LEGISLATIVE GENERAL COUNSEL
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H.B. 382
1st Sub. (Buff)

Representative Casey Snider proposes the following substitute bill:

WILDLIFE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses wildlife.

Highlighted Provisions:

This bill:

- modifies definition provisions;
- adjusts domicile and residency requirements;
- modifies provisions related to donating protected wildlife;
- addresses treatment of new development;
- provides when political subdivisions are required to respond to wildlife incidents;
- repeals an account related to wildlife regulation;
- modifies provisions related to accounts;
- enacts a fee to cover costs of electronic payments;
- makes invalid an original license, permit, tag, or certificate of registration when a duplicate one is issued;
- clarifies tagging requirements;
- addresses hunting species and invalid and forfeited permit or tag;
- clarifies who has powers of law enforcement;
- addresses transaction records for a butcher, locker, storage plant, or taxidermist;

- addresses obstruction or interference with wildlife management activities;
- modifies provisions under wanton destruction of protected wildlife;
- changes to a point system certain criminal penalties;
- adjusts the restitution values;
- provides for enhanced penalties under certain conditions applicable to waste of wildlife;
- clarifies what constitutes permission;
- authorizes the Division of Wildlife Resources to close a portion of a highway under certain circumstances;
- addresses the taking of antlers or horns;
- requires the use of certain names related to birds in the management of birds and habitat for birds;
- directs the division to engage in advocacy regarding bird names;
- modifies when the Wildlife Board is required to hold public hearings regarding rules; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2025:

- to Department of Natural Resources - General Fund Restricted - Wildlife Habitat Account as a one-time appropriation:
  - from the General Fund Restricted - Wildlife Resources Trust Account, One-time, $1,325,000

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

23A-1-101, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-1-103, as enacted by Laws of Utah 2023, Chapter 103

23A-1-202, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-1-205, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-2-201, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-3-201, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-3-208, as last amended by Laws of Utah 2023, Chapter 345 and renumbered and amended by Laws of Utah 2023, Chapter 103

23A-4-208, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-4-709, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-202, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-204, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-301, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-307, as last amended by Laws of Utah 2023, Chapter 345 and renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-311, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-312, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-314, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-5-317, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-6-402, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-11-101, as renumbered and amended by Laws of Utah 2023, Chapter 103

63G-3-302, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

23A-1-206, Utah Code Annotated 1953

23A-3-214, Utah Code Annotated 1953

23A-4-1110, Utah Code Annotated 1953

23A-11-206, Utah Code Annotated 1953

23A-12-102, Utah Code Annotated 1953

REPEALS:

23A-3-213, as renumbered and amended by Laws of Utah 2023, Chapter 103

23A-11-201, as renumbered and amended by Laws of Utah 2023, Chapter 103

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

Section 1. Section **23A-1-101** is amended to read:

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 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 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 the animal's parts.

(8) "Certificate of registration" means a paper-based or electronic document issued under this title, or 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 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.

(14) "Division" means the Division of Wildlife Resources.

(15) Subject to Section 23A-1-103, "domicile" means the place:

(a) where an individual has a fixed permanent home and principal establishment;

(b) to which the individual if absent, intends to return and has an actual plan, method, and means to return to the individual's domicile within six months; [~~and~~]

(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[~~.~~]; and

(d) is a place where the individual resides for the majority of the individual's time.

(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.

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

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

(20) "Fishing" means to take fish or crayfish by any means.

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

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

(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.

(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.

(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.

(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 the surface water sources supplying 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.

(29) "Nonresident" means a person who does not qualify as a resident.

(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.

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

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

(34) "Person" means an individual, association, partnership, government agency, corporation, or an agent of the 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.

(36) "Possession" means actual or constructive possession.

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

(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.

(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 23A-9-203; or

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

(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.

(41) "Proclamation" means the publication that is:

(a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and

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

(42) (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in Subsection (42)(b).

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

(43) (a) "Protected wildlife" means wildlife, except as provided in Subsection (43)(b).

(b) "Protected wildlife" does not include:

(i) coyote;

(ii) field mouse;

(iii) gopher;

(iv) ground squirrel;

(v) jack rabbit;

(vi) muskrat; or

(vii) raccoon.

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

(45) "Released to the wild" means to be turned loose from confinement.

(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.

(47) Subject to Section 23A-1-103, "resident" means a person who:

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

(b) does not claim residency for hunting, fishing, or trapping in another state or country.

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

(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

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

(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.

(51) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit for

human consumption.

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

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

(54) "Take" means to:

(a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill protected wildlife; or

(b) attempt an action referred to in Subsection (54)(a).

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

(56) "Trapping" means taking protected wildlife with a trapping device.

(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;

(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.

(59) "Waste" means to:

(a) abandon protected wildlife; or

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

(60) "Wild" means the natural environment, including a private pond or private property.

[~~(60)~~] (61) "Wildlife" means:

(a) crustaceans, including brine shrimp and crayfish;

(b) mollusks; and

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

[~~(61)~~] (62) "Wildlife Board" means the board created in Section 23A-2-301.

(63) "Wildlife parts" means biological material derived from the body or anatomy of wildlife, including:

(a) an antler or horn;

(b) a hide;

(c) a bone; or

(d) meat.

Section 2. Section **23A-1-103** is amended to read:

23A-1-103. Domicile or residency.

(1) (a) Subject to Subsections 23A-1-101(15) and 23A-1-101(47), an individual is considered a resident who:

(i) has been domiciled in the state for six consecutive months immediately preceding the purchase of a license or application of a license, permit, or tag; and

(ii) does not claim residency for hunting, fishing, or trapping in another state or country.

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

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

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

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

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

(b) the [~~person~~] individual 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 3. Section **23A-1-202** is amended to read:

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 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 [~~23A-11-201~~] 23A-4-1110, placing a limit of one of any species [~~of big game~~] during a license year;

(ii) Section 23A-11-202, commencement date of the general deer season;

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

(iv) an age restriction under Chapter 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) Before executing an agreement under this Subsection (2), the governor shall consult with:

(i) the division; and

(ii) the chair of the Wildlife Board.

(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 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 4. Section **23A-1-205** is amended to read:

23A-1-205. Donating protected wildlife.

(1) A person may only donate protected wildlife or wildlife parts to another person [~~at.~~] in accordance with this section.

[~~(a) the residence of the donor;~~]

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

[~~(c) a meat locker;~~]

[~~(d) a storage plant;~~]

[~~(e) a meat processing facility; or~~]

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

(2) [~~A written statement~~] Documentation of donation shall be kept with the protected wildlife or wildlife parts showing:

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

(b) the date of donation;

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

(d) [~~the signature of the donor.~~] an image or picture of the wildlife or wildlife parts donated.

(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 5. Section **23A-1-206** is enacted to read:

23A-1-206. New development.

(1) As used in this section:

(a) "Mitigate" means an activity intended to lessen known negative impacts caused by wildlife, including relocating or distracting wildlife.

(b) "New development" means the conversion in use of previously undeveloped land into a developed state that occurs on or after May 1, 2024.

(c) "Wildlife damage or nuisance claim" means:

(i) a depredation claim;

(ii) a wildlife damage claim; or

(iii) a nuisance complaint involving wildlife.

(2) On and after May 1, 2024, new development in the state is considered infringing on existing wildlife habitat and a person who makes a wildlife damage or nuisance claim related to the new development may not qualify for a wildlife damage or nuisance claim against the state.

(3) Notwithstanding Subsection (2), the division may mitigate wildlife damage or nuisances impacting a new development.

Section 6. Section **23A-2-201** is amended to read:

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.

(b) The 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 shall protect, propagate, manage, conserve, and distribute protected wildlife throughout the state.

(b) The 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;

(iii) compel substitution;

(iv) restrain or enjoin;

(v) initiate any other appropriate action; and

(vi) seek appropriate remedies in the division's capacity as trustee and custodian.

(3) (a) If a political subdivision of the state adopts an ordinance or regulation concerning hunting, fishing, or trapping that conflicts with this title or rules made pursuant to this title, state law prevails.

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

(4) (a) As used in this Subsection (4):

(i) "Claim involving wildlife" means:

(A) a depredation claim;

(B) a wildlife damage claim; or

(C) a nuisance complaint involving wildlife.

(ii) "Prohibits hunting related activities" means a political subdivision prohibits an activity that is necessary to engage in hunting, such as prohibiting the firing of a firearm or other weapon.

(b) A political subdivision of the state shall respond to and pay for a claim involving wildlife within the boundaries of the political subdivision, if the political subdivision:

(i) owns or purchases an aggregate amount of more than 500 contiguous acres of land in fee simple on which the political subdivision prohibits hunting related activities or restricts the division's ability to manage wildlife populations; or

(ii) enacts an ordinance or takes other action that prohibits hunting related activities or the division's ability to manage wildlife populations within any portion of the political subdivision's boundary.

(c) The division may not expend state money for a claim listed in Subsection (4)(b) when a political subdivision limits the division's ability to manage wildlife populations on more than 500 contiguous acres of land.

[~~(4)~~] (5) The division shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in the division's adjudicative proceedings.

[~~(5)~~] (6) The division shall adopt an official seal and file an impression and a description of the official seal with the Division of Archives.

Section 7. Section **23A-3-201** is amended to read:

23A-3-201. Wildlife Resources Account -- Unexpended fund balances .

(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 a rule, proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule adopted by the Judicial Council;

(d) money appropriated from the General Fund by the Legislature pursuant to Section 23A-4-306;

(e) other money received by the division under 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) At the close of a fiscal year, the unexpended balance in the Wildlife Resources Account shall convert back into the Wildlife Resources Account for the following fiscal year, except for money:

(a) legally obligated by contract;

(b) designated for capital outlay projects; or

(c) required for a program extending beyond the close of the fiscal year.

[~~(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 8. Section **23A-3-208** is amended to read:

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 a one-day fishing license shall be deposited in the Wildlife Habitat Account created in Section 23A-3-207.

(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 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.

(3) Four dollars and seventy-five cents of the fee charged for any of the following certificates of registration or permits shall be deposited in the Wildlife Habitat Account created in Section 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 turkey permit; or

(e) a muskrat permit.

Section 9. Section **23A-3-214** is enacted to read:

23A-3-214. Fee to cover cost of electronic payments.

(1) As used in this section:

(a) "Electronic payment" means use of a form of payment processed through electronic means, including use of a credit card, debit card, or automatic clearinghouse transaction.

(b) "Electronic payment fee" means the fee assessed to defray:

(i) a charge, discount fee, or process fee charged by a processing agent to process an electronic payment, including a credit card company; or

(ii) costs associated with the purchase of equipment necessary for processing an electronic payment.

(2) (a) The division may impose and collect an electronic payment fee on an electronic payment related to a license, permit, or certificate of registration, including a license, permit, or certification of registration under:

(i) Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;

(ii) Section 23A-6-404;

(iii) Section 23A-7-202;

(iv) Subsection 23A-9-305(3);

(v) Subsection 23A-11-203(3); and

(vi) Subsection 23A-12-202(1)(b).

(b) The division may charge an electronic payment fee under this section in an amount

not to exceed 3% of the electronic payment.

(c) With regard to the electronic payment fee, the division is not required to separately identify the electronic payment fee from a fee imposed for a license, permit, or certificate of registration listed in Subsection (2)(a).

(3) The division shall deposit the fee into the Wildlife Resources Account created in Section 23A-3-201.

Section 10. Section **23A-4-208** is amended to read:

23A-4-208. Duplicate license, permit, tag, or certificate of registration.

(1) If an unexpired license, permit, tag, or certificate of registration issued under this title is destroyed, lost, or stolen, the 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.

(2) Upon issuance of a duplicate license, permit, tag, or certificate of registration, the original license, permit, tag, or certificate of registration is invalid.

Section 11. Section **23A-4-709** is amended to read:

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 who lawfully killed the animal shall tag the carcass of a species of protected wildlife required to 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

(b) tag more than one carcass using the same tag.

Section 12. Section **23A-4-1110** is enacted to read:

23A-4-1110. Invalid and forfeited permit or tag.

(1) With each issued permit or tag, a person may take only one of a species of protected wildlife during a license year, regardless of how many licenses or permits the person obtains, except as otherwise provided by this title or a proclamation of the Wildlife Board.

(2) (a) If a person kills an animal in violation of this title, while attempting to exercise the benefits of an issued permit or tag, the permit or tag is invalid and the person shall forfeit the permit or 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 permit opportunity that was invalidated and forfeited under Subsection (2) if:

(a) the criminal charges associated with the 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 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 permit forfeiture;

(c) the season extension is granted for the same species and sex, hunt unit, and season dates associated with the forfeited 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 13. Section **23A-5-202** is amended to read:

23A-5-202. Powers of law enforcement section.

(1) The chief and assistant chief of the law enforcement section[~~, an enforcement agent,~~] or conservation officer of the law enforcement section within the division are vested

with the powers of law enforcement officers throughout the counties of the state with exception of the power to serve civil process and:

(a) may serve criminal process, arrest, and prosecute a violator of a law of this state; and

(b) has the same right as other law enforcement officers to require aid in executing the duties.

(2) The powers and duties conferred by this section upon employees of the law enforcement section of the 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 14. Section **23A-5-204** is amended to read:

23A-5-204. Butcher, locker, or storage plant to require proper tag or donation slip -- Taxidermist.

(1) A butcher or owner or employee of a locker plant or storage plant may not receive for processing or storage the carcass of protected wildlife that by law or regulation is required to be tagged, unless there is a transaction record for the carcass which is that the carcass is:

(a) properly tagged; or [~~is~~]

(b) accompanied with a valid donation slip.

(2) A taxidermist shall retain the transaction records for wildlife received, to include:

(a) the date and time the wildlife is received; and

(b) the license or permit number associated with the wildlife.

(3) A person required to retain a transaction record under this section shall:

(a) produce the transaction record on the demand of a peace officer; and

(b) keep the transaction record for three years from the day on which the person receives or creates the transaction record.

Section 15. Section **23A-5-301** is amended to read:

23A-5-301. Violations in general -- Criminal penalty -- Aiding or assisting violation -- Obstruct or interfere.

(1) Except as otherwise provided in this title:

(a) a violation of this title is a class B misdemeanor; and

(b) a violation of 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.

(3) A person may not obstruct or interfere with the division's wildlife management activities performed under this title, except that the division is subject to Section 23A-2-207 when engaged in the taking of wildlife on private property.

Section 16. Section **23A-5-307** is amended to read:

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 capable of capturing images, video, or location data of wildlife using heat or motion to trigger the device.

(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.

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

(4) (a) A trail camera using internal data storage and not capable of transmitting data is permitted for use on private lands for the purposes of taking protected wildlife.

(b) A trail camera may not be used to take wildlife on public land during the period beginning on July 31 and ending on December 31.

(c) A trail camera is prohibited on public land during the period beginning on July 31 and ending on December 31, except for use by:

(i) the division for monitoring or research;

(ii) a land management agency in the course of the land management agency's regular duties;

(iii) any of the following conducting research in conjunction with the division:

(A) a non-governmental organization;

(B) an educational institution; or

(C) other person;

(iv) monitoring active agricultural operations including the take of a bear or cougar that is causing livestock depredation; or

(v) a municipality participating in a program addressing urban deer.

(5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules regulating the use of trail cameras.

(b) A person who violates rules made by the Wildlife Board under this Subsection (5) is subject to the penalty provided in Section 23A-5-301.

Section 17. Section **23A-5-311** is amended to read:

23A-5-311. Wanton destruction of protected wildlife -- Criminal penalty -- Point values.

(1) A person is guilty of wanton destruction of protected wildlife if that person:

(a) commits an act in violation of:

(i) Section 23A-4-1110;

(ii) Section 23A-5-302;

[~~(ii)~~] (iii) Section 23A-5-304;

(iv) Section 23A-5-308;

[~~(iii)~~] (v) Sections 23A-9-302 through 23A-9-305; or

[~~(iv) Section 23A-11-201; or~~]

[~~(v)~~] (vi) 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) A person who commits wanton destruction of wildlife is guilty of:

(a) a third degree felony if:

(i) the aggregate point value of the protected wildlife determined by the point values in Subsection (3) is more than [~~$500~~] 500 points; or

(ii) a trophy animal was captured, injured, or destroyed;

(b) a class A misdemeanor if the aggregate point value of the protected wildlife, determined by the point values established in Subsection (3) is more than [~~$250~~] 250 points, but does not exceed [~~$500~~] 500 points; and

(c) a class B misdemeanor if the aggregate point value of the protected wildlife determined by the point values established in Subsection (3) is [~~$250~~] 250 points or less.

(3) Regardless of the restitution amounts imposed under Subsection 23A-5-312(2), the following point values are assigned to protected wildlife for the purpose of determining the offense for wanton destruction of wildlife:

(a) [~~$1,000~~] 1,000 points 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~~] 750 points per animal for:

(i) elk; or

(ii) threatened species;

(c) [~~$500~~] 500 points per animal for:

(i) cougar;

(ii) golden eagle;

(iii) river otter; or

(iv) gila monster;

(d) [~~$400~~] 400 points per animal for:

(i) pronghorn antelope; or

(ii) deer;

(e) [~~$350~~] 350 points per animal for bobcat;

(f) [~~$100~~] 100 points 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~~] 35 points per animal for furbearers, except:

(i) bobcat;

(ii) river otter; and

(iii) threatened or endangered species;

(h) [~~$25~~] 25 points per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;

(i) [~~$15~~] 15 points per animal for game birds, except:

(i) turkey;

(ii) swan; and

(iii) sandhill crane;

(j) [~~$10~~] 10 points per animal for game fish not listed in Subsection (3)(h);

(k) [~~$8~~] 8 points per pound dry weight of processed brine shrimp including eggs; and

(l) [~~$5~~] 5 points per animal for protected wildlife not listed.

(4) For purposes of sentencing for a violation under this section, a person who has been convicted of a third degree felony under Subsection (2)(a) is not subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).

(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 (2)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.

(6) If a person has already been convicted of a third degree felony under Subsection (2)(a)(ii) once, each separate additional offense under Subsection (2)(a)(ii) is punishable by, as

part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.

(7) The court may not sentence a person subject to Subsection (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 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 18. Section **23A-5-312** is amended to read:

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~~] $1,500 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~~] $1,250 per animal for:

(i) elk; or

(ii) threatened species;

(c) [~~$500~~] $750 per animal for:

(i) golden eagle;

(ii) river otter; or

(iii) gila monster;

(d) [~~$400~~] $600 per animal for:

(i) pronghorn antelope; or

(ii) deer;

(e) [~~$350~~] $525 per animal for:

(i) cougar; or

(ii) bobcat;

(f) [~~$100~~] $150 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) $150 per horn;

[~~(g)~~] (h) [~~$35~~] $53 per animal for furbearers, except:

(i) bobcat;

(ii) river otter; and

(iii) threatened or endangered species;

[~~(h)~~] (i) [~~$25~~] $38 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;

(j) $30 per pound of antler or shed antler;

[~~(i)~~] (k) [~~$15~~] $23 per animal for game birds, except:

(i) turkey;

(ii) swan; and

(iii) sandhill crane;

[~~(j)~~] (l) [~~$10~~] $15 per animal for game fish not listed in Subsection [~~(2)(h)~~] (2)(i);

[~~(k)~~] (m) [~~$8~~] $12 per pound dry weight of processed brine shrimp including eggs; and

[~~(l)~~] (n) [~~$5~~] $8 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 for the decision part of the court record.

(4) (a) The court shall order a person convicted of a third degree felony under Subsection 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~~] $45,000 per animal for bighorn, desert, or rocky mountain sheep;

(ii) [~~$8,000~~] $12,000 per animal for deer;

(iii) [~~$8,000~~] $12,000 per animal for elk;

(iv) [~~$6,000~~] $9,000 per animal for moose or mountain goat;

(v) [~~$6,000~~] $9,000 per animal for bison; and

(vi) [~~$2,000~~] $3,000 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) 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, restitution shall be in addition to:

(a) a fine or penalty imposed for a violation 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 19. Section **23A-5-314** is amended to read:

23A-5-314. Waste of wildlife unlawful -- Criminal penalty.

(1) 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;

(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.

(2) A person who violates this section is subject to the penalty provided in Section 23A-5-301 except as provided in Subsection (3).

(3) (a) A licensed hunter who legally kills a big game animal, but abandons the big game animal is subject to a class A misdemeanor.

(b) A big game animal is considered abandoned if the licensed hunter acts knowingly, intentionally, or recklessly, and:

(i) the big game animal is not tagged as required by Section 23A-4-709;

(ii) the big game animal is wasted;

(iii) the licensed hunter continues to hunt the same species while exercising the benefits of the issued tag; or

(iv) no attempt or minimal attempt is made to salvage the big game animal.

Section 20. Section **23A-5-317** is amended to read:

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:

(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) "Permission" means [~~written~~] documented 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.

(c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:

(i) at 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 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.

(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 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).

(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 a subsequent conviction 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.

(5) Subsection (2)(a) does not apply to peace or conservation officers in the performance of their duties.

(6) (a) The division shall provide information regarding owners' rights and duties:

(i) to anyone holding 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 in the hunting and fishing proclamations issued by the Wildlife Board.

(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:

(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; 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.

Section 21. Section **23A-6-402** is amended to read:

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 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 a department or agency of the state leases or sells land belonging to the state 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) the lessee, contractee, or grantee may not charge 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.

(4) The division may temporarily close that portion of a highway, as defined in Section 72-1-102, that enters into or crosses land owned by the division if closure is needed for the benefit of wildlife.

Section 22. Section **23A-11-101** is amended to read:

23A-11-101. Definitions.

As used in this chapter:

(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) "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.

(5) "Shed antler" means any portion of an antler that:

(a) has been dropped naturally from a big game animal as part of the big game animal's annual life cycle; and

(b) has a rounded base commonly known as the antler button or burr attached which signifies a natural life cycle process.

(6) "Shed horn" means:

(a) the sheath from the horn of a pronghorn, mountain goat, or bison that has been dropped naturally as part of the animal's annual life cycle; or

(b) a bighorn sheep horn naturally detached from the horn core.

Section 23. Section **23A-11-206** is enacted to read:

23A-11-206. Limitations on taking an antler or horn.

(1) A person may not take an antler or horn, including a shed antler or shed horn, except as provided by this title or rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) During season dates if established under Subsection (3) and after complying with rules made under Subsection (3), an individual may take an antler or horn, including a shed antler or shed horn.

(3) (a) The Wildlife Board may establish recreational antler or horn gathering season dates and rules for both residents and nonresidents, including for a shed antler or shed horn, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) The Wildlife Board may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish rules for commercial gathering and selling of an antler or horn, including a shed antler or shed horn, to establish:

(i) rules in general concerning commercial gathering and selling;

(ii) license or permit requirements; and

(iii) fees.

(4) A suspension for a violation of this section or rules by the Wildlife Board under Section 23A-4-1106, may include all privileges related to big game, including privileges under a shed antler or horn gathering permit.

Section 24. Section **23A-12-102** is enacted to read:

23A-12-102. Naming conventions for birds.

(1) As used in this section:

(a) "English-language name" means the name:

(i) assigned to a bird by a naming entity for use by the English-speaking public; and

(ii) that may differ from the scientific name of the bird.

(b) "Naming entity" means a nationally recognized entity that maintains a list of official English-language names for birds in North America and South America.

(2) (a) The division shall use the English-language name assigned to a bird by a naming entity that was in effect on January 1, 2020, when using an English-language name while engaging in the management of the bird or habitat for the bird.

(b) Notwithstanding Subsection (2)(a), the division may use an English-language name

assigned by a naming entity after January 1, 2020, if before January 1, 2020, there was no English-language name.

(3) The division shall:

(a) advocate against the changing of eponymous English-language names for birds; and

(b) seek the support of national organizations with which the division affiliates to advocate against the changing of eponymous English-language names for birds.

Section 25. Section **63G-3-302** is amended to read:

63G-3-302. Public hearings.

(1) [~~Each~~] An agency may hold a public hearing on a proposed rule, amendment to a rule, or repeal of a rule during the public comment period.

(2) [~~Each~~] Except as provided in Subsection (4), an agency shall hold a public hearing on a proposed rule, amendment to a rule, or repeal of a rule if:

(a) a public hearing is required by state or federal mandate;

(b) (i) another state agency, 10 interested persons, or an interested association having not fewer than 10 members request a public hearing; and

(ii) the agency receives the request in writing not more than 15 days after the publication date of the proposed rule.

(3) The agency shall hold the hearing:

(a) before the rule becomes effective; and

(b) no less than seven days nor more than 30 days after receipt of the request for hearing.

(4) The Wildlife Board is not required to hold a public hearing on a proposed rule, amendment to a rule, or repeal of a rule unless required to hold a public hearing under Title 23A, Chapter 2, Part 3, Wildlife Board and Regional Councils.

Section 26. **Repealer.**

This bill repeals:

Section **23A-3-213, Wildlife Resources Trust Account.**

Section **23A-11-201, Limit of one of species of big game during license year -- Invalid and forfeited permit or tag.**

Section 27. **FY 2025 Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1,

2024, and ending June 30, 2025. These are additions to amounts previously appropriated for fiscal year 2025.

Subsection 27(a). **Restricted Fund and Account Transfers.**

The Legislature authorizes the State Division of Finance to transfer the following amounts between the following funds or accounts as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

ITEM 1 To General Fund Restricted - Wildlife Habitat Account

From General Fund Restricted - Wildlife Resources Trust Account, One-time $1,325,000

Schedule of Programs:

Wildlife Habitat Account $1,325,000

The Legislature intends that the Division of Finance, after completing the appropriation in this section, transfer any remaining balances in the General Fund Restricted - Wildlife Resources Trust Account to the General Fund Restricted - Wildlife Habitat Account.

Section 28. **Effective date.**

This bill takes effect on July 1, 2024.