary licenses, permits, tags, federal
3423 stamps, certificates of registration, authorizations, and receipts required in this title or a rule,
3424 proclamation, or order of the Wildlife Board;
- 3425 (d) take protected wildlife with ~~[any]~~ a weapon, ammunition, implement, tool, device,
3426 or any part of any of these not specifically authorized in this title or a rule, proclamation, or
3427 order of the Wildlife Board;
- 3428 (e) possess while in pursuit of protected wildlife ~~[any]~~ a weapon, ammunition,
3429 implement, tool, device, or any part of any of these not specifically authorized in this title or a
3430 rule, proclamation, or order of the Wildlife Board;
- 3431 (f) take protected wildlife using ~~[any]~~ a method, means, process, or practice not
3432 specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 3433 (g) take protected wildlife outside the season dates, location boundaries, and daily time
3434 frames established in rule, proclamation, or order of the Wildlife Board;
- 3435 (h) take protected wildlife in excess of the bag and possession limits established in
3436 rule, proclamation, or order of the Wildlife Board;
- 3437 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,
3438 proclamation, or order of the Wildlife Board, or by executive order of the ~~[division]~~
3439 pursuant to Subsection ~~[23-14-8]~~ 23A-2-203(4);
- 3440 (j) practice falconry or capture, possess, or use birds in falconry;
- 3441 (k) take ~~[any]~~ wildlife from an airplane or any other airborne vehicle or device or ~~[any]~~
3442 a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational
3443 vehicles;
- 3444 (l) hold in captivity at any time any live protected wildlife;
- 3445 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;

- 3446 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 3447 (o) release captured or captive wildlife into the wild;
- 3448 (p) use spotlighting to take protected wildlife;
- 3449 (q) employ or use a means of concealment or camouflage while taking protected
- 3450 wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 3451 (r) possess or use bait or other attractant to take protected wildlife which is prohibited
- 3452 in this title or a rule, proclamation, or order of the Wildlife Board;
- 3453 (s) use ~~[any]~~ a decoy or recorded or electronically amplified call which is prohibited in
- 3454 this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 3455 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp
- 3456 eggs;
- 3457 (u) ~~[utilize]~~ use protected wildlife for commercial purposes or financial gain as
- 3458 prohibited by Section 23A-5-304;
- 3459 (v) enter, establish, or hold a contest or tournament involving the taking of protected
- 3460 wildlife;
- 3461 (w) operate or participate in a commercial hunting area as described in Section
- 3462 ~~[23-17-6]~~ 23A-12-202; or
- 3463 (x) operate or participate in a cooperative wildlife management unit as defined in
- 3464 Section ~~[23-23-2]~~ 23A-7-101.
- 3465 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of
- 3466 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was
- 3467 illegally taken and is illegally held in possession.
- 3468 (3) A person is ~~[guilty of a class B misdemeanor]~~ subject to the penalty under Section
- 3469 23A-5-301 if the person:
- 3470 (a) violates ~~[any provision of]~~ Subsection (1); and
- 3471 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).
- 3472 Section 132. Section **23A-5-310**, which is renumbered from Section 23-20-3.5 is
- 3473 renumbered and amended to read:

3474 ~~[23-20-3.5].~~ 23A-5-310. Taking protected wildlife while trespassing -- Criminal
3475 penalty.

3476 (1) A person may not take or permit ~~[his]~~ the person's dog to take, while in violation of
3477 Subsection ~~[23-20-14]~~ 23A-5-317(2):

3478 (a) protected wildlife or ~~[their]~~ protected wildlife parts;

3479 (b) an occupied nest of protected wildlife; or

3480 (c) an egg of protected wildlife.

3481 (2) A person ~~[is guilty of a class B misdemeanor if he or she violates any provision of]~~
3482 who violates Subsection (1) is subject to the penalty provided in Section 23A-5-301.

3483 Section 133. Section 23A-5-311, which is renumbered from Section 23-20-4 is
3484 renumbered and amended to read:

3485 ~~[23-20-4].~~ 23A-5-311. Wanton destruction of protected wildlife -- Criminal
3486 penalty.

3487 (1) A person is guilty of wanton destruction of protected wildlife if that person:

3488 (a) commits an act in violation of ~~[Section 23-13-4, 23-13-5, 23-13-13, 23-15-6~~
3489 ~~through 23-15-9, 23-16-5, or Subsection 23-20-3(1);]~~;

3490 (i) Section 23A-5-302;

3491 (ii) Section 23A-5-304;

3492 (iii) Sections 23A-9-302 through 23A-9-305;

3493 (iv) Section 23A-11-201; or

3494 (v) Subsection 23A-5-309(1);

3495 (b) captures, injures, or destroys protected wildlife; and

3496 (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section
3497 76-2-103;

3498 (ii) intentionally abandons protected wildlife or a carcass;

3499 (iii) commits the offense at night with the use of a weapon;

3500 (iv) is under a court or division revocation of a license, tag, permit, or certificate of
3501 registration; or

3502 (v) acts for pecuniary gain.

3503 [~~(2)~~ Subsection (1) does not apply to actions taken in accordance with:]

3504 [~~(a)~~ Title 4, Chapter 14, Utah Pesticide Control Act;]

3505 [~~(b)~~ Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or]

3506 [~~(c)~~ Section [23-16-3.1](#).:]

3507 [~~(3)~~] (2) [~~Wanton~~] A person who commits wanton destruction of wildlife is

3508 [~~punishable~~] guilty of:

3509 (a) [~~as~~] a third degree felony if:

3510 (i) the aggregate value of the protected wildlife determined by the values in Subsection

3511 [~~(4)~~] (3) is more than \$500; or

3512 (ii) a trophy animal was captured, injured, or destroyed;

3513 (b) [~~as~~] a class A misdemeanor if the aggregate value of the protected wildlife,

3514 determined by the values established in Subsection [~~(4)~~] (3) is more than \$250, but does not

3515 exceed \$500; and

3516 (c) [~~as~~] a class B misdemeanor if the aggregate value of the protected wildlife

3517 determined by the values established in Subsection [~~(4)~~] (3) is \$250 or less.

3518 [~~(4)~~] (3) Regardless of the restitution amounts imposed under Subsection [~~23-20-4.5~~]

3519 [23A-5-312](#)(2), the following values are assigned to protected wildlife for the purpose of

3520 determining the offense for wanton destruction of wildlife:

3521 (a) \$1,000 per animal for:

3522 (i) bison;

3523 (ii) bighorn sheep;

3524 (iii) rocky mountain goat;

3525 (iv) moose;

3526 (v) bear;

3527 (vi) peregrine falcon;

3528 (vii) bald eagle; or

3529 (viii) endangered species;

- 3530 (b) \$750 per animal for:
- 3531 (i) elk; or
- 3532 (ii) threatened species;
- 3533 (c) \$500 per animal for:
- 3534 (i) cougar;
- 3535 (ii) golden eagle;
- 3536 (iii) river otter; or
- 3537 (iv) gila monster;
- 3538 (d) \$400 per animal for:
- 3539 (i) pronghorn antelope; or
- 3540 (ii) deer;
- 3541 (e) \$350 per animal for bobcat;
- 3542 (f) \$100 per animal for:
- 3543 (i) swan;
- 3544 (ii) sandhill crane;
- 3545 (iii) turkey;
- 3546 (iv) pelican;
- 3547 (v) loon;
- 3548 (vi) egrets;
- 3549 (vii) herons;
- 3550 (viii) raptors, except those that are threatened or endangered;
- 3551 (ix) Utah milk snake; or
- 3552 (x) Utah mountain king snake;
- 3553 (g) \$35 per animal for furbearers, except:
- 3554 (i) bobcat;
- 3555 (ii) river otter; and
- 3556 (iii) threatened or endangered species;
- 3557 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,

3558 largemouth bass, smallmouth bass, and wiper;

3559 (i) \$15 per animal for game birds, except:

3560 (i) turkey;

3561 (ii) swan; and

3562 (iii) sandhill crane;

3563 (j) \$10 per animal for game fish not listed in Subsection ~~[(4)]~~ (3)(h);

3564 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and

3565 (l) \$5 per animal for protected wildlife not listed.

3566 ~~[(5)]~~ (4) For purposes of sentencing for a ~~[wildlife]~~ violation under this section, a
3567 person who has been convicted of a third degree felony under Subsection ~~[(3)]~~ (2)(a) is not
3568 subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).

3569 ~~[(6)]~~ (5) As part of a sentence imposed, the court shall impose a sentence of
3570 incarceration of not less than 20 consecutive days for a person convicted of a third degree
3571 felony under Subsection ~~[(3)]~~ (2)(a)(ii) who captured, injured, or destroyed a trophy animal for
3572 pecuniary gain.

3573 ~~[(7)]~~ (6) If a person has already been convicted of a third degree felony under
3574 Subsection ~~[(3)]~~ (2)(a)(ii) once, each separate additional offense under Subsection ~~[(3)]~~
3575 (2)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less
3576 than 20 consecutive days.

3577 ~~[(8)]~~ (7) The court may not sentence a person subject to Subsection ~~[(6) or (7)]~~ (5) or
3578 (6) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence
3579 unless the court finds mitigating circumstances justifying lesser punishment and makes that
3580 finding a part of the court record.

3581 (8) Subsection (1) does not apply to actions taken in accordance with:

3582 (a) Title 4, Chapter 14, Utah Pesticide Control Act;

3583 (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or

3584 (c) Section 23A-8-403.

3585 Section 134. Section **23A-5-312**, which is renumbered from Section 23-20-4.5 is

3586 renumbered and amended to read:

3587 ~~[23-20-4.5]~~. 23A-5-312. **Restitution -- Disposition of money.**

3588 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton
3589 destruction of protected wildlife, other than a trophy animal, the court may order the defendant
3590 to pay restitution:

3591 (a) as set forth in Subsection (2); or

3592 (b) in a greater or lesser amount than the amount established in Subsection (2).

3593 (2) Suggested minimum restitution values for protected wildlife are as follows:

3594 (a) \$1,000 per animal for:

3595 (i) bison;

3596 (ii) bighorn sheep;

3597 (iii) rocky mountain goat;

3598 (iv) moose;

3599 (v) bear;

3600 (vi) peregrine falcon;

3601 (vii) bald eagle; or

3602 (viii) endangered species;

3603 (b) \$750 per animal for:

3604 (i) elk; or

3605 (ii) threatened species;

3606 (c) \$500 per animal for:

3607 (i) golden eagle;

3608 (ii) river otter; or

3609 (iii) gila monster;

3610 (d) \$400 per animal for:

3611 (i) pronghorn antelope; or

3612 (ii) deer;

3613 (e) \$350 per animal for:

- 3614 (i) cougar; or
- 3615 (ii) bobcat;
- 3616 (f) \$100 per animal for:
- 3617 (i) swan;
- 3618 (ii) sandhill crane;
- 3619 (iii) turkey;
- 3620 (iv) pelican;
- 3621 (v) loon;
- 3622 (vi) egrets;
- 3623 (vii) herons;
- 3624 (viii) raptors, except those that are threatened or endangered;
- 3625 (ix) Utah milk snake; or
- 3626 (x) Utah mountain king snake;
- 3627 (g) \$35 per animal for furbearers, except:
- 3628 (i) bobcat;
- 3629 (ii) river otter; and
- 3630 (iii) threatened or endangered species;
- 3631 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 3632 largemouth bass, smallmouth bass, and wiper;
- 3633 (i) \$15 per animal for game birds, except:
- 3634 (i) turkey;
- 3635 (ii) swan; and
- 3636 (iii) sandhill crane;
- 3637 (j) \$10 per animal for game fish not listed in Subsection (2)(h);
- 3638 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- 3639 (l) \$5 per animal for protected wildlife not listed.
- 3640 (3) If the court finds that restitution is inappropriate or if the value imposed is less than
- 3641 the suggested minimum value as provided in Subsection (2), the court shall make the reasons

3642 for the decision part of the court record.

3643 (4) (a) The court shall order a person convicted of a third degree felony under
3644 Subsection [~~23-20-4(3)(a)(ii)~~] 23A-5-311(2)(a)(ii) to pay restitution in accordance with
3645 Subsection (4)(b).

3646 (b) The minimum restitution value for a trophy animal is as follows:

3647 (i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;

3648 (ii) \$8,000 per animal for deer;

3649 (iii) \$8,000 per animal for elk;

3650 (iv) \$6,000 per animal for moose or mountain goat;

3651 (v) \$6,000 per animal for bison; and

3652 (vi) \$2,000 per animal for pronghorn antelope.

3653 (5) Restitution paid under Subsection (4) shall be remitted to the division and
3654 deposited in the Wildlife Resources Account.

3655 (6) [~~Restitution money shall be used by the division~~] The division shall use restitution
3656 money for activities and programs to help stop poaching, including:

3657 (a) educational programs on wildlife crime prevention;

3658 (b) acquisition and development of wildlife crime detection equipment;

3659 (c) operation and maintenance of anti-poaching projects; and

3660 (d) wildlife law enforcement training.

3661 (7) If restitution is required [~~it~~], restitution shall be in addition to:

3662 (a) a fine or penalty imposed for a violation of [~~any provision of~~] this title; and

3663 (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or
3664 certificate of registration.

3665 (8) A judgment imposed under this section constitutes a lien when recorded in the
3666 judgment docket and shall have the same effect and is subject to the same rules as a judgment
3667 for money in a civil action.

3668 Section 135. Section **23A-5-313**, which is renumbered from Section 23-20-4.7 is
3669 renumbered and amended to read:

3670 ~~[23-20-4.7].~~ 23A-5-313. Habitual wanton destruction of protected wildlife --
 3671 Criminal penalty.

3672 (1) As used in this section, "convicted" includes a guilty adjudication, guilty plea, no
 3673 contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title
 3674 77, Chapter 2a, Pleas in Abeyance.

3675 ~~[(1)]~~ (2) A person ~~[is guilty of]~~ commits habitual wanton destruction of protected
 3676 wildlife if the person:

3677 (a) takes a big game animal in violation of Section ~~[23-20-4]~~ 23A-5-311; and

3678 (b) within seven years of the day on which the violation described in Subsection ~~[(1)]~~

3679 (2)(a) occurs, has twice been convicted of taking a big game animal in violation of Section
 3680 ~~[23-20-4]~~ 23A-5-311.

3681 ~~[(2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty~~
 3682 ~~plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement~~
 3683 ~~under Title 77, Chapter 2a, Pleas in Abeyance.]~~

3684 (3) ~~[Habitual]~~ A person who commits habitual wanton destruction of protected wildlife
 3685 is guilty of a third degree felony.

3686 Section 136. Section **23A-5-314**, which is renumbered from Section 23-20-8 is
 3687 renumbered and amended to read:

3688 ~~[23-20-8].~~ 23A-5-314. Waste of wildlife unlawful -- Criminal penalty.

3689 (1) [Except] A person may not waste or permit to be wasted protected wildlife or a part
 3690 of protected wildlife except as otherwise provided:

3691 (a) in this title~~[, or]~~;

3692 (b) by rule made by the Wildlife Board under this title~~;~~ and in accordance with Title
 3693 63G, Chapter 3, Utah Administrative Rulemaking Act; or

3694 (c) by an order or proclamation ~~[issued in accordance with a rule made by the Wildlife~~
 3695 ~~Board under this title, a person may not waste or permit to be wasted protected wildlife or a~~
 3696 ~~part of protected wildlife].~~

3697 (2) A person who violates this section is subject to the penalty provided in Section

3698 [23A-5-301.](#)

3699 Section 137. Section **23A-5-315**, which is renumbered from Section 23-20-12 is
3700 renumbered and amended to read:

3701 ~~[23-20-12].~~ **23A-5-315. Airplanes or terrestrial or aquatic vehicles -- Use in**
3702 **taking wildlife unlawful -- Exceptions -- Criminal penalty.**

3703 (1) ~~[It is unlawful for any person to take any]~~ A person may not take wildlife from an
3704 airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle,
3705 including snowmobiles and other recreational vehicles, except as provided by this ~~[code]~~ title
3706 or in the rules ~~[and regulations]~~ made by of the Wildlife Board in accordance with Title 63G,
3707 Chapter 3, Utah Administrative Rulemaking Act.

3708 (2) A person who violates this section is subject to the penalty provided in Section
3709 23A-5-301.

3710 ~~[(2)]~~ (3) Notwithstanding Subsection (1), the Wildlife Board may authorize an
3711 individual validly licensed to hunt ~~[may be authorized]~~, to hunt from a vehicle under terms and
3712 conditions specified by the Wildlife Board if the individual has:

3713 (a) paraplegia; or

3714 (b) a disability that permanently confines the individual to a wheelchair or the use of
3715 crutches.

3716 Section 138. Section **23A-5-316**, which is renumbered from Section 23-20-13 is
3717 renumbered and amended to read:

3718 ~~[23-20-13].~~ **23A-5-316. Signs or equipment -- Damage or destruction unlawful**
3719 **-- Criminal penalty.**

3720 (1) A person may not:

3721 ~~[(1)]~~ (a) shoot at, shoot, deface, damage, remove, or destroy ~~[any division signs or~~
3722 ~~placards]~~ a division sign or placard located in ~~[any part of]~~ this state; or

3723 ~~[(2)]~~ (b) damage, destroy, remove, or cause to be damaged, destroyed, or removed
3724 ~~[any]~~ equipment or devices owned, controlled, or operated by the ~~[Division of Wildlife~~
3725 ~~Resources]~~ division.

3726 (2) A person who violates this section is subject to the penalty provided in Section
3727 23A-5-301.

3728 Section 139. Section **23A-5-317**, which is renumbered from Section 23-20-14 is
3729 renumbered and amended to read:

3730 ~~[23-20-14].~~ **23A-5-317. Posted property -- Hunting by permission -- Entry on**
3731 **private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable**
3732 **to officers.**

3733 (1) As used in this section:

3734 (a) "Cultivated land" means land that is readily identifiable as:

3735 (i) land whose soil is loosened or broken up for the raising of crops;

3736 (ii) land used for the raising of crops; or

3737 (iii) pasturage which is artificially irrigated.

3738 ~~[(b) "Division" means the Division of Wildlife Resources.]~~

3739 ~~[(c)]~~ (b) "Permission" means written authorization from the owner or person in charge
3740 to enter upon private land that is either cultivated or properly posted, and shall include:

3741 (i) the signature of the owner or person in charge;

3742 (ii) the name of the person being given permission;

3743 (iii) the appropriate dates; and

3744 (iv) a general description of the property.

3745 ~~[(d)]~~ (c) "Properly posted" means that signs prohibiting trespass or bright yellow,
3746 bright orange, or fluorescent paint are clearly displayed:

3747 (i) at ~~[at]~~ the corners, fishing streams crossing property lines, roads, gates, and
3748 rights-of-way entering the land; or

3749 (ii) in a manner that would reasonably be expected to be seen by a person in the area.

3750 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may
3751 not:

3752 (i) without permission, enter upon privately owned land that is cultivated or properly
3753 posted;

- 3754 (ii) enter or remain on privately owned land if the person has notice to not enter or
3755 remain on the privately owned land; or
- 3756 (iii) obstruct ~~[any]~~ an entrance or exit to private property.
- 3757 (b) A person has notice to not enter or remain on privately owned land if:
- 3758 (i) the person is directed to not enter or remain on the land by:
- 3759 (A) the owner of the land;
- 3760 (B) the owner's employee; or
- 3761 (C) a person with apparent authority to act for the owner; or
- 3762 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person
3763 would recognize as intended to exclude intruders.
- 3764 (c) The division shall provide "hunting by permission cards" to a landowner upon the
3765 landowner's request.
- 3766 (d) A person may not post:
- 3767 (i) private property the person does not own or legally control; or
- 3768 (ii) land that is open to the public as provided by Section ~~[23-21-4]~~ 23A-6-402.
- 3769 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in
3770 Section 23A-5-301 and liable for the civil damages described in Subsection (7).
- 3771 ~~[(3)]~~ (4) (a) A person convicted of violating Subsection (2)(a) may have the person's
3772 license, tag, certificate of registration, or permit, relating to the activity engaged in at the time
3773 of the violation, revoked by a hearing officer.
- 3774 (b) A hearing officer may construe ~~[any]~~ a subsequent conviction ~~[which]~~ that occurs
3775 within a five-year period as a flagrant violation and may prohibit the person from obtaining a
3776 new license, tag, certificate of registration, or permit for a period of up to five years.
- 3777 ~~[(4)]~~ (5) Subsection (2)(a) does not apply to peace or conservation officers in the
3778 performance of their duties.
- 3779 ~~[(5)]~~ (6) (a) The division shall provide information regarding owners' rights and
3780 ~~[sportsmen's]~~ duties:
- 3781 (i) to anyone holding ~~[licenses, certificates of registration, tags, or permits]~~ a license,

3782 certificate of registration, tag, or permit to take wildlife; and

3783 (ii) by using the public media and other sources.

3784 (b) The Wildlife Board shall state restrictions in this section relating to trespassing

3785 [~~shall be stated in all~~] in the hunting and fishing proclamations issued by the Wildlife Board.

3786 [~~(6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor~~

3787 ~~and liable for the civil damages described in Subsection (7).]~~

3788 (7) In addition to an order for restitution under Section ~~77-38b-205~~, a person who

3789 commits a violation of Subsection (2)(a) or (d) may also be liable for:

3790 (a) the greater of:

3791 [~~(a)~~] (i) statutory damages in the amount of three times the value of damages resulting

3792 from the violation of Subsection (2)(a) or (d); or

3793 (ii) \$500[~~, whichever is greater~~]; and

3794 (b) reasonable attorney fees not to exceed \$250, and court costs.

3795 (8) Civil damages under Subsection (7) may be collected in a separate action by the

3796 property owner or the property owner's assignee.

3797 Section 140. Section ~~23A-5-318~~, which is renumbered from Section 23-20-15 is

3798 renumbered and amended to read:

3799 [~~23-20-15~~]. **23A-5-318. Destruction of signs or inclosure on private land**

3800 **unlawful -- Criminal penalty.**

3801 [~~It is unlawful for any person;~~]

3802 (1) A person may not, without the consent of the owner or person in charge of [~~any~~]

3803 privately owned land[~~, to~~];

3804 (a) tear down, mutilate, or destroy [~~any~~] a sign, signboard, or other notice [~~which~~] that

3805 regulates trespassing for purposes of hunting, trapping, or fishing on this land; or [~~to, without~~

3806 ~~such consent,~~]

3807 (b) tear down, deface, or destroy [~~any~~];

3808 (i) a fence or other inclosure on [~~this~~] the privately owned land[~~, or any~~]; or

3809 (ii) a gate or bars belonging to [~~any such~~] a fence or inclosure on the privately owned

3810 land.

3811 (2) A person who violates this section is subject to the penalty provided in Section
3812 23A-5-301.

3813 Section 141. Section **23A-5-319**, which is renumbered from Section 23-20-18 is
3814 renumbered and amended to read:

3815 ~~[23-20-18].~~ **23A-5-319. Interference with, intimidation, or harassment of officer**
3816 **unlawful.**

3817 ~~[It is unlawful for any person to]~~

3818 (1) A person may not interfere with, intimidate, or harass a conservation officer or
3819 special deputy in the lawful performance of [his] the conservation officer's or special deputy's
3820 duty.

3821 (2) A person who violates this section is subject to the penalty provided in Section
3822 23A-5-301.

3823 Section 142. Section **23A-5-320**, which is renumbered from Section 23-20-19 is
3824 renumbered and amended to read:

3825 ~~[23-20-19].~~ **23A-5-320. Failure to stop at roadblocks or checking stations**
3826 **unlawful.**

3827 ~~[It is unlawful for any person to fail to stop at Division of Wildlife Resources road~~
3828 ~~blocks or checking stations where]~~

3829 (1) A person may not fail to stop at a division roadblock or checking station when a
3830 stop sign or red or blue light is displayed.

3831 (2) A person who violates this section is subject to the penalty provided in Section
3832 23A-5-301.

3833 Section 143. Section **23A-5-321**, which is renumbered from Section 23-20-29 is
3834 renumbered and amended to read:

3835 ~~[23-20-29].~~ **23A-5-321. Interference with hunting prohibited -- Action to**
3836 **recover damages -- Exceptions -- Criminal penalty.**

3837 (1) A person ~~[is guilty of a class B misdemeanor who intentionally interferes]~~ may not

3838 interfere with the right of a person licensed and legally hunting under Chapter [19] 4, Licenses,
3839 Permits, Certificates of Registration, and Tags, to take wildlife by driving, harassing, or
3840 intentionally disturbing [any] a species of wildlife for the purpose of disrupting a legal hunt,
3841 trapping, or predator control.

3842 (2) A person who violates this section is subject to the penalty provided in Section
3843 23A-5-301.

3844 [(2)] (3) [Any] A directly affected person or the state may bring an action to recover
3845 civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a
3846 potential violation of Subsection (1).

3847 [(3)] (4) This section does not apply to incidental interference with a hunt caused by
3848 lawful activities including ranching, mining, and recreation.

3849 Section 144. Section **23A-5-322**, which is renumbered from Section 23-20-29.5 is
3850 renumbered and amended to read:

3851 [~~23-20-29.5~~]. **23A-5-322. Interference with hunters or hunting activity --**
3852 **Criminal penalty.**

3853 A person who intentionally interferes with a person who is licensed and taking wildlife
3854 legally under [the provision of Title 23, Chapter 19] Chapter 4, Licenses, Permits, Certificates
3855 of Registration, and Tags, or disrupts an activity involving a legal hunt, trapping, falconry, or
3856 predator control may be charged with a violation under Section 76-9-102 if that interference or
3857 disruption constitutes a violation under Section 76-9-102.

3858 Section 145. Section **23A-6-101**, which is renumbered from Section 23-21-.5 is
3859 renumbered and amended to read:

3860 **CHAPTER 6. LANDS AND WATERS FOR WILDLIFE PURPOSES**

3861 **Part 1. General Provisions**

3862 [~~23-21-.5~~]. **23A-6-101. Definitions.**

3863 As used in this chapter:

3864 (1) (a) "General plan" means a document that a municipality or county adopts that sets
3865 forth general guidelines for proposed future development of the land within the municipality or

3866 county [~~and~~].

3867 (b) "General plan" includes what is commonly referred to as a "master plan."

3868 (2) "Management plan" means a document prepared in accordance with this chapter
 3869 that describes how one or more tracts of land owned or managed by the [~~Division of Wildlife~~
 3870 ~~Resources~~] division are to be used.

3871 [~~(3) "Regional advisory council" means a council created pursuant to Section~~
 3872 ~~23-14-2.6.~~]

3873 [~~(4)~~ (3) "Wildlife management area" means:

3874 (a) a single tract of land owned or managed by the division; or

3875 (b) two or more tracts of land owned or managed by the division that are within close
 3876 proximity of each other and managed as a single unit.

3877 Section 146. Section **23A-6-201**, which is renumbered from Section 23-21-1 is
 3878 renumbered and amended to read:

3879 **Part 2. Acquisition**

3880 [~~23-21-1~~]. **23A-6-201. Acquisition of lands, waters, and rights-of-way --**
 3881 **Authority of division.**

3882 The [~~Division of Wildlife Resources shall have the power to~~] division may acquire
 3883 lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or
 3884 any other lawful means, for authorized activities of the [~~Division of Wildlife Resources~~]
 3885 division as outlined by this [~~code~~] title and the rules [~~and regulations of~~] made by the Wildlife
 3886 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3887 Section 147. Section **23A-6-202**, which is renumbered from Section 23-21-1.5 is
 3888 renumbered and amended to read:

3889 [~~23-21-1.5~~]. **23A-6-202. Acquisition of real property held in private ownership --**
 3890 **Published notice and governor's approval required.**

3891 (1) The [~~Division of Wildlife Resources~~] division may not acquire title to real property
 3892 held in private ownership without first:

3893 (a) publishing a notice of the proposed acquisition:

3894 (i) in a newspaper of general circulation in the county in which the property is located;
3895 and

3896 (ii) as required in Section 45-1-101; and

3897 (b) obtaining the approval of the governor.

3898 (2) ~~[The requirements of]~~ Subsection (1) ~~[apply]~~ applies whether title to real property
3899 held in private ownership is acquired through a purchase, donation, or other means.

3900 (3) In the case of a proposed purchase of private property, the ~~[notice may be~~
3901 ~~published]~~ division may publish notice after earnest money is paid.

3902 (4) The published notice shall inform the public regarding:

3903 (a) the proposed use of the ~~[land]~~ real property;

3904 (b) any conditions on the acquisition of the ~~[land]~~ real property placed by donors, the
3905 federal government, sellers, or others specifying how the ~~[land must]~~ real property is to be
3906 used;

3907 (c) any changes to existing land uses that are anticipated; and

3908 (d) the public comment submission process for comments on the proposed acquisition.

3909 (5) The governor shall:

3910 (a) submit a notification of the proposed acquisition to:

3911 (i) the county executive of the county in which the real property is located;

3912 (ii) the legislators of the legislative districts in which the ~~[lands are]~~ real property is
3913 located; and

3914 (iii) the School and Institutional Trust Lands Administration; and

3915 (b) invite those notified to submit ~~[any]~~ comments on the proposed acquisition.

3916 (6) After considering comments on the proposed acquisition, the governor may:

3917 (a) approve the acquisition in whole or in part; or

3918 (b) disapprove the acquisition.

3919 Section 148. Section **23A-6-203**, which is renumbered from Section 23-21-2 is
3920 renumbered and amended to read:

3921 ~~[23-21-2].~~ **23A-6-203. Payments in lieu of property taxes on property**

3922 **purchased by division.**

3923 ~~[Prior to]~~ (1) Before the purchase of ~~[any]~~ real property held in private ownership, the
3924 ~~[Division of Wildlife Resources]~~ division shall:

3925 (a) first submit the proposition to the county legislative body in a regular open public
3926 meeting in the county where the real property is located; and ~~[shall]~~

3927 (b) by contractual agreement with the county legislative body, approved by the
3928 executive director ~~[of the Department of Natural Resources]~~, agree to pay an amount of money
3929 in lieu of property taxes to the county.

3930 (2) The division shall, by contractual agreement with the county legislative body in
3931 which ~~[any]~~ real property previously acquired from private ownership and now owned by the
3932 division is located, agree to pay annually an amount of money in lieu of wildlife resource fine
3933 money, previously paid to the county. ~~[Payments]~~

3934 (3) A payment provided for in this section ~~[will]~~ may not:

3935 (a) exceed what the regularly assessed real property taxes would be if the ~~[land]~~ real
3936 property had remained in private ownership; and ~~[these payments may not]~~

3937 (b) include ~~[any]~~ an amount for buildings, installations, fixtures, improvements or
3938 personal property located upon the ~~[land]~~ real property or for those acquired, constructed, or
3939 placed by the division after ~~[it]~~ the division acquires the ~~[land]~~ real property.

3940 Section 149. Section **23A-6-204**, which is renumbered from Section 23-21-6 is
3941 renumbered and amended to read:

3942 ~~[23-21-6].~~ **23A-6-204. Acquisition of lands by United States for migratory bird**
3943 **refuges.**

3944 (1) (a) The ~~[consent of the state of Utah is given]~~ state consents to acquisition by the
3945 United States of ~~[such]~~ the areas of land or water in the state, as the United States may ~~[deem]~~
3946 consider necessary, by and with the consent of the county legislative body of the county where
3947 the land or water are located and after approval of application, subject to the laws of the state
3948 ~~[of Utah]~~ for water rights, for the establishment and maintenance of migratory waterfowl
3949 refuges in accordance with and for the purpose of the ~~[Act of Congress approved February 18,~~

3950 ~~1929, entitled "~~Migratory Bird Conservation Act^[u], 16 U.S.C. Sec. 715 to 715s, as amended,
 3951 and ~~[the Act of Congress approved March 16, 1935, entitled "~~Migratory Bird Hunting Stamp
 3952 Act,^[u] 16 U.S.C. Sec. 718a to 718k, as amended~~], and the same may be used by the United~~
 3953 ~~States].~~

3954 (b) The United States may use the land or water described in this Subsection (1) as
 3955 refuge for migratory birds, reserving~~], however,~~ to the state ~~[of Utah]~~ jurisdiction, both civil
 3956 and criminal, of persons upon the areas ~~[so]~~ acquired except so far as the punishment of
 3957 offenses against the United States are concerned.

3958 (2) (a) ~~[Nothing in this section shall be]~~ This section may not be construed to impose
 3959 ~~[under]~~ upon the state or ~~[any]~~ an agency of ~~[it any]~~ the state an obligation to convey to the
 3960 United States any interest in land or water owned or controlled by the state, except upon
 3961 appropriate terms and for adequate consideration.

3962 (b) The reservation to the state of coal and other minerals in lands sold by ~~[it]~~ the state
 3963 within areas so established and easements retained by the state to prospect for, mine, and
 3964 remove the same are declared to be subject to rules and regulations prescribed from time to
 3965 time by the Secretary of the Interior for the occupation, use, operation, protection, and
 3966 administration of these areas as refuges for migratory birds.

3967 Section 150. Section **23A-6-301**, which is renumbered from Section 23-21-2.1 is
 3968 renumbered and amended to read:

3969 **Part 3. Management Plans**

3970 ~~[23-21-2.1].~~ **23A-6-301. Management plans.**

3971 (1) The division shall prepare a management plan for each wildlife management area.
 3972 Upon adoption of a management plan by the ~~[division]~~ director, the division shall manage the
 3973 lands ~~[shall be managed]~~ within the wildlife management area in accordance with the
 3974 management plan.

3975 (2) ~~[Each]~~ A management plan shall include:

3976 (a) a statement of the proposed or anticipated uses;

3977 (b) a description of ~~[any]~~ management limitations or conditions covering the wildlife

- 3978 management area;
- 3979 (c) an inventory of the existing conditions;
- 3980 (d) a statement of the desired future condition of the wildlife management area;
- 3981 (e) a list of strategies that may be implemented to achieve the desired future condition;
- 3982 and
- 3983 (f) a description of any reallocation of forage, water, or other resource appurtenant to
- 3984 the land within the wildlife management area.

3985 Section 151. Section **23A-6-302**, which is renumbered from Section 23-21-2.2 is

3986 renumbered and amended to read:

3987 **~~[23-21-2.2].~~ 23A-6-302. Preparation of management plans -- Participation by**

3988 **interested persons and local and tribal governments -- Compatibility with local**

3989 **government plans and existing rights.**

3990 (1) The division shall invite persons who may have an interest in how the land in a

3991 wildlife management area is managed to participate in the management planning process.

3992 (2) Those persons may include:

3993 (a) persons who use, or may use, the land in a wildlife management area for:

- 3994 (i) agriculture, mining, or other commercial pursuits;
- 3995 (ii) hunting or fishing;
- 3996 (iii) recreation; or
- 3997 (iv) other uses;

3998 (b) adjacent or nearby landowners or residents; or

3999 (c) other interested parties.

4000 (3) The division shall invite local government officials to participate in the

4001 management planning process.

4002 (4) In preparing a management plan, the division shall seek to make land uses

4003 compatible with:

- 4004 (a) local government general plans and zoning and land use ordinances; and
- 4005 (b) existing rights of others within the wildlife management area.

4006 (5) (a) If the land in a wildlife management area is located within or adjacent to tribal
4007 lands, the division shall invite tribal government officials to participate in the management
4008 planning process.

4009 (b) Participation by tribal officials in the development of management plans for lands
4010 owned by the division does not waive the tribe's sovereignty.

4011 Section 152. Section **23A-6-303**, which is renumbered from Section 23-21-2.3 is
4012 renumbered and amended to read:

4013 ~~[23-21-2.3].~~ **23A-6-303. Review and adoption of management plans.**

4014 (1) The division shall submit ~~[the]~~ a draft management plan to the Resource
4015 Development Coordinating Committee created in Section **63L-11-401** and the Habitat Council
4016 created by the division for their review and recommendations.

4017 (2) The division shall submit ~~[the]~~ a draft management plan and any recommendations
4018 received from the Resource Development Coordinating Committee and the Habitat Council to:

4019 (a) the regional advisory council for the wildlife region in which the lands covered by
4020 the management plan are located; and

4021 (b) the regional advisory council for ~~[any]~~ a wildlife region that may be affected by the
4022 management plan.

4023 (3) ~~[Each]~~ A regional advisory council reviewing ~~[the]~~ a draft management plan may
4024 make recommendations to the ~~[division]~~ director.

4025 (4) The ~~[division director has authority to]~~ director may adopt the management plan,
4026 adopt the management plan with amendments, or reject the management plan.

4027 (5) ~~(a)~~ (a) At the request of the ~~[division]~~ director or ~~[any]~~ a member of the Wildlife
4028 Board, the Wildlife Board may review a management plan to determine whether the plan is
4029 consistent with ~~[board]~~ Wildlife Board policies.

4030 ~~[(6)]~~ (b) The ~~[division]~~ director may amend a management plan in accordance with
4031 recommendations made by the Wildlife Board.

4032 Section 153. Section **23A-6-304**, which is renumbered from Section 23-21-2.4 is
4033 renumbered and amended to read:

4034 ~~[23-21-2.4].~~ 23A-6-304. **Procedure to revise a management plan.**

4035 (1) ~~[Any]~~ A person seeking a revision of a management plan may request the regional
 4036 advisory council in the region where the land in a wildlife management area is located to
 4037 consider the proposal to revise the management plan. The regional advisory council shall
 4038 consider the proposal and advise the division.

4039 (2) The process specified in Sections ~~[23-21-2.2 and 23-21-2.3]~~ 23A-6-302 and
 4040 23A-6-303 shall be used to revise a management plan.

4041 Section 154. Section **23A-6-305**, which is renumbered from Section 23-21-2.5 is
 4042 renumbered and amended to read:

4043 ~~[23-21-2.5].~~ 23A-6-305. **Change in land use where a management plan is not in**
 4044 **effect -- Notification to affected persons -- Compatibility with local government plans.**

4045 (1) If a management plan has not been adopted by the ~~[division]~~ director for a tract of
 4046 land owned by the division, the division may not change ~~[any]~~ an existing right to use the land
 4047 until the division notifies those who may be affected by the change and local government
 4048 officials.

4049 (2) When changing ~~[any]~~ an existing right to use the land, the division shall seek to
 4050 make uses of division-owned land compatible with local government general plans and zoning
 4051 and land use ordinances.

4052 Section 155. Section **23A-6-401**, which is renumbered from Section 23-21-2.6 is
 4053 renumbered and amended to read:

4054 **Part 4. Use of Land**

4055 ~~[23-21-2.6].~~ 23A-6-401. **Target shooting prohibitions.**

4056 (1) As used in this section:

4057 (a) "County sheriff" means the individual holding the office of county sheriff in the
 4058 portion of a wildlife management area where target shooting will be, or is, prohibited under this
 4059 section.

4060 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

4061 ~~[(c)]~~ (b) "Extremely hazardous" means categorized as "extreme" under a nationally

4062 recognized standard for rating fire danger.

4063 (2) Subject to Subsections (3) and (4), the division may prohibit the use of firearms for
4064 target shooting within all or part of a wildlife management area if the director finds, and the
4065 county sheriff agrees, that conditions in that portion of the wildlife management area are
4066 extremely hazardous.

4067 (3) A prohibition under this section:

4068 (a) shall undergo a formal review by the director and the county sheriff every 14 days;

4069 (b) may not prohibit an individual from legally possessing a firearm or lawfully
4070 participating in a hunt; and

4071 (c) may only remain in place for as long as extremely hazardous conditions exist in the
4072 area that is subject to the prohibition.

4073 (4) The director and the county sheriff shall:

4074 (a) via a written document, agree to the terms of a prohibition under this section,
4075 including:

4076 (i) the exact area where target shooting is prohibited; and

4077 (ii) the date when the prohibition becomes effective; and

4078 (b) comply with Subsection (4)(a) at each formal review under Subsection (3)(a).

4079 Section 156. Section ~~23A-6-402~~, which is renumbered from Section 23-21-4 is
4080 renumbered and amended to read:

4081 ~~[23-21-4]~~. **23A-6-402. Right of access to lands for hunting, trapping, or fishing**
4082 **reserved to public -- Exception.**

4083 (1) Except as provided in Section ~~65A-2-5~~, there is reserved to the public the right of
4084 access to ~~[all]~~ lands owned by the state, including those lands lying below the official
4085 government meander line or high water line of navigable waters, for the purpose of hunting,
4086 trapping, or fishing.

4087 (2) When ~~[any]~~ a department or agency of the state leases or sells ~~[any lands]~~ land
4088 belonging to the state ~~[of Utah]~~ lying below the official government meander line or the high
4089 water line of the navigable waters within the state, the lease, contract of sale, or deed shall

4090 contain a provision that:

4091 (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing
4092 during the lawful season, except as provided by Section 65A-2-5; and

4093 (b) ~~[no charge may be made by]~~ the lessee, contractee, or grantee ~~[to]~~ may not charge
4094 ~~[any]~~ a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.

4095 (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or
4096 fishing as provided in this title for other lands and waters.

4097 Section 157. Section **23A-6-403**, which is renumbered from Section 23-21-5 is
4098 renumbered and amended to read:

4099 ~~[23-21-5].~~ **23A-6-403. State-owned lands authorized for use as wildlife**
4100 **management areas, fishing waters, and for other recreational activities.**

4101 (1) The Wildlife Board ~~[is authorized to]~~ may use any and all unsurveyed state-owned
4102 lands below the 1855 meander line of the Great Salt Lake within the following townships for
4103 the creation, operation, maintenance and management of wildlife management areas, fishing
4104 waters and other recreational activities:

4105 Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West,
4106 S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4
4107 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North,
4108 Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2
4109 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.;
4110 Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B.
4111 and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West,
4112 S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2
4113 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4
4114 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North,
4115 Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5
4116 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North,
4117 Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7

4118 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.;

4119 Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B.

4120 and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West,

4121 S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2

4122 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North,

4123 Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township

4124 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.;

4125 Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10

4126 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North

4127 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

4128 (2) (a) The Wildlife Board shall establish a wildlife management area known as the

4129 "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands below the

4130 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township 8 North, Range 4

4131 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Sections 1, 2, 11, 12 of

4132 Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B.

4133 and M.; Sections 20, 21, 29, 30, 31 of Township 8 North, Range 2 West, S.L.B. and M.;

4134 ~~excepting~~, except for the following:

4135 (i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird

4136 Refuge;

4137 (ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl

4138 Management Area;

4139 (iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and

4140 (iv) lands within the May 14, 2019, boundaries of state mineral leases.

4141 (b) The division shall execute a memorandum of understanding with the Division of

4142 Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands

4143 described in Subsection (2)(a) as a wildlife management area.

4144 (c) The division shall manage the state-owned lands described in Subsection (2)(a) as a

4145 wildlife management area and consistent with:

- 4146 (i) the beneficial purposes identified in Subsection (2)(d); and
- 4147 (ii) a management plan created consistent with the procedures in this chapter for a
- 4148 management plan.
- 4149 (d) The division shall manage the Willard Spur Waterfowl Management Area for the
- 4150 following beneficial purposes:
- 4151 (i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals,
- 4152 shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake ecosystem
- 4153 and the Great Salt Lake ecosystem's surrounding wetlands;
- 4154 (ii) preserving and enhancing the natural function, vegetation, and water flows under
- 4155 existing or acquired water rights to provide productive habitat for the species listed in
- 4156 Subsection (2)(d)(i);
- 4157 (iii) providing recreational opportunity for traditional marsh-related activities,
- 4158 including hunting, fishing, trapping, and wildlife viewing; and
- 4159 (iv) providing public access in the management area for purposes of hunting, fishing,
- 4160 trapping, and wildlife viewing, including access with airboats and other small watercraft.
- 4161 (e) The division shall provide the habitat, recreational opportunities, and public access
- 4162 described in Subsection (2)(d) without construction or use of an impounding dike, impounding
- 4163 levee, or other impounding structure.
- 4164 (f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not
- 4165 prohibit year-round public airboat and small watercraft access in the management area except
- 4166 in selected areas during limited periods of time to protect habitat, nesting birds, or vulnerable
- 4167 wildlife.

4168 Section 158. Section **23A-6-404**, which is renumbered from Section 23-21-7 is

4169 renumbered and amended to read:

4170 ~~[23-21-7]~~. **23A-6-404. Unlawful uses and activities on division lands.**

- 4171 (1) Except as authorized by statute, rule, contractual agreement, special use permit,
- 4172 certificate of registration, or public notice, a person may not on division land:
- 4173 (a) remove, extract, use, consume, or destroy ~~[any]~~ an improvement or cultural or

4174 historic resource;

4175 (b) remove, extract, use, consume, or destroy [~~any~~] sand, gravel, cinder, ornamental
4176 rock, or other common mineral resource, or vegetation resource, except a person may collect
4177 for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on
4178 the surface of the ground;

4179 (c) allow livestock to graze;

4180 (d) remove [~~any~~] a plant or portion of a plant for commercial gain purposes;

4181 (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;

4182 (f) enter, use, or occupy division land as part of a group of more than 25 people, except
4183 a group may include up to 50 persons if the group consists of extended family members;

4184 (g) enter, use, or occupy division land while engaged in or part of an organized event;

4185 (h) use, occupy, destroy, move, or construct [~~any~~] a structure, including [~~fences, water
4186 control devices, roads, survey and section markers, or signs~~] a fence, water control device,
4187 road, survey and section marker, or sign;

4188 (i) prohibit, prevent, or obstruct public entry on division lands when public entry is
4189 authorized by the division;

4190 (j) attempt to manage or control division lands in a manner inconsistent with division
4191 management plans, rules, or policies;

4192 (k) solicit, promote, negotiate, barter, sell, or trade [~~any~~] a product or service on, or
4193 obtained from, division lands for commercial gain;

4194 (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the
4195 area is posted for a different duration;

4196 (m) light a fire without taking adequate precaution to prevent spreading of the fire or
4197 leave a fire unattended;

4198 [~~(n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;~~]

4199 (n) use fireworks, an explosive, a poison, a herbicide, an insecticide, or a pesticide;

4200 (o) use a motorized [~~vehicles~~] vehicle of any kind except as authorized by declaration,
4201 management plan, or posting; or

4202 (p) use division lands for ~~[any]~~ a purpose that violates applicable land use restrictions
4203 imposed by statute, rule, or by the division.

4204 (2) A person ~~[or entity which]~~ who unlawfully uses division lands is liable for damages
4205 in the amount of:

4206 (a) the value of the resource removed, destroyed, or extracted;

4207 (b) the amount of damage caused; and

4208 (c) whichever is greater of:

4209 (i) the value of ~~[any]~~ losses or expenses caused as a result of interference with
4210 authorized activities; or

4211 (ii) the consideration which would have been charged by the division for use of the
4212 land during the period of trespass.

4213 (3) This section does not apply to division employees or division volunteers while
4214 acting in the lawful performance of ~~[their]~~ the employees' or volunteers' duties.

4215 (4) Except as otherwise provided by statute, the criminal penalty for a violation of ~~[any~~
4216 ~~provision of]~~ this section is prescribed in Section ~~[23-13-11]~~ 23A-5-301.

4217 Section 159. Section **23A-7-101**, which is renumbered from Section 23-23-2 is
4218 renumbered and amended to read:

4219 **CHAPTER 7. COOPERATIVE WILDLIFE MANAGEMENT UNITS**

4220 **Part 1. General Provisions**

4221 ~~[23-23-2]~~. **23A-7-101. Definitions.**

4222 As used in this chapter:

4223 (1) "Cooperative wildlife management unit" ~~[or "unit"]~~ means a generally contiguous
4224 area of land that is:

4225 (a) open for hunting small game, waterfowl, cougar, turkey, or big game ~~[which is]~~;
4226 and

4227 (b) registered in accordance with this chapter and rules of the Wildlife Board.

4228 (2) ~~[(a)]~~ "Cooperative wildlife management unit agent" means a person appointed by a
4229 landowner, landowner association, or landowner association operator to perform the functions

4230 described in Section ~~[23-23-9]~~ 23A-7-207.

4231 ~~[(b) For purposes of this chapter, a cooperative wildlife management unit agent may~~
4232 ~~not:]~~

4233 ~~[(i) be appointed by the division or the state;]~~

4234 ~~[(ii) be an employee or agent of the division;]~~

4235 ~~[(iii) receive compensation from the division or the state to act as a cooperative~~
4236 ~~wildlife management unit agent; or]~~

4237 ~~[(iv) act as a peace officer or perform any duties of a peace officer without qualifying~~
4238 ~~as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.]~~

4239 (3) "Cooperative wildlife management unit authorization" means a card, label, ticket,
4240 or other identifying document authorizing the possessor to hunt small game or waterfowl in a
4241 cooperative wildlife management unit.

4242 (4) "Cooperative wildlife management unit permit" means a permit authorizing the
4243 possessor to hunt cougar, turkey, or big game in a cooperative wildlife management unit.

4244 ~~[(5) "Division" means the Division of Wildlife Resources.]~~

4245 ~~[(6)]~~ (5) "Landowner association" means a landowner or an organization of owners of
4246 private lands who operates a cooperative wildlife management unit.

4247 ~~[(7)(a)]~~ (6) "Landowner association operator" means a person designated by a
4248 landowner association to operate the cooperative wildlife management unit.

4249 ~~[(b) For purposes of this chapter, a landowner association operator may not:]~~

4250 ~~[(i) be appointed by the division; or]~~

4251 ~~[(ii) be an employee or agent of the division.]~~

4252 Section 160. Section **23A-7-102**, which is renumbered from Section 23-23-3 is
4253 renumbered and amended to read:

4254 ~~[23-23-3].~~ **23A-7-102. Rulemaking authority of Wildlife Board.**

4255 The Wildlife Board ~~[is authorized to]~~ may make and enforce rules applicable to
4256 cooperative wildlife management units organized for the hunting of small game, waterfowl,
4257 cougar, turkey, or big game that in ~~[its]~~ the Wildlife Board's judgment are necessary to

4258 administer and enforce ~~[the provisions of]~~ this chapter.

4259 Section 161. Section **23A-7-103**, which is renumbered from Section 23-23-1 is
4260 renumbered and amended to read:

4261 ~~[23-23-1].~~ **23A-7-103. Purposes of wildlife management units.**

4262 ~~[Cooperative]~~ A cooperative wildlife management ~~[units are]~~ unit is established to:

- 4263 (1) provide income to landowners;
- 4264 (2) create satisfying hunting opportunities;
- 4265 (3) increase wildlife resources;
- 4266 (4) provide adequate protection to landowners who open their lands for hunting; and
- 4267 (5) provide access to public and private lands for hunting.

4268 Section 162. Section **23A-7-201**, which is renumbered from Section 23-23-4 is
4269 renumbered and amended to read:

4270 **Part 2. Requirements**

4271 ~~[23-23-4].~~ **23A-7-201. Operation by landowner association.**

4272 (1) A landowner association shall operate a cooperative wildlife management unit as
4273 prescribed by this chapter and the rules of the Wildlife Board.

4274 (2) For purposes of this chapter, a landowner association operator may not:

- 4275 (a) be appointed by the division; or
- 4276 (b) be an employee or agent of the division.

4277 Section 163. Section **23A-7-202**, which is renumbered from Section 23-23-5 is
4278 renumbered and amended to read:

4279 ~~[23-23-5].~~ **23A-7-202. Certificate of registration -- Renewal.**

4280 (1) A landowner association may not establish or operate a cooperative wildlife
4281 management unit without first obtaining a certificate of registration from the Wildlife Board.

4282 (2) The Wildlife Board may renew annually certificates of registration if the landowner
4283 association has previously complied with this chapter and the rules of the Wildlife Board made
4284 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4285 Section 164. Section **23A-7-203**, which is renumbered from Section 23-23-6 is

4286 renumbered and amended to read:

4287 ~~[23-23-6].~~ **23A-7-203. Season dates -- Boundaries -- Review by councils and**
4288 **Wildlife Board.**

4289 (1) The Wildlife Board shall establish season dates and boundaries for each
4290 cooperative wildlife management unit.

4291 (2) Season dates may differ from general statewide season dates.

4292 (3) At least every five years, the relevant regional advisory council and Wildlife Board
4293 shall review a cooperative wildlife management [units] unit containing public land ~~[will be~~
4294 ~~reviewed by the regional advisory councils and the Wildlife Board].~~

4295 Section 165. Section **23A-7-204**, which is renumbered from Section 23-23-7 is
4296 renumbered and amended to read:

4297 ~~[23-23-7].~~ **23A-7-204. Permits -- Acreage and lands that may be included --**
4298 **Posting of boundaries.**

4299 (1) The division shall provide cooperative wildlife management unit authorizations for
4300 hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

4301 (2) At least 50% of the cooperative wildlife management unit authorizations for
4302 hunting small game or waterfowl provided to a cooperative wildlife management unit shall be
4303 offered for sale to the general public at the times and places designated on the application for a
4304 certificate of registration.

4305 (3) (a) ~~[Cooperative]~~ A cooperative wildlife management ~~[units]~~ unit organized for
4306 hunting small game or waterfowl shall consist of private land.

4307 (b) At least 75% of the acreage within the boundaries of ~~[each]~~ a cooperative wildlife
4308 management unit organized for the hunting of small game or waterfowl shall be open to
4309 hunting by holders of valid authorizations.

4310 (4) (a) The division may issue cooperative wildlife management unit permits for
4311 hunting cougar, turkey, or big game to permittees:

4312 (i) qualifying through a public drawing; or

4313 (ii) named by the cooperative wildlife management unit operator.

4314 (b) The Wildlife Board may specify by rule, made in accordance with Title 63G,
4315 Chapter 3, Utah Administrative Rulemaking Act, those persons who are eligible to draw a
4316 cooperative wildlife management unit permit in a public drawing.

4317 (5) (a) [~~Cooperative~~] A cooperative wildlife management [~~units~~] unit organized for
4318 hunting cougar, turkey, or big game shall consist of private land to the extent practicable.
4319 Public land may be included within a cooperative wildlife management unit if:

4320 (i) the public land is completely surrounded by private land or is otherwise inaccessible
4321 to the general public;

4322 (ii) including public land is necessary to establish a readily identifiable boundary; or

4323 (iii) including public land is necessary to achieve cougar, turkey, or big game
4324 management objectives.

4325 (b) If [~~any~~] public land is included within a cooperative wildlife management unit:

4326 (i) the landowner association shall meet applicable federal or state land use
4327 requirements on the public land; and

4328 (ii) the Wildlife Board shall increase the number of permits or hunting opportunities
4329 made available to the general public to reflect the proportion of public lands to private lands
4330 within the cooperative wildlife management unit.

4331 (6) [~~Each~~] A landowner association shall:

4332 (a) clearly post [~~at~~] the boundaries of the cooperative wildlife management unit by
4333 displaying signs containing information prescribed by rule of the Wildlife Board at the
4334 locations specified in Subsection [~~23-20-14(1)(d)~~] 23A-5-317(1)(c); and

4335 (b) provide a written copy of [~~its~~] the landowner association's guidelines to each holder
4336 of an authorization or permit.

4337 Section 166. Section **23A-7-205**, which is renumbered from Section 23-23-7.5 is
4338 renumbered and amended to read:

4339 [~~23-23-7.5~~]. **23A-7-205. Landowner association to provide comparable hunting**
4340 **opportunities.**

4341 A landowner association shall provide [~~each~~] a holder of an authorization or permit a

4342 comparable hunting opportunity in terms of hunting area and number of days.

4343 Section 167. Section **23A-7-206**, which is renumbered from Section 23-23-8 is
4344 renumbered and amended to read:

4345 ~~[23-23-8]~~. **23A-7-206. Compensation for damage -- Claims.**

4346 (1) A landowner participating in a cooperative wildlife management unit who incurs
4347 damages caused by a hunter on ~~[his or her]~~ the landowner's land may submit a claim and
4348 receive compensation for the claim from money received for cooperative wildlife management
4349 unit authorization or permit fees collected by the landowner association.

4350 ~~[(1) These claims shall:]~~

4351 (2) The claims under Subsection (1) shall:

4352 (a) be paid first and have priority over all other obligations of the landowner
4353 association;

4354 (b) be reviewed, investigated, and paid by the landowner association; and

4355 (c) not exceed annual revenues of a cooperative wildlife management unit.

4356 ~~[(2)]~~ (3) A landowner participating in a cooperative wildlife management unit who
4357 incurs damages caused by a hunter on ~~[his or her]~~ the landowner's land may not hold the state
4358 liable for compensation.

4359 Section 168. Section **23A-7-207**, which is renumbered from Section 23-23-9 is
4360 renumbered and amended to read:

4361 ~~[23-23-9]~~. **23A-7-207. Agents -- Appointment -- Identification -- Refusal of**
4362 **entry by agent.**

4363 (1) A landowner association may appoint one or more cooperative wildlife
4364 management unit agents to protect private property of the cooperative wildlife management
4365 unit.

4366 (2) ~~[Each]~~ A cooperative wildlife management unit agent shall wear or have in ~~[his or~~
4367 ~~her]~~ the cooperative wildlife management unit agent's possession a form of identification
4368 prescribed by the Wildlife Board ~~[which]~~ that indicates ~~[he or she]~~ that the individual is a
4369 cooperative wildlife management unit agent.

4370 (3) A cooperative wildlife management unit agent may refuse entry into private lands
 4371 within a cooperative wildlife management unit to any person, except an owner of land within
 4372 the cooperative wildlife management unit and ~~[his or her]~~ the landowner's employees, who:

4373 (a) does not have in ~~[his or her]~~ the person's possession a cooperative wildlife
 4374 management unit authorization or permit;

4375 (b) endangers or has endangered human safety;

4376 (c) damages or has damaged private property within a cooperative wildlife
 4377 management unit; or

4378 (d) fails or has failed to comply with reasonable rules of a landowner association.

4379 (4) In performing the functions described in this section, a cooperative wildlife
 4380 management unit agent shall comply with the relevant laws of this state.

4381 (5) For purposes of this chapter, a cooperative wildlife management unit agent may
 4382 not:

4383 (a) be appointed by the division or the state;

4384 (b) be an employee or agent of the division;

4385 (c) receive compensation from the division or the state to act as a cooperative wildlife
 4386 management unit agent; or

4387 (d) act as a peace officer or perform the duties of a peace officer without qualifying as
 4388 a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

4389 Section 169. Section **23A-7-208**, which is renumbered from Section 23-23-10 is
 4390 renumbered and amended to read:

4391 ~~[23-23-10].~~ **23A-7-208. Possession of permits and licenses by hunter --**

4392 **Restrictions.**

4393 (1) A person may not hunt in a cooperative wildlife management unit without having in
 4394 ~~[his or her]~~ the person's possession:

4395 (a) a valid cooperative wildlife management unit authorization or permit or other
 4396 permit as authorized by the ~~[wildlife board]~~ Wildlife Board; and

4397 (b) the necessary hunting licenses~~[, tags, and stamps]~~ and tags.

4398 (2) A cooperative wildlife management unit authorization or permit:
4399 (a) entitles the holder to hunt only in the cooperative wildlife management unit
4400 specified on the authorization or permit pursuant to rules and proclamations of the Wildlife
4401 Board and does not entitle the holder to hunt on any other private or public land; and
4402 (b) constitutes written permission for trespass as required under Section [~~23-20-14~~]
4403 23A-5-317.

4404 Section 170. Section **23A-7-209**, which is renumbered from Section 23-23-11 is
4405 renumbered and amended to read:

4406 [~~23-23-11~~]. **23A-7-209. Failure to comply with rules and requirements.**

4407 A person shall leave private property within a cooperative wildlife management unit
4408 immediately, upon request of a landowner, landowner association operator, or cooperative
4409 wildlife management unit agent, if that person:

- 4410 (1) does not have in that person's possession a cooperative wildlife management unit
4411 authorization or permit;
- 4412 (2) endangers or has endangered human safety;
- 4413 (3) damages or has damaged private property within a cooperative wildlife
4414 management unit; or
- 4415 (4) fails or has failed to comply with reasonable rules of a landowner association.

4416 Section 171. Section **23A-7-210**, which is renumbered from Section 23-23-12 is
4417 renumbered and amended to read:

4418 [~~23-23-12~~]. **23A-7-210. Damage or destruction of property.**

4419 A person on the land of another person may not intentionally damage, disarrange, or
4420 destroy that person's property.

4421 Section 172. Section **23A-7-211**, which is renumbered from Section 23-23-13 is
4422 renumbered and amended to read:

4423 [~~23-23-13~~]. **23A-7-211. Violation of chapter -- Class B misdemeanor.**

4424 Any person who violates [~~any provision of~~] this chapter is guilty of a class B
4425 misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

4426 Section 173. Section **23A-7-212**, which is renumbered from Section 23-23-14 is
4427 renumbered and amended to read:

4428 ~~[23-23-14]~~. **23A-7-212. Landowner protection under Landowner Liability Act.**

4429 ~~[Landowners who participate in]~~ A landowner who participates in a cooperative
4430 wildlife management [units shall have] unit has the full protection afforded under Title 57,
4431 Chapter 14, Limitations on Landowner Liability.

4432 Section 174. Section **23A-8-101** is enacted to read:

4433 **CHAPTER 8. WILDLIFE DAMAGE**

4434 **Part 1. General Provisions**

4435 **23A-8-101. Definitions.**

4436 As used in this chapter:

4437 (1) "72 hours" means a time period that begins with the hour a request for action is
4438 made pursuant to Section [23A-8-402](#) and ends 72 hours later with the exclusion of any hour
4439 that occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section
4440 [63G-1-301](#).

4441 (2) "Cultivated crops" means:

4442 (a) annual or perennial crops harvested from or on cleared and planted land;

4443 (b) perennial orchard trees on cleared and planted land;

4444 (c) crop residues that have forage value for livestock; and

4445 (d) pastures.

4446 (3) "Depredation" means an act causing damage or death.

4447 (4) "Depredation mitigation plan" means the plan described in Subsection
4448 [23A-8-402](#)(2).

4449 (5) "Growing season" means the portion of a year in which local conditions permit
4450 normal plant growth.

4451 (6) "Livestock" means cattle, sheep, horses, goats, or turkeys.

4452 (7) "Management unit" means a prescribed area of contiguous land designated by the
4453 division for the purpose of managing a species of big game animal.

4454 (8) "Mitigation review panel" means the panel created under Section 23A-8-404.

4455 (9) (a) For purposes of Part 2, Damage in General, "predator" means a mountain lion or
 4456 bear.

4457 (b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear, or
 4458 coyote.

4459 (10) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey
 4460 and does not include a privately owned or domestic turkey.

4461 (11) "Wildlife Services Program" means a program of the United States Department of
 4462 Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and
 4463 natural resources, and to safeguard human health and safety.

4464 (12) "Wildlife specialist" means a United States Department of Agriculture, Wildlife
 4465 Services specialist.

4466 (13) (a) "Wolf" means the gray wolf Canis lupus.

4467 (b) "Wolf" does not mean a wolf hybrid with a domestic dog.

4468 Section 175. Section **23A-8-201**, which is renumbered from Section 23-24-1 is
 4469 renumbered and amended to read:

4470 **Part 2. Damage in General**

4471 ~~[23-24-1].~~ **23A-8-201. Procedure to obtain compensation for livestock damage**
 4472 **done by bear, mountain lion, wolf, or eagle.**

4473 ~~[(1) As used in this section:]~~

4474 ~~[(a) "Damage" means injury to or loss of livestock.]~~

4475 ~~[(b) "Division" means the Division of Wildlife Resources.]~~

4476 ~~[(c) "Livestock" means cattle, sheep, goats, or turkeys.]~~

4477 ~~[(d) (i) "Wolf" means the gray wolf Canis lupus.]~~

4478 ~~[(ii) "Wolf" does not mean a wolf hybrid with a domestic dog.]~~

4479 ~~[(2)]~~ (1) (a) (i) Except as provided by Subsection [(2)] (1)(a)(ii), if livestock are
 4480 damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for
 4481 the fair market value of the damage to the livestock.

4482 (ii) The owner of livestock may not receive compensation if the livestock is damaged
4483 by a wolf within an area where a wolf is endangered or threatened under the Endangered
4484 Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.

4485 (b) To obtain [~~this~~] compensation under this section, the owner of the damaged
4486 livestock shall notify the division of the damage as soon as possible, but no later than four days
4487 after the damage to the livestock is discovered.

4488 (c) The owner shall notify the division each time [~~any~~] damage to livestock is
4489 discovered.

4490 [~~(3)~~] (2) The livestock owner shall file a proof of loss form, provided by the division,
4491 no later than 30 days after the original notification of damage to livestock was given to the
4492 division by the owner.

4493 [~~(4)~~] (3) (a) (i) The division, with the assistance of the Department of Agriculture and
4494 Food shall:

4495 (A) within 30 days after the owner files the proof of loss form, either accept or deny the
4496 claim for damages; and

4497 (B) subject to Subsections [~~(4)~~] (3)(a)(ii) through [~~(4)~~] (3)(a)(iv), pay [~~all~~] the accepted
4498 claims to the extent money appropriated by the Legislature is available for this purpose.

4499 (ii) Money appropriated from the Wildlife Resources Account may be used to provide
4500 compensation for only up to 50% of the fair market value of [~~any~~] damaged livestock.

4501 (iii) Money appropriated from the Wildlife Resources Account may not be used to
4502 provide compensation for livestock damaged by an eagle or a wolf.

4503 (iv) The division may not pay [~~any~~] an eagle damage claim until the division has paid
4504 all accepted mountain lion and bear livestock damage claims for the fiscal year.

4505 (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a
4506 livestock owner unless the owner has filed a completed livestock form and the appropriate fee
4507 as outlined in Section [4-23-107](#) for the immediately preceding and current year.

4508 (c) (i) Unless the division denies a claim for the reason identified in Subsection [~~(4)~~]
4509 (3)(b), the owner may appeal the decision to a panel consisting of one person selected by the

4510 owner, one person selected by the division, and a third person selected by the first two panel
4511 members.

4512 (ii) The panel shall decide whether the division should pay all of the claim, a portion of
4513 the claim, or none of the claim.

4514 ~~[(5)] (4) [By following the procedures and requirements of Title 63G, Chapter 3, Utah~~
4515 ~~Administrative Rulemaking Act, the]~~ The Wildlife Board may make rules, in accordance with
4516 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and enforce rules to administer
4517 and enforce this section.

4518 Section 176. Section **23A-8-202**, which is renumbered from Section 23-24-2 is
4519 renumbered and amended to read:

4520 ~~[23-24-2].~~ **23A-8-202. Livestock depredation by predators.**

4521 ~~[(1) As used in this section:]~~

4522 ~~[(a) "Depredation" means an act causing damage or death.]~~

4523 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

4524 ~~[(c) "Division" means the Division of Wildlife Resources.]~~

4525 ~~[(d) "Livestock" means cattle, sheep, goats, horses, or turkeys.]~~

4526 ~~[(e) "Predator" means a mountain lion or bear.]~~

4527 ~~[(f) "Wildlife Board" means the board created in Section ~~23-14-2.~~]~~

4528 ~~[(g) "Wildlife Services Program" means a program of the United States Department of~~
4529 ~~Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and~~
4530 ~~natural resources, and to safeguard human health and safety.]~~

4531 ~~[(h) "Wildlife specialist" means a United States Department of Agriculture, Wildlife~~
4532 ~~Services specialist.]~~

4533 ~~[(2)]~~ (1) If a predator harasses, chases, disturbs, harms, attacks, or kills livestock,
4534 within 96 hours of the act:

4535 (a) in a depredation case, the livestock owner, an immediate family member, or an
4536 employee of the livestock owner on a regular payroll and not specifically hired to take a
4537 predator, may take predators subject to the requirements of this section;

4538 (b) a landowner or livestock owner may notify the division of the depredation or
4539 human health and safety concerns, who may authorize a local hunter to take the offending
4540 predator or notify a wildlife specialist; or

4541 (c) the livestock owner may notify a wildlife specialist of the depredation who may
4542 take the depredating predator.

4543 [~~(3)~~] (2) A depredating predator may be taken at any time by a wildlife specialist,
4544 supervised by the Wildlife Services Program, while acting in the performance of the wildlife
4545 specialist's assigned duties and in accordance with procedures approved by the division.

4546 [~~(4)~~] (3) (a) A depredating predator may be taken by an individual authorized in
4547 Subsection [~~(2)~~] (1)(a):

4548 (i) with a weapon authorized by the division, pursuant to rules made by the Wildlife
4549 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
4550 taking the predator; or

4551 (ii) only using snares:

4552 (A) with written authorization from the director;

4553 (B) subject to the conditions and restrictions set out in the written authorization; and

4554 (C) if the division verifies that there has been a chronic depredation situation when
4555 numerous livestock have been killed by a predator as described in rule made by the Wildlife
4556 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4557 (b) An individual authorized in Subsection [~~(2)~~] (1)(a) to take depredating predators
4558 may take no more than two bears per incident.

4559 [~~(5)~~] (4) (a) In accordance with Subsection [~~(5)~~] (4)(b), the division may issue a
4560 depredation permit to take a predator on specified private lands and public land grazing
4561 allotments with a chronic depredation situation when numerous livestock have been killed by
4562 predators.

4563 (b) The division may:

4564 (i) issue one or more depredation permits to an affected livestock owner or a designee
4565 of the affected livestock owner, provided that the livestock owner does not receive monetary

4566 consideration from the designee for the opportunity to use the depredation permit;

4567 (ii) determine the legal weapons and methods of taking allowed; and

4568 (iii) specify the area and season that the depredation permit is valid.

4569 ~~[(6)]~~ (5) (a) A predator taken under Subsection ~~[(2)]~~ (1)(a) or ~~[(5)]~~ (4) remains the
4570 property of the state and shall be delivered to a division office or employee with 96 hours of the
4571 take.

4572 (b) The division may issue a predatory damage permit to a person who has taken a
4573 depredating predator under Subsection ~~[(2)]~~ (1)(a) that authorizes the individual to keep the
4574 carcass.

4575 (c) An individual who takes a predator under Subsection ~~[(2)]~~ (1)(a) or ~~[(5)]~~ (4) may
4576 acquire and use a limited entry permit or harvest objective permit in the same year.

4577 (d) Notwithstanding Subsections ~~[(6)]~~ (5)(b) and (c), a person may retain no more than
4578 one predator carcass annually.

4579 ~~[(7)]~~ (6) Money derived from the sale of a predator taken under this section shall be
4580 deposited into the Wildlife Resources Account created in Section ~~[23-14-13]~~ [23A-3-201](#).

4581 ~~[(8)]~~ (7) Nothing in this section prohibits the division from permitting the removal of a
4582 bear causing damage to cultivated crops on cleared and planted land pursuant to rule made by
4583 the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4584 Act.

4585 ~~[(9)]~~ (8) Nothing in this section prohibits receiving compensation for livestock damage
4586 done by a bear, mountain lion, wolf, or eagle in accordance with Section ~~[23-24-1]~~ [23A-8-201](#).

4587 Section 177. Section **23A-8-203**, which is renumbered from Section 23-18-4 is
4588 renumbered and amended to read:

4589 ~~[23-18-4]~~. **23A-8-203. Beaver damage -- Authorization to kill or trap.**

4590 ~~[Whenever]~~ (1) When it is apparent that beaver are doing damage to, or are a menace
4591 to, private property, ~~[any]~~ a landowner or tenant may request authorization to kill or trap the
4592 beaver ~~[so involved, and the Wildlife Board is empowered to]~~.

4593 (2) The Wildlife Board may grant [such] authorization described in Subsection (1)

4594 under conditions prescribed by [it] the Wildlife Board.

4595 Section 178. Section **23A-8-301**, which is renumbered from Section 23-17-4 is
4596 renumbered and amended to read:

4597 **Part 3. Damage by Birds**

4598 ~~[23-17-4].~~ **23A-8-301. Crop damage by pheasants -- Notice to division --**
4599 **Damages for destroyed crops -- Limitations -- Appraisal.**

4600 ~~[Whenever pheasants are damaging]~~

4601 (1) When pheasants damage cultivated crops on cleared and planted land, the owner of
4602 [such] the cultivated crops shall immediately upon discovery of [such] the damage notify the
4603 [Division of Wildlife Resources. This notice shall be made] division both orally and in writing.

4604 (2) Upon being notified of [such] the damage to cultivated crops, the [Division of
4605 Wildlife Resources] division shall, as far as possible, control [such] the damage.

4606 (3) When pheasants damage or destroy cultivated crops on cleared and planted land,
4607 the division may pay to the crop owner for the actual damage not to exceed \$200 yearly, if the
4608 owner notifies the division of the damage within 48 hours after the damage is discovered.

4609 (4) Subject to Subsection (5), the crop owner and the division shall make an appraisal
4610 of the damage as soon after notification as possible. If the crop owner and the division are
4611 unable to agree on the fair and equitable damage, they shall call upon a third party, consisting
4612 of one or more persons acquainted with the crops concerned and pheasants, to appraise the
4613 damage.

4614 (5) If a provision of this section conflicts with the requirements of the federal
4615 Pittman-Robertson Act or the regulations issued under that act, the provisions relating to
4616 damage claims are void.

4617 Section 179. Section **23A-8-302**, which is renumbered from Section 23-17-5.1 is
4618 renumbered and amended to read:

4619 ~~[23-17-5.1].~~ **23A-8-302. Damage by turkeys.**

4620 ~~[(1) As used in this section, "turkey" means a wild, free-ranging turkey and does not~~
4621 ~~include a privately owned or domestic turkey.]~~

4622 ~~[(2)]~~ (1) (a) If a turkey materially damages private property, the landowner or lessee of
4623 the property may:

- 4624 (i) notify the division of the damage; and
- 4625 (ii) request that the division take action to mitigate the damage.

4626 (b) The landowner or lessee of the damaged property shall allow division staff
4627 reasonable access to the damaged property to verify and mitigate the damage.

4628 ~~[(3)]~~ (2) (a) Within 72 hours after receiving a request for action under Subsection ~~[(2)]~~
4629 (1)(a)(ii), the division shall investigate the damaged property and, if it appears that material
4630 damage by a turkey may continue, the division shall begin to:

- 4631 (i) remove or drive off the turkeys causing the damage; or
- 4632 (ii) implement a damage mitigation and prevention plan with the written approval of
4633 the landowner or lessee of the property.

4634 (b) As part of a damage mitigation and prevention plan described in Subsection ~~[(3)]~~
4635 (2)(a)(ii), the division may:

- 4636 (i) schedule a depredation hunt;
- 4637 (ii) issue a permit to the landowner or lessee to, during a general or special season hunt
4638 authorized by the Wildlife Board, take a turkey on the property;

4639 (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation
4640 permit to, during a general or special season hunt authorized by the Wildlife Board, take a
4641 turkey on the property;

4642 (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a
4643 turkey that causes damage to the property;

4644 (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a
4645 turkey that causes damage to the property; or

4646 (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise
4647 prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable
4648 for the location of the property due to local law or public safety concerns.

4649 (c) If the division takes an action described in Subsection ~~[(3)]~~ (2)(b)(ii) or (iii), the

4650 division shall specify the number and sex of turkeys the landowner or lessee is authorized to
4651 take in accordance with Subsection ~~[(3)]~~ (2)(b)(ii) or (iii).

4652 (d) If a landowner or lessee takes a turkey under Subsection ~~[(3)]~~ (2)(b)(ii), the division
4653 and the landowner or lessee shall jointly determine the number of turkeys the landowner or
4654 lessee may retain.

4655 ~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4656 Act, the Wildlife Board may make rules necessary to administer ~~[the provisions of]~~ this
4657 section.

4658 Section 180. Section **23A-8-401**, which is renumbered from Section 23-16-2 is
4659 renumbered and amended to read:

4660 **Part 4. Damage by Big Game**

4661 ~~[23-16-2].~~ **23A-8-401. Removal of big game animals doing damage.**

4662 The director ~~[of the division of Wildlife Resources]~~ may authorize the removal of big
4663 game animals when ~~[they]~~ the big game animals are doing actual damage. ~~[Animals so~~
4664 ~~removed shall be sold or otherwise disposed of by the Division of Wildlife Resources, and any]~~
4665 The division shall sell or otherwise dispose of a big game animal removed pursuant to this
4666 section and money derived from the sale of these big game animals shall be placed in the
4667 Wildlife Resources Account.

4668 Section 181. Section **23A-8-402**, which is renumbered from Section 23-16-3 is
4669 renumbered and amended to read:

4670 ~~[23-16-3].~~ **23A-8-402. Damage to cultivated crops, livestock forage, fences, or**
4671 **irrigation equipment by big game animals -- Notice to division -- Depredation mitigation**
4672 **plan.**

4673 (1) (a) If on private land big game animals damage cultivated crops, livestock forage,
4674 fences, or irrigation equipment, the landowner or lessee shall immediately, upon discovery of
4675 the damage, request that the division take action to alleviate the depredation problem.

4676 (b) The landowner or lessee shall allow division personnel reasonable access to the
4677 property sustaining damage to verify and alleviate the depredation problem.

4678 (2) (a) Within 72 hours after receiving the request for action under Subsection (1)(a),
4679 the division shall investigate the situation, and if it appears that depredation by big game
4680 animals may continue, the division shall:

4681 (i) remove the big game animals causing depredation; or

4682 (ii) implement a depredation mitigation plan that is approved, in writing, by the
4683 landowner or lessee.

4684 (b) A depredation mitigation plan may provide for any or all of the following:

4685 (i) the scheduling of a depredation hunt;

4686 (ii) issuing permits to the landowners or lessees, to take big game animals causing
4687 depredation during a general or special season hunt authorized by the Wildlife Board;

4688 (iii) allowing landowners or lessees to designate recipients who may obtain a
4689 mitigation permit to take big game animals on the landowner's or lessee's land during a general
4690 or special season hunt authorized by the Wildlife Board; or

4691 (iv) a description of how the division will assess and compensate the landowner or
4692 lessee under Section [~~23-16-4~~] 23A-8-405 for damage to cultivated crops, fences, or irrigation
4693 equipment.

4694 (c) (i) The division shall specify the number and sex of the big game animals that may
4695 be taken pursuant to Subsections (2)(b)(ii) and (iii).

4696 (ii) [~~Control efforts shall be directed~~] The division shall direct control efforts toward
4697 antlerless animals, if possible.

4698 (d) [~~A~~] The director or the director's designee shall approve a permit issued for an
4699 antlered animal [~~shall be approved by the division director or the director's designee~~].

4700 (e) The division and the landowner or lessee shall jointly determine the number of big
4701 game animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may
4702 retain possession.

4703 (f) In determining appropriate remedial action under this Subsection (2), the division
4704 shall consider:

4705 (i) the extent of damage experienced or expected in a single growing season; and

4706 (ii) ~~[any]~~ revenue the landowner derives from:

4707 (A) participation in a cooperative wildlife management unit;

4708 (B) use of landowner association permits;

4709 (C) use of mitigation permits; and

4710 (D) charging for hunter access.

4711 (3) ~~[Any]~~ A landowner or lessee shall determine a fee for accessing the owner's or

4712 lessee's land ~~[shall be determined by the landowner or lessee]~~.

4713 (4) (a) If the landowner or lessee who approved the depredation mitigation plan under

4714 Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the landowner or

4715 lessee may revoke the landowner's or lessee's approval of the plan and again request that the

4716 division take action pursuant to Subsection (2)(a)(i).

4717 (b) ~~[A]~~ The division shall consider a subsequent request for action provided under

4718 Subsection (4)(a) ~~[shall be considered]~~ to be a new request for purposes of the 72-hour time

4719 limit specified in Subsection (2)(a).

4720 (5) (a) The division may enter into a conservation lease with the owner or lessee of

4721 private lands for a fee or other remuneration as compensation for depredation.

4722 (b) ~~[Any]~~ A conservation lease entered into under this section shall provide that the

4723 claimant may not unreasonably restrict hunting on the land or passage through the land to

4724 access public lands for the purpose of hunting, if those actions are necessary to control or

4725 mitigate damage by big game animals.

4726 Section 182. Section **23A-8-403**, which is renumbered from Section 23-16-3.1 is

4727 renumbered and amended to read:

4728 ~~[23-16-3.1].~~ **23A-8-403. Landowner or lessee may kill big game animals.**

4729 (1) (a) A landowner or lessee may kill big game animals damaging ~~[those]~~ cultivated

4730 crops on private land if:

4731 (i) it is necessary to protect cultivated crops;

4732 (ii) 72 hours has expired since a request for action is given pursuant to Subsection

4733 ~~[23-16-3]~~ 23A-8-402(1)(a);

4734 (iii) the landowner or lessee has provided or sent written notice of an intent to kill the
4735 big game animal to the nearest regional office of the division;

4736 (iv) the landowner or lessee kills the big game animal within 90 days, or a longer
4737 period, if approved, in writing, by the division, after having requested that the division take
4738 action to prevent depredation under Subsection [~~23-16-3~~] 23A-8-402(1)(a); and

4739 (v) the killing is not prohibited by Subsection (2)(a) or (3).

4740 (b) Immediately after killing a big game animal under Subsection (1)(a), the landowner
4741 or lessee shall notify the division of the killing.

4742 (c) The carcass of a big game animal killed under Subsection (1)(a) is the property of
4743 the division and the division shall dispose of the carcass.

4744 (d) Money derived from the sale of big game animals killed shall be placed in the
4745 Wildlife Resources Account created in Section [~~23-14-13~~] 23A-3-201.

4746 (e) A landowner or lessee who kills big game animals pursuant to this section shall:

4747 (i) make reasonable effort to prevent the big game animals from wasting; and

4748 (ii) provide the division reasonable access to the landowner's or lessee's land to retrieve
4749 and dispose of the big game animals.

4750 (2) (a) The [~~division~~] director may prohibit the killing of big game animals under
4751 Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division
4752 take action to remove depredating big game animals, the division:

4753 (i) determines that the restitution value of the big game animal or animals, as
4754 established under Section [~~23-20-4.5~~] 23A-5-312, is more than twice the estimated value of the
4755 cultivated crops that have been or will be damaged or consumed within a single growing
4756 season;

4757 (ii) determines that the prohibition is consistent with the management plan established
4758 under Section [~~23-16-7~~] 23A-11-301;

4759 (iii) notifies the landowner or lessee of the prohibition; and

4760 (iv) offers the landowner or lessee a depredation mitigation plan.

4761 (b) A landowner or lessee who is offered a depredation mitigation plan may:

- 4762 (i) accept the plan in writing; or
- 4763 (ii) refuse to accept the plan and appeal the plan, in writing, to the [division] director.
- 4764 (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a),
- 4765 the [division] director may prohibit [any] further killing of big game animals if:
- 4766 (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); or
- 4767 (b) the mitigation review panel reviews and approves the depredation mitigation plan.
- 4768 Section 183. Section **23A-8-404**, which is renumbered from Section 23-16-3.2 is
- 4769 renumbered and amended to read:
- 4770 **~~[23-16-3.2].~~ 23A-8-404. Mitigation review panel.**
- 4771 (1) A mitigation review panel may be convened to review:
- 4772 (a) a depredation mitigation plan; or
- 4773 (b) division action under Section ~~[23-16-4]~~ [23A-8-405](#).
- 4774 (2) Membership of the mitigation review panel shall consist of:
- 4775 (a) the [division] director or the director's designee;
- 4776 (b) (i) the commissioner of the Department of Agriculture and Food or the
- 4777 commissioner's designee; or
- 4778 (ii) a representative of agricultural interests appointed by the commissioner of the
- 4779 Department of Agriculture and Food; and
- 4780 (c) a representative of Utah State University Extension Service appointed by the Vice
- 4781 President and Dean for University Extension.
- 4782 (3) (a) The [division] director shall convene a mitigation review panel if:
- 4783 (i) a landowner or lessee appeals a depredation mitigation plan under Subsection
- 4784 ~~[23-16-3.1]~~ [23A-8-403](#)(2)(b)(ii);
- 4785 (ii) the [division] director requests review of a depredation mitigation plan; or
- 4786 (iii) the division receives a petition of an aggrieved party to a final division action
- 4787 under Section ~~[23-16-4]~~ [23A-8-405](#).
- 4788 (b) Within five business days of an appeal under Subsection ~~[23-16-3.1]~~
- 4789 [23A-8-403](#)(2)(b)(ii) or a division request for review, the mitigation review panel shall review

4790 the depredation mitigation plan and approve or modify the plan.

4791 (c) A mitigation review panel shall act on a petition described in Subsection (3)(a)(iii)
4792 in accordance with rules made by the Wildlife Board under Subsection [~~23-16-4~~]
4793 23A-8-405(6).

4794 (4) Judicial review of a mitigation review panel action under this section is governed
4795 by Title 63G, Chapter 4, Administrative Procedures Act.

4796 Section 184. Section **23A-8-405**, which is renumbered from Section 23-16-4 is
4797 renumbered and amended to read:

4798 [~~23-16-4~~]. **23A-8-405. Compensation for damage to crops, fences, or irrigation**
4799 **equipment -- Limitations -- Appeals.**

4800 (1) The division may provide compensation to claimants for damage caused by big
4801 game animals to:

- 4802 (a) cultivated crops on private land;
- 4803 (b) fences on private land; or
- 4804 (c) irrigation equipment on private land.

4805 (2) To be eligible to receive compensation as provided in this section, the claimant
4806 shall:

- 4807 (a) notify the division of the damage within 72 hours after the damage is discovered;
- 4808 and
- 4809 (b) allow division personnel reasonable access to the property to verify and alleviate
4810 the depredation problem.

4811 (3) (a) The [~~appraisal of the damage shall be made by the~~] claimant and the division
4812 shall make an appraisal of the damage as soon after notification as possible.

4813 (b) In determining damage payment, the division and claimant shall consider:

- 4814 (i) the extent of damage experienced; and
- 4815 (ii) [~~any~~] revenue the landowner derives from:
 - 4816 (A) participation in a cooperative wildlife management unit;
 - 4817 (B) use of landowner association permits;

4818 (C) use of mitigation permits; and

4819 (D) charging for hunter access.

4820 (c) The division and claimant may not include speculative damages or claims of future
4821 value in an appraisal or damage payment beyond the growing season when the damage
4822 occurred under this section.

4823 (d) In determining how to assess and compensate for damages to cultivated crops, the
4824 ~~[division's determination shall be based]~~ division shall base the division's determination on the:

4825 (i) estimated number of big game animals that damaged or consumed cultivated crops;

4826 (ii) estimated quantity of cultivated crops damaged or consumed by big game animals;

4827 (iii) local market value of the cultivated crops that actually have been or will be
4828 damaged or consumed by big game animals;

4829 (iv) replacement value of an equivalent aged tree for perennial orchard trees; and

4830 (v) other documented costs directly incurred by the landowner or lessee because of
4831 damage to cultivated crops by big game animals.

4832 (e) If the claimant and the division are unable to agree on a fair and equitable damage
4833 payment, the claimant and division shall designate a third party, consisting of one or more
4834 persons familiar with the crops, fences, or irrigation equipment and the type of big game
4835 animals doing the damage, to appraise the damage.

4836 (4) (a) The total amount of compensation that may be provided by the division pursuant
4837 to this section and the total cost of fencing materials provided by the division to prevent crop
4838 damage may not exceed the legislative appropriation for fencing material and compensation for
4839 damaged crops, fences, and irrigation equipment.

4840 (b) (i) A claim of \$1,000 or less may be paid after appraisal of the damage as provided
4841 in Subsection (3), unless the claim brings the total amount of claims submitted by the claimant
4842 in the fiscal year to an amount in excess of \$1,000.

4843 (ii) A claim for damage to irrigation equipment may be paid after appraisal of the
4844 damage as provided in Subsection (3).

4845 (c) (i) A claim in excess of \$1,000, or claim that brings the total amount of claims

4846 submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be treated
4847 as follows:

4848 (A) \$1,000 may be paid pursuant to the conditions of this section; and

4849 (B) the amount in excess of \$1,000 may not be paid until the total amount of the
4850 approved claims of all the claimants and expenses for fencing materials for the fiscal year are
4851 determined.

4852 (ii) If the total exceeds the amount appropriated by the Legislature pursuant to
4853 Subsection (4)(a), claims in excess of \$1,000, or a claim that brings the total amount of a
4854 claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.

4855 (5) The division may deny or limit compensation if the claimant:

4856 (a) fails to exercise reasonable care and diligence to avoid the loss or minimize the
4857 damage;

4858 (b) fails to provide the division reasonable access to the property;

4859 (c) fails to allow the division to use reasonable mitigation tools to alleviate the damage;

4860 (d) unreasonably restricts hunting on land under the claimant's control or passage
4861 through the land to access public lands for the purpose of hunting, after receiving written
4862 notification from the division of the necessity of allowing the hunting or access to control or
4863 mitigate damage by big game animals; or

4864 (e) fails to provide supporting evidence of cultivated crop values and claimed costs to
4865 the division during the damage appraisal process.

4866 (6) (a) The Wildlife Board shall make rules, in accordance with Title 63G, Chapter 3,
4867 Utah Administrative Rulemaking Act, and consistent with Subsection (6)(d), specifying
4868 procedures for the appeal of division actions under this section.

4869 (b) Upon the petition of an aggrieved party to a final division action, a mitigation
4870 review panel may review the action on the record and issue an order modifying or rescinding
4871 the division action.

4872 (c) A mitigation review panel may appoint a third party designated under Subsection
4873 (3)(e) for purposes of taking evidence and making recommendations for an order of the

4874 mitigation review panel. The mitigation review panel shall consider the recommendations of
4875 the designated third party in making decisions.

4876 (d) A mitigation review panel's review of final agency action and judicial review of
4877 final action by a mitigation review panel is governed by Title 63G, Chapter 4, Administrative
4878 Procedures Act.

4879 Section 185. Section **23A-9-101** is enacted to read:

4880 CHAPTER 9. AQUATIC WILDLIFE

4881 Part 1. General Provisions

4882 23A-9-101. Definitions.

4883 Reserved.

4884 Section 186. Section **23A-9-201**, which is renumbered from Section 23-15-4 is
4885 renumbered and amended to read:

4886 Part 2. Operations

4887 ~~[23-15-4].~~ **23A-9-201. Screens or other devices required -- Failure to install**
4888 **after notice a misdemeanor.**

4889 ~~[It is unlawful for any person, company or corporation to take any]~~

4890 (1) A person may not take water from the state streams, lakes, or reservoirs for power
4891 purposes, or for waterworks, without first furnishing and maintaining suitable screens or other
4892 devices to prevent fish from entering ~~[such]~~ the power plants, millraces, or waterworks
4893 system~~[; said]~~.

4894 (2) A screen or other ~~[devices]~~ device is to be built and maintained under the direction
4895 of the ~~[board]~~ Wildlife Board and at the expense of ~~[said]~~ the owner or ~~[operators . The failure~~
4896 ~~of any person, firm or corporation]~~ operator.

4897 (3) A person who fails to install a screen or device within 30 days after the Wildlife
4898 Board gives notice in writing ~~[so to do has been given by the board is]~~ to install the screen or
4899 device is guilty of a class B misdemeanor.

4900 Section 187. Section **23A-9-202**, which is renumbered from Section 23-15-5 is
4901 renumbered and amended to read:

4902 ~~[23-15-5].~~ **23A-9-202.** Notice of intention to drain or divert waterway.

4903 (1) ~~[Any person, company or corporation]~~ A person owning or controlling ~~[any]~~ an
4904 irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into ~~[any]~~ a state
4905 waterway containing protected aquatic wildlife ~~[who shall desire]~~ shall provide the notice
4906 described in Subsection (2) if the person:

4907 (a) desires to drain ~~[any such waterway, or who shall intend]~~ the waterway; or

4908 (b) intends to divert sufficient water from ~~[any]~~ a state waterway endangering the
4909 protected aquatic wildlife ~~[therein,]~~ in the state waterway.

4910 (2) If the conditions described in Subsection (1) are met, the person shall give five
4911 days' written notice to the ~~[Division of Wildlife Resources prior to]~~ division before the
4912 diversion except that under emergency conditions the person shall give reasonable notice ~~[shall~~
4913 ~~be given].~~

4914 Section 188. Section **23A-9-203,** which is renumbered from Section 23-15-10 is
4915 renumbered and amended to read:

4916 ~~[23-15-10].~~ **23A-9-203.** Private fish pond.

4917 (1) A private fish pond is not required to obtain a certificate of registration from the
4918 division to receive fish from an aquaculture facility if:

4919 (a) the pond is properly screened as provided in Subsection (3)(c); and

4920 (b) the fish species being stocked is authorized by this chapter or rules of the Wildlife
4921 Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4922 (2) (a) Except as provided in Subsection (2)(b), a private fish pond or a short-term
4923 fishing event may not be developed or held on:

4924 (i) a natural lake;

4925 (ii) a natural flowing stream; or

4926 (iii) a reservoir constructed on a natural stream channel.

4927 (b) The division may authorize a private fish pond on a natural lake or reservoir
4928 constructed on a natural stream channel upon inspecting and determining:

4929 (i) the pond and inlet source of the pond neither contain wild game fish nor are likely

4930 to support [~~such species~~] wild game fish in the future;

4931 (ii) the pond and the pond's intended use will not jeopardize conservation of aquatic
4932 wildlife populations or lead to the privatization or commercialization of aquatic wildlife;

4933 (iii) the pond is properly screened as provided in Subsection (3)(c) and otherwise in
4934 compliance with the requirements of this title, rules of the Wildlife Board, and applicable law;
4935 and

4936 (iv) the pond is not vulnerable to flood or high water events capable of compromising
4937 the pond's inlet or outlet screens allowing escapement of privately owned fish into waters of the
4938 state.

4939 (c) [~~Any~~] An authorization issued by the division under Subsection (2)(b) shall be in
4940 the form of a certificate of registration.

4941 (3) A person who owns or operates a private fish pond may receive a fish from an
4942 aquaculture facility if:

4943 (a) the aquaculture facility has a health approval number required by Section [4-37-501](#);

4944 (b) the species, strain, and reproductive capability of the fish is authorized by the
4945 Wildlife Board in accordance with Subsection (4) for stocking in the area where the private fish
4946 pond is located;

4947 (c) the private fish pond is screened in accordance with the Wildlife Board's rule, made
4948 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to prevent the
4949 fish from moving into or out of the private fish pond;

4950 (d) the fish is not:

4951 (i) released from the private fish pond; or

4952 (ii) transported live to another location; and

4953 (e) the person provides the aquaculture facility with a signed statement that the private
4954 fish pond is in compliance with this section.

4955 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4956 Wildlife Board may make rules that:

4957 (a) specify the screen requirements to prevent the movement of fish into or out of the

4958 private fish pond;

4959 (b) specify the fish species that may not be stocked in a private fish pond located in the
4960 state;

4961 (c) establish a location or region where a specified species, strain, and reproductive
4962 capability of fish may be stocked in a private fish pond; and

4963 (d) specify procedures and requirements for authorizing development of a private fish
4964 pond, fee fishing facility, or aquaculture facility on a natural lake, natural flowing stream, or
4965 reservoir on a natural stream channel pursuant to Subsection (2) and Section 4-37-111.

4966 (5) The division may inspect a private fish pond to verify compliance with this section
4967 and rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah
4968 Administrative Rulemaking Act.

4969 Section 189. Section **23A-9-204**, which is renumbered from Section 23-15-13 is
4970 renumbered and amended to read:

4971 ~~[23-15-13]~~. **23A-9-204. Operation of aquaculture and fee fishing facilities.**

4972 A person may engage in the following activities as provided by Title 4, Chapter 37,
4973 Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and
4974 Food and Wildlife Board:

4975 (1) acquisition, importation, or possession of aquatic animals intended for use in an
4976 aquaculture or fee fishing facility;

4977 (2) transportation of aquatic animals to or from an aquaculture facility or to a fee
4978 fishing facility;

4979 (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility;
4980 and

4981 (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing
4982 facility.

4983 Section 190. Section **23A-9-301**, which is renumbered from Section 23-15-3 is
4984 renumbered and amended to read:

4985 **Part 3. Prohibitions**

4986 ~~[23-15-3].~~ **23A-9-301. Diversion of water prohibited -- Exception for flood**
 4987 **control.**

4988 ~~[Except in anticipation of and to provide for the carrying away and the safe disposal of~~
 4989 ~~natural storm and flood waters, no person may,]~~

4990 (1) Except as provided in Subsection (2), a person may not, without existing rights,
 4991 divert so much water from [any] a natural stream, lake, pond, or natural lake or pond, the
 4992 natural storage content of which has been increased by the construction of a dam, that the
 4993 diversion unduly endangers protected aquatic wildlife.

4994 (2) A person may divert waters in a manner that would otherwise violate Subsection
 4995 (1) in anticipation of and to provide for the carrying away and the safe disposal of natural storm
 4996 and flood waters.

4997 Section 191. Section **23A-9-302**, which is renumbered from Section 23-15-6 is
 4998 renumbered and amended to read:

4999 ~~[23-15-6].~~ **23A-9-302. Pollution of waters unlawful.**

5000 ~~[It is unlawful for any person to pollute any waters deemed necessary by]~~

5001 (1) A person may not pollute waters:

5002 (a) the Wildlife Board considers necessary for wildlife purposes [or any waters]; or

5003 (b) containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies
 5004 (Ephemoptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis flies
 5005 (Trichoptera), spongilla flies (Neuroptera), and crustaceans. [Provided further that each]

5006 (2) Each day of pollution [shall constitute] constitutes a separate offense.

5007 Section 192. Section **23A-9-303**, which is renumbered from Section 23-15-7 is
 5008 renumbered and amended to read:

5009 ~~[23-15-7].~~ **23A-9-303. Taking protected aquatic wildlife or eggs unlawful**
 5010 **except as authorized.**

5011 ~~[It is unlawful for any person to take any]~~ A person may not take protected aquatic
 5012 wildlife or eggs of [same in any of] aquatic wildlife in the waters of this state, except as
 5013 provided by this [code] title or the rules [and regulations] of the Wildlife Board made in

5014 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5015 Section 193. Section **23A-9-304**, which is renumbered from Section 23-15-8 is
5016 renumbered and amended to read:

5017 ~~[23-15-8].~~ **23A-9-304. Seining or selling aquatic wildlife unlawful except as**
5018 **authorized.**

5019 ~~[It is unlawful for any person to]~~ Except as prescribed by this title or rules of the
5020 Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Procedures
5021 Act, a person may not seine:

- 5022 (1) for any kind of protected aquatic wildlife in ~~[any of]~~ the waters of this state; or
- 5023 (2) to sell protected aquatic wildlife ~~[except as prescribed by this title or rules of the~~
- 5024 ~~Wildlife Board]~~.

5025 Section 194. Section **23A-9-305**, which is renumbered from Section 23-15-9 is
5026 renumbered and amended to read:

5027 ~~[23-15-9].~~ **23A-9-305. Possession or transportation of live aquatic wildlife**
5028 **unlawful except as authorized -- Exceptions.**

5029 (1) ~~[It is unlawful for any person to]~~ A person may not possess or transport live
5030 protected aquatic wildlife except as provided by this ~~[code]~~ title or the rules ~~[and regulations]~~
5031 of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative
5032 Rulemaking Act.

5033 (2) This section does not apply to tropical and goldfish species intended for exhibition
5034 or commercial purposes. ~~[Operators]~~

5035 (3) An operator of a properly registered private fish pond may transport live aquatic
5036 wildlife specified by the Wildlife Board in the operator's certificate of registration.

5037 Section 195. Section **23A-10-101**, which is renumbered from Section 23-27-102 is
5038 renumbered and amended to read:

5039 **CHAPTER 10. AQUATIC INVASIVE SPECIES INTERDICTION**

5040 **Part 1. General Provisions**

5041 ~~[23-27-102].~~ **23A-10-101. Definitions.**

5042 As used in this chapter:

5043 [~~(1)~~] "~~Board~~" means the ~~Wildlife Board~~.]

5044 [~~(2)~~] (1) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that
5045 may carry or contain a Dreissena mussel.

5046 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal
5047 watercraft, a container, a trailer, a live well, or a bilge area.

5048 [~~(3)~~] (2) "Decontaminate" means to:

5049 (a) drain and dry [~~all~~] non-treated water; and

5050 (b) chemically or thermally treat in accordance with rule.

5051 [~~(4)~~] "~~Director~~" means the director of the division.]

5052 [~~(5)~~] "~~Division~~" means the ~~Division of Wildlife Resources~~.]

5053 [~~(6)~~] (3) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,
5054 including a zebra mussel, a quagga mussel, and Conrad's false mussel.

5055 [~~(7)~~] (4) "Equipment" means an article, tool, implement, or device capable of carrying
5056 or containing:

5057 (a) water; or

5058 (b) a Dreissena mussel.

5059 [~~(8)~~] "~~Executive director~~" means the executive director of the Department of Natural
5060 Resources.]

5061 [~~(9)~~] (5) "Facility" means a structure that is located within or adjacent to a water body.

5062 [~~(10)~~] (6) "Infested water" means a geographic region, water body, facility, or water
5063 supply system within or outside the state that the [~~board~~] Wildlife Board identifies in rule as
5064 carrying or containing a Dreissena mussel.

5065 [~~(11)~~] (7) "Vessel" means the same as that term is defined in Section [73-18-2](#).

5066 [~~(12)~~] (8) "Water body" means natural or impounded surface water, including a stream,
5067 river, spring, lake, reservoir, pond, wetland, tank, and fountain.

5068 [~~(13)~~] (9) (a) "Water supply system" means a system that treats, conveys, or distributes
5069 water for irrigation, industrial, waste water treatment, or culinary use.

5070 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.

5071 (c) "Water supply system" does not include a water body.

5072 Section 196. Section **23A-10-201**, which is renumbered from Section 23-27-201 is
5073 renumbered and amended to read:

5074 **Part 2. Invasive Species Prohibited**

5075 ~~[23-27-201]~~. **23A-10-201. Invasive species prohibited -- Administrative**
5076 **inspection authorized.**

5077 (1) Except as authorized in this title or a ~~[board]~~ Wildlife Board rule or order, a person
5078 may not:

5079 (a) possess, import, export, ship, or transport a Dreissena mussel;

5080 (b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel
5081 in a water body, facility, or water supply system; or

5082 (c) transport a conveyance or equipment that has been in an infested water within the
5083 previous 30 days without decontaminating the conveyance or equipment.

5084 (2) ~~[A]~~ Except as provided in Subsection (3), a person who violates Subsection (1):

5085 (a) is strictly liable;

5086 (b) is guilty of an infraction; and

5087 (c) shall reimburse the state for ~~[aH]~~ the costs associated with detaining, quarantining,
5088 and decontaminating the conveyance or equipment.

5089 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class
5090 A misdemeanor.

5091 (4) A person may not proceed past or travel through an inspection station or
5092 administrative checkpoint, as described in Section ~~[23-27-301]~~ 23A-10-301, while transporting
5093 a conveyance during an inspection station's or administrative checkpoint's hours of operations
5094 without presenting the conveyance for inspection.

5095 (5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

5096 Section 197. Section **23A-10-202**, which is renumbered from Section 23-27-202 is
5097 renumbered and amended to read:

5098 ~~[23-27-202]~~. 23A-10-202. **Reporting of invasive species required.**

5099 (1) A person who discovers a Dreissena mussel within this state or has reason to
5100 believe a Dreissena mussel may exist at a specific location shall immediately report the
5101 discovery to the division.

5102 (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

5103 Section 198. Section **23A-10-301**, which is renumbered from Section 23-27-301 is
5104 renumbered and amended to read:

5105 **Part 3. Enforcement**

5106 ~~[23-27-301]~~. 23A-10-301. **Division's power to prevent invasive species**
5107 **infestation.**

5108 To eradicate and prevent the infestation of a Dreissena mussel, the division may:

5109 (1) (a) establish inspection stations located at or along:

5110 (i) highways, as defined in Section [72-1-102](#);

5111 (ii) ports of entry, if the Department of Transportation authorizes the division to use the
5112 port of entry; and

5113 (iii) publicly accessible:

5114 (A) boat ramps; and

5115 (B) conveyance launch sites; and

5116 (b) temporarily stop, detain, and inspect a conveyance or equipment that:

5117 (i) the division reasonably believes is in violation of Section ~~[23-27-201]~~ [23A-10-201](#);

5118 (ii) the division reasonably believes is in violation of Section ~~[23-27-306]~~ [23A-10-305](#);

5119 (iii) is stopped at an inspection station; or

5120 (iv) is stopped at an administrative checkpoint;

5121 (2) conduct an administrative checkpoint in accordance with Section [77-23-104](#);

5122 (3) detain and quarantine a conveyance or equipment as provided in Section

5123 ~~[23-27-302]~~ [23A-10-302](#);

5124 (4) order a person to decontaminate a conveyance or equipment; and

5125 (5) inspect the following that may contain a Dreissena mussel:

- 5126 (a) a water body;
- 5127 (b) a facility; and
- 5128 (c) a water supply system.

5129 Section 199. Section **23A-10-302**, which is renumbered from Section 23-27-302 is
5130 renumbered and amended to read:

5131 ~~[23-27-302]~~. **23A-10-302. Conveyance or equipment detainment or**
5132 **quarantine.**

5133 (1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a
5134 conveyance or equipment if:

- 5135 (a) the division, agent, or peace officer:
 - 5136 (i) finds the conveyance or equipment contains a Dreissena mussel; or
 - 5137 (ii) reasonably believes that the person transporting the conveyance or equipment is in
 - 5138 violation of Section ~~[23-27-201]~~ 23A-10-201; or

5139 (b) the person transporting the conveyance or equipment refuses to submit to an
5140 inspection authorized by Section ~~[23-27-301]~~ 23A-10-301.

5141 (2) The detainment or quarantine authorized by Subsection (1) may continue for:

- 5142 (a) up to five days; or
- 5143 (b) the period of time necessary to:
 - 5144 (i) decontaminate the conveyance or equipment; and
 - 5145 (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

5146 Section 200. Section **23A-10-303**, which is renumbered from Section 23-27-303 is
5147 renumbered and amended to read:

5148 ~~[23-27-303]~~. **23A-10-303. Closing a water body, facility, or water supply**
5149 **system.**

5150 (1) Except as provided by Subsection (6), if the division detects or suspects a Dreissena
5151 mussel is present in a water body, a facility, or a water supply system, the director or the
5152 director's designee may, with the concurrence of the executive director, order:

- 5153 (a) the water body, facility, or water supply system closed to a conveyance or

5154 equipment;

5155 (b) restricted access by a conveyance or equipment to a water body, facility, or water
5156 supply system; or

5157 (c) a conveyance or equipment that is removed from or introduced to the water body,
5158 facility, or water supply system to be inspected, quarantined, or decontaminated in a manner
5159 and for a duration necessary to detect and prevent the infestation of a Dreissena mussel.

5160 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division
5161 shall:

5162 (a) provide a written update to the operator of the water body, facility, or water supply
5163 system every 10 days on the division's effort to address the Dreissena infestation; and

5164 (b) post the update on the division's website.

5165 (3) (a) The [~~board~~] Wildlife Board shall develop procedures to ensure proper
5166 notification of a state, federal, or local agency that is affected by a Dreissena mussel
5167 infestation.

5168 (b) The notification shall include:

5169 (i) the reasons for the closure, quarantine, or restriction; and

5170 (ii) methods for providing updated information to the agency.

5171 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or
5172 closure location, the director shall consult with the person with the jurisdiction, control, or
5173 management responsibility over the water body, facility, or water supply system to avoid or
5174 minimize disruption of economic and recreational activity.

5175 (5) (a) A person that operates a water supply system shall cooperate with the division
5176 to implement a measure to:

5177 (i) avoid infestation by a Dreissena mussel; and

5178 (ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply
5179 system.

5180 (b) (i) If a Dreissena mussel is detected, the water supply system's operator, in
5181 cooperation with the division, shall prepare and implement a plan to control or eradicate a

5182 Dreissena mussel within the water supply system.

5183 (ii) A plan required by Subsection (5)(b)(i) shall include a:

5184 (A) method for determining the scope and extent of the infestation;

5185 (B) method to control or eradicate the Dreissena mussel;

5186 (C) method to decontaminate the water supply system containing the Dreissena mussel;

5187 (D) systematic monitoring program to determine a change in the infestation; and

5188 (E) requirement to update or revise the plan in conformity with a scientific advance in

5189 the method of controlling or eradicating a Dreissena mussel.

5190 (6) (a) The division may not close or quarantine a water supply system if the operator
5191 has prepared and implemented a plan to control or eradicate a Dreissena mussel in accordance
5192 with Subsection (5).

5193 (b) (i) The division may require the operator to update a plan.

5194 (ii) If the operator fails to update or revise a plan, the division may close or quarantine
5195 the water supply system in accordance with this section.

5196 Section 201. Section **23A-10-304**, which is renumbered from Section 23-27-304 is
5197 renumbered and amended to read:

5198 ~~[23-27-304].~~ **23A-10-304. Aquatic invasive species fee.**

5199 (1) (a) Except as provided in Subsection (1)(b), there is imposed an annual nonresident
5200 aquatic invasive species fee of \$20 on ~~[each vessel in order]~~ a vessel to launch or operate a
5201 vessel in waters of this state if:

5202 (i) the vessel is owned by a nonresident; and

5203 (ii) the vessel would otherwise be subject to registration requirements under Section
5204 [73-18-7](#) if the vessel were owned by a resident of this state.

5205 (b) ~~[The provisions of]~~ Subsection (1)(a) ~~[do]~~ does not apply if the vessel is owned and
5206 operated by a state or federal government agency and the vessel is used within the course and
5207 scope of the duties of the agency.

5208 (c) The division shall administer and collect the fee described in Subsection (1)(a), and
5209 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in

5210 Section ~~[23-27-305]~~ 23A-3-211.

5211 (2) Before launching a vessel on the waters of this state, a nonresident shall pay the
5212 aquatic invasive species fee as described in Subsection (1), and the vessel owner shall
5213 successfully complete an aquatic invasive species education course offered by the division.

5214 (3) (a) The division shall study options and ~~[feasibility]~~ feasibility of implementing an
5215 automated system capable of scanning, photographing, and providing real-time information
5216 regarding a conveyance's or equipment's last:

5217 (i) ~~[last]~~ entry into a body of water; and

5218 (ii) ~~[last]~~ decontamination.

5219 (b) The study described in Subsection (3)(a) shall evaluate the system's capability of:

5220 (i) operation with or without the use or supervision of personnel;

5221 (ii) operation 24 hours per day;

5222 (iii) capturing a state assigned number on a vessel or conveyance as described in

5223 Section 73-18-6;

5224 (iv) preserving photographic evidence of:

5225 (A) a conveyance's state assigned bow number;

5226 (B) a conveyance's or equipment's entry into a body of water, including the global
5227 positioning system location of where the conveyance is photographed; and

5228 (C) decontamination of the conveyance or equipment;

5229 (v) identifying a conveyance or equipment not owned by a resident that is entering a
5230 body of water in this state; and

5231 (vi) collecting the fee described in Subsection (1).

5232 ~~[(c) The division shall present a report of the study and findings described in~~

5233 ~~Subsections (3)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim~~
5234 ~~Committee before November 30, 2020.]~~

5235 ~~[(d)]~~ (c) Based on the findings of the study described in this Subsection (3), the

5236 division shall implement a pilot program to provide the services described in this Subsection

5237 (3) on or before May 1, 2021.

5238 (4) The [~~board~~] Wildlife Board may increase fees assessed under Subsection (1), so
5239 long as:

5240 (a) the fee for nonresidents described in Subsection (1) is no less than the resident fee
5241 described in Section ~~73-18-26~~; and

5242 (b) the fee is confirmed in the legislative fee schedule.

5243 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5244 [~~board~~] Wildlife Board may make rules establishing procedures for:

5245 (a) proof of payment and other methods of verifying compliance with this section;

5246 (b) special requirements applicable on interstate water bodies in this state; and

5247 (c) other provisions necessary for the administration of the program.

5248 Section 202. Section ~~23A-10-305~~, which is renumbered from Section 23-27-306 is
5249 renumbered and amended to read:

5250 ~~[23-27-306]~~. **23A-10-305. Removal of drain plug or similar device during**
5251 **transport.**

5252 (1) Before transporting a conveyance on a highway, as defined in Section ~~72-1-102~~, in
5253 the state, a person shall:

5254 (a) remove the plugs and similar devices that prevent drainage of raw water systems on
5255 the conveyance; and

5256 (b) to the extent feasible, drain [~~at~~] the water from live wells, bilges, ballast tanks, or
5257 similar compartments on the conveyance.

5258 (2) A person who fails to comply with Subsection (1) is guilty of a class C
5259 misdemeanor.

5260 Section 203. Section ~~23A-10-401~~, which is renumbered from Section 23-27-401 is
5261 renumbered and amended to read:

5262 **Part 4. Administration**

5263 ~~[23-27-401]~~. **23A-10-401. Rulemaking authority.**

5264 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5265 [~~board~~] Wildlife Board may make rules that:

- 5266 (1) establish the procedures and requirements for decontaminating a conveyance or
5267 equipment to prevent the introduction and infestation of a Dreissena mussel;
5268 (2) establish the requirements necessary to provide proof that a conveyance or
5269 equipment is decontaminated;
5270 (3) establish the notification procedures required in Section ~~[23-27-303]~~ 23A-10-303;
5271 (4) identify the geographic area, water body, facility, or water supply system that is
5272 infested by Dreissena mussels;
5273 (5) establish a procedure and protocol in cooperation with the Department of
5274 Transportation for stopping, inspecting, detaining, and decontaminating a conveyance or
5275 equipment at a port-of-entry in accordance with Section ~~[23-27-301]~~ 23A-10-301; and
5276 (6) are necessary to administer and enforce ~~[the provisions of]~~ this chapter.
5277 Section 204. Section **23A-10-501**, which is renumbered from Section 23-27-501 is
5278 renumbered and amended to read:

5279 **Part 5. Statewide Aquatic Invasive Species Emergency Response Plan**

5280 ~~[23-27-501]~~. **23A-10-501. Aquatic invasive species emergency response**

5281 **plan.**

- 5282 (1) As used in this section:
5283 (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim
5284 Committee.
5285 (b) "Emergency response plan" means the statewide aquatic invasive species
5286 emergency response plan developed by the division in accordance with this part.
5287 (2) The division shall develop a statewide aquatic invasive species emergency response
5288 plan to address the potential spread of aquatic invasive species throughout the state.
5289 (3) In developing the emergency response plan, the division shall coordinate with
5290 public and private entities that may be necessary or helpful to remediating the potential spread
5291 of aquatic invasive species throughout the state.
5292 (4) The emergency response plan shall:
5293 (a) designate the division as the entity that ~~[will coordinate]~~ coordinates the

5294 implementation of the emergency response plan;

5295 (b) provide for annual review of the emergency response plan by the division;

5296 (c) provide that the emergency response plan may only be implemented if the division
5297 detects aquatic invasive species, including Dreissena mussels, at a water body, facility, or water
5298 supply system within the state; and

5299 (d) define what constitutes a detection of aquatic invasive species at a water body,
5300 facility, or water supply system.

5301 [~~(5) On or before August 1, 2021, the division shall submit to the committee the~~
5302 ~~following:]~~

5303 [~~(a) the emergency response plan;]~~

5304 [~~(b) proposed legislation that may be necessary to effectuate the emergency response~~
5305 ~~plan or to increase the effectiveness of the emergency response plan; and]~~

5306 [~~(c) an analysis and estimate of the cost to implement the emergency response plan.]~~

5307 [~~(6) After receiving the items described in Subsection (5), the committee may:]~~

5308 [~~(a) recommend to the Legislature that the plan be implemented;]~~

5309 [~~(b) return the plan to the division for further study and evaluation;]~~

5310 [~~(c) draft legislation proposed or requested by the division; or]~~

5311 [~~(d) take action to further the funding of the emergency response plan.]~~

5312 [~~(7)~~] (5) If an event requires the implementation of the emergency response plan, the
5313 division shall report on that event and the implementation of the emergency response plan to
5314 the committee.

5315 Section 205. Section **23A-11-101**, which is renumbered from Section 23-16-1.1 is
5316 renumbered and amended to read:

5317 **CHAPTER 11. BIG GAME**

5318 **Part 1. General Provisions**

5319 [~~23-16-1.1~~]. **23A-11-101. Definitions.**

5320 As used in this chapter:

5321 [~~(1) "72 hours" means a time period that begins with the hour a request for action is~~

5322 made pursuant to Section ~~23-16-3~~ and ends 72 hours later with the exclusion of any hour that
 5323 occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section
 5324 ~~63G-1-301~~.]

5325 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,
 5326 and bison.

5327 (2) "Cultivated crops" means:

5328 (a) annual or perennial crops harvested from or on cleared and planted land;

5329 (b) perennial orchard trees on cleared and planted land;

5330 (c) crop residues that have forage value for livestock; and

5331 (d) pastures.

5332 [~~(3) "Depredation mitigation plan" means the plan described in Subsection 23-16-3(2).~~]

5333 [~~(4) "Growing season" means the portion of a year in which local conditions permit~~
 5334 ~~normal plant growth.~~]

5335 [~~(5)~~] (3) "Management unit" means a prescribed area of contiguous land designated by
 5336 the division for the purpose of managing a species of big game animal.

5337 (4) "Predator" means a cougar, bear, or coyote.

5338 [~~(6) "Mitigation review panel" means the panel created under Section 23-16-3.2.~~]

5339 Section 206. Section **23A-11-201**, which is renumbered from Section 23-16-5 is
 5340 renumbered and amended to read:

5341 **Part 2. Limits on Hunting**

5342 ~~[23-16-5].~~ **23A-11-201. Limit of one of species of big game during license year**
 5343 **-- Invalid and forfeited permit or tag.**

5344 (1) A person may take only one of [~~any~~] a species of big game during a license year,
 5345 regardless of how many licenses or permits the person obtains, except as otherwise provided by
 5346 this title or [~~proclamations~~] a proclamation of the Wildlife Board.

5347 (2) (a) If a person kills a big game animal in violation of this title, while attempting to
 5348 exercise the benefits of a big game permit or big game tag, the big game permit or big game tag
 5349 is invalid and the person shall forfeit the big game permit or big game tag to the division.

- 5350 (b) This Subsection (2) does not apply if:
- 5351 (i) a citation is issued for a rule violation described in Subsection (2)(a); or
- 5352 (ii) a warning citation for a violation described in Subsection (2)(a) is issued.
- 5353 (3) The division may grant a season extension to a valid, unfilled big game permit
- 5354 opportunity that was invalidated and forfeited under Subsection (2) if:
- 5355 (a) the criminal charges associated with the big game permit forfeiture are dismissed,
- 5356 with prejudice, by action of the prosecutor or court, or acquittal of the charges at trial;
- 5357 (b) the person issued the big game permit that is forfeited requests the division in
- 5358 writing within 60 days of a final action dismissing or acquitting that person of the criminal
- 5359 charges that led to the big game permit forfeiture;
- 5360 (c) the season extension is granted for the same species and sex, hunt unit, and season
- 5361 dates associated with the forfeited big game permit, as established by the Wildlife Board in the
- 5362 hunt year of the extension; and
- 5363 (d) the extension occurs in the first season immediately following dismissal of or
- 5364 acquittal on the criminal charges described in Subsection (3)(a).

5365 Section 207. Section **23A-11-202**, which is renumbered from Section 23-16-6 is

5366 renumbered and amended to read:

5367 ~~[23-16-6]~~. **23A-11-202. Commencement date of general rifle deer season.**

5368 The general rifle deer season may not commence each year before October 1.

5369 Section 208. Section **23A-11-203**, which is renumbered from Section 23-16-11 is

5370 renumbered and amended to read:

5371 ~~[23-16-11]~~. **23A-11-203. Big game baiting prohibited.**

5372 (1) As used in this section:

5373 (a) (i) "Bait" means intentionally placing food or nutrient substances to manipulate the

5374 behavior of wildlife for the purpose of taking or attempting to take big game.

5375 (ii) "Bait" does not include:

5376 (A) the use of salt, mineral blocks, or other commonly used types of livestock

5377 supplements placed in the field by agricultural producers for normal agricultural purposes; or

5378 (B) standing crops, natural vegetation, harvested croplands, or lands or areas where
5379 seeds or grains have been scattered solely as the result of a normal agricultural planting,
5380 harvesting, post-harvest manipulation, or normal soil stabilization practice.

5381 (b) "Baited area" means ~~an~~ land within a 50-yard radius of the site where bait is
5382 placed, including the site where bait is placed.

5383 (2) Unless authorized by a certificate of registration, ~~it is unlawful to~~ a person may
5384 not:

5385 (a) bait big game;

5386 (b) take big game in a baited area; or

5387 (c) take big game that has been lured to or is traveling from a baited area.

5388 (3) The division may only issue a certificate of registration to allow for the baiting of
5389 big game if the division determines that baiting is necessary to:

5390 (a) alleviate substantial big game depredation on cultivated crops ~~[or to]~~; or

5391 (b) facilitate the removal of deer causing property damage within cities or towns.

5392 Section 209. Section **23A-11-204**, which is renumbered from Section 23-20-33 is
5393 renumbered and amended to read:

5394 ~~[23-20-33]~~. **23A-11-204. Limitation on compensating people to locate big game**
5395 **animals.**

5396 (1) As used in this section:

5397 (a) "Compensate" or "compensated" means anything of value in excess of \$25 that is
5398 paid, loaned, given, granted, donated, or transferred to a person for or in consideration of
5399 locating or monitoring the location of big game animals.

5400 (b) "Retain" or "retained" means a written or oral agreement for the delivery of
5401 outfitting services or hunting guide services between an outfitter or hunting guide and the
5402 recipient of those services.

5403 (2) Except as provided in Subsections (3) and (4), a person may not compensate
5404 another person to locate or monitor the location of big game animals on public land in
5405 connection with or furtherance of taking a big game animal under this title.

5406 (3) A person may compensate a registered outfitter or hunting guide[, as defined in
5407 Section ~~58-79-102~~,] to help the person locate and take a big game animal on public land if:

5408 (a) the outfitter or hunting guide is registered and in good standing under Title 58,
5409 Chapter 79, Hunting Guides and Outfitters Registration Act;

5410 (b) the person has retained the outfitter or hunting guide and is the recipient of the
5411 outfitting services and hunting guide services, as defined in Section ~~58-79-102~~;

5412 (c) the person possesses the licenses and permits required to take a big game animal;

5413 (d) the person retains and uses not more than one outfitter or hunting guide in
5414 connection with taking a big game animal; and

5415 (e) the retained outfitter or hunting guide uses no more than one compensated
5416 individual in locating or monitoring the location of big game animals on public land.

5417 (4) A registered outfitter or registered hunting guide in good standing may compensate
5418 another person to locate or monitor the location of big game animals on public land if:

5419 (a) the outfitter or hunting guide has been retained by the recipient of the outfitting
5420 services or hunting guide services to assist the recipient take a big game animal on public land;

5421 (b) the recipient possesses the licenses and permits required to take a big game animal;

5422 (c) the recipient is not simultaneously using another outfitter or hunting guide to assist
5423 in taking the same species and sex of big game animal; and

5424 (d) the outfitter or hunting guide compensates not more than one other individual to
5425 locate or monitor the location of big game animals in connection with assisting the recipient
5426 take a big game animal on public land.

5427 (5) A violation of:

5428 (a) this section constitutes an unlawful take under Section [~~23-20-3~~] 23A-5-309; and

5429 (b) Subsection (4) constitutes unlawful conduct under Sections ~~58-1-501~~, ~~58-1-502~~,
5430 and ~~58-79-501~~.

5431 Section 210. Section **23A-11-205**, which is renumbered from Section 23-20-31 is
5432 renumbered and amended to read:

5433 [~~23-20-31~~]. **23A-11-205. Requirement to wear hunter orange -- Exceptions.**

- 5434 (1) As used in this section:
- 5435 (a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,
- 5436 except as provided in Subsection (1)(a)(ii).
- 5437 (ii) "Centerfire rifle hunt" does not include:
- 5438 (A) a bighorn sheep hunt;
- 5439 (B) a mountain goat hunt;
- 5440 (C) a bison hunt;
- 5441 (D) a moose hunt;
- 5442 (E) a hunt requiring the hunter to possess a statewide conservation permit; or
- 5443 (F) a hunt requiring the hunter to possess a statewide sportsman permit.
- 5444 (b) "Statewide conservation permit" means a permit:
- 5445 (i) issued by the division;
- 5446 (ii) distributed through a nonprofit organization founded for the purpose of promoting
- 5447 wildlife conservation; and
- 5448 (iii) valid:
- 5449 (A) on open hunting units statewide; and
- 5450 (B) for the species of big game and time period designated by the Wildlife Board.
- 5451 (c) "Statewide sportsman permit" means a permit:
- 5452 (i) issued by the division through a public draw; and
- 5453 (ii) valid:
- 5454 (A) on open hunting units statewide; and
- 5455 (B) for the species of big game and time period designated by the Wildlife Board.
- 5456 (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material
- 5457 while hunting [~~any~~] a species of big game, except as provided in Subsection (3).
- 5458 (b) [~~Hunter~~] A person shall wear hunter orange material [~~shall be worn~~] on the head,
- 5459 chest, and back.
- 5460 (3) A person is not required to wear the hunter orange material described in Subsection
- 5461 (2):

5462 (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in
5463 the same area:

5464 (i) archery;

5465 (ii) muzzle-loader;

5466 (iii) mountain goat;

5467 (iv) bighorn sheep;

5468 (v) bison; or

5469 (vi) moose; or

5470 (b) as provided by a rule of the Wildlife Board made in accordance with Title 63G,
5471 Chapter 3, Utah Administrative Rulemaking Act.

5472 Section 211. Section **23A-11-301**, which is renumbered from Section 23-16-7 is
5473 renumbered and amended to read:

5474 **Part 3. Management**

5475 ~~[23-16-7].~~ **23A-11-301. Deer and elk management plans -- Division to confer**
5476 **with others -- Target herd size objectives -- Reports.**

5477 (1) The [~~Division of Wildlife Resources~~] division shall:

5478 (a) prepare a management plan for each deer and elk herd unit in the state; and

5479 (b) submit the plans to the Wildlife Board for [~~their~~] the Wildlife Board's approval.

5480 (2) Upon approval of a plan by the Wildlife Board, the division shall manage the herd
5481 unit [~~shall be managed~~] in accordance with the management plan.

5482 (3) In preparing [~~the plans~~] a management plan, the division shall confer with federal
5483 and state land managers, private landowners, sportsmen, and ranchers.

5484 (4) (a) [~~Each~~] A management plan shall establish target herd size objectives.

5485 (b) In establishing target herd size objectives, the division and [~~board~~] Wildlife Board
5486 shall among other factors:

5487 (i) consider available information on each unit's range carrying capacity and
5488 ownership; and

5489 (ii) seek to balance relevant multiple uses for the range.

5490 (5) Until a management plan for a herd unit is prepared in accordance with this section
5491 and approved by the ~~[board]~~ Wildlife Board, the division shall manage the herd unit ~~[shall be~~
5492 ~~managed]~~ to maintain the herd size as range conditions and available data dictate.

5493 ~~[(6) (a) Management plans shall be prepared by the division and approved by the board~~
5494 ~~by the following dates:]~~

5495 ~~[(i) May 1, 1994 for elk; and]~~

5496 ~~[(ii) May 1, 1996 for deer.]~~

5497 ~~[(b) The division shall make:]~~

5498 ~~[(i) an annual progress report on the management plans to the Energy, Natural~~
5499 ~~Resources and Agriculture Interim Committee until the plans are completed; and]~~

5500 ~~[(ii) a final report to the committee:]~~

5501 ~~[(A) at the committee's May 1994 meeting for elk; and]~~

5502 ~~[(B) at the committee's May 1996 meeting for deer.]~~

5503 ~~[(7) The management plans may be revised as the division or board determines~~
5504 ~~necessary. Any]~~

5505 (6) The division or Wildlife Board may revise a management plan as the division or
5506 Wildlife Board determines necessary. A revised plan shall be prepared in accordance with
5507 Subsections (3) and (4).

5508 Section 212. Section **23A-11-302**, which is renumbered from Section 23-16-10 is
5509 renumbered and amended to read:

5510 ~~[23-16-10].~~ **23A-11-302. Big game protection -- Director authority.**

5511 (1) It is the policy of the state that big game animals are of great importance to the
5512 citizens of the state, the citizen's quality of life, and the long term sustainability of the herds for
5513 future generations.

5514 ~~[(2) As used in this section:]~~

5515 ~~[(a) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,~~
5516 ~~and bison.]~~

5517 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

5518 ~~[(c) "Management unit" means a prescribed area of contiguous land designated by the~~
5519 ~~Division of Wildlife Resources for the purpose of managing a species of big game animal.]~~

5520 ~~[(d) "Predator" means a cougar, bear, and coyote.]~~

5521 ~~[(3)]~~ (2) (a) Unless the condition described in Subsection ~~[(3)]~~ (2)(b) is determined, the
5522 director shall take immediate action to reduce the number of predators within a management
5523 unit when the big game population is under the established herd size objective for that
5524 management unit.

5525 (b) Subsection ~~[(3)]~~ (2)(a) does not apply if the ~~[Division of Wildlife Resources]~~
5526 division determines that predators are not significantly contributing to the big game population
5527 being under the herd size objective for the management unit.

5528 ~~[(4)]~~ (3) Immediate action under Subsection ~~[(3)]~~ (2) includes any of the following
5529 management tools:

5530 (a) increasing take permits or tags for cougar and bear until the herd size objective is
5531 met;

5532 (b) allowing big game hunters to harvest predators with the appropriate permit during a
5533 big game hunting season, including issuing over-the-counter predator permits;

5534 (c) professional trapping and predator control by the United States Department of
5535 Agriculture Wildlife Services, private contracts, and the general public, including aerial control
5536 measures; and

5537 (d) other management tools as determined by the director.

5538 ~~[(5)]~~ (4) The director shall annually give a status report on predator control measures
5539 implemented pursuant to this chapter and Chapter 8, Part 4, Damage by Big Game, to the
5540 Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and
5541 Natural Resources, Agriculture, and Environment Interim Committee.

5542 Section 213. Section **23A-11-401**, which is renumbered from Section 23-30-102 is
5543 renumbered and amended to read:

5544 **Part 4. Mule Deer Protection**

5545 ~~[23-30-102].~~ **23A-11-401. Definitions.**

5546 As used in this [chapter] part:

5547 (1) "General predator control" means a predatory animal removal effort by the division
5548 to reduce predatory animal numbers for the benefit of mule deer.

5549 (2) [~~"Predatory"~~] Notwithstanding Section 23A-8-101, "predatory animal" means a
5550 coyote.

5551 (3) "Targeted predator control" means a predatory animal removal effort by the
5552 division:

5553 (a) to reduce predatory animal numbers in an area where mule deer predation occurs;
5554 and

5555 (b) that focuses on specific locations and certain times.

5556 Section 214. Section **23A-11-402**, which is renumbered from Section 23-30-104 is
5557 renumbered and amended to read:

5558 ~~[23-30-104]~~. **23A-11-402. Rulemaking authority, coordination, and**
5559 **administration for predator control.**

5560 (1) The [division] Wildlife Board may make rules, in accordance with Title 63G,
5561 Chapter 3, Utah Administrative Rulemaking Act, to establish programs to accomplish targeted
5562 predator control or general predator control, including programs that offer incentives or
5563 compensation to participants who remove a predatory animal that is detrimental to mule deer
5564 production.

5565 (2) The division shall:

5566 (a) administer a program established under Subsection (1);

5567 (b) coordinate with federal, state, and local governments, and private persons to
5568 accomplish the purposes of this [chapter] part; and

5569 (c) coordinate with the Department of Agriculture and Food and the Agriculture and
5570 Wildlife Damage Prevention Board created in Section ~~4-23-104~~ to:

5571 (i) minimize unnecessary duplication of predator control efforts; and

5572 (ii) prevent interference between predator control programs administered under Title 4,
5573 Chapter 23, Agricultural and Wildlife Damage Prevention Act, and this [chapter] part.

5574 (3) The division may:
5575 (a) contract with a vendor that offers targeted predator control services; and
5576 (b) prepare and distribute educational and training materials related to mule deer
5577 protection.

5578 Section 215. Section **23A-12-101** is enacted to read:

5579 **CHAPTER 12. BIRDS IN GENERAL**

5580 **Part 1. General Provisions**

5581 **23A-12-101. Definitions.**

5582 Reserved.

5583 Section 216. Section **23A-12-201**, which is renumbered from Section 23-17-5.2 is
5584 renumbered and amended to read:

5585 **Part 2. Hunting of Birds**

5586 **[23-17-5.2]. 23A-12-201. General season turkey hunts.**

5587 The Wildlife Board may establish two general season turkey hunts per year.

5588 Section 217. Section **23A-12-202**, which is renumbered from Section 23-17-6 is
5589 renumbered and amended to read:

5590 **[23-17-6]. 23A-12-202. Commercial hunting area -- Registration --**
5591 **Requirements for hunters.**

5592 (1) (a) A person desiring to operate a commercial hunting area within the state to
5593 permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for
5594 authorization to do so.

5595 (b) The Wildlife Board may issue the applicant a certificate of registration to operate a
5596 commercial hunting area in accordance with rules prescribed by the ~~[board]~~ Wildlife Board in
5597 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5598 (c) The Wildlife Board may determine the number of commercial hunting areas that
5599 may be established in each county of the state.

5600 (2) (a) A certificate of registration issued under Subsection (1) shall specify the species
5601 of birds that the applicant may propagate, keep, and release for shooting on the area covered by

5602 the certificate of registration.

5603 (b) The applicant may charge a fee for harvesting the birds specified under Subsection
5604 (2)(a).

5605 (3) (a) A person hunting within the state on a commercial hunting area shall:

5606 (i) (A) possess proof of passing a division-approved hunter education course, if the
5607 person was born after December 31, 1965; or

5608 (B) possess a trial hunting authorization issued under Section [~~23-19-14.6~~] [23A-4-701](#);

5609 (ii) comply with the accompaniment requirements of Sections [~~23-19-14.6~~ and
5610 ~~23-20-20~~] [23A-4-701](#) and [23A-4-708](#), if applicable; and

5611 (iii) have the permission of the owner or operator of the commercial hunting area.

5612 (b) The operator of a commercial hunting area shall verify that each hunter on the
5613 commercial hunting area meets the requirements of Subsection (3)(a)(i).

5614 (4) Hunting on commercial hunting areas is permitted only during the commercial
5615 hunting area season prescribed by the Wildlife Board.

5616 Section 218. Section **23A-12-203**, which is renumbered from Section 23-17-7 is
5617 renumbered and amended to read:

5618 [~~23-17-7~~]. **23A-12-203. Falconry authorized.**

5619 The Wildlife Board may authorize the practice of falconry within the state [~~of Utah~~] and
5620 the capturing and keeping in possession of birds to be used in the practice of falconry under
5621 rules [~~and regulations specified by it~~] made by the Wildlife Board in accordance with Title
5622 63G, Chapter 3, Utah Administrative Rulemaking Act.

5623 Section 219. Section **23A-12-204**, which is renumbered from Section 23-17-8 is
5624 renumbered and amended to read:

5625 [~~23-17-8~~]. **23A-12-204. Dog field meets.**

5626 (1) [~~It is lawful within the state to hold dog field meets or trials~~] Subject to Subsection
5627 (2), a person may hold within the state a dog field meet or trial where dogs are permitted to
5628 work in exhibition or contest where the skill of dogs is demonstrated by locating or retrieving
5629 birds [~~which~~] that have been obtained from a legal source.

5630 (2) Before ~~[any]~~ a meet or trial is held, ~~[application shall be made]~~ a person shall apply
 5631 in writing to the ~~[Division of Wildlife Resources]~~ division, which may authorize the meet or
 5632 trial under rules ~~[and regulations promulgated]~~ made by the Wildlife Board in accordance with
 5633 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5634 Section 220. Section **23A-12-205**, which is renumbered from Section 23-17-9 is
 5635 renumbered and amended to read:

5636 ~~[23-17-9].~~ **23A-12-205. Training of dogs -- Use of protected or privately owned**
 5637 **wildlife.**

5638 The Wildlife Board may authorize the use of protected wildlife or privately owned
 5639 wildlife for the training of dogs within the state ~~[of Utah]~~ under rules ~~[and regulations it may~~
 5640 ~~promulgate]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah
 5641 Administrative Rulemaking Act.

5642 Section 221. Section **23A-12-301**, which is renumbered from Section 23-32-102 is
 5643 renumbered and amended to read:

5644 **Part 3. Waterfowl Management Areas Act**

5645 ~~[23-32-102].~~ **23A-12-301. Definitions.**

5646 (1) The definitions in Section ~~58-79-102~~ apply to this ~~[chapter]~~ part.

5647 (2) (a) As used in this ~~[chapter]~~ part, "waterfowl management area" means real
 5648 property owned or managed by the ~~[Division of Wildlife Resources]~~ division that is:

5649 (i) primarily used for the conservation, production, or recreational harvest of ducks,
 5650 mergansers, geese, brant, swans, and other waterfowl; and

5651 (ii) designated as a waterfowl management area by the Wildlife Board in accordance
 5652 with Section ~~[23-32-104]~~ 23A-12-303.

5653 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management
 5654 Area and the Harold Crane Waterfowl Management Area described in Section ~~[23-21-5]~~
 5655 23A-6-403.

5656 Section 222. Section **23A-12-302**, which is renumbered from Section 23-32-103 is
 5657 renumbered and amended to read:

5658 ~~[23-32-103].~~ 23A-12-302. Prohibited activities.

5659 (1) A commercial hunting guide or outfitter may not use a waterfowl management area
5660 for any of the following, unless the commercial hunting guide or outfitter has an annual permit,
5661 issued by the Wildlife Board pursuant to this ~~[chapter]~~ part, for the use:

5662 (a) hunting guide services or outfitter services; or

5663 (b) transportation of an individual to another area for the purpose of providing hunting
5664 guide services or outfitter services.

5665 (2) An individual may not construct a permanent blind or other permanent structure
5666 that is used for hunting within the boundaries of a waterfowl management area.

5667 Section 223. Section 23A-12-303, which is renumbered from Section 23-32-104 is
5668 renumbered and amended to read:

5669 ~~[23-32-104].~~ 23A-12-303. Rulemaking -- Notice.

5670 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5671 Wildlife Board shall make rules:

5672 (a) designating and establishing the boundaries of a waterfowl management area;

5673 (b) governing the management and use of a waterfowl management area in accordance
5674 with ~~[the provisions of this chapter]~~ this part; and

5675 (c) to create an annual permit process by which commercial hunting guides and
5676 outfitters may use waterfowl management areas in accordance with ~~[the provisions of this~~
5677 ~~chapter]~~ this part.

5678 (2) The annual permit process described in Subsection (1)(c) shall:

5679 (a) preserve the opportunity for non-guided hunters to use waterfowl management
5680 areas; and

5681 (b) require a permit holder to comply with safety standards established by the Wildlife
5682 Board.

5683 (3) The division shall provide an annual report to the Natural Resources, Agriculture,
5684 and Environment Interim Committee regarding any rules made or changed in accordance with
5685 this ~~[chapter]~~ part.

5686 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl
5687 management area.

5688 (5) Nothing in this ~~chapter~~ part modifies or limits:

5689 (a) ~~[the provisions of Section 23-21-5]~~ Section 23A-6-403, or the discretion of the
5690 division to manage waterfowl management areas for other beneficial purposes, including for
5691 the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

5692 (b) the authority of the division, the director ~~[of the division]~~, or the Wildlife Board
5693 under ~~[Title 23, Chapter 21]~~ Chapter 6, Lands and Waters for Wildlife Purposes.

5694 Section 224. Section **23A-13-101**, which is renumbered from Section 23-28-102 is
5695 renumbered and amended to read:

5696 **CHAPTER 13. MIGRATORY BIRD PRODUCTION AREA**

5697 **Part 1. General Provisions**

5698 ~~[23-28-102].~~ **23A-13-101. Definitions.**

5699 As used in this chapter:

5700 (1) "Migratory bird" ~~[is as]~~ means the same as that term is defined in 16 U.S.C. Sec.
5701 715j.

5702 (2) "Migratory bird production area" means an area of land that is:

5703 (a) created under this chapter; and

5704 (b) used according to the description in Subsections ~~[23-28-201]~~

5705 23A-13-201(1)(b)(iii)(A) ~~[through]~~ and (B).

5706 Section 225. Section **23A-13-201**, which is renumbered from Section 23-28-201 is
5707 renumbered and amended to read:

5708 **Part 2. Migratory Bird Production Area**

5709 ~~[23-28-201].~~ **23A-13-201. Creation of a migratory bird production area.**

5710 (1) (a) On or before July 1, 2022, an owner or owners of at least 500 contiguous acres
5711 of land in an unincorporated area may dedicate the land as a migratory bird production area by
5712 filing a notice of dedication with the county recorder of the county in which the land is located.

5713 (b) The notice of dedication shall contain:

5714 (i) the legal description of the land included within the migratory bird production area;

5715 (ii) the name of the owner or owners of the land included within the migratory bird
5716 production area; and

5717 (iii) an affidavit signed by each landowner that all of the land, except as provided by
5718 Subsection (2), within the migratory bird production area is:

5719 (A) actively managed for migratory bird:

5720 (I) production;

5721 (II) habitat; or

5722 (III) hunting; and

5723 (B) used for a purpose compatible with the purposes described in Subsection

5724 (1)(b)(iii)(A).

5725 (c) A person who files a notice of dedication under this section shall give a copy of the
5726 notice of dedication within 10 days of its filing to the legislative body of the county in which
5727 the migratory bird production area is located.

5728 (2) (a) The notice of dedication may designate land, the amount of which is less than
5729 1% of the total acreage within a migratory bird production area, upon which the landowner
5730 may build a structure described in Subsection [~~23-28-302~~] 23A-13-302(1)(c).

5731 (b) (i) An owner may build or maintain a road, dike, or water control structure within
5732 the migratory bird production area.

5733 (ii) A road, dike, or water control structure is not considered a structure for purposes of
5734 Subsection (2)(a).

5735 (3) (a) Within 30 days of the day on which the county legislative body receives a copy
5736 of the notice of dedication under Subsection (1)(c), the county legislative body may bring an
5737 action in district court to cancel or revise a migratory bird production area on the basis that an
5738 affidavit filed as part of the notice of dedication under Subsection (1)(b)(iii) is inaccurate.

5739 (b) In bringing the action, the county legislative body shall specify the portion of the
5740 migratory bird production area and the affidavit subject to the action.

5741 (c) In an action brought under this Subsection (3), the person who files an affidavit

5742 described in Subsection (3)(a) has the burden to prove by a preponderance of the evidence that
5743 the affidavit is accurate.

5744 (d) If the court cancels or revises a migratory bird production area, the person who filed
5745 the original notice of dedication shall file a revision notice with the county recorder reflecting
5746 the court's order.

5747 (4) In accordance with Section [~~23-28-202~~] 23A-13-202, a person may at any time add
5748 land to a migratory bird production area created under this section.

5749 Section 226. Section **23A-13-202**, which is renumbered from Section 23-28-202 is
5750 renumbered and amended to read:

5751 ~~[23-28-202]~~. **23A-13-202. Adding to or removing land from a migratory**
5752 **bird production area.**

5753 (1) Subject to the other provisions of this section, a landowner may file a revision
5754 notice with the county recorder of the county in which the migratory bird production area is
5755 located to add land to or remove land from a migratory bird production area.

5756 (2) The revision notice shall contain:

5757 (a) a legal description of the land added to or removed from the migratory bird
5758 production area; and

5759 (b) the name of the owner or owners of the land added to or removed from the
5760 migratory bird production area.

5761 (3) A person who files a revision notice under this section shall give a copy of the
5762 revision notice within 10 days of its filing to the legislative body of the county in which the
5763 migratory bird production area is located.

5764 (4) If removing land from a migratory bird production area results in a migratory bird
5765 production area of less than 300 contiguous acres:

5766 (a) the migratory bird production area ceases to exist; and

5767 (b) the landowner shall:

5768 (i) notify each landowner within the former migratory bird production area; and

5769 (ii) file the revision notice required by this section for the entire migratory bird

5770 production area.

5771 (5) A landowner may add land to a migratory bird production area only if:

5772 (a) the land to be added is contiguous to the migratory bird production area; and

5773 (b) all the landowners of the contiguous land to be added to the migratory bird

5774 production area consent to the contiguous land being added to the migratory bird production

5775 area.

5776 (6) A landowner of a migratory bird production area may include an easement in the

5777 migratory bird production area if:

5778 (a) the landowner owns the easement;

5779 (b) the easement is on land that is contiguous to the migratory bird production area;

5780 and

5781 (c) the owner of the land where the easement is located consents to the easement being

5782 included in the migratory bird production area.

5783 Section 227. Section **23A-13-301**, which is renumbered from Section 23-28-301 is

5784 renumbered and amended to read:

5785 **Part 3. Protections**

5786 ~~[23-28-301]~~. **23A-13-301. Farmland Assessment Act.**

5787 (1) Creation of a migratory bird production area does not impair the ability of land

5788 within the migratory bird production area to qualify for the benefits of Title 59, Chapter 2, Part

5789 5, Farmland Assessment Act.

5790 (2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland

5791 Assessment Act, is determined exclusively by ~~[the provisions of]~~ that act, notwithstanding the

5792 land's location within a migratory bird production area.

5793 Section 228. Section **23A-13-302**, which is renumbered from Section 23-28-302 is

5794 renumbered and amended to read:

5795 ~~[23-28-302]~~. **23A-13-302. Limitations on local regulations.**

5796 (1) (a) A county within which a migratory bird production area is located shall

5797 encourage the continuity, development, and viability of the migratory bird production area.

5798 (b) Except as otherwise specifically provided in this chapter, the purposes, uses, and
5799 activities of a migratory bird production area described in this chapter are afforded the highest
5800 priority of use status.

5801 (c) A structure, improvement, or activity historically or customarily used in
5802 conjunction with a migratory bird production area is considered a permitted use under the
5803 county's zoning law, ordinance, or regulation.

5804 (2) A county within which a migratory bird production area is located may not:

5805 (a) enact a law, ordinance, or regulation that unreasonably restricts an activity normally
5806 associated with the migratory bird production area;

5807 (b) change the zoning designation of, or a zoning regulation applying to land within a
5808 migratory bird production area unless the county receives written approval for the change from
5809 all the landowners within the migratory bird production area; or

5810 (c) enact a law, ordinance, or regulation concerning the use, operation, or discharge of
5811 a firearm on a migratory bird production area.

5812 (3) For purposes of Subsection (2)(a), a law, ordinance, or regulation is unreasonable if
5813 it restricts or impairs the purposes, uses, and activities historically or customarily associated
5814 with a migratory bird production area.

5815 Section 229. Section **23A-13-303**, which is renumbered from Section 23-28-303 is
5816 renumbered and amended to read:

5817 ~~[23-28-303]~~. **23A-13-303. Nuisances.**

5818 (1) (a) A county shall exclude the activities described in Subsection (1)(b) from the
5819 definition of public nuisance in a county law or ordinance regulating a public nuisance.

5820 (b) An activity or occurrence normally associated with a migratory bird production area
5821 is not a nuisance, including:

5822 (i) hunting;

5823 (ii) discharging a firearm;

5824 (iii) improving habitat;

5825 (iv) trapping;

- 5826 (v) eradicating weeds;
- 5827 (vi) discing;
- 5828 (vii) planting;
- 5829 (viii) impounding water;
- 5830 (ix) raising a bird or other domestic animal;
- 5831 (x) grazing;
- 5832 (xi) an activity conducted in the normal course of an agricultural operation as defined
- 5833 in Section 4-44-102; and
- 5834 (xii) an odor.

5835 (2) In a civil action for nuisance or a criminal action for public nuisance under Section

5836 76-10-803, it is a complete defense if the action is:

- 5837 (a) normally associated with a migratory bird production area;
- 5838 (b) conducted within a migratory bird production area; and
- 5839 (c) not in violation of [any] federal or state law.

5840 (3) An owner of a new development located in whole or in part within 1,000 feet of a

5841 migratory bird production area shall provide the following notice on [any] a plat filed with the

5842 county recorder:

"Migratory Bird Production Area

5844 This property is located in the vicinity of an established migratory bird production area

5845 in which hunting and activities related to the management and operation of land for the benefit

5846 of migratory birds have been afforded the highest priority use status. It can be anticipated that

5847 these uses and activities may now or in the future be conducted on land within the migratory

5848 bird production area. The use and enjoyment of this property is expressly conditioned on

5849 acceptance of any annoyance or inconvenience that may result from activities normally

5850 associated with a migratory bird production area."

5851 Section 230. Section **23A-13-304**, which is renumbered from Section 23-28-304 is

5852 renumbered and amended to read:

5853 ~~[23-28-304]~~. **23A-13-304. Annexation restrictions.**

5854 A municipality may annex real property within a migratory bird production area as
5855 provided by Title 10, Chapter 2, Part 4, Annexation.

5856 Section 231. Section **23A-13-305**, which is renumbered from Section 23-28-305 is
5857 renumbered and amended to read:

5858 ~~[23-28-305]~~. **23A-13-305. Application of Water Quality Act.**

5859 A migratory bird production area is subject to Title 19, Chapter 5, Water Quality Act.

5860 Section 232. Section **23A-14-101** is enacted to read:

5861 **CHAPTER 14. FURBEARERS**

5862 **Part 1. General Provisions**

5863 **23A-14-101. Definitions.**

5864 Reserved.

5865 Section 233. Section **23A-14-201**, which is renumbered from Section 23-18-2 is
5866 renumbered and amended to read:

5867 **Part 2. Taking of Furbearers**

5868 ~~[23-18-2]~~. **23A-14-201. Taking of furbearers.**

5869 ~~[Any]~~ A person holding a furbearer license may take ~~[furbearers]~~ a furbearer in
5870 accordance with the rules ~~[promulgated]~~ made by the Wildlife Board in accordance with Title
5871 63G, Chapter 3, Utah Administrative Rulemaking Act.

5872 Section 234. Section **23A-14-202**, which is renumbered from Section 23-18-3 is
5873 renumbered and amended to read:

5874 ~~[23-18-3]~~. **23A-14-202. Trapping on lands controlled by division governed by**
5875 **Wildlife Board.**

5876 ~~[All trapping]~~ The Wildlife Board shall govern trapping on lands controlled by the
5877 ~~[Division of Wildlife Resources shall be governed by the Wildlife Board]~~ division.

5878 Section 235. Section **23A-14-203**, which is renumbered from Section 23-18-6 is
5879 renumbered and amended to read:

5880 ~~[23-18-6]~~. **23A-14-203. Taking red fox or striped skunk.**

5881 Red fox or striped skunk may be taken anytime without a license as provided by this

5882 title [~~or rules~~], a rule made in accordance with Title 63G, Chapter 3, Utah Administrative
5883 Rulemaking Act, or a proclamation of the Wildlife Board.

5884 Section 236. Section **23A-15-101**, which is renumbered from Section 23-29-102 is
5885 renumbered and amended to read:

5886 **CHAPTER 15. WOLF MANAGEMENT ACT**

5887 [~~23-29-102~~]. **23A-15-101. Definitions.**

5888 As used in this chapter:

5889 (1) "Endangered Species Act" means the Endangered Species Act of 1973, 16 U.S.C.
5890 Sec. 1531 et seq.

5891 [(1)] (2) "Service" means the United States Fish and Wildlife Service.

5892 [(2)] (3) "Wolf" means the species *Canis lupus*.

5893 Section 237. Section **23A-15-102**, which is renumbered from Section 23-29-103 is
5894 renumbered and amended to read:

5895 [~~23-29-103~~]. **23A-15-102. Legislative findings and declarations.**

5896 (1) Section [~~23-14-1~~] 23A-2-201 appoints the division as trustee and custodian of
5897 protected wildlife in the state.

5898 (2) The wolf [~~is~~] has been listed as endangered under the federal Endangered Species
5899 Act throughout the greater portion of the state.

5900 (3) The service is the federal agency charged with responsibility to administer the
5901 Endangered Species Act.

5902 (4) The service acknowledges that Utah is not critical to the recovery of wolves and
5903 that it does not intend to actively recover wolves in the state.

5904 (5) The division prepared a wolf management plan outlining [~~its~~] the division's
5905 management objectives for the wolf in Utah when the wolf was delisted and removed from
5906 federal control.

5907 (6) The wolf management plan prepared by the division was formally submitted to the
5908 service in 2007 for approval.

5909 (7) The service has neither approved, denied, nor otherwise commented on the plan

5910 since receiving it in 2007.

5911 (8) The state formally requested, in writing on multiple occasions, that the service
5912 delist the wolf throughout Utah, and the service has failed to acknowledge or otherwise
5913 respond to [~~any of~~] the requests.

5914 (9) The state cannot adequately or effectively manage wolves on a pack level in the
5915 small area of the state where the species is currently delisted without significantly harming
5916 other vital state interests, including livestock and big game populations.

5917 (10) It is the policy of the state to legally advocate and facilitate the delisting of wolves
5918 in Utah under the Endangered Species Act and to return wolf management authority to the
5919 state.

5920 Section 238. Section **23A-15-201**, which is renumbered from Section 23-29-201 is
5921 renumbered and amended to read:

5922 **Part 2. Wolf Management**

5923 [~~23-29-201~~]. **23A-15-201. Wolf management.**

5924 (1) The division shall contact the service upon discovering a wolf in [~~any~~] an area of
5925 the state where wolves are listed as threatened or endangered under the Endangered Species
5926 Act and request immediate removal of the animal from the state.

5927 (2) The division shall manage wolves to prevent the establishment of a viable pack in
5928 all areas of the state where the wolf is not listed as threatened or endangered under the
5929 Endangered Species Act until the wolf is completely delisted under the act and removed from
5930 federal control in the entire state.

5931 (3) Subsections (1) and (2) do not apply to wolves lawfully held in captivity and
5932 restrained.

5933 Section 239. Section **23A-15-202**, which is renumbered from Section 23-29-202 is
5934 renumbered and amended to read:

5935 [~~23-29-202~~]. **23A-15-202. Rulemaking.**

5936 The [~~division~~] Wildlife Board may make administrative rules in accordance with Title
5937 63G, Chapter 3, Utah Administrative Rulemaking Act, to manage the wolf in accordance with

5938 this chapter.

5939 Section 240. **Repealer.**

5940 This bill repeals:

5941 Section **23-13-1, Title.**

5942 Section **23-13-16, Judicial notice of proclamations.**

5943 Section **23-14-2.1, Procedures -- Adjudicative proceedings.**

5944 Section **23-14-11, Official seal of division.**

5945 Section **23-14-16, Unexpended fund balances converted to general fund account.**

5946 Section **23-17-5, Damages for destroyed crops -- Limitations -- Appraisal.**

5947 Section **23-20-23, Aiding or assisting violation unlawful.**

5948 Section **23-21a-1, Short title.**

5949 Section **23-21a-2, Legislative findings and policy.**

5950 Section **23-21a-3, State to condemn and purchase islands in Great Salt Lake --**

5951 **Protection of American white pelican.**

5952 Section **23-21a-4, Payment of fair market value to landowners -- Impartial**

5953 **appraisal.**

5954 Section **23-21a-5, Mineral rights retained by landowners -- Oil discovery.**

5955 Section **23-21a-6, Nonlapsing appropriation for appraisal and purchase.**

5956 Section **23-25-1, Short title.**

5957 Section **23-25-12, Title.**

5958 Section **23-27-101, Title.**

5959 Section **23-28-101, Title.**

5960 Section **23-29-101, Title.**

5961 Section **23-30-101, Title.**

5962 Section **23-31-101, Title.**

5963 Section **23-32-101, Title.**

5964 Section 241. **Effective date.**

5965 This bill takes effect on July 1, 2023.

5966 Section 242. **Revisor instructions.**

5967 The Legislature intends that the Office of Legislative Research and General Counsel, in
5968 preparing the Utah Code database for publication, not enroll this bill if H.B. 31, Wildlife
5969 Resources Recodification Cross References, does not pass.