

HB0030S01 compared with HB0030

~~{deleted text}~~ shows text that was in HB0030 but was deleted in HB0030S01.

inserted text shows text that was not in HB0030 but was inserted into HB0030S01.

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Representative Scott H. Chew proposes the following substitute bill:

WILDLIFE RESOURCES CODE RECODIFICATION

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Scott D. Sandall

LONG TITLE

~~{Committee Note:~~

~~———— The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.~~

~~———— Legislative Vote: 16 voting for 0 voting against 3 absent~~

~~{General Description:~~

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

Highlighted Provisions:

This bill:

- ▶ addresses definitions;
- ▶ reorders provisions;
- ▶ removes outdated language;
- ▶ clarifies rulemaking authority;

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- ▶ addresses compensation of employees;
- ▶ clarifies delegation to employees of use of fireworks;
- ▶ makes consistent references to nominations by nominating committee;
- ▶ clarifies delegation to employees related to issuing duplicates;
- ▶ modifies language related to time period for asking for agency action for damages;
- ▶ addresses references to criminal penalty provisions;
- ▶ addresses cross references;
- ▶ clarifies review by regional advisory councils of cooperative wildlife management units; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

ENACTS:

23A-1-103, Utah Code Annotated 1953
23A-2-101, Utah Code Annotated 1953
23A-3-101, Utah Code Annotated 1953
23A-4-101, Utah Code Annotated 1953
23A-4-502, Utah Code Annotated 1953
23A-4-1104, Utah Code Annotated 1953
23A-4-1105, Utah Code Annotated 1953
23A-4-1107, Utah Code Annotated 1953
23A-5-101, Utah Code Annotated 1953
23A-5-306, Utah Code Annotated 1953
23A-8-101, Utah Code Annotated 1953
23A-9-101, Utah Code Annotated 1953
23A-12-101, Utah Code Annotated 1953
23A-14-101, Utah Code Annotated 1953

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RENUMBERS AND AMENDS:

- 23A-1-101**, (Renumbered from 23-13-2, as last amended by Laws of Utah 2019, Chapter 125)
- 23A-1-102**, (Renumbered from 23-13-3, as last amended by Laws of Utah 1992, Chapter 27)
- 23A-1-201**, (Renumbered from 23-13-8, as last amended by Laws of Utah 1986, Chapter 76)
- 23A-1-202**, (Renumbered from 23-13-12.5, as last amended by Laws of Utah 2002, Chapter 70)
- 23A-1-203**, (Renumbered from 23-13-15, as enacted by Laws of Utah 1973, Chapter 33)
- 23A-1-204**, (Renumbered from 23-13-17, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-1-205**, (Renumbered from 23-20-9, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-2-102**, (Renumbered from 23-14-3, as last amended by Laws of Utah 2020, Chapter 154)
- 23A-2-201**, (Renumbered from 23-14-1, as last amended by Laws of Utah 1995, Chapter 211)
- 23A-2-202**, (Renumbered from 23-14-7, as last amended by Laws of Utah 1995, Chapter 56)
- 23A-2-203**, (Renumbered from 23-14-8, as last amended by Laws of Utah 1995, Chapter 211)
- 23A-2-204**, (Renumbered from 23-14-10, as last amended by Laws of Utah 1989, Chapter 22)
- 23A-2-205**, (Renumbered from 23-14-12, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-2-206**, (Renumbered from 23-15-2, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-2-207**, (Renumbered from 23-13-6, as last amended by Laws of Utah 2021, Chapter 109)

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- 23A-2-208**, (Renumbered from 23-13-7, as last amended by Laws of Utah 1986, Chapter 76)
- 23A-2-209**, (Renumbered from 23-14-21, as last amended by Laws of Utah 2021, Chapter 382)
- 23A-2-301**, (Renumbered from 23-14-2, as last amended by Laws of Utah 2020, Chapters 352 and 373)
- 23A-2-302**, (Renumbered from 23-14-2.5, as last amended by Laws of Utah 2003, Chapter 36)
- 23A-2-303**, (Renumbered from 23-14-2.6, as last amended by Laws of Utah 2010, Chapters 286 and 324)
- 23A-2-304**, (Renumbered from 23-14-19, as last amended by Laws of Utah 1995, Chapter 211)
- 23A-2-305**, (Renumbered from 23-14-18, as last amended by Laws of Utah 2021, Chapter 57)
- 23A-2-401**, (Renumbered from 23-22-1, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-2-402**, (Renumbered from 23-22-2, as last amended by Laws of Utah 2010, Chapter 324)
- 23A-2-403**, (Renumbered from 23-22-3, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-2-501**, (Renumbered from 23-25-2, as last amended by Laws of Utah 2015, Chapter 258)
- 23A-2-502**, (Renumbered from 23-25-3, as enacted by Laws of Utah 1992, Chapter 260)
- 23A-2-503**, (Renumbered from 23-25-4, as enacted by Laws of Utah 1992, Chapter 260)
- 23A-2-504**, (Renumbered from 23-25-5, as enacted by Laws of Utah 1992, Chapter 260)
- 23A-2-505**, (Renumbered from 23-25-6, as enacted by Laws of Utah 1992, Chapter 260)
- 23A-2-506**, (Renumbered from 23-25-7, as enacted by Laws of Utah 1992, Chapter

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260)

23A-2-507, (Renumbered from 23-25-8, as enacted by Laws of Utah 1992, Chapter 260)

23A-2-508, (Renumbered from 23-25-9, as enacted by Laws of Utah 1992, Chapter 260)

23A-2-509, (Renumbered from 23-25-10, as last amended by Laws of Utah 1993, Chapter 4)

23A-2-510, (Renumbered from 23-25-11, as enacted by Laws of Utah 1992, Chapter 260)

23A-2-511, (Renumbered from 23-25-13, as enacted by Laws of Utah 1992, Chapter 260)

23A-3-201, (Renumbered from 23-14-13, as last amended by Laws of Utah 2015, Chapter 30)

23A-3-202, (Renumbered from 23-14-14, as enacted by Laws of Utah 1971, Chapter 46)

23A-3-203, (Renumbered from 23-14-13.5, as enacted by Laws of Utah 2017, Chapter 383)

23A-3-204, (Renumbered from 23-14-14.2, as last amended by Laws of Utah 2022, Chapter 68)

23A-3-205, (Renumbered from 23-13-20, as enacted by Laws of Utah 2022, Chapter 37)

23A-3-206, (Renumbered from 23-14-14.3, as enacted by Laws of Utah 2022, Chapter 53)

23A-3-207, (Renumbered from 23-19-43, as last amended by Laws of Utah 2000, Chapter 195)

23A-3-208, (Renumbered from 23-19-47, as last amended by Laws of Utah 2007, Chapter 187)

23A-3-209, (Renumbered from 23-19-48, as enacted by Laws of Utah 2012, Chapter 142)

23A-3-210, (Renumbered from 23-15-14, as last amended by Laws of Utah 2001, Chapter 22)

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- 23A-3-211**, (Renumbered from 23-27-305, as enacted by Laws of Utah 2020, Chapter 195)
- 23A-3-212**, (Renumbered from 23-30-103, as enacted by Laws of Utah 2012, Chapter 143)
- 23A-3-213**, (Renumbered from 23-19-17.7, as enacted by Laws of Utah 1984, Chapter 30)
- 23A-3-301**, (Renumbered from 23-31-102, as enacted by Laws of Utah 2020, Chapter 190)
- 23A-3-302**, (Renumbered from 23-31-103, as enacted by Laws of Utah 2020, Chapter 190)
- 23A-3-303**, (Renumbered from 23-31-104, as enacted by Laws of Utah 2020, Chapter 190)
- 23A-3-304**, (Renumbered from 23-31-201, as enacted by Laws of Utah 2020, Chapter 190)
- 23A-3-305**, (Renumbered from 23-31-202, as enacted by Laws of Utah 2020, Chapter 190)
- 23A-3-306**, (Renumbered from 23-31-203, as enacted by Laws of Utah 2020, Chapter 190)
- 23A-4-201**, (Renumbered from 23-19-1, as last amended by Laws of Utah 2017, Chapter 104)
- 23A-4-202**, (Renumbered from 23-19-2, as last amended by Laws of Utah 2019, Chapter 125)
- 23A-4-203**, (Renumbered from 23-19-3, as last amended by Laws of Utah 1995, Chapter 211)
- 23A-4-204**, (Renumbered from 23-19-4, as last amended by Laws of Utah 2007, Chapter 136)
- 23A-4-205**, (Renumbered from 23-19-7, as last amended by Laws of Utah 2014, Chapter 21)
- 23A-4-206**, (Renumbered from 23-19-8, as last amended by Laws of Utah 2019, Chapter 125)
- 23A-4-207**, (Renumbered from 23-19-38, as last amended by Laws of Utah 2019,

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Chapter 349)

23A-4-208, (Renumbered from 23-19-10, as last amended by Laws of Utah 2005,
Chapter 117)

23A-4-209, (Renumbered from 23-19-42, as last amended by Laws of Utah 2013,
Chapter 295)

23A-4-210, (Renumbered from 23-19-45, as enacted by Laws of Utah 1997, Chapter
179)

23A-4-301, (Renumbered from 23-19-38.2, as last amended by Laws of Utah 2011,
Chapter 297)

23A-4-302, (Renumbered from 23-19-38.3, as last amended by Laws of Utah 2019,
Chapter 135)

23A-4-303, (Renumbered from 23-19-14, as last amended by Laws of Utah 2018,
Chapter 39)

23A-4-304, (Renumbered from 23-19-14.5, as last amended by Laws of Utah 2015,
Chapter 25)

23A-4-305, (Renumbered from 23-19-36, as last amended by Laws of Utah 2019,
Chapter 349)

23A-4-306, (Renumbered from 23-19-39, as last amended by Laws of Utah 1999,
Chapter 128)

23A-4-401, (Renumbered from 23-19-17, as last amended by Laws of Utah 2007,
Chapter 187)

23A-4-402, (Renumbered from 23-19-17.5, as last amended by Laws of Utah 2017,
Chapter 46)

23A-4-501, (Renumbered from 23-19-15, as last amended by Laws of Utah 2017,
Chapter 46)

23A-4-503, (Renumbered from 23-19-16, as last amended by Laws of Utah 2000,
Chapter 195)

23A-4-601, (Renumbered from 23-19-21, as last amended by Laws of Utah 2014,
Chapter 21)

23A-4-602, (Renumbered from 23-19-35, as last amended by Laws of Utah 1980,
Chapter 28)

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- 23A-4-701**, (Renumbered from 23-19-14.6, as last amended by Laws of Utah 2016, Chapter 258)
- 23A-4-702**, (Renumbered from 23-19-49, as enacted by Laws of Utah 2022, Chapter 102)
- 23A-4-703**, (Renumbered from 23-19-22, as last amended by Laws of Utah 2016, Chapter 258)
- 23A-4-704**, (Renumbered from 23-19-22.5, as last amended by Laws of Utah 2007, Chapter 187)
- 23A-4-705**, (Renumbered from 23-19-22.6, as last amended by Laws of Utah 2007, Chapter 187)
- 23A-4-706**, (Renumbered from 23-19-24, as last amended by Laws of Utah 2007, Chapter 187)
- 23A-4-707**, (Renumbered from 23-19-26, as last amended by Laws of Utah 2007, Chapter 187)
- 23A-4-708**, (Renumbered from 23-20-20, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-4-709**, (Renumbered from 23-20-30, as last amended by Laws of Utah 2020, Chapter 135)
- 23A-4-801**, (Renumbered from 23-19-34.5, as last amended by Laws of Utah 2010, Chapter 256)
- 23A-4-802**, (Renumbered from 23-19-34.7, as last amended by Laws of Utah 2010, Chapter 256)
- 23A-4-901**, (Renumbered from 23-19-27, as last amended by Laws of Utah 2001, Chapter 22)
- 23A-4-902**, (Renumbered from 23-19-31, as last amended by Laws of Utah 1980, Chapter 28)
- 23A-4-903**, (Renumbered from 23-19-32, as last amended by Laws of Utah 1980, Chapter 28)
- 23A-4-904**, (Renumbered from 23-19-33, as last amended by Laws of Utah 1980, Chapter 28)
- 23A-4-905**, (Renumbered from 23-18-5, as last amended by Laws of Utah 2011,

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Chapter 297)

23A-4-1001, (Renumbered from 23-19-11, as last amended by Laws of Utah 2022,
Chapter 57)

23A-4-1002, (Renumbered from 23-19-11.1, as last amended by Laws of Utah 2017,
Chapter 46)

23A-4-1003, (Renumbered from 23-19-12, as last amended by Laws of Utah 2022,
Chapter 57)

23A-4-1004, (Renumbered from 23-19-12.7, as enacted by Laws of Utah 1998, Chapter
166)

23A-4-1005, (Renumbered from 23-19-11.5, as last amended by Laws of Utah 2017,
Chapter 46)

23A-4-1006, (Renumbered from 23-19-12.5, as enacted by Laws of Utah 1995, Chapter
120)

23A-4-1007, (Renumbered from 23-19-13, as last amended by Laws of Utah 1995,
Chapter 120)

23A-4-1101, (Renumbered from 23-19-5, as last amended by Laws of Utah 2007,
Chapter 136)

23A-4-1102, (Renumbered from 23-19-5.5, as last amended by Laws of Utah 2022,
Chapter 58)

23A-4-1103, (Renumbered from 23-19-6, as last amended by Laws of Utah 1979,
Chapter 90)

23A-4-1106, (Renumbered from 23-19-9, as last amended by Laws of Utah 2021,
Chapter 57)

23A-4-1108, (Renumbered from 23-19-9.1, as enacted by Laws of Utah 1997, Chapter
232)

23A-4-1109, (Renumbered from 23-19-9.5, as last amended by Laws of Utah 1995,
Chapter 211)

23A-5-201, (Renumbered from 23-20-1, as last amended by Laws of Utah 2013,
Chapter 394)

23A-5-202, (Renumbered from 23-20-1.5, as last amended by Laws of Utah 1998,
Chapter 282)

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- 23A-5-203**, (Renumbered from 23-20-2, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-5-204**, (Renumbered from 23-20-10, as last amended by Laws of Utah 2019, Chapter 125)
- 23A-5-205**, (Renumbered from 23-20-16, as last amended by Laws of Utah 1998, Chapter 282)
- 23A-5-206**, (Renumbered from 23-20-28, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-5-207**, (Renumbered from 23-20-25, as last amended by Laws of Utah 1994, Chapter 208)
- 23A-5-301**, (Renumbered from 23-13-11, as last amended by Laws of Utah 2009, Chapter 347)
- 23A-5-302**, (Renumbered from 23-13-4, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-5-303**, (Renumbered from 23-13-5, as last amended by Laws of Utah 1973, Chapter 33)
- 23A-5-304**, (Renumbered from 23-13-13, as last amended by Laws of Utah 1975, Chapter 60)
- 23A-5-305**, (Renumbered from 23-13-14, as last amended by Laws of Utah 2017, Chapter 129)
- 23A-5-307**, (Renumbered from 23-13-18, as last amended by Laws of Utah 2021, Chapter 177)
- 23A-5-308**, (Renumbered from 23-13-19, as last amended by Laws of Utah 2017, Chapter 345)
- 23A-5-309**, (Renumbered from 23-20-3, as last amended by Laws of Utah 2009, Chapter 347)
- 23A-5-310**, (Renumbered from 23-20-3.5, as enacted by Laws of Utah 2000, Chapter 5)
- 23A-5-311**, (Renumbered from 23-20-4, as last amended by Laws of Utah 2009, Chapter 250)
- 23A-5-312**, (Renumbered from 23-20-4.5, as last amended by Laws of Utah 2009, Chapter 250)
- 23A-5-313**, (Renumbered from 23-20-4.7, as enacted by Laws of Utah 2010, Chapter 52)

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- 23A-5-314**, (Renumbered from 23-20-8, as last amended by Laws of Utah 2013, Chapter 282)
- 23A-5-315**, (Renumbered from 23-20-12, as last amended by Laws of Utah 2011, Chapter 366)
- 23A-5-316**, (Renumbered from 23-20-13, as last amended by Laws of Utah 1995, Chapters 23 and 211)
- 23A-5-317**, (Renumbered from 23-20-14, as last amended by Laws of Utah 2022, Chapter 87)
- 23A-5-318**, (Renumbered from 23-20-15, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-5-319**, (Renumbered from 23-20-18, as last amended by Laws of Utah 1975, Chapter 60)
- 23A-5-320**, (Renumbered from 23-20-19, as last amended by Laws of Utah 1975, Chapter 60)
- 23A-5-321**, (Renumbered from 23-20-29, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-5-322**, (Renumbered from 23-20-29.5, as enacted by Laws of Utah 1994, Chapter 87)
- 23A-6-101**, (Renumbered from 23-21-.5, as last amended by Laws of Utah 2019, Chapter 141)
- 23A-6-201**, (Renumbered from 23-21-1, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-6-202**, (Renumbered from 23-21-1.5, as last amended by Laws of Utah 2009, Chapter 388)
- 23A-6-203**, (Renumbered from 23-21-2, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-6-204**, (Renumbered from 23-21-6, as last amended by Laws of Utah 1993, Chapter 227)
- 23A-6-301**, (Renumbered from 23-21-2.1, as enacted by Laws of Utah 1998, Chapter 218)
- 23A-6-302**, (Renumbered from 23-21-2.2, as enacted by Laws of Utah 1998, Chapter 218)

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- 23A-6-303**, (Renumbered from 23-21-2.3, as last amended by Laws of Utah 2021, Chapter 382)
- 23A-6-304**, (Renumbered from 23-21-2.4, as enacted by Laws of Utah 1998, Chapter 218)
- 23A-6-305**, (Renumbered from 23-21-2.5, as enacted by Laws of Utah 1998, Chapter 218)
- 23A-6-401**, (Renumbered from 23-21-2.6, as enacted by Laws of Utah 2022, Chapter 52)
- 23A-6-402**, (Renumbered from 23-21-4, as last amended by Laws of Utah 2000, Chapter 156)
- 23A-6-403**, (Renumbered from 23-21-5, as last amended by Laws of Utah 2019, Chapter 141)
- 23A-6-404**, (Renumbered from 23-21-7, as enacted by Laws of Utah 2009, Chapter 347)
- 23A-7-101**, (Renumbered from 23-23-2, as last amended by Laws of Utah 2005, Chapter 112)
- 23A-7-102**, (Renumbered from 23-23-3, as last amended by Laws of Utah 2005, Chapter 112)
- 23A-7-103**, (Renumbered from 23-23-1, as last amended by Laws of Utah 1997, Chapter 258)
- 23A-7-201**, (Renumbered from 23-23-4, as last amended by Laws of Utah 1997, Chapter 258)
- 23A-7-202**, (Renumbered from 23-23-5, as last amended by Laws of Utah 1997, Chapter 258)
- 23A-7-203**, (Renumbered from 23-23-6, as repealed and reenacted by Laws of Utah 1997, Chapter 258)
- 23A-7-204**, (Renumbered from 23-23-7, as last amended by Laws of Utah 2005, Chapter 112)
- 23A-7-205**, (Renumbered from 23-23-7.5, as enacted by Laws of Utah 1997, Chapter 258)
- 23A-7-206**, (Renumbered from 23-23-8, as last amended by Laws of Utah 1997,

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Chapter 258)

23A-7-207, (Renumbered from 23-23-9, as last amended by Laws of Utah 1997,
Chapter 258)

23A-7-208, (Renumbered from 23-23-10, as last amended by Laws of Utah 2000,
Chapter 44)

23A-7-209, (Renumbered from 23-23-11, as last amended by Laws of Utah 2011,
Chapter 297)

23A-7-210, (Renumbered from 23-23-12, as enacted by Laws of Utah 1988, Chapter
158)

23A-7-211, (Renumbered from 23-23-13, as enacted by Laws of Utah 1988, Chapter
158)

23A-7-212, (Renumbered from 23-23-14, as last amended by Laws of Utah 2013,
Chapter 212)

23A-8-201, (Renumbered from 23-24-1, as last amended by Laws of Utah 2017,
Chapter 345)

23A-8-202, (Renumbered from 23-24-2, as enacted by Laws of Utah 2020, Chapter
100)

23A-8-203, (Renumbered from 23-18-4, as enacted by Laws of Utah 1971, Chapter 46)

23A-8-301, (Renumbered from 23-17-4, as last amended by Laws of Utah 2011,
Chapter 297)

23A-8-302, (Renumbered from 23-17-5.1, as enacted by Laws of Utah 2013, Chapter
375)

23A-8-401, (Renumbered from 23-16-2, as enacted by Laws of Utah 1971, Chapter 46)

23A-8-402, (Renumbered from 23-16-3, as last amended by Laws of Utah 2022,
Chapter 45)

23A-8-403, (Renumbered from 23-16-3.1, as last amended by Laws of Utah 2022,
Chapter 45)

23A-8-404, (Renumbered from 23-16-3.2, as last amended by Laws of Utah 2022,
Chapter 45)

23A-8-405, (Renumbered from 23-16-4, as last amended by Laws of Utah 2022,
Chapter 45)

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- 23A-9-201**, (Renumbered from 23-15-4, as last amended by Laws of Utah 2018, Chapter 148)
- 23A-9-202**, (Renumbered from 23-15-5, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-9-203**, (Renumbered from 23-15-10, as last amended by Laws of Utah 2017, Chapter 412)
- 23A-9-204**, (Renumbered from 23-15-13, as last amended by Laws of Utah 1997, Chapter 82)
- 23A-9-301**, (Renumbered from 23-15-3, as last amended by Laws of Utah 1983, Chapter 347)
- 23A-9-302**, (Renumbered from 23-15-6, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-9-303**, (Renumbered from 23-15-7, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-9-304**, (Renumbered from 23-15-8, as last amended by Laws of Utah 1994, Chapter 153)
- 23A-9-305**, (Renumbered from 23-15-9, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-10-101**, (Renumbered from 23-27-102, as last amended by Laws of Utah 2020, Chapter 195)
- 23A-10-201**, (Renumbered from 23-27-201, as last amended by Laws of Utah 2014, Chapter 274)
- 23A-10-202**, (Renumbered from 23-27-202, as enacted by Laws of Utah 2008, Chapter 284)
- 23A-10-301**, (Renumbered from 23-27-301, as last amended by Laws of Utah 2020, Chapter 195)
- 23A-10-302**, (Renumbered from 23-27-302, as enacted by Laws of Utah 2008, Chapter 284)
- 23A-10-303**, (Renumbered from 23-27-303, as enacted by Laws of Utah 2008, Chapter 284)
- 23A-10-304**, (Renumbered from 23-27-304, as enacted by Laws of Utah 2020, Chapter 195)
- 23A-10-305**, (Renumbered from 23-27-306, as enacted by Laws of Utah 2020, Chapter 195)

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- 23A-10-401**, (Renumbered from 23-27-401, as enacted by Laws of Utah 2008, Chapter 284)
- 23A-10-501**, (Renumbered from 23-27-501, as enacted by Laws of Utah 2021, Chapter 248)
- 23A-11-101**, (Renumbered from 23-16-1.1, as last amended by Laws of Utah 2022, Chapter 45)
- 23A-11-201**, (Renumbered from 23-16-5, as last amended by Laws of Utah 2022, Chapter 294)
- 23A-11-202**, (Renumbered from 23-16-6, as last amended by Laws of Utah 2008, Chapter 239)
- 23A-11-203**, (Renumbered from 23-16-11, as enacted by Laws of Utah 2021, Chapter 177)
- 23A-11-204**, (Renumbered from 23-20-33, as enacted by Laws of Utah 2022, Chapter 45)
- 23A-11-205**, (Renumbered from 23-20-31, as last amended by Laws of Utah 2011, Chapter 297)
- 23A-11-301**, (Renumbered from 23-16-7, as last amended by Laws of Utah 1995, Chapter 211)
- 23A-11-302**, (Renumbered from 23-16-10, as enacted by Laws of Utah 2020, Chapter 15)
- 23A-11-401**, (Renumbered from 23-30-102, as enacted by Laws of Utah 2012, Chapter 143)
- 23A-11-402**, (Renumbered from 23-30-104, as enacted by Laws of Utah 2012, Chapter 143)
- 23A-12-201**, (Renumbered from 23-17-5.2, as enacted by Laws of Utah 2013, Chapter 375)
- 23A-12-202**, (Renumbered from 23-17-6, as last amended by Laws of Utah 2015, Chapter 200)
- 23A-12-203**, (Renumbered from 23-17-7, as enacted by Laws of Utah 1971, Chapter 46)
- 23A-12-204**, (Renumbered from 23-17-8, as last amended by Laws of Utah 2011,

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Chapter 297)

23A-12-205, (Renumbered from 23-17-9, as enacted by Laws of Utah 1971, Chapter 46)

23A-12-301, (Renumbered from 23-32-102, as enacted by Laws of Utah 2021, Chapter 177)

23A-12-302, (Renumbered from 23-32-103, as enacted by Laws of Utah 2021, Chapter 177)

23A-12-303, (Renumbered from 23-32-104, as enacted by Laws of Utah 2021, Chapter 177)

23A-13-101, (Renumbered from 23-28-102, as enacted by Laws of Utah 2009, Chapter 273)

23A-13-201, (Renumbered from 23-28-201, as last amended by Laws of Utah 2021, Chapter 41)

23A-13-202, (Renumbered from 23-28-202, as last amended by Laws of Utah 2021, Chapter 41)

23A-13-301, (Renumbered from 23-28-301, as enacted by Laws of Utah 2009, Chapter 273)

23A-13-302, (Renumbered from 23-28-302, as last amended by Laws of Utah 2021, Chapter 41)

23A-13-303, (Renumbered from 23-28-303, as last amended by Laws of Utah 2019, Chapter 81)

23A-13-304, (Renumbered from 23-28-304, as enacted by Laws of Utah 2009, Chapter 273)

23A-13-305, (Renumbered from 23-28-305, as enacted by Laws of Utah 2009, Chapter 273)

23A-14-201, (Renumbered from 23-18-2, as last amended by Laws of Utah 1986, Chapter 76)

23A-14-202, (Renumbered from 23-18-3, as enacted by Laws of Utah 1971, Chapter 46)

23A-14-203, (Renumbered from 23-18-6, as enacted by Laws of Utah 1993, Chapter 264)

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23A-15-101, (Renumbered from 23-29-102, as enacted by Laws of Utah 2010, Chapter 20)

23A-15-102, (Renumbered from 23-29-103, as enacted by Laws of Utah 2010, Chapter 20)

23A-15-201, (Renumbered from 23-29-201, as enacted by Laws of Utah 2010, Chapter 20)

23A-15-202, (Renumbered from 23-29-202, as enacted by Laws of Utah 2010, Chapter 20)

REPEALS:

23-13-1, as last amended by Laws of Utah 2007, Chapter 306

23-13-16, as enacted by Laws of Utah 1992, Chapter 261

23-14-2.1, as last amended by Laws of Utah 2008, Chapter 382

23-14-11, as last amended by Laws of Utah 1984, Chapter 67

23-14-16, as last amended by Laws of Utah 1992, Chapter 30

23-17-5, as enacted by Laws of Utah 1971, Chapter 46

23-20-23, as enacted by Laws of Utah 1971, Chapter 46

23-21a-1, as enacted by Laws of Utah 1977, Chapter 103

23-21a-2, as enacted by Laws of Utah 1977, Chapter 103

23-21a-3, as enacted by Laws of Utah 1977, Chapter 103

23-21a-4, as enacted by Laws of Utah 1977, Chapter 103

23-21a-5, as enacted by Laws of Utah 1977, Chapter 103

23-21a-6, as enacted by Laws of Utah 1977, Chapter 103

23-25-1, as enacted by Laws of Utah 1992, Chapter 260

23-25-12, as enacted by Laws of Utah 1992, Chapter 260

23-27-101, as enacted by Laws of Utah 2008, Chapter 284

23-28-101, as enacted by Laws of Utah 2009, Chapter 273

23-29-101, as enacted by Laws of Utah 2010, Chapter 20

23-30-101, as enacted by Laws of Utah 2012, Chapter 143

23-31-101, as enacted by Laws of Utah 2020, Chapter 190

23-32-101, as enacted by Laws of Utah 2021, Chapter 177

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

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

TITLE 23A. WILDLIFE RESOURCES ACT

CHAPTER 1. GENERAL PROVISIONS

Part 1. General Provisions

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

As used in this title:

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

- (a) fishing;
- (b) hunting;
- (c) trapping;
- (d) taking;
- (e) permitting [~~any~~] a dog, falcon, or other domesticated animal to take;
- (f) transporting;
- (g) possessing;
- (h) selling;
- (i) wasting;
- (j) importing;
- (k) exporting;
- (l) rearing;
- (m) keeping;
- (n) using as a commercial venture; and
- (o) releasing to the wild.

(2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.

(3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.

(4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or amphibians.

(5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife

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that one person may legally take during one day.

(6) "Big game" means species of hoofed protected wildlife.

(7) "Carcass" means the dead body of an animal or ~~[its]~~ the animal's parts.

(8) "Certificate of registration" means a paper-based or electronic document issued under this title, or ~~[any]~~ a rule or proclamation of the Wildlife Board granting authority to engage in activities not covered by a license, permit, or tag.

(9) "Closed season" means the period of time during which the taking of protected wildlife is prohibited.

(10) "Conservation officer" means a full-time, permanent employee of the ~~[Division of Wildlife Resources]~~ division who is POST certified as a peace or a special function officer.

(11) "Dedicated hunter program" means a program that provides:

(a) expanded hunting opportunities;

(b) opportunities to participate in projects that are beneficial to wildlife; and

(c) education in hunter ethics and wildlife management principles.

(12) "Department" means the Department of Natural Resources.

(13) "Director" means the director of the division appointed under Section 23A-2-202.

~~[(12)]~~ (14) "Division" means the Division of Wildlife Resources.

~~[(13)-(a) "Domicile"]~~ (15) Subject to Section 23A-1-103, "domicile" means the place:

~~[(i)]~~ (a) where an individual has a fixed permanent home and principal establishment;

~~[(ii)]~~ (b) to which the individual if absent, intends to return; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) dredged natural flowing stream channel.

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

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

(b) "Natural lake" does not mean a lake where ~~[att]~~ the surface water sources supplying

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the body of water originate from groundwater springs no more than 100 yards upstream.

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

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

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

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

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

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

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

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

(a) exceeds state water quality standards; or

(b) could harm protected wildlife.

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

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

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

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

(ii) may be taken without a fishing license.

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

(i) an aquaculture facility[-];

(ii) a fee fishing facility[-];

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

(iv) private stocking.

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

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

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

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

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

(a) commingling with wild birds or furbearers; and

(b) escaping into the wild.

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

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

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

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

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

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

(b) "Protected wildlife" does not include:

(i) coyote~~[-];~~

(ii) field mouse~~[-];~~

(iii) gopher~~[-];~~

(iv) ground squirrel~~[-];~~

(v) jack rabbit~~[-];~~

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

(vii) raccoon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(ii) complies with Subsection (41)(a)(ii).]~~

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

~~[(f) An absentee landowner paying property tax on land in Utah does not qualify as a~~

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resident.]

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

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

(a) privately acquired fish are held or confined for a period not to exceed 10 days for the purpose of providing fishing or recreational opportunity; and ~~[where]~~

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

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

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

(a) commonly pursued for sporting purposes;

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

(c) excluding turkey, cougar, and bear.

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (e) mountain goat - a male or female;
- (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
- (g) bison - a bull.

(58) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.

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

- (a) abandon protected wildlife ~~[or to];~~ or
- (b) allow protected wildlife to spoil or to be used in a manner not normally associated with the protected wildlife's beneficial use.

~~[(53) "Water pollution" means the introduction of matter or thermal energy to waters within this state that:]~~

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

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

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

- (a) crustaceans, including brine shrimp and crayfish;
- (b) mollusks; and
- (c) vertebrate animals living in nature, except feral animals.

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

Section 2. Section **23A-1-102**, which is renumbered from Section 23-13-3 is renumbered and amended to read:

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

~~[All wildlife]~~ (1) Wildlife existing within this state, not held by private ownership and legally acquired, is the property of the state.

(2) Fish released under private stocking become the property of the state and subject to the fishing regulations set forth in this title or a rule or proclamation of the Wildlife Board.

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

23A-1-103. Domicile or residency.

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

- (a) abandon the old domicile; and
- (b) be able to prove that a new domicile has been established.

(2) A Utah resident retains Utah residency if that person leaves this state:

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(a) to serve in the armed forces of the United States or for religious or educational purposes; and

(b) the person complies with Subsection 23A-1-101(47)(b).

(3) (a) A member of the armed forces of the United States and dependents are residents for the purposes of this title as of the date the member reports for duty under assigned orders in the state if the member:

(i) is not on temporary duty in this state; and

(ii) complies with Subsection 23A-1-101(47)(b).

(b) A member shall present a copy of the assignment orders to a division office to verify the member's qualification as a resident.

(4) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this title if the student:

(a) has been present in this state for 60 consecutive days immediately preceding the purchase of the license; and

(b) complies with Subsection 23A-1-101(47)(b).

(5) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is purchased in another state or country.

(6) An absentee landowner paying property tax on land in Utah does not qualify as a resident.

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

Part 2. Miscellaneous

~~[23-13-8].~~ **23A-1-201. Private wildlife farms.**

(1) ~~[Any]~~ (a) Subject to the requirements of this section, a person may:

(i) establish and maintain a private wildlife ~~[farms]~~ farm for propagating, rearing, and keeping furbearers or birds classified as protected wildlife ~~[and may]; and~~

(ii) sell or dispose of wildlife reared upon ~~[such farms]~~ the private wildlife farm, except that disposal may not include release to the wild without first securing written permission from the Wildlife Board.

(b) Before establishing ~~[such]~~ a private wildlife farm, a person shall obtain written authorization from the ~~[Division of Wildlife Resources]~~ division in accordance with rules

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established by the Wildlife Board [~~Any wildlife which~~] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

(2) This section does not:

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

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

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

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

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

(a) Indian tribe; or

(b) Indian band.

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

(i) based on:

(A) a treaty;

(B) an aboriginal right; or

(C) other recognized federal right; and

(ii) on lands located within the state.

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

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

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

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

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

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

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

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

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

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

(i) be in writing;

(ii) be signed by:

(A) the governor; and

(B) the governing body of the tribe that:

(I) is designated by the tribe; and

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

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

(iv) state the effective date of the agreement;

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

(vi) include any accommodation made by the tribe that:

(A) is agreed to by the tribe;

(B) is reasonably related to the agreement; and

(C) concerns the management and use of wildlife resources or habitat.

(e) [~~Prior to~~] Before executing an agreement under this Subsection (2), the governor shall consult with:

(i) the division; and

(ii) the chair of the Wildlife Board [~~created in Section 23-14-2~~].

(f) At least 30 days before the agreement under this Subsection (2) is executed, the governor or the governor's designee shall provide a copy of the agreement in the form that the

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agreement will be executed to:

- (i) the chairs of the Native American Legislative Liaison Committee; and
- (ii) the Office of Legislative Research and General Counsel.

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

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

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

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

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

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

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

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

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

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

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

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

(4) The ordinance may specify:

- (a) the time of day and seasons when spotlighting is permitted;
- (b) areas closed or open to spotlighting within the unincorporated area of the county;
- (c) safety zones within which spotlighting is prohibited;
- (d) the weapons permitted; and

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(e) penalties for violation of the ordinance.

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

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

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

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

(iii) [~~Revenues~~] A county shall remit revenue generated by the permit fee [~~shall be remitted to the Division of Wildlife Resources~~] to the division for deposit into the Wildlife Resources Account, except the Wildlife Board may allow [~~any~~] a county that enacts an ordinance pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the ordinance[~~, provided this~~] if the use of the permit revenues does not affect federal funds received by the state under Wildlife Restoration Act, 16 U.S.C. Sec. 669 et seq., [~~Wildlife Restoration Act~~] and Sport Fish Restoration Act, 16 U.S.C. Sec. 777 et seq.[~~, Sport Fish Restoration Act.~~]

(6) A county may require [~~hunters~~] a hunter to notify the county sheriff of the time and place [~~they~~] the hunter will be engaged in spotlighting.

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

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

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

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

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

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

(a) the residence of the donor;

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

(c) a meat locker;

(d) a storage plant;

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- (e) a meat processing facility; or
- (f) a location authorized by the Wildlife Board in rule, proclamation, or order.
- (2) A written statement of donation shall be kept with the protected wildlife or parts

showing:

- (a) the number and species of protected wildlife or parts donated;
- (b) the date of donation;
- (c) the license or permit number of the donor; and
- (d) the signature of the donor.

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

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

CHAPTER 2. ADMINISTRATION

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

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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.

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

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

Part 2. Division and Director

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

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

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

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

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

(i) recover damages;

(ii) compel performance;

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- (iii) compel substitution;
- (iv) restrain or enjoin;
- (v) initiate any other appropriate action; and
- (vi) seek ~~[any]~~ appropriate remedies in ~~[its]~~ the division's capacity as trustee and custodian.

(3) (a) If a political subdivision of the state adopts ~~[ordinances or regulations]~~ an ordinance or regulation concerning hunting, fishing, or trapping that ~~[conflict]~~ conflicts with this title or rules ~~[promulgated]~~ made pursuant to this title, state law ~~[shall prevail]~~ prevails.

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

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

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

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

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

- (1) The director shall:
 - (a) be the executive and administrative head of the ~~[Division of Wildlife Resources]~~ division; and
 - (b) have demonstrated ability in management and administration and experience in the protection, conservation, restoration, and management of wildlife resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The division shall:

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

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

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

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

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

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

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

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

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

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

Part 3. Wildlife Board and Regional Councils

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

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

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

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

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

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

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

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

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

(ii) The interim board member shall serve until the matter is resolved by the nominating committee and the governor or until the board member is replaced pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Meetings may be held at the Salt Lake City office of the [~~Division of Wildlife Resources~~] division or elsewhere as determined by the Wildlife Board.

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Six members shall constitute a quorum.

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

(a) Section 63A-3-106;

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

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

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

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

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

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

(a) agriculture;

(b) sportsmen;

(c) nonconsumptive wildlife;

(d) locally elected public officials;

(e) federal land agencies; and

(f) the public at large.

(3) The executive director [~~of the Department of Natural Resources~~], in consultation with the director [~~of the Division of Wildlife Resources~~], shall select the members from a list

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of nominees submitted by the respective interest group or agency.

(4) The regional advisory councils shall:

(a) hear broad input, including recommendations, biological data, and information regarding the effects of wildlife;

(b) gather information from staff, the public, and government agencies; and

(c) make recommendations to the Wildlife Board in an advisory capacity.

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

(b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

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

(7) The councils shall determine:

(a) the time and place of meetings; and

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

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

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

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

(1) To provide an adequate and flexible system of protection, propagation, introduction, increase, control, harvest, management, and conservation of protected wildlife in this state and to provide for the use and development of protected wildlife for public recreation and food supply while maintaining a sustainable population of protected wildlife, the Wildlife Board shall determine the circumstances, time, location, means, and the amounts[;] and numbers of protected wildlife [~~which~~] that may be taken.

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

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

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

(c) establish refuges and preserves;

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

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

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

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

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

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

(i) [~~prescribe rules and regulations as it~~] make rules, in accordance with Title 63G,

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Chapter 3, Utah Administrative Rulemaking Act, as the Wildlife Board may consider necessary to control the use and harvest of protected wildlife by private associations, clubs, partnerships, or corporations, provided the rules [~~and regulations~~] do not preclude the landowner from personally controlling trespass upon the owner's properties nor from charging a fee to trespass for purposes of hunting or fishing.

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

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

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

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

Part 4. Cooperative and Reciprocal Agreements

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

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

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

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

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

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

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

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

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(3) The following revenues received by the state may not be used for any purpose other than the administration of the division:

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

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

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

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

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

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

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

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

(b) promote and implement wildlife management programs.

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

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

Part 5. Wildlife Violator Compact

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

(1) The participating states find that:

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

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of the resources.

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

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

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

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

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

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

or

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

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

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

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

(j) The practices described in Subsection (1)(g) cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and is compelled to remain in custody until some alternative arrangement is made.

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

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

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

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

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

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

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

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

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

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

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

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

As used in this compact:

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

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

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

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surcharges.

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

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

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

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

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

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

(10) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

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

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

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

(14) "Wildlife" means species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and

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are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purpose of this compact shall be based on local law.

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

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

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

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

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

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to a person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require the person to post collateral to secure appearance, subject to the exceptions under Subsection (2), if the officer receives the recognizance of the person that he will comply with the terms of the citation.

(2) Personal recognizance is acceptable:

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

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

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

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

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

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compact manual.

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

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

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

(i) notify the violator;

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

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

(b) Due process safeguards will be accorded.

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

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

(a) maintain a record of actions taken; and

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

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

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

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

(a) had occurred in their state; and

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

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

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

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

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

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

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

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

(i) administer the provisions of this compact; and

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

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

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

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

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

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

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

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

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

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

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amend and rescind its bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A participating state may withdraw from participation in this compact by official

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written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

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

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

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

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

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

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

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

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

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

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

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

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

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

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(2) The director of the Division of Wildlife Resources shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the compact.

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

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

CHAPTER 3. FUNDS AND ACCOUNTS

Part 1. General Provisions

23A-3-101. Definitions.

Reserved.

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

Part 2. Funds and Accounts in General

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

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

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

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

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

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

(d) [~~funds~~] money appropriated from the General Fund by the Legislature pursuant to Section [~~23-19-39~~] 23A-4-306;

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

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

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

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

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

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

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

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

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

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

(2) The account shall be funded by:

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

(b) private contributions; and

(c) donations or grants from public or private entities.

(3) Upon appropriation by the Legislature, the division shall distribute ~~[funds]~~ money in the ~~[account]~~ Support for State-Owned Shooting Ranges Restricted Account to facilitate construction of new firearm shooting ranges, and operation and maintenance of existing ranges,

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that are:

- (a) built on land owned or leased by the state;
- (b) owned by the division; and
- (c) operated by the division or the division's contractors.
- (4) The division shall only expend the [~~funds~~] Support for State-Owned Shooting Ranges Restricted Account to:

Ranges Restricted Account to:

- (a) construct, operate, and maintain firearm shooting ranges described in Subsection (3); and
- (b) pay the costs of issuing or reordering Support the 2nd Amendment and State-Owned Shooting Ranges support special group license plate decals.
- (5) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.

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

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

- (1) There is created within the General Fund a restricted account known as the "Wildlife Resources Conservation Easement Account."
- (2) The Wildlife Resources Conservation Easement Account consists of:
 - (a) grants from private foundations;
 - (b) grants from local governments, the state, or the federal government;
 - (c) grants from the Land Conservation Board created under Section 4-46-201;
 - (d) donations from landowners for monitoring and managing conservation easements;
 - (e) donations from any other person; and
 - (f) interest on account money.
- (3) Upon appropriation by the Legislature, the [~~Division of Wildlife Resources~~] division shall use money from the [~~account~~] Wildlife Resources Conservation Easement Account to monitor and manage conservation easements held by the division.
- (4) The division may not receive or expend donations from the [~~account~~] Wildlife Resources Conservation Easement Account to acquire conservation easements.

Section 44. Section **23A-3-205**, which is renumbered from Section 23-13-20 is

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renumbered and amended to read:

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

(1) As used in this section:

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

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

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

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

(3) The fund consists of:

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

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

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

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

(e) interest and earnings on the fund.

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

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

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

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

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expenditures apply.

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

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

- (a) the amount of money in the fund [~~from~~];
- (b) the sources of money [~~for~~] in the fund; and
- (c) how the money is expended.

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

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

(1) As used in this section:

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

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

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

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

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

(3) The fund consists of:

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

(b) appropriations from the Legislature; and

(c) interest and earnings on the fund.

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

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

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organization to feed individuals in need.

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

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

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

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

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

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

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

(c) interest and earnings on account money.

(3) ~~[Revenue]~~ The division shall use the revenue from the sale of licenses, permits, ~~[stamps,]~~ and certificates of registration~~[, and Wildlife Heritage certificates]~~ that is deposited to the account pursuant to Section ~~[23-19-47 shall be used by the division]~~ 23A-3-208, after appropriation by the Legislature, as provided in Subsections (4) through (6).

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

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

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

(i) the control of predators;

(ii) the development, improvement, restoration, or maintenance of critical habitat through the establishment of landowner incentives, cooperative programs, or other means;

(iii) the acquisition or preservation of critical habitat;

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- (iv) landowner habitat education and assistance programs;
- (v) public access to private lands; and
- (vi) upland game transplant and reintroduction programs.

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

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

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

~~[(e)]~~ (d) The division shall use money allocated to upland game ~~[shall be used]~~ for programs and activities relating to upland game species based generally upon the proportion of average annual hunter participation for each species.

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

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

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

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

(b) to improve access for fishing and hunting.

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

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

(a) as directed by the donor; and

(b) without being appropriated by the Legislature.

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

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

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

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

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

(2) Three dollars and fifty cents of the fee charged for any of the following licenses or permits shall be deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~ 23A-3-207:

(a) a fishing license, except any one-day fishing license;

(b) a hunting license;

(c) a combination license;

(d) a furbearer license; or

(e) a fishing permit~~[, except any fish stamp].~~

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

(a) a certificate of registration for the dedicated hunter program, except a certificate of registration issued to a lifetime licensee;

(b) a big game permit;

(c) a bear permit;

(d) a cougar permit;

(e) a turkey permit; or

(f) a muskrat permit~~[, or]~~

~~[(g) a Wildlife Heritage certificate].~~

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

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

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

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

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

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

(3) ~~[Money from the restricted account shall be used by the]~~ The division shall use money from the Predator Control Restricted Account to fund a predator control program to control populations of predatory animals that endanger the health of nonpredatory wildlife populations in the state, consistent with the policies of the Wildlife Board.

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

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

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

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

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

(b) interest and earnings on account money.

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

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

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

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

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

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

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23A-10-304;

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

(c) [~~any other amount~~] other amounts deposited in the [~~restricted account~~] Aquatic Invasive Species Interdiction Account from donations, appropriations, contractual agreements, and accrued interest.

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

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

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

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

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

(i) appropriations made by the Legislature; and

(ii) grants or donations from:

(A) the federal government;

(B) a state agency;

(C) a local government; or

(D) a person.

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

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

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

(b) a contract for targeted predator control described in Subsection [~~23-30-104~~]

23A-11-402(3)(a);

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

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

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

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

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

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

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

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

Part 3. Utah Natural Resources Legacy Fund

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

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

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

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

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

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

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

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

- (1) the primacy of a mineral estate;
- (2) limiting access to a mineral estate; or
- (3) limiting development of a mineral estate.

Section 55. Section **23A-3-303**, which is renumbered from Section 23-31-104 is

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renumbered and amended to read:

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

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

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

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

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

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

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

(2) The legacy fund consists of:

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

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

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

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

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

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

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

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

(a) the following voting members:

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

(ii) one member representing a non-government entity that has as a primary purpose

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conserving non-game wildlife and habitat, appointed by the director [~~of the Division of Wildlife Resources~~];

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

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

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

(vi) one at-large member, appointed by the executive director [~~of the department~~]; and

(b) the director [~~of the division~~] as a nonvoting member.

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

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

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

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

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

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

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

(6) The board shall elect one member to serve as chair of the board.

(7) The board shall meet regularly as called by the chair.

(8) Four voting members constitute a quorum.

(9) An action by the majority of voting members present when a quorum is present is an action of the board.

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

(a) Section 63A-3-106;

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

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

(11) The division shall staff the board.

(12) The board is not created and may not begin operation until the legacy fund described in Section [~~23-31-201~~] 23A-3-304 holds at least \$200,000.

Section 58. Section **23A-3-306**, which is renumbered from Section 23-31-203 is renumbered and amended to read:

~~[23-31-203].~~ **23A-3-306. Uses of legacy fund.**

(1) Each year, when the board creates a budget, the board shall allocate:

(a) 40% of the budget:

(i) for staff and expenses to administer the legacy fund under this [~~chapter~~] part;

(ii) to conduct research, monitoring, and management actions that benefit non-game species; or

(iii) to otherwise reduce the likelihood of future species listings under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq.; and

(b) 60% of the budget to fund the following projects that provide the following landscape level conservation benefits:

(i) preserving open spaces, wildlife habitat, and critical agricultural lands;

(ii) providing perpetual access for hunting, fishing, or trapping;

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

(iv) preserving a viable agricultural industry.

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

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

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

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

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

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

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

CHAPTER 4. LICENSES, PERMITS, CERTIFICATES OF REGISTRATION, AND TAGS

Part 1. General Provisions

23A-4-101. Definitions.

Reserved.

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

Part 2. Basic Requirements

~~[23-19-1].~~ **23A-4-201. Possession of licenses, certificates of registration, permits, and tags required -- Nonassignability -- Exceptions -- Nature of licenses, permits, or tags issued by the division.**

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

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

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

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

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

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

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

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

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

(a) transport wildlife;

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

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

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

(c) allow a resident minor under 18 years [~~of age~~] old to use the resident or nonresident hunting permit of another person if:

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

(ii) the permit holder:

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

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

(C) accompanies the minor, for the purposes of advising and assisting during the hunt, at a distance where the permit holder can communicate with the minor, in person, by voice or visual signals; or

(d) subject to the requirements of Subsection (4), transfer to another person a certificate of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in connection with the sale or transfer of the brine shrimp harvest operation or harvesting equipment.

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

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

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(b) the proposed transferee meets ~~[att]~~ the requirements necessary to obtain an original certificate of registration; and

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

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

(a) fish on a free fishing day that the Wildlife Board may establish each year by rule made by the Wildlife Board under this title or by an order or proclamation ~~[issued in accordance with a rule made by the Wildlife Board under this title];~~

(b) fish at a private fish pond operated in accordance with Section ~~[23-15-10; or]~~ 23A-9-203;

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

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

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

(i) a privilege; and

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

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

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

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

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

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

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

(2) A license, permit, or certificate of registration may be paper-based or in electronic

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format pursuant to the rules [~~established~~] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Wildlife Board shall establish the term and expiration date for a license,

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permit, ~~and~~ or certificate of registration issued under this title.

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

Section 65. Section **23A-4-206**, which is renumbered from Section 23-19-8 is renumbered and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Wildlife Board may establish additional exceptions [~~in rule~~] to the refund prohibitions in Subsection (1) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) The [~~division~~] director may reallocate surrendered permits in accordance with rules [~~adopted~~] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 67. Section **23A-4-208**, which is renumbered from Section 23-19-10 is renumbered and amended to read:

~~[23-19-10].~~ **23A-4-208. Duplicate license, permit, tag, or certificate of registration.**

If an unexpired license, permit, tag, or certificate of registration issued under [~~the provisions of this code~~] this title is destroyed, lost, or stolen, the [~~Division of Wildlife Resources and its~~] division, a person designated by the director, or the division's authorized license agents may issue a duplicate license, permit, tag, or certificate of registration in accordance with the rules set and fees determined by the Wildlife Board.

Section 68. Section **23A-4-209**, which is renumbered from Section 23-19-42 is renumbered and amended to read:

~~[23-19-42].~~ **23A-4-209. Search and rescue surcharge.**

(1) In addition to the fees imposed under this [~~chapter~~] title, there is imposed a 25 cent surcharge on [~~each~~] a fishing, hunting, or combination license.

(2) [~~This~~] The surcharge imposed under Subsection (1) shall be deposited in the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created under Section [~~53-2a-1101~~] 53-2a-1102.

Section 69. Section **23A-4-210**, which is renumbered from Section 23-19-45 is renumbered and amended to read:

~~[23-19-45].~~ **23A-4-210. Fees and certificates of registration to harvest brine**

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shrimp eggs.

[(†)] The Wildlife Board may not impose [~~fees~~] a fee to harvest brine shrimp eggs other than a certificate of registration [~~fees~~] fee.

[(2) ~~Each person holding certificates of registration for the harvesting of brine shrimp eggs in the 1996-97 harvesting season may obtain the same number of certificates of registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.~~]

Section 70. Section **23A-4-301**, which is renumbered from Section 23-19-38.2 is renumbered and amended to read:

Part 3. Special Circumstances

~~[23-19-38.2].~~ **23A-4-301. Refunds for armed forces or public health or safety organization members.**

(1) A member of the United States Armed Forces or public health or public safety organization who is mobilized or deployed on order in the interest of national defense or emergency and is precluded from using a purchased license, certificate, tag, or permit, may, as provided in Subsection (2):

(a) receive a refund from the division; and

(b) if the person has drawn a permit, have [~~an~~] the opportunities to draw that permit in a future draw reinstated.

(2) To qualify, the person or a legal representative shall:

(a) notify the division within a reasonable amount of time that the person is applying for a refund;

(b) surrender the license, certificate, tag, or permit to the division; and

(c) furnish satisfactory proof to the division that the person:

(i) is a member of:

(A) the United States Armed Forces;

(B) a public health organization; or

(C) a public safety organization; and

(ii) was precluded from using the license, certificate, tag, or permit as a result of being called to active duty.

(3) The Wildlife Board may [~~adopt~~] make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to administer this section including

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allowing retroactive refund to September 11, 2001.

Section 71. Section **23A-4-302**, which is renumbered from Section 23-19-38.3 is renumbered and amended to read:

~~[23-19-38.3].~~ **23A-4-302. Licenses for disabled veterans.**

(1) The [~~division~~] Wildlife Board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may receive a hunting, fishing, or combination license free or at a reduced price.

(2) In making rules under this section, the [~~division~~] Wildlife Board shall:

(a) use the same guidelines for disability as the United States Department of Veterans Affairs; and

(b) provide at a minimum a reduction under this section of 25% of the full fee.

Section 72. Section **23A-4-303**, which is renumbered from Section 23-19-14 is renumbered and amended to read:

~~[23-19-14].~~ **23A-4-303. Persons residing in certain institutions may fish without license.**

(1) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without a license if:

(a) (i) the person resides in:

(A) the Utah State Developmental Center in American Fork;

(B) the state hospital;

(C) a veterans hospital;

(D) a veterans nursing home;

(E) a mental health center;

(F) an intermediate care facility for people with an intellectual disability;

(G) a group home licensed by the Department of Human Services and operated under contract with the Division of Services for People with Disabilities;

(H) a group home or other community-based placement licensed by the Department of Human Services and operated under contract with the Division of Juvenile Justice Services;

(I) a private residential facility for at-risk youth licensed by the Department of Human Services; or

(J) another similar institution approved by the division; or

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(ii) the person is a youth who participates in a work camp operated by the Division of Juvenile Justice Services;

(b) the person is properly supervised by a representative of the institution described in Subsection (1)(a); and

(c) the institution described in Subsection (1)(a) obtains from the division a certificate of registration that specifies:

(i) the date and place where the person will fish; and

(ii) the name of the institution's representative who will supervise the person fishing.

(2) The institution described in Subsection (1) shall apply for the certificate of registration at least 10 days before the fishing outing.

(3) (a) An institution that receives a certificate of registration authorizing at-risk youth to fish shall provide instruction to the youth on fishing laws and regulations.

(b) The division shall provide educational materials to the institution to assist [it] the institution in complying with Subsection (3)(a).

Section 73. Section **23A-4-304**, which is renumbered from Section 23-19-14.5 is renumbered and amended to read:

~~[23-19-14.5].~~ **23A-4-304. Persons participating in youth organization or school activity may fish without license.**

(1) As used in this section:

(a) "School" means an elementary school or a secondary school that:

(i) is a public or private school located in the state; and

(ii) provides student instruction for one or more years of kindergarten through grade 9.

(b) "Youth organization" means a local Utah chapter of:

(i) the Boy Scouts of America;

(ii) the Girls Scouts of the USA; or

(iii) an organization that:

(A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

(B) promotes character building through outdoor activities.

(2) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without a license during a youth organization or school activity if:

(a) the person is:

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- (i) (A) a member of the youth organization; or
- (B) a student enrolled in the school; and
- (ii) younger than 16 years old;
- (b) the fishing is in compliance with ~~[a]t~~ the fishing statutes and rules;
- (c) the activity is part of a recreational or instructional program of the youth organization or school; and
- (d) an adult leader of the activity obtains from the youth organization or school:
 - (i) a valid tour permit; or
 - (ii) documentation that specifies:
 - (A) the date and place of the fishing activity;
 - (B) the name of the adult leader that will supervise the fishing; and
 - (C) that the activity is officially sanctioned or authorized by the youth organization or school.

(3) (a) The adult leader shall:

- (i) possess a valid Utah fishing or combination license; and
- (ii) instruct the activity participants on fishing statutes and rules.

(b) The division shall provide educational materials on ~~[its]~~ the division's website to assist the adult leader in complying with Subsection (3)(a).

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board shall adopt rules specifying the form of the documentation required under Subsection (2)(d)(ii).

Section 74. Section **23A-4-305**, which is renumbered from Section 23-19-36 is renumbered and amended to read:

~~[23-19-36].~~ **23A-4-305. Persons with a physical or intellectual disability, terminally ill persons, and children in the custody of the state may fish for free.**

(1) A resident who is blind, has paraplegia, or has another permanent disability so as to be permanently confined to a wheelchair or the use of crutches, or who has lost either or both lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this fact to the ~~[Division of Wildlife Resources]~~ division.

(2) A resident who has an intellectual disability and is not eligible under Section ~~[23-19-14]~~ 23A-4-303 to fish without a license may receive a free license to fish upon

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furnishing verification from a physician or physician assistant that the person has an intellectual disability.

(3) A resident who is terminally ill, and has less than five years to live, may receive a free license to fish:

(a) upon furnishing verification from a physician or physician assistant; and

(b) if the resident qualifies for assistance under ~~[any]~~ a low income public assistance program administered by a state agency.

(4) A child placed in the custody of the state by a court order may receive a free fishing license upon furnishing verification of custody to the ~~[Division of Wildlife Resources]~~ division.

Section 75. Section **23A-4-306**, which is renumbered from Section 23-19-39 is renumbered and amended to read:

~~[23-19-39]~~. **23A-4-306**. **Additional appropriation.**

The division each year shall request the Legislature to appropriate from the General Fund in ~~[the]~~ an appropriations act, for deposit in the Wildlife Resources Restricted Account, a sum equal to the total of the fees, as determined by the previous year's license sales, that would have otherwise been collected for fishing licenses had full fees been paid by those 65 years ~~[of age]~~ old or older or those who received free fishing privileges under ~~[the provisions of Section 23-19-14 or 23-19-36]~~ Section 23A-4-303 or 23A-4-305.

Section 76. Section **23A-4-401**, which is renumbered from Section 23-19-17 is renumbered and amended to read:

Part 4. Combined or Lifetime Licenses

~~[23-19-17]~~. **23A-4-401**. **Resident fishing and hunting license -- Use of fee.**

(1) A resident, after paying the fee established by the Wildlife Board, may obtain, as provided by the Wildlife Board's rules, a combination license to:

(a) fish;

(b) hunt for small game; and

(c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(2) Up to \$1 of the combination license fee may be used for the hunter education program for any of the following:

(a) instructor and student training;

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- (b) assisting local organizations with development;
- (c) maintenance of existing facilities; or
- (d) operation and maintenance of the hunter education program.

(3) (a) Up to 50 cents of the combination license fee may be used for the upland game program to:

- (i) acquire pen-raised birds; or
- (ii) capture and transplant upland game species.

(b) The combination license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to ~~[any]~~ combination license fee revenue that may be used for the upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and 23A-3-208.

Section 77. Section **23A-4-402**, which is renumbered from Section 23-19-17.5 is renumbered and amended to read:

~~[23-19-17.5]~~. **23A-4-402**. **Lifetime hunting and fishing licenses.**

(1) ~~[Lifetime licensees]~~ A lifetime licensee who is born after December 31, 1965, shall complete the hunter education requirements under Section ~~[23-19-11]~~ 23A-4-1001 before engaging in hunting.

(2) A lifetime license ~~[shall remain]~~ remains valid if the residency of the lifetime licensee changes to another state or country.

(3) (a) A lifetime license may be used in lieu of a hunting or fishing license.

(b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag of the lifetime licensee's choice for one of the following general season deer hunts:

- (i) archery;
- (ii) rifle; or
- (iii) muzzleloader.

(c) A lifetime licensee is subject to each requirement for special hunting and fishing permits and tags, except as provided in Subsections (3)(a) and (b).

(4) The Wildlife Board may ~~[adopt]~~ make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out ~~[the provisions of]~~ this section.

Section 78. Section **23A-4-501**, which is renumbered from Section 23-19-15 is renumbered and amended to read:

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Part 5. License Agents

~~[23-19-15].~~ 23A-4-501. Wildlife license agents.

(1) The director [~~of the division~~] may designate wildlife license agents to sell licenses, permits, and tags.

(2) [~~Wildlife license agents~~] A wildlife license agent may:

(a) sell [~~licenses, permits, and tags to all eligible applicants, except those licenses, permits, and tags~~] a license, permit, or tag to an eligible applicant, except for a license, permit, or tag specified in Subsection [23-19-16] 23A-4-503(2) which may be sold only by the division; and

(b) collect a fee for [~~each~~] a license, permit, or tag sold.

(3) A wildlife license agent shall receive:

(a) for [~~any~~] a wildlife license, permit, or tag having a fee equal to \$10 or less [~~and~~] but greater than \$1, 50 cents for [~~each~~] a wildlife license, permit, or tag sold; and

(b) for [~~any~~] a wildlife license, permit, or tag having a fee greater than \$10, 5% of the fee.

(4) The division may require a wildlife license [~~agents~~] agent to obtain a bond in a reasonable amount.

(5) (a) As directed by the division, [~~each~~] a wildlife license agent shall:

(i) report [~~all~~] the wildlife license agent's sales to the division; and

(ii) submit [~~all of~~] to the division the fees obtained from the sale of licenses, permits, and tags less the remuneration provided in Subsection (3).

(b) If a wildlife license agent fails to pay the amount due, the division may assess a penalty of 20% of the amount due. [~~All delinquent payments~~] A delinquent payment shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total amount due together with interest.

(c) [~~All fees~~] Fees, except the remuneration provided in Subsection (3), shall:

(i) be kept separate from the private [~~funds~~] money of the wildlife license agents; and

(ii) belong to the state.

(6) A wildlife license agent may not intentionally:

(a) fail to date or misdate a license, permit, or tag;

(b) issue a hunting license or permit to an individual until that individual furnishes

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proof of successful completion of a division-approved hunter education course as provided in Section ~~[23-19-11]~~ 23A-4-1001; or

(c) issue a furbearer license to an individual until that individual furnishes proof of successful completion of a division-approved furharvester education course as provided in Section ~~[23-19-11.5]~~ 23A-4-1005.

~~[(7)(a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a class B misdemeanor.]~~

~~[(b) A violation of this section is a class A misdemeanor if the aggregate amount required under Subsection (5)(a):]~~

~~[(i) is at least \$1,000, but less than \$10,000;]~~

~~[(ii) is not submitted for one or more months; and]~~

~~[(iii) remains uncollectable.]~~

~~[(c) A violation of this section is a felony of the third degree if the aggregate amount required under Subsection (5)(a):]~~

~~[(i) is \$10,000 or more;]~~

~~[(ii) is not submitted for one or more months; and]~~

~~[(iii) remains uncollectable.]~~

~~[(8) Violation of any provision of this section may be cause for revocation of the wildlife license agent authorization.]~~

Section 79. Section **23A-4-502** is enacted to read:

23A-4-502. Violations by a wildlife license agent -- Criminal penalty.

(1) A person is guilty of an unlawful act if the actor:

(a) fails to take an action required by Section 23A-4-501; or

(b) takes an action prohibited by Section 23A-4-501.

(2) (a) Except as provided in Subsections (2)(b) and (c), a violation of Subsection (1) is a class B misdemeanor.

(b) A violation of Subsection (1) is a class A misdemeanor if the aggregate amount required under Subsection 23A-4-501(5)(a):

(i) is at least \$1,000, but less than \$10,000;

(ii) is not submitted for one or more months; and

(iii) remains uncollectable.

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(c) A violation of Subsection (1) is a felony of the third degree if the aggregate amount required under Subsection 23A-4-501(5)(a):

- (i) is \$10,000 or more;
- (ii) is not submitted for one or more months; and
- (iii) remains uncollectable.

(3) A violation of Subsection (1) may be cause for revocation of the wildlife license agent authorization.

Section 80. Section **23A-4-503**, which is renumbered from Section 23-19-16 is renumbered and amended to read:

~~[23-19-16].~~ 23A-4-503. Licenses obtained from agents of division.

(1) [~~Licenses~~] A person may obtain a license provided for in [~~Sections 23-19-17 through 23-19-27 may be obtained~~] the following sections from the division or one of [~~its~~] the division's authorized wildlife license agents:

- (a) Section 23A-4-401;
- (b) Section 23A-4-601;
- (c) Sections 23A-4-703 through 23A-4-707; and
- (d) Section 23A-4-901.

(2) [~~Licenses~~] A person may obtain a license provided for in [~~Sections 23-19-17.5, 23-19-34.7, and 23-19-36 may be obtained~~] Section 23A-4-305, 23A-4-402, or 23A-4-802 only from the division.

Section 81. Section **23A-4-601**, which is renumbered from Section 23-19-21 is renumbered and amended to read:

Part 6. Fishing

~~[23-19-21].~~ 23A-4-601. Fishing license.

(1) A person 12 years [~~of age~~] old or older shall purchase a fishing license before engaging in a regulated fishing activity.

(2) Upon paying the fee prescribed by the Wildlife Board, a person may obtain a license to fish and engage in a regulated fishing activity in accordance with the rules, proclamations, and orders of the Wildlife Board.

(3) A person under 12 years [~~of age~~] old may fish without a license in accordance with the rules, proclamations, and orders of the Wildlife Board.

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Section 82. Section **23A-4-602**, which is renumbered from Section 23-19-35 is renumbered and amended to read:

~~[23-19-35].~~ **23A-4-602. Seining registration.**

~~[Any]~~ A person, upon application to the Wildlife Board, may be registered to seine.

Section 83. Section **23A-4-701**, which is renumbered from Section 23-19-14.6 is renumbered and amended to read:

Part 7. Hunting

~~[23-19-14.6].~~ **23A-4-701. Trial hunting authorization.**

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

(a) is 11 years ~~[of age]~~ old or older at the time of application;

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

and

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

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

(2) Notwithstanding ~~[the requirements of Section 23-19-11]~~ Section 23A-4-1001, an individual who ~~[has obtained]~~ obtains a trial hunting authorization under Subsection (1) may obtain:

(a) a hunting license under ~~[Sections 23-19-17, 23-19-24, and 23-19-26]~~ Section 23A-4-401, 23A-4-706, or 23A-4-707; or

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

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

(a) 12 years ~~[of age]~~ old or older; and

(b) accompanied, as defined in Subsection ~~[23-20-20]~~ 23A-4-708(1), in the field while hunting by an individual who:

(i) is 21 years ~~[of age]~~ old or older;

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

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

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

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

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accompanying a holder of a trial hunting authorization who is under 18 years ~~[of age]~~ old.

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

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

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

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

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

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

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

Section 84. Section ~~23A-4-702~~, which is renumbered from Section 23-19-49 is renumbered and amended to read:

~~[23-19-49].~~ **23A-4-702. Air rifle hunting.**

(1) As used in this section ~~[(a) "Division" means the Division of Wildlife Resources. (b) "Pre-charged"]~~, "pre-charged pneumatic air rifle" means a rifle that fires a single projectile with compressed air released from a chamber:

~~[(i)]~~ (a) built into the rifle; and

~~[(ii)]~~ (b) pressurized at a minimum of 2,000 pounds per square inch from an external high compression device or source, such as a hand pump, compressor, or scuba tank.

(2) (a) An individual shall obtain a permit issued under this section before using a pre-charged pneumatic air rifle to hunt a species of wildlife designated by the Wildlife Board.

(b) The Wildlife Board shall by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, designate which species of wildlife may be hunted with the use of a pre-charged pneumatic air rifle.

(3) The division shall review the funding available for the regulation of hunting with pre-charged pneumatic air rifles and report the division's findings to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the November 2024 interim committee meeting.

Section 85. Section ~~23A-4-703~~, which is renumbered from Section 23-19-22 is

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renumbered and amended to read:

~~[23-19-22].~~ **23A-4-703. Big game hunting permit.**

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

(a) paying the big game hunting permit fee established by the Wildlife Board;

(b) paying the fee established by Subsection (4); and

(c) possessing a valid hunting or combination license.

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

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

(3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a big game permit fee collected from a resident ~~[shall be used]~~ for the hunter education program as provided in Section ~~[23-19-17]~~ 23A-4-401.

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

Section 86. Section **23A-4-704**, which is renumbered from Section 23-19-22.5 is renumbered and amended to read:

~~[23-19-22.5].~~ **23A-4-704. Cougar or bear hunting permit.**

(1) A person 12 years ~~[of age]~~ old or older ~~[, upon paying the cougar or bear hunting permit fee established by the Wildlife Board and possessing a valid hunting or combination license,]~~ may apply for or obtain a permit to take cougar or bear as provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife Board~~[-]~~ upon:

(a) paying the cougar or bear hunting permit fee established by the Wildlife Board; and

(b) possessing a valid hunting or combination license.

(2) A person 11 years ~~[of age]~~ old may apply for or obtain a cougar or bear hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year in which the permit is issued.

(3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a cougar or bear permit fee

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collected from a resident [~~shall be used~~] for the hunter education program.

Section 87. Section **23A-4-705**, which is renumbered from Section 23-19-22.6 is renumbered and amended to read:

~~[23-19-22.6].~~ **23A-4-705. Turkey hunting permit -- Use of fee.**

(1) [~~A person, upon paying the turkey permit fee established by the Wildlife Board and possessing a valid hunting or combination license;~~] A person may apply for or obtain a permit to take turkey as provided by [~~rules and proclamations~~] a rule or proclamation of the Wildlife Board[.] upon:

(a) paying the turkey permit fee established by the Wildlife Board; and

(b) possessing a valid hunting or combination license.

(2) [~~One~~] The division shall use one dollar of [~~each~~] a turkey permit fee collected from a resident [~~shall be used~~] for the hunter education program.

Section 88. Section **23A-4-706**, which is renumbered from Section 23-19-24 is renumbered and amended to read:

~~[23-19-24].~~ **23A-4-706. Resident hunting license -- Use of fee.**

(1) A resident[~~, after paying the fee established by the Wildlife Board;~~] may obtain a hunting license after paying the fee established by the Wildlife Board.

(2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:

(a) take small game; and

(b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(3) Up to \$1 of the hunting license fee may be used for the hunter education program.

(4) (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:

(i) acquire pen-raised birds; or

(ii) capture and transplant upland game species.

(b) The hunting license fee revenue designated for the upland game program by Subsection (4)(a) is in addition to [~~any~~] hunting license fee revenue that may be used for the upland game program as provided by Sections [~~23-19-43 and 23-19-47~~] 23A-3-207 and 23A-3-208.

Section 89. Section **23A-4-707**, which is renumbered from Section 23-19-26 is

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renumbered and amended to read:

~~[23-19-26].~~ **23A-4-707. Nonresident hunting license -- Use of fee.**

(1) A nonresident~~[, after paying the fee established by the Wildlife Board,]~~ may obtain a hunting license after paying the fee established by the Wildlife Board.

(2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:

(a) take small game; and

(b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(3) (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:

(i) acquire pen-raised birds; or

(ii) capture and transplant upland game species.

(b) The hunting license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to ~~[any]~~ hunting license fee revenue that may be used for the upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and 23A-3-208.

Section 90. Section **23A-4-708**, which is renumbered from Section 23-20-20 is renumbered and amended to read:

~~[23-20-20].~~ **23A-4-708. Children accompanied by adults while hunting with weapon.**

(1) As used in this section:

(a) "Accompanied" means at a distance within which visual and verbal communication is maintained for the purposes of advising and assisting.

(b) (i) "Electronic device" means a mechanism powered by electricity that allows communication between two or more people.

(ii) "Electronic device" includes a mobile telephone or two-way radio.

(c) "Verbal communication" means the conveyance of information through speech that does not involve an electronic device.

(2) A person younger than 14 years old who is hunting with ~~[any]~~ a weapon shall be accompanied by:

(a) the person's parent or legal guardian; or

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(b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.

(3) A person younger than 16 years old who is hunting big game with ~~[any]~~ a weapon shall be accompanied by:

(a) the person's parent or legal guardian; or

(b) a responsible person who is at least 21 years old and who is approved by the person's parent or guardian.

(4) A person who is at least 14 years old but younger than 16 years old shall be accompanied by a person who is at least 21 years old while hunting wildlife, other than big game, with ~~[any]~~ a weapon.

Section 91. Section ~~23A-4-709~~, which is renumbered from Section 23-20-30 is renumbered and amended to read:

~~[23-20-30]~~. **23A-4-709. Tagging requirements.**

(1) The Wildlife Board may make rules that require the carcass of certain species of protected wildlife to be tagged.

(2) Except as provided by the Wildlife Board by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a hunter shall tag the carcass of ~~[any]~~ a species of protected wildlife required to be tagged ~~[shall be tagged]~~ before the carcass is moved from or the hunter leaves the site of kill.

(3) To tag a carcass, a person shall:

(a) (i) completely detach the tag from the license or permit;

(ii) completely remove the appropriate notches to correspond with:

(A) the date the animal was taken; and

(B) the sex of the animal; and

(iii) attach the tag to the carcass so that the tag remains securely fastened and visible;

or

(b) complete an electronic tagging certification according to standards approved by the Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) A person may not:

(a) remove more than one notch indicating date or sex; or

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(b) tag more than one carcass using the same tag.

Section 92. Section **23A-4-801**, which is renumbered from Section 23-19-34.5 is renumbered and amended to read:

Part 8. Falconry

~~[23-19-34.5].~~ **23A-4-801**. Falconry certificate of registration -- Residents 12 or older may obtain certificate of registration -- License for falconry meet for nonresidents -- Wildlife Board approval required for falconry meet -- Hunting license required to take protected game.

(1) A resident 12 years [~~of age~~] old or older [~~upon application to the division,~~] may obtain a certificate of registration to hold falcons and engage in the sport of falconry on nongame wildlife species upon application to the division.

(2) A nonresident entering Utah to participate in the sport of falconry at an organized meet shall obtain a license as provided in Section [~~23-19-34.7~~] 23A-4-802.

(3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife Board [~~in order~~] to conduct an organized falconry meet.

(4) (a) [~~Any~~] A person engaging in the sport of falconry on protected small game species shall possess, in addition to the falconry certificate of registration, a hunting license.

(b) [~~Any~~] A nonresident who has been issued a license pursuant to Section [~~23-19-34.7~~] 23A-4-802 is not required to possess a hunting license [~~in order~~] to take small game during the five-day period of the license.

Section 93. Section **23A-4-802**, which is renumbered from Section 23-19-34.7 is renumbered and amended to read:

~~[23-19-34.7].~~ **23A-4-802**. Nonresident falconry meet license.

(1) A nonresident 12 years [~~of age~~] old or older may participate in a falconry meet in this state upon payment of a fee prescribed by the Wildlife Board.

(2) (a) A nonresident falconry meet license is valid only for five consecutive days, the dates to be designated on the license.

(b) The holder of the license may engage in the sport of falconry on nongame wildlife species and small game species[;] during the specified five-day period.

Section 94. Section **23A-4-901**, which is renumbered from Section 23-19-27 is renumbered and amended to read:

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Part 9. Furbearer License or Registration

~~[23-19-27].~~ **23A-4-901. Furbearer license -- Resident or nonresident.**

A resident or nonresident~~[, upon payment of the fee prescribed by the Wildlife Board,]~~ may receive a license to take furbearers upon payment of the fee prescribed by the Wildlife Board.

Section 95. Section **23A-4-902**, which is renumbered from Section 23-19-31 is renumbered and amended to read:

~~[23-19-31].~~ **23A-4-902. Resident fur dealer registration.**

A resident~~[, upon application to the Wildlife Board,]~~ may be registered as a fur dealer upon application to the Wildlife Board.

Section 96. Section **23A-4-903**, which is renumbered from Section 23-19-32 is renumbered and amended to read:

~~[23-19-32].~~ **23A-4-903. Nonresident fur dealer registration.**

A nonresident~~[, upon application to the wildlife board,]~~ may be registered as a fur dealer upon application to the Wildlife Board.

Section 97. Section **23A-4-904**, which is renumbered from Section 23-19-33 is renumbered and amended to read:

~~[23-19-33].~~ **23A-4-904. Registration of fur dealer's agent.**

~~[Any]~~ A person who is employed by a fur dealer as a fur buyer in the field~~[, upon application to the Wildlife Board,]~~ may be registered as a fur dealer's agent upon application to the Wildlife Board.

Section 98. Section **23A-4-905**, which is renumbered from Section 23-18-5 is renumbered and amended to read:

~~[23-18-5].~~ **23A-4-905. Fur dealer and fur dealer's agent -- Certificates of registration required -- Receipts required.**

(1) (a) ~~[Any]~~ A person engaging in, carrying on, or conducting, wholly or in part, the business of buying, selling, trading, or dealing, within the state, in the skins or pelts of furbearing mammals ~~[shall be deemed]~~ is considered a fur dealer within the meaning of this ~~[code. All fur dealers]~~ title.

(b) A fur dealer shall secure a fur dealer certificate of registration from the ~~[Division of Wildlife Resources, but no]~~ division, except a certificate of registration ~~[shall be]~~ is not

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required for:

(i) a licensed trapper or fur farmer selling skins or pelts [~~which~~] that the licensed trapper or fur farmer has lawfully taken^[,] or raised^[, not for any]; or

(ii) a person who is not a fur dealer and who purchases [~~any such~~] skins or pelts described in Subsection (1)(b)(i) exclusively for the person's own use and not for sale.

(2) [~~Any~~] (a) A person who is employed by a resident or nonresident fur dealer as a fur buyer, in the field, is [~~deemed~~] considered a fur dealer's agent.

[~~Application~~] (b) The fur dealer employing an agent shall apply for a fur dealer's agent certificate of registration [~~shall be made by the fur dealer employing the agent, and no~~], and an agent certificate of registration [~~shall~~] may not be issued until the necessary fur dealer certificate of registration has been first secured by the employer of the agent.

(3) [~~Receipts shall be issued by the~~] The vendor shall issue a receipt to the vendee whenever the skins or pelts of furbearing mammals change ownership by virtue of sale, exchange, barter, or gift^[, and both]. Both the vendor and vendee shall produce [~~this~~] the receipt or evidence of legal transaction upon request by the [~~Division of Wildlife Resources~~] division or other person authorized to enforce [~~the provisions of this code~~] this title.

Section 99. Section **23A-4-1001**, which is renumbered from Section 23-19-11 is renumbered and amended to read:

Part 10. Education

~~[23-19-11]~~. **23A-4-1001. Hunter education required.**

(1) (a) Except as provided in Section [~~23-19-14.6~~] 23A-4-701, an individual born after December 31, 1965, may not acquire or possess a hunting license or permit unless the individual has successfully completed a division-approved hunter education course.

(b) A division-approved hunter education course shall include education concerning the importance of gates and fences used in agriculture and how to properly close a gate.

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

(a) criteria and standards for approving a hunter education course, including a course offered in another state or country; and

(b) procedures for verifying and documenting that an individual seeking a hunting license or permit has successfully completed a division-approved hunter education course.

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~~[(3)(a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting license or permit in violation of the hunter education requirements in Subsection (1).]~~

~~[(b) A hunting license or permit obtained or possessed in violation of this section is invalid.]~~

Section 100. Section **23A-4-1002**, which is renumbered from Section 23-19-11.1 is renumbered and amended to read:

~~[23-19-11.1].~~ **23A-4-1002. Hunter education practical shooting test -- Exemptions.**

(1) Except as provided in Subsection (2), the Wildlife Board may require that the division-approved hunter education course required by Section ~~[23-19-11]~~ **23A-4-1001** include a practical shooting test.

(2) A member of the United States Armed Forces, including the Utah National Guard, is exempt from a practical shooting test that may be required under Subsection (1) if the member has passed firearms training in the United States Armed Forces or Utah National Guard.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules establishing firearms test verification requirements.

Section 101. Section **23A-4-1003**, which is renumbered from Section 23-19-12 is renumbered and amended to read:

~~[23-19-12].~~ **23A-4-1003. Instruction in hunter education -- Issuance of certificate of competency.**

(1) The ~~[Division of Wildlife Resources]~~ division shall provide for ~~[individuals]~~ an individual interested in obtaining an instructor's certificate in hunter education a course of instruction in:

- (a) the safe handling of firearms;
- (b) conservation;
- (c) hunting ethics;
- (d) information required by Subsection ~~[23-19-11]~~ **23A-4-1001(1)(b)**; and
- (e) related subject matter.

(2) A certified instructor may, on a voluntary basis, give instruction in the course of hunter education, as established by the ~~[Division of Wildlife Resources]~~ division, to eligible

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persons [~~who, upon the successful completion of the course, shall be issued~~]. The division shall issue a certificate of competency in hunter education upon the successful completion of the course.

Section 102. Section **23A-4-1004**, which is renumbered from Section 23-19-12.7 is renumbered and amended to read:

~~[23-19-12.7].~~ **23A-4-1004. Instruction in bow hunter education -- Issuance of certificate of completion.**

(1) The division shall establish criteria for a bow hunter education course, which may be offered by [~~any~~] an entity that meets the division's criteria.

(2) The bow hunter education course shall include instruction in:

- (a) the safe use of bow hunting equipment;
- (b) fundamentals of bow hunting;
- (c) shooting and hunting techniques; and
- (d) hunter ethics.

(3) The division shall issue a certificate of completion to a participant upon successful completion of a bow hunter education course which meets the requirements of this section and criteria established by the division.

Section 103. Section **23A-4-1005**, which is renumbered from Section 23-19-11.5 is renumbered and amended to read:

~~[23-19-11.5].~~ **23A-4-1005. Proof of furharvester education required.**

(1) A resident born after December 31, 1984, may not acquire or possess a furbearer license unless the individual has successfully completed a division-approved furharvester education course.

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

- (a) criteria and standards for approving a furharvester education course, including a course offered in another state or country; and
- (b) procedures for verifying and documenting that an individual seeking a furbearer license has successfully completed a division-approved furharvester education course.

~~[(3)(a) It is unlawful for an individual to obtain, attempt to obtain, or possess a furbearer license in violation of the furharvester education requirements in Subsection (1).]~~

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~~[(b) A furbearer license or permit obtained or possessed in violation of this section is invalid.]~~

Section 104. Section **23A-4-1006**, which is renumbered from Section 23-19-12.5 is renumbered and amended to read:

~~[23-19-12.5].~~ **23A-4-1006. Instruction in furharvester education --**

Issuance of certificate of completion.

(1) The division shall provide a course of instruction in safe and responsible trapping, including instruction in:

- (a) the use of trapping devices;
- (b) trapping laws;
- (c) trapping ethics;
- (d) techniques in safely releasing nontarget animals;
- (e) firearms safety;
- (f) wildlife management;
- (g) proper catch handling;
- (h) trapper health and safety; and
- (i) ethics relating to the avoidance of conflicts with other public land users and private landowners.

(2) (a) ~~[Certified instructors will]~~ A certified instructor may, on a voluntary basis, give instruction in the course of furharvester education, as established by the division.

(b) Upon the successful completion of the course, ~~[each]~~ the division shall issue to the participant in the furharvester education course ~~[shall be issued]~~ a certificate of completion in furharvester education.

Section 105. Section **23A-4-1007**, which is renumbered from Section 23-19-13 is renumbered and amended to read:

~~[23-19-13].~~ **23A-4-1007. Hunter and furharvester education training -- Fee.**

The Wildlife Board shall establish the fees to be assessed for obtaining instruction in hunter education and furharvester education.

Section 106. Section **23A-4-1101**, which is renumbered from Section 23-19-5 is renumbered and amended to read:

Part 11. Violations and Enforcement

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~~[23-19-5].~~ **23A-4-1101. Fraud, deceit, or misrepresentation in obtaining a license, permit, tag, or certificate of registration -- Criminal penalty.**

(1) ~~[It is unlawful for]~~ A person may not:

(a) ~~[any person to]~~ obtain or attempt to obtain a license, permit, tag, or certificate of registration by fraud, deceit, or misrepresentation;

(b) if a nonresident ~~[to]~~, purchase a resident license; and

(c) if a resident ~~[to]~~, purchase a nonresident license.

~~[(2) Any license, permit, tag, or certificate of registration obtained in violation of Subsection (1) is invalid.]~~

~~[(3) Any]~~ (2) A person violating Subsection (1) is guilty of a class B misdemeanor.

(3) A license, permit, certificate of registration, or tag obtained in violation of Subsection (1) is invalid.

(4) A fraudulent claim of residency in another state or country does not exempt a person from the definition of resident in Section ~~[23-13-2]~~ 23A-1-101.

Section 107. Section **23A-4-1102**, which is renumbered from Section 23-19-5.5 is renumbered and amended to read:

~~[23-19-5.5].~~ **23A-4-1102. Issuance of license, permit, or tag prohibited for failure to pay child support.**

(1) As used in this section:

(a) "Child support" means the same as that term is defined in Section 62A-11-401.

(b) "Delinquent on a child support obligation" means that:

(i) an individual owes at least \$2,500 on an arrearage obligation of child support based on an administrative or judicial order;

(ii) the individual has not obtained a judicial order staying enforcement of the individual's obligation on the amount in arrears; and

(iii) the office has obtained a statutory judgment lien pursuant to Section 62A-11-312.5.

(c) "Office" means the Office of Recovery Services created in Section 62A-11-102.

(d) "Wildlife license agent" means a person authorized under Section ~~[23-19-15]~~ 23A-4-501 to sell a license, permit, or tag in accordance with this chapter.

(2) (a) An individual who is delinquent on a child support obligation may not apply for,

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obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by the Wildlife Board under this title, or by an order or proclamation [~~issued in accordance with a rule made by the Wildlife Board under this title~~].

(b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or tag in violation of Subsection (2)(a) violates Section [~~23-19-5~~] 23A-4-1101.

(ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.

(iii) An individual who takes protected wildlife with an invalid license, permit, or tag violates Section [~~23-20-3~~] 23A-5-309.

(3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective until the office notifies the division that the individual who is delinquent on a child support obligation has:

(i) paid the delinquency in full; or

(ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive months with a payment schedule entered into with the office.

(b) A payment schedule under Subsection (3)(a) shall provide that the individual:

(i) pay the current child support obligation in full each month; and

(ii) pays an additional amount as assessed by the office pursuant to Section 62A-11-320 towards the child support arrears.

(c) Except as provided in Subsection (3)(d), if an individual fails to comply with the payment schedule described in Subsection (3)(b), the office may notify the division and the individual is considered to be an individual who is delinquent on a child support obligation and cannot obtain a new license, permit, or tag without complying with this Subsection (3).

(d) If an individual fails to comply with the payment schedule described in Subsection (3)(b) for one month of the 12-month period because of a transition to new employment, the individual may obtain a license, permit, or tag and is considered in compliance with this Subsection (3) if the individual:

(i) provides the office with information regarding the individual's new employer within 30 days from the day on which the missed payment was due;

(ii) pays the missed payment within 30 days from the day on which the missed payment was due; and

(iii) complies with the payment schedule for all other payments owed for child support

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within the 12-month period.

(4) (a) The division or a wildlife license agent may not knowingly issue a license, permit, or tag under this title to an individual identified by the office as delinquent on a child support obligation until notified by the office that the individual has complied with Subsection (3).

(b) The division is not required to hold or reserve a license, permit, or tag opportunity withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that individual upon compliance with Subsection (3).

(c) The division may immediately reissue to another qualified person a license, permit, or tag opportunity withheld from an individual identified by the office as delinquent on a child support obligation pursuant to Subsection (4)(a).

(5) The office and division shall automate the process for the division or a wildlife license agent to be notified whether an individual is delinquent on a child support obligation or has complied with Subsection (3).

(6) The office is responsible to provide ~~[any]~~ administrative or judicial review required incident to the division issuing or denying a license, permit, or tag to an individual under Subsection (4).

(7) The denial or withholding of a license, permit, or tag under this section is not a suspension or revocation of license and permit privileges for purposes of:

- (a) Section ~~[23-19-9]~~ 23A-4-1106;
- (b) Subsection ~~[23-20-4]~~ 23A-5-311(1); and
- (c) Section ~~[23-25-6]~~ 23A-2-505.

(8) This section does not modify a court action to withhold, suspend, or revoke a recreational license under Sections 62A-11-107 and 78B-6-315.

Section 108. Section **23A-4-1103**, which is renumbered from Section 23-19-6 is renumbered and amended to read:

~~[23-19-6]~~. **23A-4-1103**. **Imitating or counterfeiting license unlawful -- Criminal penalty.**

~~[It is unlawful to]~~ (1) A person may not imitate or counterfeit ~~[any]~~ a license, permit, tag, or certificate of registration for the purpose of defrauding the state ~~[of Utah]~~ or for evading the purposes and provisions of this ~~[code. Any]~~ title.

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(2) A person who violates [any provision of] this section is guilty of a class A misdemeanor.

Section 109. Section **23A-4-1104** is enacted to read:

23A-4-1104. Violation of hunter education requirements -- Criminal penalty.

(1) An individual may not obtain, attempt to obtain, or possess a hunting license or permit in violation of the hunter education requirements in Subsection 23A-4-1001(1).

(2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

(3) A hunting license or permit obtained or possessed in violation of Section 23A-4-1101 is invalid.

Section 110. Section **23A-4-1105** is enacted to read:

23A-4-1105. Violation of furharvester education requirements -- Criminal penalty.

(1) An individual may not obtain, attempt to obtain, or possess a furbearer license in violation of the furharvester education requirements in Subsection 23A-4-1005(1).

(2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

(3) A furbearer license or permit obtained or possessed in violation of this section is invalid.

Section 111. Section **23A-4-1106**, which is renumbered from Section 23-19-9 is renumbered and amended to read:

~~[23-19-9].~~ **23A-4-1106. Suspension of license or permit privileges -- Suspension of certificates of registration.**

(1) As used in this section:

(a) "License or permit privileges" means the privilege of applying for, purchasing, and exercising the benefits conferred by a license or permit issued by the division.

(b) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.

(2) A hearing officer, appointed by the division, may suspend a person's license or permit privileges if:

(a) in a court of law, the person:

(i) is convicted of:

(A) violating this title or a rule of the Wildlife Board;

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(B) killing or injuring domestic livestock or a livestock guardian dog while engaged in an activity regulated under this title;

(C) violating Section 76-6-111; or

(D) violating Section 76-10-508 while engaged in an activity regulated under this title;

(ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

(iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person enters into a diversion agreement which suspends the prosecution of the offense; and

(b) the hearing officer determines the person committed the offense intentionally, knowingly, or recklessly, as defined in Section 76-2-103.

(3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing officer shall consider in determining:

(i) the type of license or permit privileges to suspend; and

(ii) the duration of the suspension.

(b) The Wildlife Board shall ensure that the guidelines established under Subsection (3)(a) are consistent with Subsections (4), (5), and (6).

(4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's license or permit privileges according to Subsection (2) for a period of time not to exceed:

(a) seven years for:

(i) a felony conviction;

(ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is held in abeyance pursuant to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a felony, the prosecution of which is suspended pursuant to a diversion agreement;

(b) five years for:

(i) a class A misdemeanor conviction;

(ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor, which plea is held in abeyance pursuant to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a class A misdemeanor, the prosecution of which is suspended pursuant to a diversion agreement;

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(c) three years for:

(i) a class B misdemeanor conviction;

(ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor when the plea is held in abeyance according to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a class B misdemeanor, the prosecution of which is suspended pursuant to a diversion agreement; and

(d) one year for:

(i) a class C misdemeanor conviction;

(ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor, when the plea is held in abeyance according to a plea in abeyance agreement; or

(iii) being charged with an offense punishable as a class C misdemeanor, the prosecution of which is suspended according to a diversion agreement.

(5) The hearing officer may double a suspension period established in Subsection (4) for offenses:

(a) committed in violation of an existing suspension or revocation order issued by the courts, division, or Wildlife Board; or

(b) involving the unlawful taking of a trophy animal, as defined in Section [~~23-13-2~~] 23A-1-101.

(6) (a) A hearing officer may suspend, according to Subsection (2), a person's license or permit privileges for a particular license or permit only once for each single criminal episode, as defined in Section 76-1-401.

(b) If a hearing officer addresses two or more single criminal episodes in a hearing, the suspension periods of [~~any~~] license or permit privileges of the same type suspended, according to Subsection (2), may run consecutively.

(c) If a hearing officer suspends, according to Subsection (2), license or permit privileges of the type that have been previously suspended by a court, a hearing officer, or the Wildlife Board and the suspension period has not expired, the suspension periods may run consecutively.

(7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:

(i) the hearing officer determines the person intentionally, knowingly, or recklessly, as

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defined in Section 76-2-103, violated:

- (A) this title;
- (B) a rule or order of the Wildlife Board;
- (C) the terms of a certificate of registration; or
- (D) the terms of a certificate of registration application or agreement; or
- (ii) the person, in a court of law:

(A) is convicted of an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration;

(B) pleads guilty or no contest to an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and the plea is held in abeyance in accordance with a plea in abeyance agreement; or

(C) is charged with an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and prosecution of the offense is suspended in accordance with a diversion agreement.

(b) [~~All certificates~~] A hearing officer shall suspend a certificate of registration for the harvesting of brine shrimp eggs, as defined in Section 59-23-3, [shall be suspended by a hearing officer,] if the hearing officer determines the holder of the [~~certificates~~] certificate of registration has violated Section 59-23-5.

(8) (a) The director shall appoint a qualified person as a hearing officer to perform the adjudicative functions provided in this section.

(b) The director may not appoint a division employee who investigates or enforces wildlife violations.

(9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply for, purchase, or exercise the benefits conferred by a license, permit, or certificate of registration.

(b) The courts shall promptly notify the division of [~~any~~] suspension orders or recommendations entered.

(c) The division, upon receiving notification of suspension from the courts, shall

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prohibit the person from applying for, purchasing, or exercising the benefits conferred by a license, permit, or certification of registration for the duration and of the type specified in the court order.

(d) The hearing officer shall consider ~~[any]~~ a recommendation made by a sentencing court concerning suspension before issuing a suspension order.

~~[(10)(a) A person may not apply for, purchase, possess, or attempt to exercise the benefits conferred by any permit, license, or certificate of registration specified in an order of suspension while that order is in effect.]~~

~~[(b) Any license possessed or obtained in violation of the order shall be considered invalid.]~~

~~[(c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.]~~

~~[(11)]~~ (10) Before suspension under this section, ~~[a person shall be]~~ the division shall give a person:

(a) ~~[given]~~ written notice of ~~[any]~~ action the division intends to take; and

(b) ~~[provided with]~~ an opportunity for a hearing.

~~[(12)]~~ (11) (a) A person may file an appeal of a hearing officer's decision with the Wildlife Board.

(b) The Wildlife Board shall review the hearing officer's findings and conclusions and any written documentation submitted at the hearing.

(c) The Wildlife Board may:

(i) take no action;

(ii) vacate or remand the decision; or

(iii) amend the period or type of suspension.

~~[(13)]~~ (12) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry privileges consistent with ~~[Title 23, Chapter 25,]~~ Chapter 2, Part 5, Wildlife Violator Compact.

~~[(14)]~~ (13) The Wildlife Board may make rules to implement this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 112. Section **23A-4-1107** is enacted to read:

23A-4-1107. Violation of suspension --Criminal penalty.

(1) A person may not apply for, purchase, possess, or attempt to exercise the benefits

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conferred by a permit, license, or certificate of registration specified in an order of suspension while that order is in effect.

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

(3) A license possessed or obtained in violation of the order is invalid.

Section 113. Section **23A-4-1108**, which is renumbered from Section 23-19-9.1 is renumbered and amended to read:

[23-19-9.1]. 23A-4-1108. Court-ordered action against a license.

The division shall promptly withhold, suspend, restrict, or reinstate the use of a license issued under this chapter if so ordered by a court.

Section 114. Section **23A-4-1109**, which is renumbered from Section 23-19-9.5 is renumbered and amended to read:

[23-19-9.5]. 23A-4-1109. Warrant outstanding or failure to comply with citation -- Person not entitled to license, permit, tag, or certificate.

(1) A person may not purchase a license, permit, tag, or certificate of registration if:

(a) there is an outstanding Utah warrant against [~~him~~] the person for failure to appear in answer to a summons for a violation of:

(i) [~~a provision of~~] this title; or

(ii) a rule, proclamation, or order of the Wildlife Board; or

(b) [~~he has failed~~] the person fails to comply with a wildlife citation in a state which is a party to the Wildlife Violator Compact set forth in [~~Title 23, Chapter 25,~~] Chapter 2, Part 5, Wildlife Violator Compact.

(2) The division may allow a person referred to in Subsection (1) to purchase a license, permit, tag, or certificate of registration if satisfactory proof is given that:

(a) the warrant is no longer outstanding; or

(b) [~~he~~] the person has complied with the wildlife citation.

Section 115. Section **23A-5-101** is enacted to read:

CHAPTER 5. ENFORCEMENT AND VIOLATIONS

Part 1. General Provisions

23A-5-101. Definitions.

Reserved.

Section 116. Section **23A-5-201**, which is renumbered from Section 23-20-1 is

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renumbered and amended to read:

Part 2. Enforcement

~~[23-20-1].~~ 23A-5-201. **Enforcement authority of conservation officers --**

Seizure and disposition of property.

(1) ~~[Conservation officers]~~ A conservation officer of the division shall enforce ~~[the provisions of]~~ this title with the same authority and following the same procedures as other law enforcement officers.

(2) (a) ~~[Conservation officers]~~ A conservation officer shall seize ~~[any]~~ protected wildlife illegally taken or held.

(b) (i) Upon determination of a defendant's guilt by the court~~[-]~~:

(A) the court shall confiscate the protected wildlife ~~[shall be confiscated by the court and sold or otherwise disposed of by the division]; and~~

(B) the division shall sell or otherwise dispose of the protected wildlife.

(ii) Proceeds of ~~[the sales]~~ a sale under this section shall be deposited in the Wildlife Resources Account.

(iii) Migratory wildfowl may not be sold, but ~~[shall be given]~~ the division shall give the migratory wildfowl to a charitable institution ~~[or used]~~ for other charitable purposes.

(3) (a) ~~[Conservation officers]~~ A conservation officer may seize and impound a vehicle used for the unlawful taking or possessing of protected wildlife for any of the following purposes:

(i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;

(ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search warrant; or

(iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or possessed.

(b) The division shall store ~~[any]~~ a seized vehicle in a public or private garage, state impound lot, or other secured storage facility.

(4) A seized vehicle shall be released to the owner no later than 30 days after the date the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of wildlife by a person who is charged with committing a felony under this title.

(5) (a) The owner of a seized vehicle is liable for the payment of any impound fee if the

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owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court to be guilty of a violation of this title.

(b) The owner of a seized vehicle is not liable for the payment of any impound fee or, if the fees have been paid, is entitled to reimbursement of the fees paid, if:

(i) no charges are filed or all charges are dropped [~~which~~] that involve the use of the vehicle for the unlawful taking or possessing of wildlife;

(ii) the person charged with using the vehicle for the unlawful taking or possessing of wildlife is found by a court to be not guilty; or

(iii) the owner did not consent to a use of the vehicle [~~which~~] that violates this chapter.

Section 117. Section **23A-5-202**, which is renumbered from Section 23-20-1.5 is renumbered and amended to read:

~~[23-20-1.5].~~ **23A-5-202. Powers of law enforcement section.**

(1) The chief and assistant chief of the law enforcement section, an enforcement [~~agents, and~~] agent, or conservation [~~officers~~] officer of the law enforcement section within the [~~Division of Wildlife Resources~~] division are vested with the powers of law enforcement officers throughout [~~all of~~] the counties of the state with exception of the power to serve civil process and:

(a) may serve criminal process, arrest, and prosecute [~~violators of any~~] a violator of a law of this state; and

(b) [~~shall have~~] has the same right as other law enforcement officers to require aid in executing [~~their~~] the duties.

(2) The powers and duties conferred by this section upon employees of the law enforcement section of the [~~Division of Wildlife Resources~~] division shall be supplementary to and in no way a limitation on the powers and duties of other law enforcement officers in the state.

Section 118. Section **23A-5-203**, which is renumbered from Section 23-20-2 is renumbered and amended to read:

~~[23-20-2].~~ **23A-5-203. Special deputies -- Appointment -- Duties.**

The director [~~of the Division of Wildlife Resources is authorized to~~] may appoint [~~persons~~] a person, on a temporary basis, as a special [~~deputies. These special deputies shall~~ have the authority to enforce provisions of this code and all rules and regulations promulgated

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~~under this code.] deputy. A special deputy may enforce this title and rules made under this title.~~

Section 119. Section **23A-5-204**, which is renumbered from Section 23-20-10 is renumbered and amended to read:

~~[23-20-10].~~ **23A-5-204. Butcher, locker, or storage plant to require proper tag or donation slip.**

~~[It is unlawful for a]~~ A butcher or owner or employee of a locker plant or storage plant ~~[to]~~ may not receive for processing or storage the carcass of ~~[any]~~ protected wildlife that by law or regulation is required to be tagged, unless the carcass is properly tagged or is accompanied with a valid donation slip.

Section 120. Section **23A-5-205**, which is renumbered from Section 23-20-16 is renumbered and amended to read:

~~[23-20-16].~~ **23A-5-205. Enforcement -- Procedure.**

In enforcing the misdemeanor or felony provisions of this ~~[code]~~ title, ~~[the]~~ a peace officer shall follow ~~[the procedures and requirements of]~~ Title 53, Chapter 13, Peace Officer Classifications.

Section 121. Section **23A-5-206**, which is renumbered from Section 23-20-28 is renumbered and amended to read:

~~[23-20-28].~~ **23A-5-206. Search warrants.**

(1) A search warrant may be issued by a magistrate to search for ~~[any]~~ property ~~[which]~~ that may constitute evidence of [any violation of the provisions of this code] a violation of this title, rules, ~~[regulations,]~~ or proclamations of the Wildlife Board upon an affidavit of ~~[any]~~ a person.

(2) The search warrant shall be directed to a conservation officer or a peace officer, directing the officer to search for evidence and to bring ~~[it]~~ the evidence before the magistrate.

(3) A search warrant may not be issued except upon probable cause supported by oath or affirmation, particularly describing the place, person, or thing to be searched for and the person or thing to be seized.

(4) The warrant shall be served in the daytime, unless there is reason to believe that the service of the search warrant is required immediately because a person may:

(a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;

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- (b) destroy or conceal evidence of the commission of ~~[any]~~ a violation; or
- (c) injure another person or damage property.
- (5) ~~[The]~~ Notwithstanding Subsection (4), a search warrant may be served at night if:
 - (a) there is reason to believe that a violation may occur at night; or
 - (b) the evidence of the violation may not be available to the officers serving the

warrant during the day.

Section 122. Section **23A-5-207**, which is renumbered from Section 23-20-25 is renumbered and amended to read:

~~[23-20-25].~~ **23A-5-207. Exhibition of license, permit, tag, or device required -- Criminal penalty.**

(1) ~~[Any]~~ A person while engaged in ~~[any]~~ an activity regulated under this title, shall ~~[be required upon demand of any]~~ exhibit the following at the request of conservation officer or ~~[any]~~ other peace officer ~~[to exhibit]:~~

- (a) the required license, permit, or tag;
- (b) ~~[any]~~ device or apparatus in that person's possession used for ~~[any]~~ an activity regulated under this title; or
- (c) ~~[any]~~ wildlife in that person's possession.

(2) ~~[Any]~~ A conservation officer who has a reasonable belief that a person is engaged in ~~[any]~~ an activity regulated under this title may stop and temporarily detain that person ~~[in order]~~ to demand and inspect:

- (a) the required license, permit, or tag;
- (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity regulated under this title; or
- (c) ~~[any]~~ wildlife in that person's possession.

(3) ~~[Any]~~ A person ~~[who]~~ is subject to the penalties of Section 23A-5-301 if the person fails to produce for examination to [an] a correction officer or other peace officer any of the required licenses, permits, tags, devices or apparatuses used for [any] an activity regulated under this title or [any] wildlife in that person's possession [is guilty of a class B misdemeanor].

Section 123. Section **23A-5-301**, which is renumbered from Section 23-13-11 is renumbered and amended to read:

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Part 3. Violations

~~[23-13-11].~~ **23A-5-301. Violations in general -- Criminal penalty -- Aiding or assisting violation.**

(1) Except as otherwise provided in this title:

~~[(1)]~~ (a) a violation of ~~[any provision of]~~ this title is a class B misdemeanor; and

~~[(2)]~~ (b) a violation of ~~[any]~~ a rule of the Wildlife Board, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the Wildlife Board is an infraction.

(2) (a) A person may not aid or assist another person to violate this title or a rule made by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The penalty for violating this Subsection (2) is the same as for the provision or rule for which aid or assistance is given.

Section 124. Section **23A-5-302**, which is renumbered from Section 23-13-4 is renumbered and amended to read:

~~[23-13-4].~~ **23A-5-302. Captivity of protected wildlife unlawful -- Criminal penalty.**

~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not hold in captivity at any time ~~[any]~~ protected wildlife except as provided by this ~~[code]~~ title or rules ~~[and regulations of]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 125. Section **23A-5-303**, which is renumbered from Section 23-13-5 is renumbered and amended to read:

~~[23-13-5].~~ **23A-5-303. Importation or exportation and release of wildlife unlawful -- Criminal penalty.**

~~[It is unlawful for any]~~ (1) A person ~~[to]~~ may not:

(a) import into or export from the state ~~[of Utah any]~~ a species of live native or exotic wildlife; or ~~[to]~~

(b) possess or release from captivity ~~[any such]~~ imported live wildlife ~~[except as]~~

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described in Subsection (1)(a).

(2) Notwithstanding Subsection (1), a person may engage in an act described in Subsection (1) if:

(a) provided for in this [code] title or the rules [and regulations of] made by the Wildlife Board [without] in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(b) the person first [securing] secures written permission from the division [of Wildlife Resources].

(3) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 126. Section **23A-5-304**, which is renumbered from Section 23-13-13 is renumbered and amended to read:

[23-13-13]. 23A-5-304. Commercialization of wildlife unlawful -- Criminal penalty.

~~[It shall be unlawful for any person to utilize]~~ (1) A person may not use wildlife as a commercial venture for financial gain except as provided in this [code] title or under rules [and regulations of] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 127. Section **23A-5-305**, which is renumbered from Section 23-13-14 is renumbered and amended to read:

[23-13-14]. 23A-5-305. Release of wildlife unlawful -- Criminal penalty.

(1) (a) A person may not release or transplant a live terrestrial or aquatic wildlife into the wild:

(i) without a certificate of registration issued by the division authorizing the release; or
(ii) except as provided in this title and rules ~~[and regulations established]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The division may only authorize the transplanting of big game, turkeys, wolves, threatened or endangered species, or sensitive species as provided in Section ~~[23-14-21]~~ 23A-2-209.

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(2) Except as provided in [~~Subsection (3)~~] Section 23A-5-306, a person who violates Subsection (1) is guilty of a class A misdemeanor.

~~[(3) A person who knowingly and without lawful authority imports, transports, or releases a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species is guilty of a third degree felony.]~~

Section 128. Section **23A-5-306** is enacted to read:

23A-5-306. Import, transport, or release of threatened or endangered species -- Criminal penalty.

(1) A person may not knowingly and without lawful authority import, transport, or release a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species.

(2) A person who violates Subsection (1) is guilty of a third degree felony.

Section 129. Section **23A-5-307**, which is renumbered from Section 23-13-18 is renumbered and amended to read:

~~[23-13-18].~~ **23A-5-307. Use of a computer or other device to remotely hunt wildlife prohibited -- Trail cameras -- Criminal penalty.**

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

~~[(1)]~~ (2) A person may not use a computer or other device to remotely control the aiming and discharge of a firearm or other weapon for hunting an animal.

~~[(2)]~~ (3) A person who violates Subsection (1) is guilty of a class A misdemeanor.

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

~~[(b)]~~ (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board shall make rules regulating the use of trail cameras.

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~~(c)~~ (b) The division shall provide an annual report to the Natural Resources, Agriculture, and Environment Interim Committee regarding rules made or changed in accordance with this Subsection ~~(3)~~ (4).

(c) A person who violates rules made by the Wildlife Board under this Subsection (4) is subject to the penalty provided in Section 23A-5-301.

Section 130. Section **23A-5-308**, which is renumbered from Section 23-13-19 is renumbered and amended to read:

~~[23-13-19].~~ **23A-5-308. Administering substances to protected wildlife prohibited -- Exceptions -- Criminal penalty.**

(1) For purposes of this section:

(a) "Administer" means the application of a substance by any method, including:

(i) injection;

(ii) inhalation;

(iii) ingestion; or

(iv) absorption.

(b) "Agricultural producer" means a person who produces an agricultural product.

(c) "Agricultural product" means the same as that term is defined in Section 4-1-109.

(d) "Substance" means a chemical or organic substance that:

(i) pacifies;

(ii) sedates;

(iii) immobilizes;

(iv) harms;

(v) kills;

(vi) controls fertility; or

(vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).

(2) Except as authorized by Subsection ~~(3)~~ (4) or a rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a person may not administer or attempt to administer a substance to protected wildlife.

(3) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

~~(3)~~ (4) (a) A division employee or a person with written permission from the division

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may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.

(b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:

- (i) a licensed veterinarian;
- (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
- (iii) a person who is following written instructions for veterinary care from a licensed veterinarian.

~~[(4) A]~~ (5) Notwithstanding the other provisions of this section, a person is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if:

- (a) an agricultural producer administers the substance:
 - (i) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);
 - (ii) consistent with generally accepted agricultural practices; and
 - (iii) in compliance with applicable local, state, and federal law; or
- (b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Section 131. Section **23A-5-309**, which is renumbered from Section 23-20-3 is renumbered and amended to read:

~~[23-20-3].~~ **23A-5-309. Taking, transporting, selling, or purchasing protected wildlife illegal except as authorized -- Criminal penalty.**

(1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may not:

- (a) take protected wildlife or ~~[its]~~ wildlife parts;
- (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or ~~[its]~~ wildlife parts;
- (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or ~~[its]~~ wildlife parts without having previously procured the necessary licenses, permits, tags, federal stamps, certificates of registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the Wildlife Board;

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(d) take protected wildlife with [~~any~~] a weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;

(e) possess while in pursuit of protected wildlife [~~any~~] a weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;

(f) take protected wildlife using [~~any~~] a method, means, process, or practice not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;

(g) take protected wildlife outside the season dates, location boundaries, and daily time frames established in rule, proclamation, or order of the Wildlife Board;

(h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation, or order of the Wildlife Board;

(i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation, or order of the Wildlife Board, or by executive order of the [~~division~~] director pursuant to Subsection [~~23-14-8~~] 23A-2-203(4);

(j) practice falconry or capture, possess, or use birds in falconry;

(k) take [~~any~~] wildlife from an airplane or any other airborne vehicle or device or [~~any~~] a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;

(l) hold in captivity at any time any live protected wildlife;

(m) use or permit a dog or other domestic or trained animal to take protected wildlife;

(n) remove, damage, or destroy an occupied nest of protected wildlife;

(o) release captured or captive wildlife into the wild;

(p) use spotlighting to take protected wildlife;

(q) employ or use a means of concealment or camouflage while taking protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;

(r) possess or use bait or other attractant to take protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;

(s) use [~~any~~] a decoy or recorded or electronically amplified call which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;

(t) commercially harvest protected wildlife, including brine shrimp and brine shrimp

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eggs;

(u) ~~[utilize]~~ use protected wildlife for commercial purposes or financial gain as prohibited by Section 23A-5-304;

(v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;

(w) operate or participate in a commercial hunting area as described in Section ~~[23-17-6]~~ 23A-12-202; or

(x) operate or participate in a cooperative wildlife management unit as defined in Section ~~[23-23-2]~~ 23A-7-101.

(2) Possession of protected wildlife without a valid license, permit, tag, certificate of registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally taken and is illegally held in possession.

(3) A person is ~~[guilty of a class B misdemeanor]~~ subject to the penalty under Section 23A-5-301 if the person:

(a) violates ~~[any provision of]~~ Subsection (1); and

(b) does so with criminal negligence as defined in Subsection 76-2-103(4).

Section 132. Section **23A-5-310**, which is renumbered from Section 23-20-3.5 is renumbered and amended to read:

~~[23-20-3.5].~~ **23A-5-310. Taking protected wildlife while trespassing -- Criminal penalty.**

(1) A person may not take or permit ~~[his]~~ the person's dog to take, while in violation of Subsection ~~[23-20-14]~~ 23A-5-317(2):

(a) protected wildlife or ~~[their]~~ protected wildlife parts;

(b) an occupied nest of protected wildlife; or

(c) an egg of protected wildlife.

(2) A person ~~[is guilty of a class B misdemeanor if he or she violates any provision of]~~ who violates Subsection (1) is subject to the penalty provided in Section 23A-5-301.

Section 133. Section **23A-5-311**, which is renumbered from Section 23-20-4 is renumbered and amended to read:

~~[23-20-4].~~ **23A-5-311. Wanton destruction of protected wildlife -- Criminal penalty.**

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(1) A person is guilty of wanton destruction of protected wildlife if that person:

(a) commits an act in violation of [~~Section 23-13-4, 23-13-5, 23-13-13, 23-15-6 through 23-15-9, 23-16-5, or Subsection 23-20-3(1);~~]:

(i) Section 23A-5-302;

(ii) Section 23A-5-304;

(iii) Sections 23A-9-302 through 23A-9-305;

(iv) Section 23A-11-201; or

(v) Subsection 23A-5-309(1);

(b) captures, injures, or destroys protected wildlife; and

(c) (i) does so with intentional, knowing, or reckless conduct as defined in Section 76-2-103;

(ii) intentionally abandons protected wildlife or a carcass;

(iii) commits the offense at night with the use of a weapon;

(iv) is under a court or division revocation of a license, tag, permit, or certificate of registration; or

(v) acts for pecuniary gain.

~~[(2) Subsection (1) does not apply to actions taken in accordance with:]~~

~~[(a) Title 4, Chapter 14, Utah Pesticide Control Act;]~~

~~[(b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or]~~

~~[(c) Section 23-16-3.1.]~~

~~[(3)]~~ (2) [Wanton] A person who commits wanton destruction of wildlife is ~~[punishable]~~ guilty of:

(a) ~~[as]~~ a third degree felony if:

(i) the aggregate value of the protected wildlife determined by the values in Subsection ~~[(4)]~~ (3) is more than \$500; or

(ii) a trophy animal was captured, injured, or destroyed;

(b) ~~[as]~~ a class A misdemeanor if the aggregate value of the protected wildlife, determined by the values established in Subsection ~~[(4)]~~ (3) is more than \$250, but does not exceed \$500; and

(c) ~~[as]~~ a class B misdemeanor if the aggregate value of the protected wildlife determined by the values established in Subsection ~~[(4)]~~ (3) is \$250 or less.

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~~[(4)]~~ (3) Regardless of the restitution amounts imposed under Subsection ~~[23-20-4.5]~~ 23A-5-312(2), the following values are assigned to protected wildlife for the purpose of determining the offense for wanton destruction of wildlife:

- (a) \$1,000 per animal for:
 - (i) bison;
 - (ii) bighorn sheep;
 - (iii) rocky mountain goat;
 - (iv) moose;
 - (v) bear;
 - (vi) peregrine falcon;
 - (vii) bald eagle; or
 - (viii) endangered species;
- (b) \$750 per animal for:
 - (i) elk; or
 - (ii) threatened species;
- (c) \$500 per animal for:
 - (i) cougar;
 - (ii) golden eagle;
 - (iii) river otter; or
 - (iv) gila monster;
- (d) \$400 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
- (e) \$350 per animal for bobcat;
- (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;
 - (iii) turkey;
 - (iv) pelican;
 - (v) loon;
 - (vi) egrets;

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- (vii) herons;
- (viii) raptors, except those that are threatened or endangered;
- (ix) Utah milk snake; or
- (x) Utah mountain king snake;
- (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
- (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection ~~[(4)]~~ (3)(h);
 - (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
 - (l) \$5 per animal for protected wildlife not listed.

~~[(5)]~~ (4) For purposes of sentencing for a [~~wildlife~~] violation under this section, a person who has been convicted of a third degree felony under Subsection ~~[(3)]~~ (2)(a) is not subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).

~~[(6)]~~ (5) As part of a sentence imposed, the court shall impose a sentence of incarceration of not less than 20 consecutive days for a person convicted of a third degree felony under Subsection ~~[(3)]~~ (2)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.

~~[(7)]~~ (6) If a person has already been convicted of a third degree felony under Subsection ~~[(3)]~~ (2)(a)(ii) once, each separate additional offense under Subsection ~~[(3)]~~ (2)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.

~~[(8)]~~ (7) The court may not sentence a person subject to Subsection ~~[(6) or (7)]~~ (5) or (6) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence unless the court finds mitigating circumstances justifying lesser punishment and makes that

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finding a part of the court record.

(8) Subsection (1) does not apply to actions taken in accordance with:

(a) Title 4, Chapter 14, Utah Pesticide Control Act;

(b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or

(c) Section 23A-8-403.

Section 134. Section **23A-5-312**, which is renumbered from Section 23-20-4.5 is renumbered and amended to read:

~~[23-20-4.5].~~ **23A-5-312. Restitution -- Disposition of money.**

(1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton destruction of protected wildlife, other than a trophy animal, the court may order the defendant to pay restitution:

(a) as set forth in Subsection (2); or

(b) in a greater or lesser amount than the amount established in Subsection (2).

(2) Suggested minimum restitution values for protected wildlife are as follows:

(a) \$1,000 per animal for:

(i) bison;

(ii) bighorn sheep;

(iii) rocky mountain goat;

(iv) moose;

(v) bear;

(vi) peregrine falcon;

(vii) bald eagle; or

(viii) endangered species;

(b) \$750 per animal for:

(i) elk; or

(ii) threatened species;

(c) \$500 per animal for:

(i) golden eagle;

(ii) river otter; or

(iii) gila monster;

(d) \$400 per animal for:

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- (i) pronghorn antelope; or
- (ii) deer;
- (e) \$350 per animal for:
 - (i) cougar; or
 - (ii) bobcat;
- (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;
 - (iii) turkey;
 - (iv) pelican;
 - (v) loon;
 - (vi) egrets;
 - (vii) herons;
 - (viii) raptors, except those that are threatened or endangered;
 - (ix) Utah milk snake; or
 - (x) Utah mountain king snake;
- (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
- (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection (2)(h);
 - (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
 - (l) \$5 per animal for protected wildlife not listed.
- (3) If the court finds that restitution is inappropriate or if the value imposed is less than the suggested minimum value as provided in Subsection (2), the court shall make the reasons

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for the decision part of the court record.

(4) (a) The court shall order a person convicted of a third degree felony under Subsection ~~[23-20-4(3)(a)(ii)]~~ 23A-5-311(2)(a)(ii) to pay restitution in accordance with Subsection (4)(b).

(b) The minimum restitution value for a trophy animal is as follows:

(i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;

(ii) \$8,000 per animal for deer;

(iii) \$8,000 per animal for elk;

(iv) \$6,000 per animal for moose or mountain goat;

(v) \$6,000 per animal for bison; and

(vi) \$2,000 per animal for pronghorn antelope.

(5) Restitution paid under Subsection (4) shall be remitted to the division and deposited in the Wildlife Resources Account.

(6) ~~[Restitution money shall be used by the division]~~ The division shall use restitution money for activities and programs to help stop poaching, including:

(a) educational programs on wildlife crime prevention;

(b) acquisition and development of wildlife crime detection equipment;

(c) operation and maintenance of anti-poaching projects; and

(d) wildlife law enforcement training.

(7) If restitution is required ~~[it]~~, restitution shall be in addition to:

(a) a fine or penalty imposed for a violation of ~~[any provision of]~~ this title; and

(b) a remedial action taken to revoke or suspend a person's license, permit, tag, or certificate of registration.

(8) A judgment imposed under this section constitutes a lien when recorded in the judgment docket and shall have the same effect and is subject to the same rules as a judgment for money in a civil action.

Section 135. Section **23A-5-313**, which is renumbered from Section 23-20-4.7 is renumbered and amended to read:

~~[23-20-4.7]~~. **23A-5-313. Habitual wanton destruction of protected wildlife -- Criminal penalty.**

(1) As used in this section, "convicted" includes a guilty adjudication, guilty plea, no

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contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance.

~~[(1)]~~ (2) A person ~~[is guilty of]~~ commits habitual wanton destruction of protected wildlife if the person:

(a) takes a big game animal in violation of Section ~~[23-20-4]~~ 23A-5-311; and

(b) within seven years of the day on which the violation described in Subsection ~~[(1)]~~ (2)(a) occurs, has twice been convicted of taking a big game animal in violation of Section ~~[23-20-4]~~ 23A-5-311.

~~[(2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance.]~~

(3) ~~[Habitual]~~ A person who commits habitual wanton destruction of protected wildlife is guilty of a third degree felony.

Section 136. Section **23A-5-314**, which is renumbered from Section 23-20-8 is renumbered and amended to read:

~~[23-20-8].~~ **23A-5-314. Waste of wildlife unlawful -- Criminal penalty.**

(1) ~~[Except]~~ A person may not waste or permit to be wasted protected wildlife or a part of protected wildlife except as otherwise provided:

(a) in this title~~[, or]~~;

(b) by rule made by the Wildlife Board under this title~~;~~ and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

~~(c) by an order or proclamation [issued in accordance with a rule made by the Wildlife Board under this title, a person may not waste or permit to be wasted protected wildlife or a part of protected wildlife].~~

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 137. Section **23A-5-315**, which is renumbered from Section 23-20-12 is renumbered and amended to read:

~~[23-20-12].~~ **23A-5-315. Airplanes or terrestrial or aquatic vehicles -- Use in taking wildlife unlawful -- Exceptions -- Criminal penalty.**

(1) ~~[It is unlawful for any person to take any]~~ A person may not take wildlife from an

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airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except as provided by this ~~[code]~~ title or in the rules ~~[and regulations]~~ made by of the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

~~[(2)]~~ (3) Notwithstanding Subsection (1), the Wildlife Board may authorize an individual validly licensed to hunt ~~[may be authorized]~~, to hunt from a vehicle under terms and conditions specified by the Wildlife Board if the individual has:

- (a) paraplegia; or
- (b) a disability that permanently confines the individual to a wheelchair or the use of crutches.

Section 138. Section **23A-5-316**, which is renumbered from Section 23-20-13 is renumbered and amended to read:

~~[23-20-13].~~ **23A-5-316. Signs or equipment -- Damage or destruction unlawful -- Criminal penalty.**

(1) A person may not:

~~[(1)]~~ (a) shoot at, shoot, deface, damage, remove, or destroy ~~[any division signs or placards]~~ a division sign or placard located in ~~[any part of]~~ this state; or

~~[(2)]~~ (b) damage, destroy, remove, or cause to be damaged, destroyed, or removed ~~[any]~~ equipment or devices owned, controlled, or operated by the ~~[Division of Wildlife Resources]~~ division.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 139. Section **23A-5-317**, which is renumbered from Section 23-20-14 is renumbered and amended to read:

~~[23-20-14].~~ **23A-5-317. Posted property -- Hunting by permission -- Entry on private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers.**

(1) As used in this section:

(a) "Cultivated land" means land that is readily identifiable as:

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- (i) land whose soil is loosened or broken up for the raising of crops;
- (ii) land used for the raising of crops; or
- (iii) pasturage which is artificially irrigated.

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

~~[(c)]~~ (b) "Permission" means written authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and shall include:

- (i) the signature of the owner or person in charge;
- (ii) the name of the person being given permission;
- (iii) the appropriate dates; and
- (iv) a general description of the property.

~~[(d)]~~ (c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:

(i) at ~~[all]~~ the corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or

(ii) in a manner that would reasonably be expected to be seen by a person in the area.

(2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:

(i) without permission, enter upon privately owned land that is cultivated or properly posted;

(ii) enter or remain on privately owned land if the person has notice to not enter or remain on the privately owned land; or

(iii) obstruct ~~[any]~~ an entrance or exit to private property.

(b) A person has notice to not enter or remain on privately owned land if:

(i) the person is directed to not enter or remain on the land by:

(A) the owner of the land;

(B) the owner's employee; or

(C) a person with apparent authority to act for the owner; or

(ii) the land is fenced or otherwise enclosed in a manner that a reasonable person would recognize as intended to exclude intruders.

(c) The division shall provide "hunting by permission cards" to a landowner upon the landowner's request.

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(d) A person may not post:

(i) private property the person does not own or legally control; or

(ii) land that is open to the public as provided by Section ~~[23-21-4]~~ 23A-6-402.

(3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in Section 23A-5-301 and liable for the civil damages described in Subsection (7).

~~[(3)]~~ (4) (a) A person convicted of violating Subsection (2)(a) may have the person's license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.

(b) A hearing officer may construe ~~[any]~~ a subsequent conviction ~~[which]~~ that occurs within a five-year period as a flagrant violation and may prohibit the person from obtaining a new license, tag, certificate of registration, or permit for a period of up to five years.

~~[(4)]~~ (5) Subsection (2)(a) does not apply to peace or conservation officers in the performance of their duties.

~~[(5)]~~ (6) (a) The division shall provide information regarding owners' rights and ~~[sportsmen's]~~ duties:

(i) to anyone holding ~~[licenses, certificates of registration, tags, or permits]~~ a license, certificate of registration, tag, or permit to take wildlife; and

(ii) by using the public media and other sources.

(b) The Wildlife Board shall state restrictions in this section relating to trespassing ~~[shall be stated in all]~~ in the hunting and fishing proclamations issued by the Wildlife Board.

~~[(6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor and liable for the civil damages described in Subsection (7).]~~

(7) In addition to an order for restitution under Section 77-38b-205, a person who commits a violation of Subsection (2)(a) or (d) may also be liable for:

(a) the greater of:

~~[(a)]~~ (i) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2)(a) or (d); or

(ii) \$500~~[-, whichever is greater]~~; and

(b) reasonable attorney fees not to exceed \$250, and court costs.

(8) Civil damages under Subsection (7) may be collected in a separate action by the property owner or the property owner's assignee.

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Section 140. Section **23A-5-318**, which is renumbered from Section 23-20-15 is renumbered and amended to read:

~~[23-20-15].~~ **23A-5-318. Destruction of signs or inclosure on private land unlawful -- Criminal penalty.**

[It is unlawful for any person,]

(1) A person may not, without the consent of the owner or person in charge of [any] privately owned land~~[, to]~~:

(a) tear down, mutilate, or destroy [any] a sign, signboard, or other notice [which] that regulates trespassing for purposes of hunting, trapping, or fishing on this land; or ~~[to, without such consent,]~~

(b) tear down, deface, or destroy [any]:

(i) a fence or other inclosure on [~~this~~] the privately owned land~~[, or any]; or~~

(ii) a gate or bars belonging to [~~any such~~] a fence or inclosure on the privately owned land.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 141. Section **23A-5-319**, which is renumbered from Section 23-20-18 is renumbered and amended to read:

~~[23-20-18].~~ **23A-5-319. Interference with, intimidation, or harassment of officer unlawful.**

[It is unlawful for any person to]

(1) A person may not interfere with, intimidate, or harass a conservation officer or special deputy in the lawful performance of [~~his~~] the conservation officer's or special deputy's duty.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 142. Section **23A-5-320**, which is renumbered from Section 23-20-19 is renumbered and amended to read:

~~[23-20-19].~~ **23A-5-320. Failure to stop at roadblocks or checking stations unlawful.**

[It is unlawful for any person to fail to stop at Division of Wildlife Resources road

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~~blocks or checking stations where]~~

(1) A person may not fail to stop at a division roadblock or checking station when a stop sign or red or blue light is displayed.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Section 143. Section **23A-5-321**, which is renumbered from Section 23-20-29 is renumbered and amended to read:

~~[23-20-29].~~ **23A-5-321. Interference with hunting prohibited -- Action to recover damages -- Exceptions -- Criminal penalty.**

(1) A person ~~[is guilty of a class B misdemeanor who intentionally interferes]~~ may not interfere with the right of a person licensed and legally hunting under Chapter ~~[19]~~ 4, Licenses, Permits, Certificates of Registration, and Tags, to take wildlife by driving, harassing, or intentionally disturbing ~~[any]~~ a species of wildlife for the purpose of disrupting a legal hunt, trapping, or predator control.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

~~[(2)]~~ (3) ~~[Any]~~ A directly affected person or the state may bring an action to recover civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a potential violation of Subsection (1).

~~[(3)]~~ (4) This section does not apply to incidental interference with a hunt caused by lawful activities including ranching, mining, and recreation.

Section 144. Section **23A-5-322**, which is renumbered from Section 23-20-29.5 is renumbered and amended to read:

~~[23-20-29.5].~~ **23A-5-322. Interference with hunters or hunting activity -- Criminal penalty.**

A person who intentionally interferes with a person who is licensed and taking wildlife legally under ~~[the provision of Title 23, Chapter 19]~~ Chapter 4, Licenses, Permits, Certificates of Registration, and Tags, or disrupts an activity involving a legal hunt, trapping, falconry, or predator control may be charged with a violation under Section 76-9-102 if that interference or disruption constitutes a violation under Section 76-9-102.

Section 145. Section **23A-6-101**, which is renumbered from Section 23-21-.5 is

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renumbered and amended to read:

CHAPTER 6. LANDS AND WATERS FOR WILDLIFE PURPOSES

Part 1. General Provisions

~~[23-21-5].~~ **23A-6-101. Definitions.**

As used in this chapter:

(1) ~~(a)~~ "General plan" means a document that a municipality or county adopts that sets forth general guidelines for proposed future development of the land within the municipality or county ~~[and]~~.

~~(b)~~ "General plan" includes what is commonly referred to as a "master plan."

(2) "Management plan" means a document prepared in accordance with this chapter that describes how one or more tracts of land owned or managed by the ~~[Division of Wildlife Resources]~~ division are to be used.

~~[(3) "Regional advisory council" means a council created pursuant to Section 23-14-2.6.]~~

~~[(4)]~~ (3) "Wildlife management area" means:

(a) a single tract of land owned or managed by the division; or

(b) two or more tracts of land owned or managed by the division that are within close proximity of each other and managed as a single unit.

Section 146. Section **23A-6-201**, which is renumbered from Section 23-21-1 is renumbered and amended to read:

Part 2. Acquisition

~~[23-21-1].~~ **23A-6-201. Acquisition of lands, waters, and rights-of-way -- Authority of division.**

The ~~[Division of Wildlife Resources shall have the power to]~~ division may acquire lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or any other lawful means, for authorized activities of the ~~[Division of Wildlife Resources]~~ division as outlined by this ~~[code]~~ title and the rules ~~[and regulations of]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 147. Section **23A-6-202**, which is renumbered from Section 23-21-1.5 is renumbered and amended to read:

~~[23-21-1.5].~~ **23A-6-202. Acquisition of real property held in private ownership --**

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Published notice and governor's approval required.

(1) The [~~Division of Wildlife Resources~~] division may not acquire title to real property held in private ownership without first:

(a) publishing a notice of the proposed acquisition:

(i) in a newspaper of general circulation in the county in which the property is located;

and

(ii) as required in Section 45-1-101; and

(b) obtaining the approval of the governor.

(2) [~~The requirements of~~] Subsection (1) [~~apply~~] applies whether title to real property held in private ownership is acquired through a purchase, donation, or other means.

(3) In the case of a proposed purchase of private property, the [~~notice may be published~~] division may publish notice after earnest money is paid.

(4) The published notice shall inform the public regarding:

(a) the proposed use of the [~~land~~] real property;

(b) any conditions on the acquisition of the [~~land~~] real property placed by donors, the federal government, sellers, or others specifying how the [~~land must~~] real property is to be used;

(c) any changes to existing land uses that are anticipated; and

(d) the public comment submission process for comments on the proposed acquisition.

(5) The governor shall:

(a) submit a notification of the proposed acquisition to:

(i) the county executive of the county in which the real property is located;

(ii) the legislators of the legislative districts in which the [~~lands are~~] real property is located; and

(iii) the School and Institutional Trust Lands Administration; and

(b) invite those notified to submit [~~any~~] comments on the proposed acquisition.

(6) After considering comments on the proposed acquisition, the governor may:

(a) approve the acquisition in whole or in part; or

(b) disapprove the acquisition.

Section 148. Section **23A-6-203**, which is renumbered from Section 23-21-2 is renumbered and amended to read:

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~~[23-21-2].~~ 23A-6-203. **Payments in lieu of property taxes on property purchased by division.**

~~[Prior to]~~ (1) Before the purchase of ~~[any]~~ real property held in private ownership, the ~~[Division of Wildlife Resources]~~ division shall:

(a) first submit the proposition to the county legislative body in a regular open public meeting in the county where the real property is located; and ~~[shall]~~

(b) by contractual agreement with the county legislative body, approved by the executive director ~~[of the Department of Natural Resources]~~, agree to pay an amount of money in lieu of property taxes to the county.

(2) The division shall, by contractual agreement with the county legislative body in which ~~[any]~~ real property previously acquired from private ownership and now owned by the division is located, agree to pay annually an amount of money in lieu of wildlife resource fine money, previously paid to the county. ~~[Payments]~~

(3) A payment provided for in this section ~~[will]~~ may not:

(a) exceed what the regularly assessed real property taxes would be if the ~~[land]~~ real property had remained in private ownership; and ~~[these payments may not]~~

(b) include ~~[any]~~ an amount for buildings, installations, fixtures, improvements or personal property located upon the ~~[land]~~ real property or for those acquired, constructed, or placed by the division after ~~[it]~~ the division acquires the ~~[land]~~ real property.

Section 149. Section **23A-6-204**, which is renumbered from Section 23-21-6 is renumbered and amended to read:

~~[23-21-6].~~ 23A-6-204. **Acquisition of lands by United States for migratory bird refuges.**

(1) (a) The ~~[consent of the state of Utah is given]~~ state consents to acquisition by the United States of ~~[such]~~ the areas of land or water in the state, as the United States may ~~[deem]~~ consider necessary, by and with the consent of the county legislative body of the county where the land or water are located and after approval of application, subject to the laws of the state ~~[of Utah]~~ for water rights, for the establishment and maintenance of migratory waterfowl refuges in accordance with and for the purpose of the ~~[Act of Congress approved February 18, 1929, entitled "Migratory Bird Conservation Act"]~~, 16 U.S.C. Sec. 715 to 715s, as amended, and ~~[the Act of Congress approved March 16, 1935, entitled "Migratory Bird Hunting Stamp~~

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Act,^[#] 16 U.S.C. Sec. 718a to 718k, as amended~~[-, and the same may be used by the United States]~~.

(b) The United States may use the land or water described in this Subsection (1) as refuge for migratory birds, reserving~~[-, however,]~~ to the state ~~[of Utah]~~ jurisdiction, both civil and criminal, of persons upon the areas ~~[so]~~ acquired except so far as the punishment of offenses against the United States are concerned.

(2) (a) ~~[Nothing in this section shall be]~~ This section may not be construed to impose ~~[under]~~ upon the state or ~~[any]~~ an agency of ~~[it any]~~ the state an obligation to convey to the United States any interest in land or water owned or controlled by the state, except upon appropriate terms and for adequate consideration.

(b) The reservation to the state of coal and other minerals in lands sold by ~~[it]~~ the state within areas so established and easements retained by the state to prospect for, mine, and remove the same are declared to be subject to rules and regulations prescribed from time to time by the Secretary of the Interior for the occupation, use, operation, protection, and administration of these areas as refuges for migratory birds.

Section 150. Section **23A-6-301**, which is renumbered from Section 23-21-2.1 is renumbered and amended to read:

Part 3. Management Plans

~~[23-21-2.1].~~ **23A-6-301. Management plans.**

(1) The division shall prepare a management plan for each wildlife management area. Upon adoption of a management plan by the ~~[division]~~ director, the division shall manage the lands ~~[shall be managed]~~ within the wildlife management area in accordance with the management plan.

(2) ~~[Each]~~ A management plan shall include:

(a) a statement of the proposed or anticipated uses;

(b) a description of ~~[any]~~ management limitations or conditions covering the wildlife management area;

(c) an inventory of the existing conditions;

(d) a statement of the desired future condition of the wildlife management area;

(e) a list of strategies that may be implemented to achieve the desired future condition;

and

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(f) a description of any reallocation of forage, water, or other resource appurtenant to the land within the wildlife management area.

Section 151. Section **23A-6-302**, which is renumbered from Section 23-21-2.2 is renumbered and amended to read:

~~[23-21-2.2]~~. **23A-6-302**. **Preparation of management plans -- Participation by interested persons and local and tribal governments -- Compatibility with local government plans and existing rights.**

(1) The division shall invite persons who may have an interest in how the land in a wildlife management area is managed to participate in the management planning process.

(2) Those persons may include:

(a) persons who use, or may use, the land in a wildlife management area for:

(i) agriculture, mining, or other commercial pursuits;

(ii) hunting or fishing;

(iii) recreation; or

(iv) other uses;

(b) adjacent or nearby landowners or residents; or

(c) other interested parties.

(3) The division shall invite local government officials to participate in the management planning process.

(4) In preparing a management plan, the division shall seek to make land uses compatible with:

(a) local government general plans and zoning and land use ordinances; and

(b) existing rights of others within the wildlife management area.

(5) (a) If the land in a wildlife management area is located within or adjacent to tribal lands, the division shall invite tribal government officials to participate in the management planning process.

(b) Participation by tribal officials in the development of management plans for lands owned by the division does not waive the tribe's sovereignty.

Section 152. Section **23A-6-303**, which is renumbered from Section 23-21-2.3 is renumbered and amended to read:

~~[23-21-2.3]~~. **23A-6-303**. **Review and adoption of management plans.**

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(1) The division shall submit ~~[the]~~ a draft management plan to the Resource Development Coordinating Committee created in Section 63L-11-401 and the Habitat Council created by the division for their review and recommendations.

(2) The division shall submit ~~[the]~~ a draft management plan and any recommendations received from the Resource Development Coordinating Committee and the Habitat Council to:

(a) the regional advisory council for the wildlife region in which the lands covered by the management plan are located; and

(b) the regional advisory council for ~~[any]~~ a wildlife region that may be affected by the management plan.

(3) ~~[Each]~~ A regional advisory council reviewing ~~[the]~~ a draft management plan may make recommendations to the ~~[division]~~ director.

(4) The ~~[division director has authority to]~~ director may adopt the management plan, adopt the management plan with amendments, or reject the management plan.

(5) (a) At the request of the ~~[division]~~ director or ~~[any]~~ a member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with ~~[board]~~ Wildlife Board policies.

~~[(6)]~~ (b) The ~~[division]~~ director may amend a management plan in accordance with recommendations made by the Wildlife Board.

Section 153. Section **23A-6-304**, which is renumbered from Section 23-21-2.4 is renumbered and amended to read:

~~[23-21-2.4].~~ **23A-6-304. Procedure to revise a management plan.**

(1) ~~[Any]~~ A person seeking a revision of a management plan may request the regional advisory council in the region where the land in a wildlife management area is located to consider the proposal to revise the management plan. The regional advisory council shall consider the proposal and advise the division.

(2) The process specified in Sections ~~[23-21-2.2 and 23-21-2.3]~~ 23A-6-302 and 23A-6-303 shall be used to revise a management plan.

Section 154. Section **23A-6-305**, which is renumbered from Section 23-21-2.5 is renumbered and amended to read:

~~[23-21-2.5].~~ **23A-6-305. Change in land use where a management plan is not in effect -- Notification to affected persons -- Compatibility with local government plans.**

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(1) If a management plan has not been adopted by the [~~division~~] director for a tract of land owned by the division, the division may not change [~~any~~] an existing right to use the land until the division notifies those who may be affected by the change and local government officials.

(2) When changing [~~any~~] an existing right to use the land, the division shall seek to make uses of division-owned land compatible with local government general plans and zoning and land use ordinances.

Section 155. Section **23A-6-401**, which is renumbered from Section 23-21-2.6 is renumbered and amended to read:

Part 4. Use of Land

~~[23-21-2.6].~~ **23A-6-401. Target shooting prohibitions.**

(1) As used in this section:

(a) "County sheriff" means the individual holding the office of county sheriff in the portion of a wildlife management area where target shooting will be, or is, prohibited under this section.

~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

~~[(c)]~~ (b) "Extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger.

(2) Subject to Subsections (3) and (4), the division may prohibit the use of firearms for target shooting within all or part of a wildlife management area if the director finds, and the county sheriff agrees, that conditions in that portion of the wildlife management area are extremely hazardous.

(3) A prohibition under this section:

(a) shall undergo a formal review by the director and the county sheriff every 14 days;

(b) may not prohibit an individual from legally possessing a firearm or lawfully participating in a hunt; and

(c) may only remain in place for as long as extremely hazardous conditions exist in the area that is subject to the prohibition.

(4) The director and the county sheriff shall:

(a) via a written document, agree to the terms of a prohibition under this section, including:

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- (i) the exact area where target shooting is prohibited; and
- (ii) the date when the prohibition becomes effective; and
- (b) comply with Subsection (4)(a) at each formal review under Subsection (3)(a).

Section 156. Section **23A-6-402**, which is renumbered from Section 23-21-4 is renumbered and amended to read:

~~[23-21-4].~~ 23A-6-402. Right of access to lands for hunting, trapping, or fishing reserved to public -- Exception.

(1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access to ~~[all]~~ lands owned by the state, including those lands lying below the official government meander line or high water line of navigable waters, for the purpose of hunting, trapping, or fishing.

(2) When ~~[any]~~ a department or agency of the state leases or sells ~~[any lands]~~ land belonging to the state ~~[of Utah]~~ lying below the official government meander line or the high water line of the navigable waters within the state, the lease, contract of sale, or deed shall contain a provision that:

(a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing during the lawful season, except as provided by Section 65A-2-5; and

(b) ~~[no charge may be made by]~~ the lessee, contractee, or grantee ~~[to]~~ may not charge ~~[any]~~ a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.

(3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or fishing as provided in this title for other lands and waters.

Section 157. Section **23A-6-403**, which is renumbered from Section 23-21-5 is renumbered and amended to read:

~~[23-21-5].~~ 23A-6-403. State-owned lands authorized for use as wildlife management areas, fishing waters, and for other recreational activities.

(1) The Wildlife Board ~~[is authorized to]~~ may use any and all unsurveyed state-owned lands below the 1855 meander line of the Great Salt Lake within the following townships for the creation, operation, maintenance and management of wildlife management areas, fishing waters and other recreational activities:

Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4

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West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North, Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B. and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West, S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North, Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B. and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North, Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.; Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

(2) (a) The Wildlife Board shall establish a wildlife management area known as the "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands below the 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Sections 1, 2, 11, 12 of Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Sections 20, 21, 29, 30, 31 of Township 8 North, Range 2 West, S.L.B. and M. [~~excepting~~], except for the following:

(i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird Refuge;

(ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl

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Management Area;

(iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and

(iv) lands within the May 14, 2019, boundaries of state mineral leases.

(b) The division shall execute a memorandum of understanding with the Division of Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands described in Subsection (2)(a) as a wildlife management area.

(c) The division shall manage the state-owned lands described in Subsection (2)(a) as a wildlife management area and consistent with:

(i) the beneficial purposes identified in Subsection (2)(d); and

(ii) a management plan created consistent with the procedures in this chapter for a management plan.

(d) The division shall manage the Willard Spur Waterfowl Management Area for the following beneficial purposes:

(i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals, shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake ecosystem and the Great Salt Lake ecosystem's surrounding wetlands;

(ii) preserving and enhancing the natural function, vegetation, and water flows under existing or acquired water rights to provide productive habitat for the species listed in Subsection (2)(d)(i);

(iii) providing recreational opportunity for traditional marsh-related activities, including hunting, fishing, trapping, and wildlife viewing; and

(iv) providing public access in the management area for purposes of hunting, fishing, trapping, and wildlife viewing, including access with airboats and other small watercraft.

(e) The division shall provide the habitat, recreational opportunities, and public access described in Subsection (2)(d) without construction or use of an impounding dike, impounding levee, or other impounding structure.

(f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not prohibit year-round public airboat and small watercraft access in the management area except in selected areas during limited periods of time to protect habitat, nesting birds, or vulnerable wildlife.

Section 158. Section **23A-6-404**, which is renumbered from Section 23-21-7 is

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renumbered and amended to read:

~~[23-21-7].~~ **23A-6-404. Unlawful uses and activities on division lands.**

(1) Except as authorized by statute, rule, contractual agreement, special use permit, certificate of registration, or public notice, a person may not on division land:

- (a) remove, extract, use, consume, or destroy ~~[any]~~ an improvement or cultural or historic resource;
- (b) remove, extract, use, consume, or destroy ~~[any]~~ sand, gravel, cinder, ornamental rock, or other common mineral resource, or vegetation resource, except a person may collect for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the surface of the ground;
- (c) allow livestock to graze;
- (d) remove ~~[any]~~ a plant or portion of a plant for commercial gain purposes;
- (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;
- (f) enter, use, or occupy division land as part of a group of more than 25 people, except a group may include up to 50 persons if the group consists of extended family members;
- (g) enter, use, or occupy division land while engaged in or part of an organized event;
- (h) use, occupy, destroy, move, or construct ~~[any]~~ a structure, including ~~[fences, water control devices, roads, survey and section markers, or signs]~~ a fence, water control device, road, survey and section marker, or sign;
- (i) prohibit, prevent, or obstruct public entry on division lands when public entry is authorized by the division;
- (j) attempt to manage or control division lands in a manner inconsistent with division management plans, rules, or policies;
- (k) solicit, promote, negotiate, barter, sell, or trade ~~[any]~~ a product or service on, or obtained from, division lands for commercial gain;
- (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the area is posted for a different duration;
- (m) light a fire without taking adequate precaution to prevent spreading of the fire or leave a fire unattended;
- ~~[(n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;]~~
- (n) use fireworks, an explosive, a poison, a herbicide, an insecticide, or a pesticide;

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(o) use a motorized [~~vehicles~~] vehicle of any kind except as authorized by declaration, management plan, or posting; or

(p) use division lands for [~~any~~] a purpose that violates applicable land use restrictions imposed by statute, rule, or by the division.

(2) A person [~~or entity which~~] who unlawfully uses division lands is liable for damages in the amount of:

(a) the value of the resource removed, destroyed, or extracted;

(b) the amount of damage caused; and

(c) whichever is greater of:

(i) the value of [~~any~~] losses or expenses caused as a result of interference with authorized activities; or

(ii) the consideration which would have been charged by the division for use of the land during the period of trespass.

(3) This section does not apply to division employees or division volunteers while acting in the lawful performance of [~~their~~] the employees' or volunteers' duties.

(4) Except as otherwise provided by statute, the criminal penalty for a violation of [~~any provision of~~] this section is prescribed in Section [~~23-13-11~~] 23A-5-301.

Section 159. Section **23A-7-101**, which is renumbered from Section 23-23-2 is renumbered and amended to read:

CHAPTER 7. COOPERATIVE WILDLIFE MANAGEMENT UNITS

Part 1. General Provisions

~~[23-23-2]~~. **23A-7-101. Definitions.**

As used in this chapter:

(1) "Cooperative wildlife management unit" [~~or "unit"~~] means a generally contiguous area of land that is:

(a) open for hunting small game, waterfowl, cougar, turkey, or big game [~~which is~~];
and

(b) registered in accordance with this chapter and rules of the Wildlife Board.

(2) [~~(a)~~] "Cooperative wildlife management unit agent" means a person appointed by a landowner, landowner association, or landowner association operator to perform the functions described in Section [~~23-23-9~~] 23A-7-207.

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~~[(b) For purposes of this chapter, a cooperative wildlife management unit agent may not:]~~

~~[(i) be appointed by the division or the state;]~~

~~[(ii) be an employee or agent of the division;]~~

~~[(iii) receive compensation from the division or the state to act as a cooperative wildlife management unit agent; or]~~

~~[(iv) act as a peace officer or perform any duties of a peace officer without qualifying as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.]~~

(3) "Cooperative wildlife management unit authorization" means a card, label, ticket, or other identifying document authorizing the possessor to hunt small game or waterfowl in a cooperative wildlife management unit.

(4) "Cooperative wildlife management unit permit" means a permit authorizing the possessor to hunt cougar, turkey, or big game in a cooperative wildlife management unit.

~~[(5) "Division" means the Division of Wildlife Resources.]~~

~~[(6)]~~ (5) "Landowner association" means a landowner or an organization of owners of private lands who operates a cooperative wildlife management unit.

~~[(7)(a)]~~ (6) "Landowner association operator" means a person designated by a landowner association to operate the cooperative wildlife management unit.

~~[(b) For purposes of this chapter, a landowner association operator may not:]~~

~~[(i) be appointed by the division; or]~~

~~[(ii) be an employee or agent of the division.]~~

Section 160. Section **23A-7-102**, which is renumbered from Section 23-23-3 is renumbered and amended to read:

~~[23-23-3].~~ **23A-7-102. Rulemaking authority of Wildlife Board.**

The Wildlife Board ~~[is authorized to]~~ may make and enforce rules applicable to cooperative wildlife management units organized for the hunting of small game, waterfowl, cougar, turkey, or big game that in ~~[its]~~ the Wildlife Board's judgment are necessary to administer and enforce ~~[the provisions of]~~ this chapter.

Section 161. Section **23A-7-103**, which is renumbered from Section 23-23-1 is renumbered and amended to read:

~~[23-23-1].~~ **23A-7-103. Purposes of wildlife management units.**

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~~[Cooperative]~~ A cooperative wildlife management ~~[units are]~~ unit is established to:

- (1) provide income to landowners;
- (2) create satisfying hunting opportunities;
- (3) increase wildlife resources;
- (4) provide adequate protection to landowners who open their lands for hunting; and
- (5) provide access to public and private lands for hunting.

Section 162. Section **23A-7-201**, which is renumbered from Section 23-23-4 is renumbered and amended to read:

Part 2. Requirements

~~[23-23-4].~~ **23A-7-201. Operation by landowner association.**

(1) A landowner association shall operate a cooperative wildlife management unit as prescribed by this chapter and the rules of the Wildlife Board.

(2) For purposes of this chapter, a landowner association operator may not:

- (a) be appointed by the division; or
- (b) be an employee or agent of the division.

Section 163. Section **23A-7-202**, which is renumbered from Section 23-23-5 is renumbered and amended to read:

~~[23-23-5].~~ **23A-7-202. Certificate of registration -- Renewal.**

(1) A landowner association may not establish or operate a cooperative wildlife management unit without first obtaining a certificate of registration from the Wildlife Board.

(2) The Wildlife Board may renew annually certificates of registration if the landowner association has previously complied with this chapter and the rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 164. Section **23A-7-203**, which is renumbered from Section 23-23-6 is renumbered and amended to read:

~~[23-23-6].~~ **23A-7-203. Season dates -- Boundaries -- Review by councils and Wildlife Board.**

(1) The Wildlife Board shall establish season dates and boundaries for each cooperative wildlife management unit.

(2) Season dates may differ from general statewide season dates.

(3) At least every five years, the relevant regional advisory council and Wildlife Board

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shall review a cooperative wildlife management [units] unit containing public land [~~will be reviewed by the regional advisory councils and the Wildlife Board~~].

Section 165. Section **23A-7-204**, which is renumbered from Section 23-23-7 is renumbered and amended to read:

~~[23-23-7].~~ **23A-7-204. Permits -- Acreage and lands that may be included -- Posting of boundaries.**

(1) The division shall provide cooperative wildlife management unit authorizations for hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

(2) At least 50% of the cooperative wildlife management unit authorizations for hunting small game or waterfowl provided to a cooperative wildlife management unit shall be offered for sale to the general public at the times and places designated on the application for a certificate of registration.

(3) (a) [~~Cooperative~~] A cooperative wildlife management [units] unit organized for hunting small game or waterfowl shall consist of private land.

(b) At least 75% of the acreage within the boundaries of [~~each~~] a cooperative wildlife management unit organized for the hunting of small game or waterfowl shall be open to hunting by holders of valid authorizations.

(4) (a) The division may issue cooperative wildlife management unit permits for hunting cougar, turkey, or big game to permittees:

- (i) qualifying through a public drawing; or
- (ii) named by the cooperative wildlife management unit operator.

(b) The Wildlife Board may specify by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, those persons who are eligible to draw a cooperative wildlife management unit permit in a public drawing.

(5) (a) [~~Cooperative~~] A cooperative wildlife management [units] unit organized for hunting cougar, turkey, or big game shall consist of private land to the extent practicable. Public land may be included within a cooperative wildlife management unit if:

- (i) the public land is completely surrounded by private land or is otherwise inaccessible to the general public;
- (ii) including public land is necessary to establish a readily identifiable boundary; or
- (iii) including public land is necessary to achieve cougar, turkey, or big game

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management objectives.

(b) If [any] public land is included within a cooperative wildlife management unit:

(i) the landowner association shall meet applicable federal or state land use requirements on the public land; and

(ii) the Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportion of public lands to private lands within the cooperative wildlife management unit.

(6) [Each] A landowner association shall:

(a) clearly post [all] the boundaries of the cooperative wildlife management unit by displaying signs containing information prescribed by rule of the Wildlife Board at the locations specified in Subsection [23-20-14(1)(d)] 23A-5-317(1)(c); and

(b) provide a written copy of [its] the landowner association's guidelines to each holder of an authorization or permit.

Section 166. Section **23A-7-205**, which is renumbered from Section 23-23-7.5 is renumbered and amended to read:

~~[23-23-7.5].~~ **23A-7-205. Landowner association to provide comparable hunting opportunities.**

A landowner association shall provide [each] a holder of an authorization or permit a comparable hunting opportunity in terms of hunting area and number of days.

Section 167. Section **23A-7-206**, which is renumbered from Section 23-23-8 is renumbered and amended to read:

~~[23-23-8].~~ **23A-7-206. Compensation for damage -- Claims.**

(1) A landowner participating in a cooperative wildlife management unit who incurs damages caused by a hunter on [his or her] the landowner's land may submit a claim and receive compensation for the claim from money received for cooperative wildlife management unit authorization or permit fees collected by the landowner association.

~~[(1) These claims shall:]~~

(2) The claims under Subsection (1) shall:

(a) be paid first and have priority over all other obligations of the landowner association;

(b) be reviewed, investigated, and paid by the landowner association; and

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(c) not exceed annual revenues of a cooperative wildlife management unit.

~~[(2)]~~ (3) A landowner participating in a cooperative wildlife management unit who incurs damages caused by a hunter on ~~[his or her]~~ the landowner's land may not hold the state liable for compensation.

Section 168. Section **23A-7-207**, which is renumbered from Section 23-23-9 is renumbered and amended to read:

~~[23-23-9].~~ **23A-7-207. Agents -- Appointment -- Identification -- Refusal of entry by agent.**

(1) A landowner association may appoint one or more cooperative wildlife management unit agents to protect private property of the cooperative wildlife management unit.

(2) ~~[Each]~~ A cooperative wildlife management unit agent shall wear or have in ~~[his or her]~~ the cooperative wildlife management unit agent's possession a form of identification prescribed by the Wildlife Board ~~[which]~~ that indicates ~~[he or she]~~ that the individual is a cooperative wildlife management unit agent.

(3) A cooperative wildlife management unit agent may refuse entry into private lands within a cooperative wildlife management unit to any person, except an owner of land within the cooperative wildlife management unit and ~~[his or her]~~ the landowner's employees, who:

(a) does not have in ~~[his or her]~~ the person's possession a cooperative wildlife management unit authorization or permit;

(b) endangers or has endangered human safety;

(c) damages or has damaged private property within a cooperative wildlife management unit; or

(d) fails or has failed to comply with reasonable rules of a landowner association.

(4) In performing the functions described in this section, a cooperative wildlife management unit agent shall comply with the relevant laws of this state.

(5) For purposes of this chapter, a cooperative wildlife management unit agent may not:

(a) be appointed by the division or the state;

(b) be an employee or agent of the division;

(c) receive compensation from the division or the state to act as a cooperative wildlife

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management unit agent; or

(d) act as a peace officer or perform the duties of a peace officer without qualifying as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

Section 169. Section **23A-7-208**, which is renumbered from Section 23-23-10 is renumbered and amended to read:

~~[23-23-10].~~ **23A-7-208. Possession of permits and licenses by hunter -- Restrictions.**

(1) A person may not hunt in a cooperative wildlife management unit without having in ~~[his or her]~~ the person's possession:

(a) a valid cooperative wildlife management unit authorization or permit or other permit as authorized by the ~~[wildlife board]~~ Wildlife Board; and

(b) the necessary hunting licenses~~[- tags, and stamps]~~ and tags.

(2) A cooperative wildlife management unit authorization or permit:

(a) entitles the holder to hunt only in the cooperative wildlife management unit specified on the authorization or permit pursuant to rules and proclamations of the Wildlife Board and does not entitle the holder to hunt on any other private or public land; and

(b) constitutes written permission for trespass as required under Section ~~[23-20-14]~~ 23A-5-317.

Section 170. Section **23A-7-209**, which is renumbered from Section 23-23-11 is renumbered and amended to read:

~~[23-23-11].~~ **23A-7-209. Failure to comply with rules and requirements.**

A person shall leave private property within a cooperative wildlife management unit immediately, upon request of a landowner, landowner association operator, or cooperative wildlife management unit agent, if that person:

(1) does not have in that person's possession a cooperative wildlife management unit authorization or permit;

(2) endangers or has endangered human safety;

(3) damages or has damaged private property within a cooperative wildlife management unit; or

(4) fails or has failed to comply with reasonable rules of a landowner association.

Section 171. Section **23A-7-210**, which is renumbered from Section 23-23-12 is

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renumbered and amended to read:

~~[23-23-12].~~ **23A-7-210. Damage or destruction of property.**

A person on the land of another person may not intentionally damage, disarrange, or destroy that person's property.

Section 172. Section **23A-7-211**, which is renumbered from Section 23-23-13 is renumbered and amended to read:

~~[23-23-13].~~ **23A-7-211. Violation of chapter -- Class B misdemeanor.**

Any person who violates ~~[any provision of]~~ this chapter is guilty of a class B misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

Section 173. Section **23A-7-212**, which is renumbered from Section 23-23-14 is renumbered and amended to read:

~~[23-23-14].~~ **23A-7-212. Landowner protection under Landowner Liability Act.**

~~[Landowners who participate in]~~ A landowner who participates in a cooperative wildlife management [units shall have] unit has the full protection afforded under Title 57, Chapter 14, Limitations on Landowner Liability.

Section 174. Section **23A-8-101** is enacted to read:

CHAPTER 8. WILDLIFE DAMAGE

Part 1. General Provisions

23A-8-101. Definitions.

As used in this chapter:

(1) "72 hours" means a time period that begins with the hour a request for action is made pursuant to Section 23A-8-402 and ends 72 hours later, with the exclusion of any hour that occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section 63G-1-301.

(2) "Cultivated crops" means:

(a) annual or perennial crops harvested from or on cleared and planted land;

(b) perennial orchard trees on cleared and planted land;

(c) crop residues that have forage value for livestock; and

(d) pastures.

(3) "Depredation" means an act causing damage or death.

(4) "Depredation mitigation plan" means the plan described in Subsection

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23A-8-402(2).

(5) "Growing season" means the portion of a year in which local conditions permit normal plant growth.

(6) "Livestock" means cattle, sheep, horses, goats, or turkeys.

(7) "Management unit" means a prescribed area of contiguous land designated by the division for the purpose of managing a species of big game animal.

(8) "Mitigation review panel" means the panel created under Section 23A-8-404.

(9) (a) For purposes of Part 2, Damage in General, "predator" means a mountain lion or bear.

(b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear, or coyote.

(10) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey and does not include a privately owned or domestic turkey.

(11) "Wildlife Services Program" means a program of the United States Department of Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and natural resources, and to safeguard human health and safety.

(12) "Wildlife specialist" means a United States Department of Agriculture, Wildlife Services specialist.

(13) (a) "Wolf" means the gray wolf *Canis lupus*.

(b) "Wolf" does not mean a wolf hybrid with a domestic dog.

Section 175. Section **23A-8-201**, which is renumbered from Section 23-24-1 is renumbered and amended to read:

Part 2. Damage in General

~~[23-24-1].~~ **23A-8-201. Procedure to obtain compensation for livestock damage done by bear, mountain lion, wolf, or eagle.**

~~[(1) As used in this section:]~~

~~[(a) "Damage" means injury to or loss of livestock.]~~

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

~~[(c) "Livestock" means cattle, sheep, goats, or turkeys.]~~

~~[(d) (i) "Wolf" means the gray wolf *Canis lupus*.]~~

~~[(ii) "Wolf" does not mean a wolf hybrid with a domestic dog.]~~

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~~[(2)]~~ (1) (a) (i) Except as provided by Subsection ~~[(2)]~~ (1)(a)(ii), if livestock are damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for the fair market value of the damage to the livestock.

(ii) The owner of livestock may not receive compensation if the livestock is damaged by a wolf within an area where a wolf is endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.

(b) To obtain ~~[this]~~ compensation under this section, the owner of the damaged livestock shall notify the division of the damage as soon as possible, but no later than four days after the damage to the livestock is discovered.

(c) The owner shall notify the division each time ~~[any]~~ damage to livestock is discovered.

~~[(3)]~~ (2) The livestock owner shall file a proof of loss form, provided by the division, no later than 30 days after the original notification of damage to livestock was given to the division by the owner.

~~[(4)]~~ (3) (a) (i) The division, with the assistance of the Department of Agriculture and Food shall:

(A) within 30 days after the owner files the proof of loss form, either accept or deny the claim for damages; and

(B) subject to Subsections ~~[(4)]~~ (3)(a)(ii) through ~~[(4)]~~ (3)(a)(iv), pay ~~[all]~~ the accepted claims to the extent money appropriated by the Legislature is available for this purpose.

(ii) Money appropriated from the Wildlife Resources Account may be used to provide compensation for only up to 50% of the fair market value of ~~[any]~~ damaged livestock.

(iii) Money appropriated from the Wildlife Resources Account may not be used to provide compensation for livestock damaged by an eagle or a wolf.

(iv) The division may not pay ~~[any]~~ an eagle damage claim until the division has paid all accepted mountain lion and bear livestock damage claims for the fiscal year.

(b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a livestock owner unless the owner has filed a completed livestock form and the appropriate fee as outlined in Section 4-23-107 for the immediately preceding and current year.

(c) (i) Unless the division denies a claim for the reason identified in Subsection ~~[(4)]~~ (3)(b), the owner may appeal the decision to a panel consisting of one person selected by the

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owner, one person selected by the division, and a third person selected by the first two panel members.

(ii) The panel shall decide whether the division should pay all of the claim, a portion of the claim, or none of the claim.

(5) [~~By following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~] The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and enforce rules to administer and enforce this section.

Section 176. Section **23A-8-202**, which is renumbered from Section 23-24-2 is renumbered and amended to read:

~~[23-24-2].~~ **23A-8-202. Livestock depredation by predators.**

~~[(1) As used in this section:]~~

~~[(a) "Depredation" means an act causing damage or death.]~~

~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

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

~~[(d) "Livestock" means cattle, sheep, goats, horses, or turkeys.]~~

~~[(e) "Predator" means a mountain lion or bear.]~~

~~[(f) "Wildlife Board" means the board created in Section 23-14-2.]~~

~~[(g) "Wildlife Services Program" means a program of the United States Department of Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and natural resources, and to safeguard human health and safety.]~~

~~[(h) "Wildlife specialist" means a United States Department of Agriculture, Wildlife Services specialist.]~~

~~[(2)]~~ (1) If a predator harasses, chases, disturbs, harms, attacks, or kills livestock, within 96 hours of the act:

(a) in a depredation case, the livestock owner, an immediate family member, or an employee of the livestock owner on a regular payroll and not specifically hired to take a predator, may take predators subject to the requirements of this section;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who may authorize a local hunter to take the offending predator or notify a wildlife specialist; or

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(c) the livestock owner may notify a wildlife specialist of the depredation who may take the depredating predator.

~~[(3)]~~ (2) A depredating predator may be taken at any time by a wildlife specialist, supervised by the Wildlife Services Program, while acting in the performance of the wildlife specialist's assigned duties and in accordance with procedures approved by the division.

~~[(4)]~~ (3) (a) A depredating predator may be taken by an individual authorized in Subsection ~~[(2)]~~ (1)(a):

(i) with a weapon authorized by the division, pursuant to rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for taking the predator; or

(ii) only using snares:

(A) with written authorization from the director;

(B) subject to the conditions and restrictions set out in the written authorization; and

(C) if the division verifies that there has been a chronic depredation situation when numerous livestock have been killed by a predator as described in rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) An individual authorized in Subsection ~~[(2)]~~ (1)(a) to take depredating predators may take no more than two bears per incident.

~~[(5)]~~ (4) (a) In accordance with Subsection ~~[(5)]~~ (4)(b), the division may issue a depredation permit to take a predator on specified private lands and public land grazing allotments with a chronic depredation situation when numerous livestock have been killed by predators.

(b) The division may:

(i) issue one or more depredation permits to an affected livestock owner or a designee of the affected livestock owner, provided that the livestock owner does not receive monetary consideration from the designee for the opportunity to use the depredation permit;

(ii) determine the legal weapons and methods of taking allowed; and

(iii) specify the area and season that the depredation permit is valid.

~~[(6)]~~ (5) (a) A predator taken under Subsection ~~[(2)]~~ (1)(a) or ~~[(5)]~~ (4) remains the property of the state and shall be delivered to a division office or employee with 96 hours of the take.

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(b) The division may issue a predatory damage permit to a person who has taken a depredating predator under Subsection ~~[(2)]~~ (1)(a) that authorizes the individual to keep the carcass.

(c) An individual who takes a predator under Subsection ~~[(2)]~~ (1)(a) or ~~[(5)]~~ (4) may acquire and use a limited entry permit or harvest objective permit in the same year.

(d) Notwithstanding Subsections ~~[(6)]~~ (5)(b) and (c), a person may retain no more than one predator carcass annually.

~~[(7)]~~ (6) Money derived from the sale of a predator taken under this section shall be deposited into the Wildlife Resources Account created in Section ~~[23-14-13]~~ 23A-3-201.

~~[(8)]~~ (7) Nothing in this section prohibits the division from permitting the removal of a bear causing damage to cultivated crops on cleared and planted land pursuant to rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(9)]~~ (8) Nothing in this section prohibits receiving compensation for livestock damage done by a bear, mountain lion, wolf, or eagle in accordance with Section ~~[23-24-1]~~ 23A-8-201.

Section 177. Section **23A-8-203**, which is renumbered from Section 23-18-4 is renumbered and amended to read:

~~[23-18-4].~~ **23A-8-203. Beaver damage -- Authorization to kill or trap.**

~~[Whenever]~~ (1) When it is apparent that beaver are doing damage to, or are a menace to, private property, ~~[any]~~ a landowner or tenant may request authorization to kill or trap the beaver ~~[so involved, and the Wildlife Board is empowered to].~~

(2) The Wildlife Board may grant [such] authorization described in Subsection (1) under conditions prescribed by [it] the Wildlife Board.

Section 178. Section **23A-8-301**, which is renumbered from Section 23-17-4 is renumbered and amended to read:

Part 3. Damage by Birds

~~[23-17-4].~~ **23A-8-301. Crop damage by pheasants -- Notice to division -- Damages for destroyed crops -- Limitations -- Appraisal.**

~~[Whenever pheasants are damaging]~~

(1) When pheasants damage cultivated crops on cleared and planted land, the owner of ~~[such]~~ the cultivated crops shall immediately upon discovery of ~~[such]~~ the damage notify the

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~~[Division of Wildlife Resources. This notice shall be made]~~ division both orally and in writing.

(2) Upon being notified of ~~[such]~~ the damage to cultivated crops, the ~~[Division of Wildlife Resources]~~ division shall, as far as possible, control ~~[such]~~ the damage.

(3) When pheasants damage or destroy cultivated crops on cleared and planted land, the division may pay to the crop owner for the actual damage not to exceed \$200 yearly, if the owner notifies the division of the damage within 48 hours after the damage is discovered.

(4) Subject to Subsection (5), the crop owner and the division shall make an appraisal of the damage as soon after notification as possible. If the crop owner and the division are unable to agree on the fair and equitable damage, they shall call upon a third party, consisting of one or more persons acquainted with the crops concerned and pheasants, to appraise the damage.

(5) If a provision of this section conflicts with the requirements of the federal Pittman-Robertson Act or the regulations issued under that act, the provisions relating to damage claims are void.

Section 179. Section **23A-8-302**, which is renumbered from Section 23-17-5.1 is renumbered and amended to read:

~~[23-17-5.1].~~ **23A-8-302. Damage by turkeys.**

~~[(1) As used in this section, "turkey" means a wild, free-ranging turkey and does not include a privately owned or domestic turkey.]~~

~~[(2)]~~ (1) (a) If a turkey materially damages private property, the landowner or lessee of the property may:

- (i) notify the division of the damage; and
- (ii) request that the division take action to mitigate the damage.

(b) The landowner or lessee of the damaged property shall allow division staff reasonable access to the damaged property to verify and mitigate the damage.

~~[(3)]~~ (2) (a) Within 72 hours after receiving a request for action under Subsection ~~[(2)]~~ (1)(a)(ii), the division shall investigate the damaged property and, if it appears that material damage by a turkey may continue, the division shall begin to:

- (i) remove or drive off the turkeys causing the damage; or
- (ii) implement a damage mitigation and prevention plan with the written approval of the landowner or lessee of the property.

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(b) As part of a damage mitigation and prevention plan described in Subsection ~~[(3)]~~ (2)(a)(ii), the division may:

(i) schedule a depredation hunt;

(ii) issue a permit to the landowner or lessee to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;

(iii) allow the landowner or lessee to designate recipients who may obtain a mitigation permit to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;

(iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a turkey that causes damage to the property;

(v) capture and relocate, or allow the landowner or lessee to capture and relocate, a turkey that causes damage to the property; or

(vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable for the location of the property due to local law or public safety concerns.

(c) If the division takes an action described in Subsection ~~[(3)]~~ (2)(b)(ii) or (iii), the division shall specify the number and sex of turkeys the landowner or lessee is authorized to take in accordance with Subsection ~~[(3)]~~ (2)(b)(ii) or (iii).

(d) If a landowner or lessee takes a turkey under Subsection ~~[(3)]~~ (2)(b)(ii), the division and the landowner or lessee shall jointly determine the number of turkeys the landowner or lessee may retain.

~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules necessary to administer ~~[the provisions of]~~ this section.

Section 180. Section **23A-8-401**, which is renumbered from Section 23-16-2 is renumbered and amended to read:

Part 4. Damage by Big Game

~~[23-16-2].~~ **23A-8-401. Removal of big game animals doing damage.**

The director ~~[of the division of Wildlife Resources]~~ may authorize the removal of big game animals when ~~[they]~~ the big game animals are doing actual damage. ~~[Animals so removed shall be sold or otherwise disposed of by the Division of Wildlife Resources, and any]~~

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The division shall sell or otherwise dispose of a big game animal removed pursuant to this section and money derived from the sale of these big game animals shall be placed in the Wildlife Resources Account.

Section 181. Section **23A-8-402**, which is renumbered from Section 23-16-3 is renumbered and amended to read:

~~[23-16-3].~~ **23A-8-402. Damage to cultivated crops, livestock forage, fences, or irrigation equipment by big game animals -- Notice to division -- Depredation mitigation plan.**

(1) (a) If on private land big game animals damage cultivated crops, livestock forage, fences, or irrigation equipment, the landowner or lessee shall immediately, upon discovery of the damage, request that the division take action to alleviate the depredation problem.

(b) The landowner or lessee shall allow division personnel reasonable access to the property sustaining damage to verify and alleviate the depredation problem.

(2) (a) Within 72 hours after receiving the request for action under Subsection (1)(a), the division shall investigate the situation, and if it appears that depredation by big game animals may continue, the division shall:

(i) remove the big game animals causing depredation; or

(ii) implement a depredation mitigation plan that is approved, in writing, by the landowner or lessee.

(b) A depredation mitigation plan may provide for any or all of the following:

(i) the scheduling of a depredation hunt;

(ii) issuing permits to the landowners or lessees, to take big game animals causing depredation during a general or special season hunt authorized by the Wildlife Board;

(iii) allowing landowners or lessees to designate recipients who may obtain a mitigation permit to take big game animals on the landowner's or lessee's land during a general or special season hunt authorized by the Wildlife Board; or

(iv) a description of how the division will assess and compensate the landowner or lessee under Section ~~[23-16-4]~~ 23A-8-405 for damage to cultivated crops, fences, or irrigation equipment.

(c) (i) The division shall specify the number and sex of the big game animals that may be taken pursuant to Subsections (2)(b)(ii) and (iii).

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(ii) [~~Control efforts shall be directed~~] The division shall direct control efforts toward antlerless animals, if possible.

(d) [~~A~~] The director or the director's designee shall approve a permit issued for an antlered animal [~~shall be approved by the division director or the director's designee~~].

(e) The division and the landowner or lessee shall jointly determine the number of big game animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may retain possession.

(f) In determining appropriate remedial action under this Subsection (2), the division shall consider:

(i) the extent of damage experienced or expected in a single growing season; and

(ii) [~~any~~] revenue the landowner derives from:

(A) participation in a cooperative wildlife management unit;

(B) use of landowner association permits;

(C) use of mitigation permits; and

(D) charging for hunter access.

(3) [~~Any~~] A landowner or lessee shall determine a fee for accessing the owner's or lessee's land [~~shall be determined by the landowner or lessee~~].

(4) (a) If the landowner or lessee who approved the depredation mitigation plan under Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the landowner or lessee may revoke the landowner's or lessee's approval of the plan and again request that the division take action pursuant to Subsection (2)(a)(i).

(b) [~~A~~] The division shall consider a subsequent request for action provided under Subsection (4)(a) [~~shall be considered~~] to be a new request for purposes of the 72-hour time limit specified in Subsection (2)(a).

(5) (a) The division may enter into a conservation lease with the owner or lessee of private lands for a fee or other remuneration as compensation for depredation.

(b) [~~Any~~] A conservation lease entered into under this section shall provide that the claimant may not unreasonably restrict hunting on the land or passage through the land to access public lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game animals.

Section 182. Section **23A-8-403**, which is renumbered from Section 23-16-3.1 is

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renumbered and amended to read:

~~[23-16-3.1]~~. **23A-8-403. Landowner or lessee may kill big game animals.**

(1) (a) A landowner or lessee may kill big game animals damaging ~~[those]~~ cultivated crops on private land if:

(i) it is necessary to protect cultivated crops;

(ii) 72 hours has expired since a request for action is given pursuant to Subsection ~~[23-16-3]~~ 23A-8-402(1)(a);

(iii) the landowner or lessee has provided or sent written notice of an intent to kill the big game animal to the nearest regional office of the division;

(iv) the landowner or lessee kills the big game animal within 90 days, or a longer period, if approved, in writing, by the division, after having requested that the division take action to prevent depredation under Subsection ~~[23-16-3]~~ 23A-8-402(1)(a); and

(v) the killing is not prohibited by Subsection (2)(a) or (3).

(b) Immediately after killing a big game animal under Subsection (1)(a), the landowner or lessee shall notify the division of the killing.

(c) The carcass of a big game animal killed under Subsection (1)(a) is the property of the division and the division shall dispose of the carcass.

(d) Money derived from the sale of big game animals killed shall be placed in the Wildlife Resources Account created in Section ~~[23-14-13]~~ 23A-3-201.

(e) A landowner or lessee who kills big game animals pursuant to this section shall:

(i) make reasonable effort to prevent the big game animals from wasting; and

(ii) provide the division reasonable access to the landowner's or lessee's land to retrieve and dispose of the big game animals.

(2) (a) The ~~[division]~~ director may prohibit the killing of big game animals under Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division take action to remove depredating big game animals, the division:

(i) determines that the restitution value of the big game animal or animals, as established under Section ~~[23-20-4.5]~~ 23A-5-312, is more than twice the estimated value of the cultivated crops that have been or will be damaged or consumed within a single growing season;

(ii) determines that the prohibition is consistent with the management plan established

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under Section ~~[23-16-7]~~ 23A-11-301;

- (iii) notifies the landowner or lessee of the prohibition; and
- (iv) offers the landowner or lessee a depredation mitigation plan.
- (b) A landowner or lessee who is offered a depredation mitigation plan may:
 - (i) accept the plan in writing; or
 - (ii) refuse to accept the plan and appeal the plan, in writing, to the ~~[division]~~ director.
- (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a),

the ~~[division]~~ director may prohibit ~~[any]~~ further killing of big game animals if:

- (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); or
- (b) the mitigation review panel reviews and approves the depredation mitigation plan.

Section 183. Section **23A-8-404**, which is renumbered from Section 23-16-3.2 is renumbered and amended to read:

~~[23-16-3.2].~~ **23A-8-404. Mitigation review panel.**

- (1) A mitigation review panel may be convened to review:
 - (a) a depredation mitigation plan; or
 - (b) division action under Section ~~[23-16-4]~~ 23A-8-405.
- (2) Membership of the mitigation review panel shall consist of:
 - (a) the ~~[division]~~ director or the director's designee;
 - (b) (i) the commissioner of the Department of Agriculture and Food or the commissioner's designee; or
 - (ii) a representative of agricultural interests appointed by the commissioner of the Department of Agriculture and Food; and
 - (c) a representative of Utah State University Extension Service appointed by the Vice President and Dean for University Extension.
- (3) (a) The ~~[division]~~ director shall convene a mitigation review panel if:
 - (i) a landowner or lessee appeals a depredation mitigation plan under Subsection ~~[23-16-3.1]~~ 23A-8-403(2)(b)(ii);
 - (ii) the ~~[division]~~ director requests review of a depredation mitigation plan; or
 - (iii) the division receives a petition of an aggrieved party to a final division action under Section ~~[23-16-4]~~ 23A-8-405.
- (b) Within five business days of an appeal under Subsection ~~[23-16-3.1]~~

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23A-8-403(2)(b)(ii) or a division request for review, the mitigation review panel shall review the depredation mitigation plan and approve or modify the plan.

(c) A mitigation review panel shall act on a petition described in Subsection (3)(a)(iii) in accordance with rules made by the Wildlife Board under Subsection [~~23-16-4~~]

23A-8-405(6).

(4) Judicial review of a mitigation review panel action under this section is governed by Title 63G, Chapter 4, Administrative Procedures Act.

Section 184. Section **23A-8-405**, which is renumbered from Section 23-16-4 is renumbered and amended to read:

~~[23-16-4]~~. **23A-8-405. Compensation for damage to crops, fences, or irrigation equipment -- Limitations -- Appeals.**

(1) The division may provide compensation to claimants for damage caused by big game animals to:

- (a) cultivated crops on private land;
- (b) fences on private land; or
- (c) irrigation equipment on private land.

(2) To be eligible to receive compensation as provided in this section, the claimant shall:

(a) notify the division of the damage within 72 hours after the damage is discovered; and

(b) allow division personnel reasonable access to the property to verify and alleviate the depredation problem.

(3) (a) The [~~appraisal of the damage shall be made by the~~] claimant and the division shall make an appraisal of the damage as soon after notification as possible.

(b) In determining damage payment, the division and claimant shall consider:

- (i) the extent of damage experienced; and
- (ii) [~~any~~] revenue the landowner derives from:
 - (A) participation in a cooperative wildlife management unit;
 - (B) use of landowner association permits;
 - (C) use of mitigation permits; and
 - (D) charging for hunter access.

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(c) The division and claimant may not include speculative damages or claims of future value in an appraisal or damage payment beyond the growing season when the damage occurred under this section.

(d) In determining how to assess and compensate for damages to cultivated crops, the ~~[division's determination shall be based]~~ division shall base the division's determination on the:

- (i) estimated number of big game animals that damaged or consumed cultivated crops;
- (ii) estimated quantity of cultivated crops damaged or consumed by big game animals;
- (iii) local market value of the cultivated crops that actually have been or will be damaged or consumed by big game animals;
- (iv) replacement value of an equivalent aged tree for perennial orchard trees; and
- (v) other documented costs directly incurred by the landowner or lessee because of damage to cultivated crops by big game animals.

(e) If the claimant and the division are unable to agree on a fair and equitable damage payment, the claimant and division shall designate a third party, consisting of one or more persons familiar with the crops, fences, or irrigation equipment and the type of big game animals doing the damage, to appraise the damage.

(4) (a) The total amount of compensation that may be provided by the division pursuant to this section and the total cost of fencing materials provided by the division to prevent crop damage may not exceed the legislative appropriation for fencing material and compensation for damaged crops, fences, and irrigation equipment.

(b) (i) A claim of \$1,000 or less may be paid after appraisal of the damage as provided in Subsection (3), unless the claim brings the total amount of claims submitted by the claimant in the fiscal year to an amount in excess of \$1,000.

(ii) A claim for damage to irrigation equipment may be paid after appraisal of the damage as provided in Subsection (3).

(c) (i) A claim in excess of \$1,000, or claim that brings the total amount of claims submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be treated as follows:

- (A) \$1,000 may be paid pursuant to the conditions of this section; and
- (B) the amount in excess of \$1,000 may not be paid until the total amount of the approved claims of all the claimants and expenses for fencing materials for the fiscal year are

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determined.

(ii) If the total exceeds the amount appropriated by the Legislature pursuant to Subsection (4)(a), claims in excess of \$1,000, or a claim that brings the total amount of a claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.

(5) The division may deny or limit compensation if the claimant:

(a) fails to exercise reasonable care and diligence to avoid the loss or minimize the damage;

(b) fails to provide the division reasonable access to the property;

(c) fails to allow the division to use reasonable mitigation tools to alleviate the damage;

(d) unreasonably restricts hunting on land under the claimant's control or passage through the land to access public lands for the purpose of hunting, after receiving written notification from the division of the necessity of allowing the hunting or access to control or mitigate damage by big game animals; or

(e) fails to provide supporting evidence of cultivated crop values and claimed costs to the division during the damage appraisal process.

(6) (a) The Wildlife Board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with Subsection (6)(d), specifying procedures for the appeal of division actions under this section.

(b) Upon the petition of an aggrieved party to a final division action, a mitigation review panel may review the action on the record and issue an order modifying or rescinding the division action.

(c) A mitigation review panel may appoint a third party designated under Subsection (3)(e) for purposes of taking evidence and making recommendations for an order of the mitigation review panel. The mitigation review panel shall consider the recommendations of the designated third party in making decisions.

(d) A mitigation review panel's review of final agency action and judicial review of final action by a mitigation review panel is governed by Title 63G, Chapter 4, Administrative Procedures Act.

Section 185. Section **23A-9-101** is enacted to read:

CHAPTER 9. AQUATIC WILDLIFE

Part 1. General Provisions

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23A-9-101. Definitions.

Reserved.

Section 186. Section **23A-9-201**, which is renumbered from Section 23-15-4 is renumbered and amended to read:

Part 2. Operations

~~[23-15-4].~~ **23A-9-201. Screens or other devices required -- Failure to install after notice a misdemeanor.**

~~[It is unlawful for any person, company or corporation to take any]~~

(1) A person may not take water from the state streams, lakes, or reservoirs for power purposes, or for waterworks, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering ~~[such]~~ the power plants, millraces, or waterworks system~~[; said]~~.

(2) A screen or other ~~[devices]~~ device is to be built and maintained under the direction of the ~~[board]~~ Wildlife Board and at the expense of ~~[said]~~ the owner or ~~[operators. The failure of any person, firm or corporation]~~ operator.

(3) A person who fails to install a screen or device within 30 days after the Wildlife Board gives notice in writing ~~[so to do has been given by the board is]~~ to install the screen or device is guilty of a class B misdemeanor.

Section 187. Section **23A-9-202**, which is renumbered from Section 23-15-5 is renumbered and amended to read:

~~[23-15-5].~~ **23A-9-202. Notice of intention to drain or divert waterway.**

(1) ~~[Any person, company or corporation]~~ A person owning or controlling ~~[any]~~ an irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into ~~[any]~~ a state waterway containing protected aquatic wildlife ~~[who shall desire]~~ shall provide the notice described in Subsection (2) if the person:

(a) desires to drain ~~[any such waterway, or who shall intend]~~ the waterway; or

(b) intends to divert sufficient water from ~~[any]~~ a state waterway endangering the protected aquatic wildlife ~~[therein;]~~ in the state waterway.

(2) If the conditions described in Subsection (1) are met, the person shall give five days' written notice to the ~~[Division of Wildlife Resources prior to]~~ division before the diversion except that under emergency conditions the person shall give reasonable notice ~~[shall~~

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be given].

Section 188. Section **23A-9-203**, which is renumbered from Section 23-15-10 is renumbered and amended to read:

~~[23-15-10].~~ **23A-9-203. Private fish pond.**

(1) A private fish pond is not required to obtain a certificate of registration from the division to receive fish from an aquaculture facility if:

(a) the pond is properly screened as provided in Subsection (3)(c); and

(b) the fish species being stocked is authorized by this chapter or rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) (a) Except as provided in Subsection (2)(b), a private fish pond or a short-term fishing event may not be developed or held on:

(i) a natural lake;

(ii) a natural flowing stream; or

(iii) a reservoir constructed on a natural stream channel.

(b) The division may authorize a private fish pond on a natural lake or reservoir constructed on a natural stream channel upon inspecting and determining:

(i) the pond and inlet source of the pond neither contain wild game fish nor are likely to support [~~such species~~] wild game fish in the future;

(ii) the pond and the pond's intended use will not jeopardize conservation of aquatic wildlife populations or lead to the privatization or commercialization of aquatic wildlife;

(iii) the pond is properly screened as provided in Subsection (3)(c) and otherwise in compliance with the requirements of this title, rules of the Wildlife Board, and applicable law; and

(iv) the pond is not vulnerable to flood or high water events capable of compromising the pond's inlet or outlet screens allowing escapement of privately owned fish into waters of the state.

(c) [~~Any~~] An authorization issued by the division under Subsection (2)(b) shall be in the form of a certificate of registration.

(3) A person who owns or operates a private fish pond may receive a fish from an aquaculture facility if:

(a) the aquaculture facility has a health approval number required by Section 4-37-501;

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(b) the species, strain, and reproductive capability of the fish is authorized by the Wildlife Board in accordance with Subsection (4) for stocking in the area where the private fish pond is located;

(c) the private fish pond is screened in accordance with the Wildlife Board's rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to prevent the fish from moving into or out of the private fish pond;

(d) the fish is not:

(i) released from the private fish pond; or

(ii) transported live to another location; and

(e) the person provides the aquaculture facility with a signed statement that the private fish pond is in compliance with this section.

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

(a) specify the screen requirements to prevent the movement of fish into or out of the private fish pond;

(b) specify the fish species that may not be stocked in a private fish pond located in the state;

(c) establish a location or region where a specified species, strain, and reproductive capability of fish may be stocked in a private fish pond; and

(d) specify procedures and requirements for authorizing development of a private fish pond, fee fishing facility, or aquaculture facility on a natural lake, natural flowing stream, or reservoir on a natural stream channel pursuant to Subsection (2) and Section 4-37-111.

(5) The division may inspect a private fish pond to verify compliance with this section and rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 189. Section **23A-9-204**, which is renumbered from Section 23-15-13 is renumbered and amended to read:

~~[23-15-13]~~. **23A-9-204. Operation of aquaculture and fee fishing facilities.**

A person may engage in the following activities as provided by Title 4, Chapter 37, Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and Food and Wildlife Board:

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- (1) acquisition, importation, or possession of aquatic animals intended for use in an aquaculture or fee fishing facility;
 - (2) transportation of aquatic animals to or from an aquaculture facility or to a fee fishing facility;
 - (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility;
- and
- (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing facility.

Section 190. Section **23A-9-301**, which is renumbered from Section 23-15-3 is renumbered and amended to read:

Part 3. Prohibitions

~~[23-15-3].~~ **23A-9-301. Diversion of water prohibited -- Exception for flood control.**

~~[Except in anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters, no person may,]~~

(1) Except as provided in Subsection (2), a person may not, without existing rights, divert so much water from [any] a natural stream, lake, pond, or natural lake or pond, the natural storage content of which has been increased by the construction of a dam, that the diversion unduly endangers protected aquatic wildlife.

(2) A person may divert waters in a manner that would otherwise violate Subsection (1) in anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters.

Section 191. Section **23A-9-302**, which is renumbered from Section 23-15-6 is renumbered and amended to read:

~~[23-15-6].~~ **23A-9-302. Pollution of waters unlawful.**

~~[It is unlawful for any person to pollute any waters deemed necessary by]~~

- (1) A person may not pollute waters:
- (a) the Wildlife Board considers necessary for wildlife purposes [or any waters]; or
 - (b) containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies (Ephemeroptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis flies (Trichoptera), spongilla flies (Neuroptera), and crustaceans. [Provided further that each]

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(2) Each day of pollution [~~shall constitute~~] constitutes a separate offense.

Section 192. Section **23A-9-303**, which is renumbered from Section 23-15-7 is renumbered and amended to read:

[23-15-7]. 23A-9-303. Taking protected aquatic wildlife or eggs unlawful except as authorized.

[~~It is unlawful for any person to take any~~] A person may not take protected aquatic wildlife or eggs of [~~same in any of~~] aquatic wildlife in the waters of this state, except as provided by this [~~code~~] title or the rules [~~and regulations~~] of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 193. Section **23A-9-304**, which is renumbered from Section 23-15-8 is renumbered and amended to read:

[23-15-8]. 23A-9-304. Seining or selling aquatic wildlife unlawful except as authorized.

[~~It is unlawful for any person to~~] Except as prescribed by this title or rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Procedures Act, a person may not seine;

- (1) for any kind of protected aquatic wildlife in [~~any of~~] the waters of this state; or
- (2) to sell protected aquatic wildlife [~~except as prescribed by this title or rules of the Wildlife Board~~].

Section 194. Section **23A-9-305**, which is renumbered from Section 23-15-9 is renumbered and amended to read:

[23-15-9]. 23A-9-305. Possession or transportation of live aquatic wildlife unlawful except as authorized -- Exceptions.

(1) [~~It is unlawful for any person to~~] A person may not possess or transport live protected aquatic wildlife except as provided by this [~~code~~] title or the rules [~~and regulations~~] of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) This section does not apply to tropical and goldfish species intended for exhibition or commercial purposes. [~~Operators~~]

(3) An operator of a properly registered private fish pond may transport live aquatic wildlife specified by the Wildlife Board in the operator's certificate of registration.

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Section 195. Section **23A-10-101**, which is renumbered from Section 23-27-102 is renumbered and amended to read:

CHAPTER 10. AQUATIC INVASIVE SPECIES INTERDICTION

Part 1. General Provisions

~~[23-27-102].~~ **23A-10-101. Definitions.**

As used in this chapter:

~~[(1) "Board" means the Wildlife Board.]~~

~~[(2)]~~ (1) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, a live well, or a bilge area.

~~[(3)]~~ (2) "Decontaminate" means to:

(a) drain and dry ~~[at]~~ non-treated water; and

(b) chemically or thermally treat in accordance with rule.

~~[(4) "Director" means the director of the division.]~~

~~[(5) "Division" means the Division of Wildlife Resources.]~~

~~[(6)]~~ (3) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel, and Conrad's false mussel.

~~[(7)]~~ (4) "Equipment" means an article, tool, implement, or device capable of carrying or containing:

(a) water; or

(b) a Dreissena mussel.

~~[(8) "Executive director" means the executive director of the Department of Natural Resources.]~~

~~[(9)]~~ (5) "Facility" means a structure that is located within or adjacent to a water body.

~~[(10)]~~ (6) "Infested water" means a geographic region, water body, facility, or water supply system within or outside the state that the ~~[board]~~ Wildlife Board identifies in rule as carrying or containing a Dreissena mussel.

~~[(11)]~~ (7) "Vessel" means the same as that term is defined in Section 73-18-2.

~~[(12)]~~ (8) "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

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~~[(13)]~~ (9) (a) "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, waste water treatment, or culinary use.

(b) "Water supply system" includes a pump, canal, ditch, or pipeline.

(c) "Water supply system" does not include a water body.

Section 196. Section **23A-10-201**, which is renumbered from Section 23-27-201 is renumbered and amended to read:

Part 2. Invasive Species Prohibited

~~[23-27-201]~~. **23A-10-201. Invasive species prohibited -- Administrative inspection authorized.**

(1) Except as authorized in this title or a ~~[board]~~ Wildlife Board rule or order, a person may not:

(a) possess, import, export, ship, or transport a Dreissena mussel;

(b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel in a water body, facility, or water supply system; or

(c) transport a conveyance or equipment that has been in an infested water within the previous 30 days without decontaminating the conveyance or equipment.

(2) ~~[A]~~ Except as provided in Subsection (3), a person who violates Subsection (1):

(a) is strictly liable;

(b) is guilty of an infraction; and

(c) shall reimburse the state for ~~[all]~~ the costs associated with detaining, quarantining, and decontaminating the conveyance or equipment.

(3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class A misdemeanor.

(4) A person may not proceed past or travel through an inspection station or administrative checkpoint, as described in Section ~~[23-27-301]~~ 23A-10-301, while transporting a conveyance during an inspection station's or administrative checkpoint's hours of operations without presenting the conveyance for inspection.

(5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

Section 197. Section **23A-10-202**, which is renumbered from Section 23-27-202 is renumbered and amended to read:

~~[23-27-202]~~. **23A-10-202. Reporting of invasive species required.**

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(1) A person who discovers a Dreissena mussel within this state or has reason to believe a Dreissena mussel may exist at a specific location shall immediately report the discovery to the division.

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

Section 198. Section **23A-10-301**, which is renumbered from Section 23-27-301 is renumbered and amended to read:

Part 3. Enforcement

~~[23-27-301]~~. **23A-10-301**. Division's power to prevent invasive species infestation.

To eradicate and prevent the infestation of a Dreissena mussel, the division may:

- (1) (a) establish inspection stations located at or along:
 - (i) highways, as defined in Section 72-1-102;
 - (ii) ports of entry, if the Department of Transportation authorizes the division to use the port of entry; and
 - (iii) publicly accessible:
 - (A) boat ramps; and
 - (B) conveyance launch sites; and
 - (b) temporarily stop, detain, and inspect a conveyance or equipment that:
 - (i) the division reasonably believes is in violation of Section ~~[23-27-201]~~ 23A-10-201;
 - (ii) the division reasonably believes is in violation of Section ~~[23-27-306]~~ 23A-10-305;
 - (iii) is stopped at an inspection station; or
 - (iv) is stopped at an administrative checkpoint;
- (2) conduct an administrative checkpoint in accordance with Section 77-23-104;
- (3) detain and quarantine a conveyance or equipment as provided in Section ~~[23-27-302]~~ 23A-10-302;
- (4) order a person to decontaminate a conveyance or equipment; and
- (5) inspect the following that may contain a Dreissena mussel:
 - (a) a water body;
 - (b) a facility; and
 - (c) a water supply system.

Section 199. Section **23A-10-302**, which is renumbered from Section 23-27-302 is

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renumbered and amended to read:

~~[23-27-302].~~ **23A-10-302.** **Conveyance or equipment detainment or quarantine.**

(1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a conveyance or equipment if:

(a) the division, agent, or peace officer:

(i) finds the conveyance or equipment contains a *Dreissena* mussel; or

(ii) reasonably believes that the person transporting the conveyance or equipment is in violation of Section ~~[23-27-201]~~ 23A-10-201; or

(b) the person transporting the conveyance or equipment refuses to submit to an inspection authorized by Section ~~[23-27-301]~~ 23A-10-301.

(2) The detainment or quarantine authorized by Subsection (1) may continue for:

(a) up to five days; or

(b) the period of time necessary to:

(i) decontaminate the conveyance or equipment; and

(ii) ensure that a *Dreissena* mussel is not living on or in the conveyance or equipment.

Section 200. Section **23A-10-303**, which is renumbered from Section 23-27-303 is renumbered and amended to read:

~~[23-27-303].~~ **23A-10-303.** **Closing a water body, facility, or water supply system.**

(1) Except as provided by Subsection (6), if the division detects or suspects a *Dreissena* mussel is present in a water body, a facility, or a water supply system, the director or the director's designee may, with the concurrence of the executive director, order:

(a) the water body, facility, or water supply system closed to a conveyance or equipment;

(b) restricted access by a conveyance or equipment to a water body, facility, or water supply system; or

(c) a conveyance or equipment that is removed from or introduced to the water body, facility, or water supply system to be inspected, quarantined, or decontaminated in a manner and for a duration necessary to detect and prevent the infestation of a *Dreissena* mussel.

(2) If a closure authorized by Subsection (1) lasts longer than seven days, the division

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shall:

(a) provide a written update to the operator of the water body, facility, or water supply system every 10 days on the division's effort to address the Dreissena infestation; and

(b) post the update on the division's website.

(3) (a) The [~~board~~] Wildlife Board shall develop procedures to ensure proper notification of a state, federal, or local agency that is affected by a Dreissena mussel infestation.

(b) The notification shall include:

(i) the reasons for the closure, quarantine, or restriction; and

(ii) methods for providing updated information to the agency.

(4) When deciding the scope, duration, level, and type of restriction or a quarantine or closure location, the director shall consult with the person with the jurisdiction, control, or management responsibility over the water body, facility, or water supply system to avoid or minimize disruption of economic and recreational activity.

(5) (a) A person that operates a water supply system shall cooperate with the division to implement a measure to:

(i) avoid infestation by a Dreissena mussel; and

(ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply system.

(b) (i) If a Dreissena mussel is detected, the water supply system's operator, in cooperation with the division, shall prepare and implement a plan to control or eradicate a Dreissena mussel within the water supply system.

(ii) A plan required by Subsection (5)(b)(i) shall include a:

(A) method for determining the scope and extent of the infestation;

(B) method to control or eradicate the Dreissena mussel;

(C) method to decontaminate the water supply system containing the Dreissena mussel;

(D) systematic monitoring program to determine a change in the infestation; and

(E) requirement to update or revise the plan in conformity with a scientific advance in the method of controlling or eradicating a Dreissena mussel.

(6) (a) The division may not close or quarantine a water supply system if the operator has prepared and implemented a plan to control or eradicate a Dreissena mussel in accordance

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with Subsection (5).

(b) (i) The division may require the operator to update a plan.

(ii) If the operator fails to update or revise a plan, the division may close or quarantine the water supply system in accordance with this section.

Section 201. Section **23A-10-304**, which is renumbered from Section 23-27-304 is renumbered and amended to read:

~~[23-27-304].~~ **23A-10-304. Aquatic invasive species fee.**

(1) (a) Except as provided in Subsection (1)(b), there is imposed an annual nonresident aquatic invasive species fee of \$20 on ~~[each vessel in order]~~ a vessel to launch or operate a vessel in waters of this state if:

(i) the vessel is owned by a nonresident; and

(ii) the vessel would otherwise be subject to registration requirements under Section 73-18-7 if the vessel were owned by a resident of this state.

(b) ~~[The provisions of]~~ Subsection (1)(a) ~~[do]~~ does not apply if the vessel is owned and operated by a state or federal government agency and the vessel is used within the course and scope of the duties of the agency.

(c) The division shall administer and collect the fee described in Subsection (1)(a), and the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in Section ~~[23-27-305]~~ 23A-3-211.

(2) Before launching a vessel on the waters of this state, a nonresident shall pay the aquatic invasive species fee as described in Subsection (1), and the vessel owner shall successfully complete an aquatic invasive species education course offered by the division.

(3) (a) The division shall study options and ~~[feasibility]~~ feasibility of implementing an automated system capable of scanning, photographing, and providing real-time information regarding a conveyance's or equipment's last:

(i) ~~[last]~~ entry into a body of water; and

(ii) ~~[last]~~ decontamination.

(b) The study described in Subsection (3)(a) shall evaluate the system's capability of:

(i) operation with or without the use or supervision of personnel;

(ii) operation 24 hours per day;

(iii) capturing a state assigned number on a vessel or conveyance as described in

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Section 73-18-6;

(iv) preserving photographic evidence of:

(A) a conveyance's state assigned bow number;

(B) a conveyance's or equipment's entry into a body of water, including the global positioning system location of where the conveyance is photographed; and

(C) decontamination of the conveyance or equipment;

(v) identifying a conveyance or equipment not owned by a resident that is entering a body of water in this state; and

(vi) collecting the fee described in Subsection (1).

~~[(c) The division shall present a report of the study and findings described in Subsections (3)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim Committee before November 30, 2020.]~~

~~[(d)]~~ (c) Based on the findings of the study described in this Subsection (3), the division shall implement a pilot program to provide the services described in this Subsection (3) on or before May 1, 2021.

(4) The ~~[board]~~ Wildlife Board may increase fees assessed under Subsection (1), so long as:

(a) the fee for nonresidents described in Subsection (1) is no less than the resident fee described in Section 73-18-26; and

(b) the fee is confirmed in the legislative fee schedule.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[board]~~ Wildlife Board may make rules establishing procedures for:

(a) proof of payment and other methods of verifying compliance with this section;

(b) special requirements applicable on interstate water bodies in this state; and

(c) other provisions necessary for the administration of the program.

Section 202. Section **23A-10-305**, which is renumbered from Section 23-27-306 is renumbered and amended to read:

~~[23-27-306].~~ **23A-10-305. Removal of drain plug or similar device during transport.**

(1) Before transporting a conveyance on a highway, as defined in Section 72-1-102, in the state, a person shall:

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(a) remove the plugs and similar devices that prevent drainage of raw water systems on the conveyance; and

(b) to the extent feasible, drain ~~and~~ the water from live wells, bilges, ballast tanks, or similar compartments on the conveyance.

(2) A person who fails to comply with Subsection (1) is guilty of a class C misdemeanor.

Section 203. Section **23A-10-401**, which is renumbered from Section 23-27-401 is renumbered and amended to read:

Part 4. Administration

~~[23-27-401].~~ **23A-10-401. Rulemaking authority.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the ~~[board]~~ Wildlife Board may make rules that:

(1) establish the procedures and requirements for decontaminating a conveyance or equipment to prevent the introduction and infestation of a Dreissena mussel;

(2) establish the requirements necessary to provide proof that a conveyance or equipment is decontaminated;

(3) establish the notification procedures required in Section ~~[23-27-303]~~ 23A-10-303;

(4) identify the geographic area, water body, facility, or water supply system that is infested by Dreissena mussels;

(5) establish a procedure and protocol in cooperation with the Department of Transportation for stopping, inspecting, detaining, and decontaminating a conveyance or equipment at a port-of-entry in accordance with Section ~~[23-27-301]~~ 23A-10-301; and

(6) are necessary to administer and enforce ~~[the provisions of]~~ this chapter.

Section 204. Section **23A-10-501**, which is renumbered from Section 23-27-501 is renumbered and amended to read:

Part 5. Statewide Aquatic Invasive Species Emergency Response Plan

~~[23-27-501].~~ **23A-10-501. Aquatic invasive species emergency response plan.**

(1) As used in this section:

(a) "Committee" means the Natural Resources, Agriculture, and Environment Interim Committee.

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(b) "Emergency response plan" means the statewide aquatic invasive species emergency response plan developed by the division in accordance with this part.

(2) The division shall develop a statewide aquatic invasive species emergency response plan to address the potential spread of aquatic invasive species throughout the state.

(3) In developing the emergency response plan, the division shall coordinate with public and private entities that may be necessary or helpful to remediating the potential spread of aquatic invasive species throughout the state.

(4) The emergency response plan shall:

(a) designate the division as the entity that [~~will coordinate~~] coordinates the implementation of the emergency response plan;

(b) provide for annual review of the emergency response plan by the division;

(c) provide that the emergency response plan may only be implemented if the division detects aquatic invasive species, including Dreissena mussels, at a water body, facility, or water supply system within the state; and

(d) define what constitutes a detection of aquatic invasive species at a water body, facility, or water supply system.

~~[(5) On or before August 1, 2021, the division shall submit to the committee the following:]~~

~~[(a) the emergency response plan;]~~

~~[(b) proposed legislation that may be necessary to effectuate the emergency response plan or to increase the effectiveness of the emergency response plan; and]~~

~~[(c) an analysis and estimate of the cost to implement the emergency response plan.]~~

~~[(6) After receiving the items described in Subsection (5), the committee may:]~~

~~[(a) recommend to the Legislature that the plan be implemented;]~~

~~[(b) return the plan to the division for further study and evaluation;]~~

~~[(c) draft legislation proposed or requested by the division; or]~~

~~[(d) take action to further the funding of the emergency response plan.]~~

~~[(7)]~~ (5) If an event requires the implementation of the emergency response plan, the division shall report on that event and the implementation of the emergency response plan to the committee.

Section 205. Section **23A-11-101**, which is renumbered from Section 23-16-1.1 is

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renumbered and amended to read:

CHAPTER 11. BIG GAME

Part 1. General Provisions

~~[23-16-1.1].~~ **23A-11-101. Definitions.**

As used in this chapter:

~~[(1) "72 hours" means a time period that begins with the hour a request for action is made pursuant to Section 23-16-3 and ends 72 hours later with the exclusion of any hour that occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section 63G-1-301.]~~

(1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn, and bison.

(2) "Cultivated crops" means:

- (a) annual or perennial crops harvested from or on cleared and planted land;
- (b) perennial orchard trees on cleared and planted land;
- (c) crop residues that have forage value for livestock; and
- (d) pastures.

~~[(3) "Depredation mitigation plan" means the plan described in Subsection 23-16-3(2).]~~

~~[(4) "Growing season" means the portion of a year in which local conditions permit normal plant growth.]~~

~~[(5)]~~ (3) "Management unit" means a prescribed area of contiguous land designated by the division for the purpose of managing a species of big game animal.

(4) "Predator" means a cougar, bear, or coyote.

~~[(6) "Mitigation review panel" means the panel created under Section 23-16-3.2.]~~

Section 206. Section **23A-11-201**, which is renumbered from Section 23-16-5 is renumbered and amended to read:

Part 2. Limits on Hunting

~~[23-16-5].~~ **23A-11-201. Limit of one of species of big game during license year -- Invalid and forfeited permit or tag.**

(1) A person may take only one of ~~[any]~~ a species of big game during a license year, regardless of how many licenses or permits the person obtains, except as otherwise provided by this title or ~~[proclamations]~~ a proclamation of the Wildlife Board.

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(2) (a) If a person kills a big game animal in violation of this title, while attempting to exercise the benefits of a big game permit or big game tag, the big game permit or big game tag is invalid and the person shall forfeit the big game permit or big game tag to the division.

(b) This Subsection (2) does not apply if:

(i) a citation is issued for a rule violation described in Subsection (2)(a); or

(ii) a warning citation for a violation described in Subsection (2)(a) is issued.

(3) The division may grant a season extension to a valid, unfilled big game permit opportunity that was invalidated and forfeited under Subsection (2) if:

(a) the criminal charges associated with the big game permit forfeiture are dismissed, with prejudice, by action of the prosecutor or court, or acquittal of the charges at trial;

(b) the person issued the big game permit that is forfeited requests the division in writing within 60 days of a final action dismissing or acquitting that person of the criminal charges that led to the big game permit forfeiture;

(c) the season extension is granted for the same species and sex, hunt unit, and season dates associated with the forfeited big game permit, as established by the Wildlife Board in the hunt year of the extension; and

(d) the extension occurs in the first season immediately following dismissal of or acquittal on the criminal charges described in Subsection (3)(a).

Section 207. Section **23A-11-202**, which is renumbered from Section 23-16-6 is renumbered and amended to read:

~~[23-16-6]~~. **23A-11-202**. **Commencement date of general rifle deer season.**

The general rifle deer season may not commence each year before October 1.

Section 208. Section **23A-11-203**, which is renumbered from Section 23-16-11 is renumbered and amended to read:

~~[23-16-11]~~. **23A-11-203**. **Big game baiting prohibited.**

(1) As used in this section:

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

(ii) "Bait" does not include:

(A) the use of salt, mineral blocks, or other commonly used types of livestock supplements placed in the field by agricultural producers for normal agricultural purposes; or

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

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

(2) Unless authorized by a certificate of registration, ~~[it is unlawful to]~~ a person may not:

(a) bait big game;

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

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

(3) The division may only issue a certificate of registration to allow for the baiting of big game if the division determines that baiting is necessary to:

(a) alleviate substantial big game depredation on cultivated crops ~~[or to]; or~~

(b) facilitate the removal of deer causing property damage within cities or towns.

Section 209. Section **23A-11-204**, which is renumbered from Section 23-20-33 is renumbered and amended to read:

~~[23-20-33].~~ **23A-11-204. Limitation on compensating people to locate big game animals.**

(1) As used in this section:

(a) "Compensate" or "compensated" means anything of value in excess of \$25 that is paid, loaned, given, granted, donated, or transferred to a person for or in consideration of locating or monitoring the location of big game animals.

(b) "Retain" or "retained" means a written or oral agreement for the delivery of outfitting services or hunting guide services between an outfitter or hunting guide and the recipient of those services.

(2) Except as provided in Subsections (3) and (4), a person may not compensate another person to locate or monitor the location of big game animals on public land in connection with or furtherance of taking a big game animal under this title.

(3) A person may compensate a registered outfitter or hunting guide ~~[, as defined in Section 58-79-102,]~~ to help the person locate and take a big game animal on public land if:

(a) the outfitter or hunting guide is registered and in good standing under Title 58,

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Chapter 79, Hunting Guides and Outfitters Registration Act;

(b) the person has retained the outfitter or hunting guide and is the recipient of the outfitting services and hunting guide services, as defined in Section 58-79-102;

(c) the person possesses the licenses and permits required to take a big game animal;

(d) the person retains and uses not more than one outfitter or hunting guide in connection with taking a big game animal; and

(e) the retained outfitter or hunting guide uses no more than one compensated individual in locating or monitoring the location of big game animals on public land.

(4) A registered outfitter or registered hunting guide in good standing may compensate another person to locate or monitor the location of big game animals on public land if:

(a) the outfitter or hunting guide has been retained by the recipient of the outfitting services or hunting guide services to assist the recipient take a big game animal on public land;

(b) the recipient possesses the licenses and permits required to take a big game animal;

(c) the recipient is not simultaneously using another outfitter or hunting guide to assist in taking the same species and sex of big game animal; and

(d) the outfitter or hunting guide compensates not more than one other individual to locate or monitor the location of big game animals in connection with assisting the recipient take a big game animal on public land.

(5) A violation of:

(a) this section constitutes an unlawful take under Section [~~23-20-3~~] 23A-5-309; and

(b) Subsection (4) constitutes unlawful conduct under Sections 58-1-501, 58-1-502, and 58-79-501.

Section 210. Section **23A-11-205**, which is renumbered from Section 23-20-31 is renumbered and amended to read:

~~[23-20-31]~~. **23A-11-205**. **Requirement to wear hunter orange -- Exceptions.**

(1) As used in this section:

(a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle, except as provided in Subsection (1)(a)(ii).

(ii) "Centerfire rifle hunt" does not include:

(A) a bighorn sheep hunt;

(B) a mountain goat hunt;

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- (C) a bison hunt;
- (D) a moose hunt;
- (E) a hunt requiring the hunter to possess a statewide conservation permit; or
- (F) a hunt requiring the hunter to possess a statewide sportsman permit.
- (b) "Statewide conservation permit" means a permit:
 - (i) issued by the division;
 - (ii) distributed through a nonprofit organization founded for the purpose of promoting wildlife conservation; and
 - (iii) valid:
 - (A) on open hunting units statewide; and
 - (B) for the species of big game and time period designated by the Wildlife Board.
 - (c) "Statewide sportsman permit" means a permit:
 - (i) issued by the division through a public draw; and
 - (ii) valid:
 - (A) on open hunting units statewide; and
 - (B) for the species of big game and time period designated by the Wildlife Board.
- (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material while hunting [~~any~~] a species of big game, except as provided in Subsection (3).
 - (b) [~~Hunter~~] A person shall wear hunter orange material [~~shall be worn~~] on the head, chest, and back.
 - (3) A person is not required to wear the hunter orange material described in Subsection (2):
 - (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in the same area:
 - (i) archery;
 - (ii) muzzle-loader;
 - (iii) mountain goat;
 - (iv) bighorn sheep;
 - (v) bison; or
 - (vi) moose; or
 - (b) as provided by a rule of the Wildlife Board made in accordance with Title 63G,

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Chapter 3, Utah Administrative Rulemaking Act.

Section 211. Section **23A-11-301**, which is renumbered from Section 23-16-7 is renumbered and amended to read:

Part 3. Management

~~[23-16-7].~~ **23A-11-301. Deer and elk management plans -- Division to confer with others -- Target herd size objectives -- Reports.**

(1) The ~~[Division of Wildlife Resources]~~ division shall:

- (a) prepare a management plan for each deer and elk herd unit in the state; and
- (b) submit the plans to the Wildlife Board for ~~[their]~~ the Wildlife Board's approval.

(2) Upon approval of a plan by the Wildlife Board, the division shall manage the herd unit ~~[shall be managed]~~ in accordance with the management plan.

(3) In preparing ~~[the plans]~~ a management plan, the division shall confer with federal and state land managers, private landowners, sportsmen, and ranchers.

(4) (a) ~~[Each]~~ A management plan shall establish target herd size objectives.

(b) In establishing target herd size objectives, the division and ~~[board]~~ Wildlife Board shall among other factors:

(i) consider available information on each unit's range carrying capacity and ownership; and

(ii) seek to balance relevant multiple uses for the range.

(5) Until a management plan for a herd unit is prepared in accordance with this section and approved by the ~~[board]~~ Wildlife Board, the division shall manage the herd unit ~~[shall be managed]~~ to maintain the herd size as range conditions and available data dictate.

~~[(6)(a) Management plans shall be prepared by the division and approved by the board by the following dates:]~~

~~[(i) May 1, 1994 for elk; and]~~

~~[(ii) May 1, 1996 for deer.]~~

~~[(b) The division shall make:]~~

~~[(i) an annual progress report on the management plans to the Energy, Natural Resources and Agriculture Interim Committee until the plans are completed; and]~~

~~[(ii) a final report to the committee:]~~

~~[(A) at the committee's May 1994 meeting for elk; and]~~

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~~[(B) at the committee's May 1996 meeting for deer.]~~

~~[(7) The management plans may be revised as the division or board determines necessary. Any]~~

(6) The division or Wildlife Board may revise a management plan as the division or Wildlife Board determines necessary. A revised plan shall be prepared in accordance with Subsections (3) and (4).

Section 212. Section **23A-11-302**, which is renumbered from Section 23-16-10 is renumbered and amended to read:

~~[23-16-10].~~ **23A-11-302. Big game protection -- Director authority.**

(1) It is the policy of the state that big game animals are of great importance to the citizens of the state, the citizen's quality of life, and the long term sustainability of the herds for future generations.

~~[(2) As used in this section:]~~

~~[(a) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn, and bison.]~~

~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

~~[(c) "Management unit" means a prescribed area of contiguous land designated by the Division of Wildlife Resources for the purpose of managing a species of big game animal.]~~

~~[(d) "Predator" means a cougar, bear, and coyote.]~~

~~[(3)]~~ (2) (a) Unless the condition described in Subsection ~~[(3)]~~ (2)(b) is determined, the director shall take immediate action to reduce the number of predators within a management unit when the big game population is under the established herd size objective for that management unit.

(b) Subsection ~~[(3)]~~ (2)(a) does not apply if the ~~[Division of Wildlife Resources]~~ division determines that predators are not significantly contributing to the big game population being under the herd size objective for the management unit.

~~[(4)]~~ (3) Immediate action under Subsection ~~[(3)]~~ (2) includes any of the following management tools:

(a) increasing take permits or tags for cougar and bear until the herd size objective is met;

(b) allowing big game hunters to harvest predators with the appropriate permit during a

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big game hunting season, including issuing over-the-counter predator permits;

(c) professional trapping and predator control by the United States Department of Agriculture Wildlife Services, private contracts, and the general public, including aerial control measures; and

(d) other management tools as determined by the director.

~~[(5)]~~ (4) The director shall annually give a status report on predator control measures implemented pursuant to this chapter and Chapter 8, Part 4, Damage by Big Game, to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and Natural Resources, Agriculture, and Environment Interim Committee.

Section 213. Section **23A-11-401**, which is renumbered from Section 23-30-102 is renumbered and amended to read:

Part 4. Mule Deer Protection

~~[23-30-102].~~ **23A-11-401. Definitions.**

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

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

(2) ~~["Predatory"]~~ Notwithstanding Section 23A-8-101, "predatory animal" means a coyote.

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

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

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

Section 214. Section **23A-11-402**, which is renumbered from Section 23-30-104 is renumbered and amended to read:

~~[23-30-104].~~ **23A-11-402. Rulemaking authority, coordination, and administration for predator control.**

(1) The ~~[division]~~ Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish programs to accomplish targeted predator control or general predator control, including programs that offer incentives or compensation to participants who remove a predatory animal that is detrimental to mule deer

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production.

(2) The division shall:

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

(b) coordinate with federal, state, and local governments, and private persons to accomplish the purposes of this [~~chapter~~] part; and

(c) coordinate with the Department of Agriculture and Food and the Agriculture and Wildlife Damage Prevention Board created in Section 4-23-104 to:

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

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

(3) The division may:

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

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

Section 215. Section **23A-12-101** is enacted to read:

CHAPTER 12. BIRDS IN GENERAL

Part 1. General Provisions

23A-12-101. Definitions.

Reserved.

Section 216. Section **23A-12-201**, which is renumbered from Section 23-17-5.2 is renumbered and amended to read:

Part 2. Hunting of Birds

[23-17-5.2]. 23A-12-201. General season turkey hunts.

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

Section 217. Section **23A-12-202**, which is renumbered from Section 23-17-6 is renumbered and amended to read:

[23-17-6]. 23A-12-202. Commercial hunting area -- Registration --

Requirements for hunters.

(1) (a) A person desiring to operate a commercial hunting area within the state to permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for authorization to do so.

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(b) The Wildlife Board may issue the applicant a certificate of registration to operate a commercial hunting area in accordance with rules prescribed by the ~~[board]~~ Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(c) The Wildlife Board may determine the number of commercial hunting areas that may be established in each county of the state.

(2) (a) A certificate of registration issued under Subsection (1) shall specify the species of birds that the applicant may propagate, keep, and release for shooting on the area covered by the certificate of registration.

(b) The applicant may charge a fee for harvesting the birds specified under Subsection (2)(a).

(3) (a) A person hunting within the state on a commercial hunting area shall:

(i) (A) possess proof of passing a division-approved hunter education course, if the person was born after December 31, 1965; or

(B) possess a trial hunting authorization issued under Section ~~[23-19-14.6]~~ 23A-4-701;

(ii) comply with the accompaniment requirements of Sections ~~[23-19-14.6 and 23-20-20]~~ 23A-4-701 and 23A-4-708, if applicable; and

(iii) have the permission of the owner or operator of the commercial hunting area.

(b) The operator of a commercial hunting area shall verify that each hunter on the commercial hunting area meets the requirements of Subsection (3)(a)(i).

(4) Hunting on commercial hunting areas is permitted only during the commercial hunting area season prescribed by the Wildlife Board.

Section 218. Section **23A-12-203**, which is renumbered from Section 23-17-7 is renumbered and amended to read:

~~[23-17-7].~~ **23A-12-203. Falconry authorized.**

The Wildlife Board may authorize the practice of falconry within the state ~~[of Utah]~~ and the capturing and keeping in possession of birds to be used in the practice of falconry under rules ~~[and regulations specified by it]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 219. Section **23A-12-204**, which is renumbered from Section 23-17-8 is renumbered and amended to read:

~~[23-17-8].~~ **23A-12-204. Dog field meets.**

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(1) ~~[It is lawful within the state to hold dog field meets or trials]~~ Subject to Subsection (2), a person may hold within the state a dog field meet or trial where dogs are permitted to work in exhibition or contest where the skill of dogs is demonstrated by locating or retrieving birds ~~[which]~~ that have been obtained from a legal source.

(2) Before ~~[any]~~ a meet or trial is held, ~~[application shall be made]~~ a person shall apply in writing to the ~~[Division of Wildlife Resources]~~ division, which may authorize the meet or trial under rules ~~[and regulations promulgated]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 220. Section **23A-12-205**, which is renumbered from Section 23-17-9 is renumbered and amended to read:

~~[23-17-9].~~ **23A-12-205. Training of dogs -- Use of protected or privately owned wildlife.**

The Wildlife Board may authorize the use of protected wildlife or privately owned wildlife for the training of dogs within the state ~~[of Utah]~~ under rules ~~[and regulations it may promulgate]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 221. Section **23A-12-301**, which is renumbered from Section 23-32-102 is renumbered and amended to read:

Part 3. Waterfowl Management Areas Act

~~[23-32-102].~~ **23A-12-301. Definitions.**

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

(2) (a) As used in this ~~[chapter]~~ part, "waterfowl management area" means real property owned or managed by the ~~[Division of Wildlife Resources]~~ division that is:

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

(ii) designated as a waterfowl management area by the Wildlife Board in accordance with Section ~~[23-32-104]~~ 23A-12-303.

(b) "Waterfowl management area" includes the Willard Spur Waterfowl Management Area and the Harold Crane Waterfowl Management Area described in Section ~~[23-21-5]~~ 23A-6-403.

Section 222. Section **23A-12-302**, which is renumbered from Section 23-32-103 is

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renumbered and amended to read:

~~[23-32-103].~~ **23A-12-302. Prohibited activities.**

(1) A commercial hunting guide or outfitter may not use a waterfowl management area for any of the following, unless the commercial hunting guide or outfitter has an annual permit, issued by the Wildlife Board pursuant to this ~~[chapter]~~ part, for the use:

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

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

Section 223. Section **23A-12-303**, which is renumbered from Section 23-32-104 is renumbered and amended to read:

~~[23-32-104].~~ **23A-12-303. Rulemaking -- Notice.**

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

- (a) designating and establishing the boundaries of a waterfowl management area;
- (b) governing the management and use of a waterfowl management area in accordance with ~~[the provisions of this chapter]~~ this part; and

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

(2) The annual permit process described in Subsection (1)(c) shall:

- (a) preserve the opportunity for non-guided hunters to use waterfowl management areas; and

(b) require a permit holder to comply with safety standards established by the Wildlife Board.

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

(4) The Wildlife Board shall publish a map of the boundaries of each waterfowl management area.

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(5) Nothing in this ~~[chapter]~~ part modifies or limits:

(a) ~~[the provisions of Section 23-21-5]~~ Section 23A-6-403, or the discretion of the division to manage waterfowl management areas for other beneficial purposes, including for the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

(b) the authority of the division, the director ~~[of the division]~~, or the Wildlife Board under ~~[Title 23, Chapter 21]~~ Chapter 6, Lands and Waters for Wildlife Purposes.

Section 224. Section **23A-13-101**, which is renumbered from Section 23-28-102 is renumbered and amended to read:

CHAPTER 13. MIGRATORY BIRD PRODUCTION AREA

Part 1. General Provisions

~~[23-28-102].~~ **23A-13-101. Definitions.**

As used in this chapter:

(1) "Migratory bird" ~~[is as]~~ means the same as that term is defined in 16 U.S.C. Sec. 715j.

(2) "Migratory bird production area" means an area of land that is:

(a) created under this chapter; and

(b) used according to the description in Subsections ~~[23-28-201]~~ 23A-13-201(1)(b)(iii)(A) [through] and (B).

Section 225. Section **23A-13-201**, which is renumbered from Section 23-28-201 is renumbered and amended to read:

Part 2. Migratory Bird Production Area

~~[23-28-201].~~ **23A-13-201. Creation of a migratory bird production area.**

(1) (a) On or before July 1, 2022, an owner or owners of at least 500 contiguous acres of land in an unincorporated area may dedicate the land as a migratory bird production area by filing a notice of dedication with the county recorder of the county in which the land is located.

(b) The notice of dedication shall contain:

(i) the legal description of the land included within the migratory bird production area;

(ii) the name of the owner or owners of the land included within the migratory bird production area; and

(iii) an affidavit signed by each landowner that all of the land, except as provided by Subsection (2), within the migratory bird production area is:

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(A) actively managed for migratory bird:

(I) production;

(II) habitat; or

(III) hunting; and

(B) used for a purpose compatible with the purposes described in Subsection

(1)(b)(iii)(A).

(c) A person who files a notice of dedication under this section shall give a copy of the notice of dedication within 10 days of its filing to the legislative body of the county in which the migratory bird production area is located.

(2) (a) The notice of dedication may designate land, the amount of which is less than 1% of the total acreage within a migratory bird production area, upon which the landowner may build a structure described in Subsection [~~23-28-302~~] 23A-13-302(1)(c).

(b) (i) An owner may build or maintain a road, dike, or water control structure within the migratory bird production area.

(ii) A road, dike, or water control structure is not considered a structure for purposes of Subsection (2)(a).

(3) (a) Within 30 days of the day on which the county legislative body receives a copy of the notice of dedication under Subsection (1)(c), the county legislative body may bring an action in district court to cancel or revise a migratory bird production area on the basis that an affidavit filed as part of the notice of dedication under Subsection (1)(b)(iii) is inaccurate.

(b) In bringing the action, the county legislative body shall specify the portion of the migratory bird production area and the affidavit subject to the action.

(c) In an action brought under this Subsection (3), the person who files an affidavit described in Subsection (3)(a) has the burden to prove by a preponderance of the evidence that the affidavit is accurate.

(d) If the court cancels or revises a migratory bird production area, the person who filed the original notice of dedication shall file a revision notice with the county recorder reflecting the court's order.

(4) In accordance with Section [~~23-28-202~~] 23A-13-202, a person may at any time add land to a migratory bird production area created under this section.

Section 226. Section **23A-13-202**, which is renumbered from Section 23-28-202 is

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renumbered and amended to read:

~~[23-28-202]~~. 23A-13-202. **Adding to or removing land from a migratory bird production area.**

(1) Subject to the other provisions of this section, a landowner may file a revision notice with the county recorder of the county in which the migratory bird production area is located to add land to or remove land from a migratory bird production area.

(2) The revision notice shall contain:

(a) a legal description of the land added to or removed from the migratory bird production area; and

(b) the name of the owner or owners of the land added to or removed from the migratory bird production area.

(3) A person who files a revision notice under this section shall give a copy of the revision notice within 10 days of its filing to the legislative body of the county in which the migratory bird production area is located.

(4) If removing land from a migratory bird production area results in a migratory bird production area of less than 300 contiguous acres:

(a) the migratory bird production area ceases to exist; and

(b) the landowner shall:

(i) notify each landowner within the former migratory bird production area; and

(ii) file the revision notice required by this section for the entire migratory bird production area.

(5) A landowner may add land to a migratory bird production area only if:

(a) the land to be added is contiguous to the migratory bird production area; and

(b) all the landowners of the contiguous land to be added to the migratory bird production area consent to the contiguous land being added to the migratory bird production area.

(6) A landowner of a migratory bird production area may include an easement in the migratory bird production area if:

(a) the landowner owns the easement;

(b) the easement is on land that is contiguous to the migratory bird production area;

and

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(c) the owner of the land where the easement is located consents to the easement being included in the migratory bird production area.

Section 227. Section **23A-13-301**, which is renumbered from Section 23-28-301 is renumbered and amended to read:

Part 3. Protections

~~[23-28-301]~~. 23A-13-301. Farmland Assessment Act.

(1) Creation of a migratory bird production area does not impair the ability of land within the migratory bird production area to qualify for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act.

(2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland Assessment Act, is determined exclusively by ~~[the provisions of]~~ that act, notwithstanding the land's location within a migratory bird production area.

Section 228. Section **23A-13-302**, which is renumbered from Section 23-28-302 is renumbered and amended to read:

~~[23-28-302]~~. 23A-13-302. Limitations on local regulations.

(1) (a) A county within which a migratory bird production area is located shall encourage the continuity, development, and viability of the migratory bird production area.

(b) Except as otherwise specifically provided in this chapter, the purposes, uses, and activities of a migratory bird production area described in this chapter are afforded the highest priority of use status.

(c) A structure, improvement, or activity historically or customarily used in conjunction with a migratory bird production area is considered a permitted use under the county's zoning law, ordinance, or regulation.

(2) A county within which a migratory bird production area is located may not:

(a) enact a law, ordinance, or regulation that unreasonably restricts an activity normally associated with the migratory bird production area;

(b) change the zoning designation of, or a zoning regulation applying to land within a migratory bird production area unless the county receives written approval for the change from all the landowners within the migratory bird production area; or

(c) enact a law, ordinance, or regulation concerning the use, operation, or discharge of a firearm on a migratory bird production area.

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(3) For purposes of Subsection (2)(a), a law, ordinance, or regulation is unreasonable if it restricts or impairs the purposes, uses, and activities historically or customarily associated with a migratory bird production area.

Section 229. Section **23A-13-303**, which is renumbered from Section 23-28-303 is renumbered and amended to read:

~~[23-28-303].~~ **23A-13-303. Nuisances.**

(1) (a) A county shall exclude the activities described in Subsection (1)(b) from the definition of public nuisance in a county law or ordinance regulating a public nuisance.

(b) An activity or occurrence normally associated with a migratory bird production area is not a nuisance, including:

- (i) hunting;
- (ii) discharging a firearm;
- (iii) improving habitat;
- (iv) trapping;
- (v) eradicating weeds;
- (vi) discing;
- (vii) planting;
- (viii) impounding water;
- (ix) raising a bird or other domestic animal;
- (x) grazing;
- (xi) an activity conducted in the normal course of an agricultural operation as defined in Section 4-44-102; and
- (xii) an odor.

(2) In a civil action for nuisance or a criminal action for public nuisance under Section 76-10-803, it is a complete defense if the action is:

- (a) normally associated with a migratory bird production area;
- (b) conducted within a migratory bird production area; and
- (c) not in violation of [~~any~~] federal or state law.

(3) An owner of a new development located in whole or in part within 1,000 feet of a migratory bird production area shall provide the following notice on [~~any~~] a plat filed with the county recorder:

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"Migratory Bird Production Area

This property is located in the vicinity of an established migratory bird production area in which hunting and activities related to the management and operation of land for the benefit of migratory birds have been afforded the highest priority use status. It can be anticipated that these uses and activities may now or in the future be conducted on land within the migratory bird production area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from activities normally associated with a migratory bird production area."

Section 230. Section **23A-13-304**, which is renumbered from Section 23-28-304 is renumbered and amended to read:

~~[23-28-304].~~ **23A-13-304. Annexation restrictions.**

A municipality may annex real property within a migratory bird production area as provided by Title 10, Chapter 2, Part 4, Annexation.

Section 231. Section **23A-13-305**, which is renumbered from Section 23-28-305 is renumbered and amended to read:

~~[23-28-305].~~ **23A-13-305. Application of Water Quality Act.**

A migratory bird production area is subject to Title 19, Chapter 5, Water Quality Act.

Section 232. Section **23A-14-101** is enacted to read:

CHAPTER 14. FURBEARERS

Part 1. General Provisions

23A-14-101. Definitions.

Reserved.

Section 233. Section **23A-14-201**, which is renumbered from Section 23-18-2 is renumbered and amended to read:

Part 2. Taking of Furbearers

~~[23-18-2].~~ **23A-14-201. Taking of furbearers.**

[Any] A person holding a furbearer license may take [furbearers] a furbearer in accordance with the rules [promulgated] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 234. Section **23A-14-202**, which is renumbered from Section 23-18-3 is renumbered and amended to read:

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~~[23-18-3].~~ **23A-14-202. Trapping on lands controlled by division governed by Wildlife Board.**

~~[All trapping]~~ The Wildlife Board shall govern trapping on lands controlled by the
~~[Division of Wildlife Resources shall be governed by the Wildlife Board]~~ division.

Section 235. Section **23A-14-203**, which is renumbered from Section 23-18-6 is renumbered and amended to read:

~~[23-18-6].~~ **23A-14-203. Taking red fox or striped skunk.**

Red fox or striped skunk may be taken anytime without a license as provided by this title ~~[or rules]~~, a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or a proclamation of the Wildlife Board.

Section 236. Section **23A-15-101**, which is renumbered from Section 23-29-102 is renumbered and amended to read:

CHAPTER 15. WOLF MANAGEMENT ACT

~~[23-29-102].~~ **23A-15-101. Definitions.**

As used in this chapter:

(1) "Endangered Species Act" means the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

~~[(1)]~~ (2) "Service" means the United States Fish and Wildlife Service.

~~[(2)]~~ (3) "Wolf" means the species *Canis lupus*.

Section 237. Section **23A-15-102**, which is renumbered from Section 23-29-103 is renumbered and amended to read:

~~[23-29-103].~~ **23A-15-102. Legislative findings and declarations.**

(1) Section ~~[23-14-1]~~ 23A-2-201 appoints the division as trustee and custodian of protected wildlife in the state.

(2) The wolf ~~[is]~~ has been listed as endangered under the federal Endangered Species Act throughout the greater portion of the state.

(3) The service is the federal agency charged with responsibility to administer the Endangered Species Act.

(4) The service acknowledges that Utah is not critical to the recovery of wolves and that it does not intend to actively recover wolves in the state.

(5) The division prepared a wolf management plan outlining ~~[its]~~ the division's

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management objectives for the wolf in Utah when the wolf was delisted and removed from federal control.

(6) The wolf management plan prepared by the division was formally submitted to the service in 2007 for approval.

(7) The service has neither approved, denied, nor otherwise commented on the plan since receiving it in 2007.

(8) The state formally requested, in writing on multiple occasions, that the service delist the wolf throughout Utah, and the service has failed to acknowledge or otherwise respond to [~~any of~~] the requests.

(9) The state cannot adequately or effectively manage wolves on a pack level in the small area of the state where the species is currently delisted without significantly harming other vital state interests, including livestock and big game populations.

(10) It is the policy of the state to legally advocate and facilitate the delisting of wolves in Utah under the Endangered Species Act and to return wolf management authority to the state.

Section 238. Section **23A-15-201**, which is renumbered from Section 23-29-201 is renumbered and amended to read:

Part 2. Wolf Management

~~[23-29-201]~~. **23A-15-201. Wolf management.**

(1) The division shall contact the service upon discovering a wolf in [~~any~~] an area of the state where wolves are listed as threatened or endangered under the Endangered Species Act and request immediate removal of the animal from the state.

(2) The division shall manage wolves to prevent the establishment of a viable pack in all areas of the state where the wolf is not listed as threatened or endangered under the Endangered Species Act until the wolf is completely delisted under the act and removed from federal control in the entire state.

(3) Subsections (1) and (2) do not apply to wolves lawfully held in captivity and restrained.

Section 239. Section **23A-15-202**, which is renumbered from Section 23-29-202 is renumbered and amended to read:

~~[23-29-202]~~. **23A-15-202. Rulemaking.**

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The [~~division~~] Wildlife Board may make administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to manage the wolf in accordance with this chapter.

Section 240. **Repealer.**

This bill repeals:

Section **23-13-1, Title.**

Section **23-13-16, Judicial notice of proclamations.**

Section **23-14-2.1, Procedures -- Adjudicative proceedings.**

Section **23-14-11, Official seal of division.**

Section **23-14-16, Unexpended fund balances converted to general fund account.**

Section **23-17-5, Damages for destroyed crops -- Limitations -- Appraisal.**

Section **23-20-23, Aiding or assisting violation unlawful.**

Section **23-21a-1, Short title.**

Section **23-21a-2, Legislative findings and policy.**

Section **23-21a-3, State to condemn and purchase islands in Great Salt Lake --
Protection of American white pelican.**

Section **23-21a-4, Payment of fair market value to landowners -- Impartial
appraisal.**

Section **23-21a-5, Mineral rights retained by landowners -- Oil discovery.**

Section **23-21a-6, Nonlapsing appropriation for appraisal and purchase.**

Section **23-25-1, Short title.**

Section **23-25-12, Title.**

Section **23-27-101, Title.**

Section **23-28-101, Title.**

Section **23-29-101, Title.**

Section **23-30-101, Title.**

Section **23-31-101, Title.**

Section **23-32-101, Title.**

Section 241. **Effective date.**

This bill takes effect on July 1, 2023.

Section 242. **Revisor instructions.**

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The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, not enroll this bill if H.B. 31, Wildlife Resources Recodification Cross References, does not pass.