

1 **WILDLIFE RESOURCES CODE RECODIFICATION**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Casey Snider**

5 Senate Sponsor: Scott D. Sandall

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7 **LONG TITLE**

8 **Committee Note:**

9 The Natural Resources, Agriculture, and Environment Interim Committee  
10 recommended this bill.

11 Legislative Vote: 16 voting for 0 voting against 3 absent

12 **General Description:**

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

14 **Highlighted Provisions:**

15 This bill:

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- 18 ▶ removes outdated language;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

27 units; and



28           ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           This bill provides a special effective date.

33           This bill provides revisor instructions.

34 **Utah Code Sections Affected:**

35 ENACTS:

36           **23A-1-103**, Utah Code Annotated 1953

37           **23A-2-101**, Utah Code Annotated 1953

38           **23A-3-101**, Utah Code Annotated 1953

39           **23A-4-101**, Utah Code Annotated 1953

40           **23A-4-502**, Utah Code Annotated 1953

41           **23A-4-1104**, Utah Code Annotated 1953

42           **23A-4-1105**, Utah Code Annotated 1953

43           **23A-4-1107**, Utah Code Annotated 1953

44           **23A-5-101**, Utah Code Annotated 1953

45           **23A-5-306**, Utah Code Annotated 1953

46           **23A-8-101**, Utah Code Annotated 1953

47           **23A-9-101**, Utah Code Annotated 1953

48           **23A-12-101**, Utah Code Annotated 1953

49           **23A-14-101**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

51           **23A-1-101**, (Renumbered from 23-13-2, as last amended by Laws of Utah 2019,  
52 Chapter 125)

53           **23A-1-102**, (Renumbered from 23-13-3, as last amended by Laws of Utah 1992,  
54 Chapter 27)

55           **23A-1-201**, (Renumbered from 23-13-8, as last amended by Laws of Utah 1986,  
56 Chapter 76)

57           **23A-1-202**, (Renumbered from 23-13-12.5, as last amended by Laws of Utah 2002,  
58 Chapter 70)

59           **23A-1-203**, (Renumbered from 23-13-15, as enacted by Laws of Utah 1973, Chapter  
60 33)  
61           **23A-1-204**, (Renumbered from 23-13-17, as last amended by Laws of Utah 2011,  
62 Chapter 297)  
63           **23A-1-205**, (Renumbered from 23-20-9, as last amended by Laws of Utah 2011,  
64 Chapter 297)  
65           **23A-2-102**, (Renumbered from 23-14-3, as last amended by Laws of Utah 2020,  
66 Chapter 154)  
67           **23A-2-201**, (Renumbered from 23-14-1, as last amended by Laws of Utah 1995,  
68 Chapter 211)  
69           **23A-2-202**, (Renumbered from 23-14-7, as last amended by Laws of Utah 1995,  
70 Chapter 56)  
71           **23A-2-203**, (Renumbered from 23-14-8, as last amended by Laws of Utah 1995,  
72 Chapter 211)  
73           **23A-2-204**, (Renumbered from 23-14-10, as last amended by Laws of Utah 1989,  
74 Chapter 22)  
75           **23A-2-205**, (Renumbered from 23-14-12, as enacted by Laws of Utah 1971, Chapter  
76 46)  
77           **23A-2-206**, (Renumbered from 23-15-2, as last amended by Laws of Utah 2011,  
78 Chapter 297)  
79           **23A-2-207**, (Renumbered from 23-13-6, as last amended by Laws of Utah 2021,  
80 Chapter 109)  
81           **23A-2-208**, (Renumbered from 23-13-7, as last amended by Laws of Utah 1986,  
82 Chapter 76)  
83           **23A-2-209**, (Renumbered from 23-14-21, as last amended by Laws of Utah 2021,  
84 Chapter 382)  
85           **23A-2-301**, (Renumbered from 23-14-2, as last amended by Laws of Utah 2020,  
86 Chapters 352 and 373)  
87           **23A-2-302**, (Renumbered from 23-14-2.5, as last amended by Laws of Utah 2003,  
88 Chapter 36)  
89           **23A-2-303**, (Renumbered from 23-14-2.6, as last amended by Laws of Utah 2010,

- 90 Chapters 286 and 324)
- 91 **23A-2-304**, (Renumbered from 23-14-19, as last amended by Laws of Utah 1995,
- 92 Chapter 211)
- 93 **23A-2-305**, (Renumbered from 23-14-18, as last amended by Laws of Utah 2021,
- 94 Chapter 57)
- 95 **23A-2-401**, (Renumbered from 23-22-1, as last amended by Laws of Utah 2011,
- 96 Chapter 297)
- 97 **23A-2-402**, (Renumbered from 23-22-2, as last amended by Laws of Utah 2010,
- 98 Chapter 324)
- 99 **23A-2-403**, (Renumbered from 23-22-3, as last amended by Laws of Utah 2011,
- 100 Chapter 297)
- 101 **23A-2-501**, (Renumbered from 23-25-2, as last amended by Laws of Utah 2015,
- 102 Chapter 258)
- 103 **23A-2-502**, (Renumbered from 23-25-3, as enacted by Laws of Utah 1992, Chapter
- 104 260)
- 105 **23A-2-503**, (Renumbered from 23-25-4, as enacted by Laws of Utah 1992, Chapter
- 106 260)
- 107 **23A-2-504**, (Renumbered from 23-25-5, as enacted by Laws of Utah 1992, Chapter
- 108 260)
- 109 **23A-2-505**, (Renumbered from 23-25-6, as enacted by Laws of Utah 1992, Chapter
- 110 260)
- 111 **23A-2-506**, (Renumbered from 23-25-7, as enacted by Laws of Utah 1992, Chapter
- 112 260)
- 113 **23A-2-507**, (Renumbered from 23-25-8, as enacted by Laws of Utah 1992, Chapter
- 114 260)
- 115 **23A-2-508**, (Renumbered from 23-25-9, as enacted by Laws of Utah 1992, Chapter
- 116 260)
- 117 **23A-2-509**, (Renumbered from 23-25-10, as last amended by Laws of Utah 1993,
- 118 Chapter 4)
- 119 **23A-2-510**, (Renumbered from 23-25-11, as enacted by Laws of Utah 1992, Chapter
- 120 260)

121           **23A-2-511**, (Renumbered from 23-25-13, as enacted by Laws of Utah 1992, Chapter  
122 260)

123           **23A-3-201**, (Renumbered from 23-14-13, as last amended by Laws of Utah 2015,  
124 Chapter 30)

125           **23A-3-202**, (Renumbered from 23-14-14, as enacted by Laws of Utah 1971, Chapter  
126 46)

127           **23A-3-203**, (Renumbered from 23-14-13.5, as enacted by Laws of Utah 2017, Chapter  
128 383)

129           **23A-3-204**, (Renumbered from 23-14-14.2, as last amended by Laws of Utah 2022,  
130 Chapter 68)

131           **23A-3-205**, (Renumbered from 23-13-20, as enacted by Laws of Utah 2022, Chapter  
132 37)

133           **23A-3-206**, (Renumbered from 23-14-14.3, as enacted by Laws of Utah 2022, Chapter  
134 53)

135           **23A-3-207**, (Renumbered from 23-19-43, as last amended by Laws of Utah 2000,  
136 Chapter 195)

137           **23A-3-208**, (Renumbered from 23-19-47, as last amended by Laws of Utah 2007,  
138 Chapter 187)

139           **23A-3-209**, (Renumbered from 23-19-48, as enacted by Laws of Utah 2012, Chapter  
140 142)

141           **23A-3-210**, (Renumbered from 23-15-14, as last amended by Laws of Utah 2001,  
142 Chapter 22)

143           **23A-3-211**, (Renumbered from 23-27-305, as enacted by Laws of Utah 2020, Chapter  
144 195)

145           **23A-3-212**, (Renumbered from 23-30-103, as enacted by Laws of Utah 2012, Chapter  
146 143)

147           **23A-3-213**, (Renumbered from 23-19-17.7, as enacted by Laws of Utah 1984, Chapter  
148 30)

149           **23A-3-301**, (Renumbered from 23-31-102, as enacted by Laws of Utah 2020, Chapter  
150 190)

151           **23A-3-302**, (Renumbered from 23-31-103, as enacted by Laws of Utah 2020, Chapter

152 190)  
153 **23A-3-303**, (Renumbered from 23-31-104, as enacted by Laws of Utah 2020, Chapter  
154 190)  
155 **23A-3-304**, (Renumbered from 23-31-201, as enacted by Laws of Utah 2020, Chapter  
156 190)  
157 **23A-3-305**, (Renumbered from 23-31-202, as enacted by Laws of Utah 2020, Chapter  
158 190)  
159 **23A-3-306**, (Renumbered from 23-31-203, as enacted by Laws of Utah 2020, Chapter  
160 190)  
161 **23A-4-201**, (Renumbered from 23-19-1, as last amended by Laws of Utah 2017,  
162 Chapter 104)  
163 **23A-4-202**, (Renumbered from 23-19-2, as last amended by Laws of Utah 2019,  
164 Chapter 125)  
165 **23A-4-203**, (Renumbered from 23-19-3, as last amended by Laws of Utah 1995,  
166 Chapter 211)  
167 **23A-4-204**, (Renumbered from 23-19-4, as last amended by Laws of Utah 2007,  
168 Chapter 136)  
169 **23A-4-205**, (Renumbered from 23-19-7, as last amended by Laws of Utah 2014,  
170 Chapter 21)  
171 **23A-4-206**, (Renumbered from 23-19-8, as last amended by Laws of Utah 2019,  
172 Chapter 125)  
173 **23A-4-207**, (Renumbered from 23-19-38, as last amended by Laws of Utah 2019,  
174 Chapter 349)  
175 **23A-4-208**, (Renumbered from 23-19-10, as last amended by Laws of Utah 2005,  
176 Chapter 117)  
177 **23A-4-209**, (Renumbered from 23-19-42, as last amended by Laws of Utah 2013,  
178 Chapter 295)  
179 **23A-4-210**, (Renumbered from 23-19-45, as enacted by Laws of Utah 1997, Chapter  
180 179)  
181 **23A-4-301**, (Renumbered from 23-19-38.2, as last amended by Laws of Utah 2011,  
182 Chapter 297)

183           **23A-4-302**, (Renumbered from 23-19-38.3, as last amended by Laws of Utah 2019,  
184 Chapter 135)  
185           **23A-4-303**, (Renumbered from 23-19-14, as last amended by Laws of Utah 2018,  
186 Chapter 39)  
187           **23A-4-304**, (Renumbered from 23-19-14.5, as last amended by Laws of Utah 2015,  
188 Chapter 25)  
189           **23A-4-305**, (Renumbered from 23-19-36, as last amended by Laws of Utah 2019,  
190 Chapter 349)  
191           **23A-4-306**, (Renumbered from 23-19-39, as last amended by Laws of Utah 1999,  
192 Chapter 128)  
193           **23A-4-401**, (Renumbered from 23-19-17, as last amended by Laws of Utah 2007,  
194 Chapter 187)  
195           **23A-4-402**, (Renumbered from 23-19-17.5, as last amended by Laws of Utah 2017,  
196 Chapter 46)  
197           **23A-4-501**, (Renumbered from 23-19-15, as last amended by Laws of Utah 2017,  
198 Chapter 46)  
199           **23A-4-503**, (Renumbered from 23-19-16, as last amended by Laws of Utah 2000,  
200 Chapter 195)  
201           **23A-4-601**, (Renumbered from 23-19-21, as last amended by Laws of Utah 2014,  
202 Chapter 21)  
203           **23A-4-602**, (Renumbered from 23-19-35, as last amended by Laws of Utah 1980,  
204 Chapter 28)  
205           **23A-4-701**, (Renumbered from 23-19-14.6, as last amended by Laws of Utah 2016,  
206 Chapter 258)  
207           **23A-4-702**, (Renumbered from 23-19-49, as enacted by Laws of Utah 2022, Chapter  
208 102)  
209           **23A-4-703**, (Renumbered from 23-19-22, as last amended by Laws of Utah 2016,  
210 Chapter 258)  
211           **23A-4-704**, (Renumbered from 23-19-22.5, as last amended by Laws of Utah 2007,  
212 Chapter 187)  
213           **23A-4-705**, (Renumbered from 23-19-22.6, as last amended by Laws of Utah 2007,

214 Chapter 187)  
215 [23A-4-706](#), (Renumbered from 23-19-24, as last amended by Laws of Utah 2007,  
216 Chapter 187)  
217 [23A-4-707](#), (Renumbered from 23-19-26, as last amended by Laws of Utah 2007,  
218 Chapter 187)  
219 [23A-4-708](#), (Renumbered from 23-20-20, as last amended by Laws of Utah 2011,  
220 Chapter 297)  
221 [23A-4-709](#), (Renumbered from 23-20-30, as last amended by Laws of Utah 2020,  
222 Chapter 135)  
223 [23A-4-801](#), (Renumbered from 23-19-34.5, as last amended by Laws of Utah 2010,  
224 Chapter 256)  
225 [23A-4-802](#), (Renumbered from 23-19-34.7, as last amended by Laws of Utah 2010,  
226 Chapter 256)  
227 [23A-4-901](#), (Renumbered from 23-19-27, as last amended by Laws of Utah 2001,  
228 Chapter 22)  
229 [23A-4-902](#), (Renumbered from 23-19-31, as last amended by Laws of Utah 1980,  
230 Chapter 28)  
231 [23A-4-903](#), (Renumbered from 23-19-32, as last amended by Laws of Utah 1980,  
232 Chapter 28)  
233 [23A-4-904](#), (Renumbered from 23-19-33, as last amended by Laws of Utah 1980,  
234 Chapter 28)  
235 [23A-4-905](#), (Renumbered from 23-18-5, as last amended by Laws of Utah 2011,  
236 Chapter 297)  
237 [23A-4-1001](#), (Renumbered from 23-19-11, as last amended by Laws of Utah 2022,  
238 Chapter 57)  
239 [23A-4-1002](#), (Renumbered from 23-19-11.1, as last amended by Laws of Utah 2017,  
240 Chapter 46)  
241 [23A-4-1003](#), (Renumbered from 23-19-12, as last amended by Laws of Utah 2022,  
242 Chapter 57)  
243 [23A-4-1004](#), (Renumbered from 23-19-12.7, as enacted by Laws of Utah 1998, Chapter  
244 166)



245           **23A-4-1005**, (Renumbered from 23-19-11.5, as last amended by Laws of Utah 2017,  
246 Chapter 46)  
247           **23A-4-1006**, (Renumbered from 23-19-12.5, as enacted by Laws of Utah 1995, Chapter  
248 120)  
249           **23A-4-1007**, (Renumbered from 23-19-13, as last amended by Laws of Utah 1995,  
250 Chapter 120)  
251           **23A-4-1101**, (Renumbered from 23-19-5, as last amended by Laws of Utah 2007,  
252 Chapter 136)  
253           **23A-4-1102**, (Renumbered from 23-19-5.5, as last amended by Laws of Utah 2022,  
254 Chapter 58)  
255           **23A-4-1103**, (Renumbered from 23-19-6, as last amended by Laws of Utah 1979,  
256 Chapter 90)  
257           **23A-4-1106**, (Renumbered from 23-19-9, as last amended by Laws of Utah 2021,  
258 Chapter 57)  
259           **23A-4-1108**, (Renumbered from 23-19-9.1, as enacted by Laws of Utah 1997, Chapter  
260 232)  
261           **23A-4-1109**, (Renumbered from 23-19-9.5, as last amended by Laws of Utah 1995,  
262 Chapter 211)  
263           **23A-5-201**, (Renumbered from 23-20-1, as last amended by Laws of Utah 2013,  
264 Chapter 394)  
265           **23A-5-202**, (Renumbered from 23-20-1.5, as last amended by Laws of Utah 1998,  
266 Chapter 282)  
267           **23A-5-203**, (Renumbered from 23-20-2, as enacted by Laws of Utah 1971, Chapter 46)  
268           **23A-5-204**, (Renumbered from 23-20-10, as last amended by Laws of Utah 2019,  
269 Chapter 125)  
270           **23A-5-205**, (Renumbered from 23-20-16, as last amended by Laws of Utah 1998,  
271 Chapter 282)  
272           **23A-5-206**, (Renumbered from 23-20-28, as last amended by Laws of Utah 2011,  
273 Chapter 297)  
274           **23A-5-207**, (Renumbered from 23-20-25, as last amended by Laws of Utah 1994,  
275 Chapter 208)

276           **23A-5-301**, (Renumbered from 23-13-11, as last amended by Laws of Utah 2009,  
277 Chapter 347)  
278           **23A-5-302**, (Renumbered from 23-13-4, as enacted by Laws of Utah 1971, Chapter 46)  
279           **23A-5-303**, (Renumbered from 23-13-5, as last amended by Laws of Utah 1973,  
280 Chapter 33)  
281           **23A-5-304**, (Renumbered from 23-13-13, as last amended by Laws of Utah 1975,  
282 Chapter 60)  
283           **23A-5-305**, (Renumbered from 23-13-14, as last amended by Laws of Utah 2017,  
284 Chapter 129)  
285           **23A-5-307**, (Renumbered from 23-13-18, as last amended by Laws of Utah 2021,  
286 Chapter 177)  
287           **23A-5-308**, (Renumbered from 23-13-19, as last amended by Laws of Utah 2017,  
288 Chapter 345)  
289           **23A-5-309**, (Renumbered from 23-20-3, as last amended by Laws of Utah 2009,  
290 Chapter 347)  
291           **23A-5-310**, (Renumbered from 23-20-3.5, as enacted by Laws of Utah 2000, Chapter 5)  
292           **23A-5-311**, (Renumbered from 23-20-4, as last amended by Laws of Utah 2009,  
293 Chapter 250)  
294           **23A-5-312**, (Renumbered from 23-20-4.5, as last amended by Laws of Utah 2009,  
295 Chapter 250)  
296           **23A-5-313**, (Renumbered from 23-20-4.7, as enacted by Laws of Utah 2010, Chapter  
297 52)  
298           **23A-5-314**, (Renumbered from 23-20-8, as last amended by Laws of Utah 2013,  
299 Chapter 282)  
300           **23A-5-315**, (Renumbered from 23-20-12, as last amended by Laws of Utah 2011,  
301 Chapter 366)  
302           **23A-5-316**, (Renumbered from 23-20-13, as last amended by Laws of Utah 1995,  
303 Chapters 23 and 211)  
304           **23A-5-317**, (Renumbered from 23-20-14, as last amended by Laws of Utah 2022,  
305 Chapter 87)  
306           **23A-5-318**, (Renumbered from 23-20-15, as enacted by Laws of Utah 1971, Chapter

307 46)  
308 [23A-5-319](#), (Renumbered from 23-20-18, as last amended by Laws of Utah 1975,  
309 Chapter 60)  
310 [23A-5-320](#), (Renumbered from 23-20-19, as last amended by Laws of Utah 1975,  
311 Chapter 60)  
312 [23A-5-321](#), (Renumbered from 23-20-29, as last amended by Laws of Utah 2011,  
313 Chapter 297)  
314 [23A-5-322](#), (Renumbered from 23-20-29.5, as enacted by Laws of Utah 1994, Chapter  
315 87)  
316 [23A-6-101](#), (Renumbered from 23-21-.5, as last amended by Laws of Utah 2019,  
317 Chapter 141)  
318 [23A-6-201](#), (Renumbered from 23-21-1, as enacted by Laws of Utah 1971, Chapter 46)  
319 [23A-6-202](#), (Renumbered from 23-21-1.5, as last amended by Laws of Utah 2009,  
320 Chapter 388)  
321 [23A-6-203](#), (Renumbered from 23-21-2, as last amended by Laws of Utah 2011,  
322 Chapter 297)  
323 [23A-6-204](#), (Renumbered from 23-21-6, as last amended by Laws of Utah 1993,  
324 Chapter 227)  
325 [23A-6-301](#), (Renumbered from 23-21-2.1, as enacted by Laws of Utah 1998, Chapter  
326 218)  
327 [23A-6-302](#), (Renumbered from 23-21-2.2, as enacted by Laws of Utah 1998, Chapter  
328 218)  
329 [23A-6-303](#), (Renumbered from 23-21-2.3, as last amended by Laws of Utah 2021,  
330 Chapter 382)  
331 [23A-6-304](#), (Renumbered from 23-21-2.4, as enacted by Laws of Utah 1998, Chapter  
332 218)  
333 [23A-6-305](#), (Renumbered from 23-21-2.5, as enacted by Laws of Utah 1998, Chapter  
334 218)  
335 [23A-6-401](#), (Renumbered from 23-21-2.6, as enacted by Laws of Utah 2022, Chapter  
336 52)  
337 [23A-6-402](#), (Renumbered from 23-21-4, as last amended by Laws of Utah 2000,

338 Chapter 156)  
339 **23A-6-403**, (Renumbered from 23-21-5, as last amended by Laws of Utah 2019,  
340 Chapter 141)  
341 **23A-6-404**, (Renumbered from 23-21-7, as enacted by Laws of Utah 2009, Chapter  
342 347)  
343 **23A-7-101**, (Renumbered from 23-23-2, as last amended by Laws of Utah 2005,  
344 Chapter 112)  
345 **23A-7-102**, (Renumbered from 23-23-3, as last amended by Laws of Utah 2005,  
346 Chapter 112)  
347 **23A-7-103**, (Renumbered from 23-23-1, as last amended by Laws of Utah 1997,  
348 Chapter 258)  
349 **23A-7-201**, (Renumbered from 23-23-4, as last amended by Laws of Utah 1997,  
350 Chapter 258)  
351 **23A-7-202**, (Renumbered from 23-23-5, as last amended by Laws of Utah 1997,  
352 Chapter 258)  
353 **23A-7-203**, (Renumbered from 23-23-6, as repealed and reenacted by Laws of Utah  
354 1997, Chapter 258)  
355 **23A-7-204**, (Renumbered from 23-23-7, as last amended by Laws of Utah 2005,  
356 Chapter 112)  
357 **23A-7-205**, (Renumbered from 23-23-7.5, as enacted by Laws of Utah 1997, Chapter  
358 258)  
359 **23A-7-206**, (Renumbered from 23-23-8, as last amended by Laws of Utah 1997,  
360 Chapter 258)  
361 **23A-7-207**, (Renumbered from 23-23-9, as last amended by Laws of Utah 1997,  
362 Chapter 258)  
363 **23A-7-208**, (Renumbered from 23-23-10, as last amended by Laws of Utah 2000,  
364 Chapter 44)  
365 **23A-7-209**, (Renumbered from 23-23-11, as last amended by Laws of Utah 2011,  
366 Chapter 297)  
367 **23A-7-210**, (Renumbered from 23-23-12, as enacted by Laws of Utah 1988, Chapter  
368 158)

369           **23A-7-211**, (Renumbered from 23-23-13, as enacted by Laws of Utah 1988, Chapter  
370 158)  
371           **23A-7-212**, (Renumbered from 23-23-14, as last amended by Laws of Utah 2013,  
372 Chapter 212)  
373           **23A-8-201**, (Renumbered from 23-24-1, as last amended by Laws of Utah 2017,  
374 Chapter 345)  
375           **23A-8-202**, (Renumbered from 23-24-2, as enacted by Laws of Utah 2020, Chapter  
376 100)  
377           **23A-8-203**, (Renumbered from 23-18-4, as enacted by Laws of Utah 1971, Chapter 46)  
378           **23A-8-301**, (Renumbered from 23-17-4, as last amended by Laws of Utah 2011,  
379 Chapter 297)  
380           **23A-8-302**, (Renumbered from 23-17-5.1, as enacted by Laws of Utah 2013, Chapter  
381 375)  
382           **23A-8-401**, (Renumbered from 23-16-2, as enacted by Laws of Utah 1971, Chapter 46)  
383           **23A-8-402**, (Renumbered from 23-16-3, as last amended by Laws of Utah 2022,  
384 Chapter 45)  
385           **23A-8-403**, (Renumbered from 23-16-3.1, as last amended by Laws of Utah 2022,  
386 Chapter 45)  
387           **23A-8-404**, (Renumbered from 23-16-3.2, as last amended by Laws of Utah 2022,  
388 Chapter 45)  
389           **23A-8-405**, (Renumbered from 23-16-4, as last amended by Laws of Utah 2022,  
390 Chapter 45)  
391           **23A-9-201**, (Renumbered from 23-15-4, as last amended by Laws of Utah 2018,  
392 Chapter 148)  
393           **23A-9-202**, (Renumbered from 23-15-5, as enacted by Laws of Utah 1971, Chapter 46)  
394           **23A-9-203**, (Renumbered from 23-15-10, as last amended by Laws of Utah 2017,  
395 Chapter 412)  
396           **23A-9-204**, (Renumbered from 23-15-13, as last amended by Laws of Utah 1997,  
397 Chapter 82)  
398           **23A-9-301**, (Renumbered from 23-15-3, as last amended by Laws of Utah 1983,  
399 Chapter 347)

400           **23A-9-302**, (Renumbered from 23-15-6, as enacted by Laws of Utah 1971, Chapter 46)  
401           **23A-9-303**, (Renumbered from 23-15-7, as enacted by Laws of Utah 1971, Chapter 46)  
402           **23A-9-304**, (Renumbered from 23-15-8, as last amended by Laws of Utah 1994,  
403 Chapter 153)  
404           **23A-9-305**, (Renumbered from 23-15-9, as last amended by Laws of Utah 2011,  
405 Chapter 297)  
406           **23A-10-101**, (Renumbered from 23-27-102, as last amended by Laws of Utah 2020,  
407 Chapter 195)  
408           **23A-10-201**, (Renumbered from 23-27-201, as last amended by Laws of Utah 2014,  
409 Chapter 274)  
410           **23A-10-202**, (Renumbered from 23-27-202, as enacted by Laws of Utah 2008, Chapter  
411 284)  
412           **23A-10-301**, (Renumbered from 23-27-301, as last amended by Laws of Utah 2020,  
413 Chapter 195)  
414           **23A-10-302**, (Renumbered from 23-27-302, as enacted by Laws of Utah 2008, Chapter  
415 284)  
416           **23A-10-303**, (Renumbered from 23-27-303, as enacted by Laws of Utah 2008, Chapter  
417 284)  
418           **23A-10-304**, (Renumbered from 23-27-304, as enacted by Laws of Utah 2020, Chapter  
419 195)  
420           **23A-10-305**, (Renumbered from 23-27-306, as enacted by Laws of Utah 2020, Chapter  
421 195)  
422           **23A-10-401**, (Renumbered from 23-27-401, as enacted by Laws of Utah 2008, Chapter  
423 284)  
424           **23A-10-501**, (Renumbered from 23-27-501, as enacted by Laws of Utah 2021, Chapter  
425 248)  
426           **23A-11-101**, (Renumbered from 23-16-1.1, as last amended by Laws of Utah 2022,  
427 Chapter 45)  
428           **23A-11-201**, (Renumbered from 23-16-5, as last amended by Laws of Utah 2022,  
429 Chapter 294)  
430           **23A-11-202**, (Renumbered from 23-16-6, as last amended by Laws of Utah 2008,

431 Chapter 239)  
432           **23A-11-203**, (Renumbered from 23-16-11, as enacted by Laws of Utah 2021, Chapter  
433 177)  
434           **23A-11-204**, (Renumbered from 23-20-33, as enacted by Laws of Utah 2022, Chapter  
435 45)  
436           **23A-11-205**, (Renumbered from 23-20-31, as last amended by Laws of Utah 2011,  
437 Chapter 297)  
438           **23A-11-301**, (Renumbered from 23-16-7, as last amended by Laws of Utah 1995,  
439 Chapter 211)  
440           **23A-11-302**, (Renumbered from 23-16-10, as enacted by Laws of Utah 2020, Chapter  
441 15)  
442           **23A-11-401**, (Renumbered from 23-30-102, as enacted by Laws of Utah 2012, Chapter  
443 143)  
444           **23A-11-402**, (Renumbered from 23-30-104, as enacted by Laws of Utah 2012, Chapter  
445 143)  
446           **23A-12-201**, (Renumbered from 23-17-5.2, as enacted by Laws of Utah 2013, Chapter  
447 375)  
448           **23A-12-202**, (Renumbered from 23-17-6, as last amended by Laws of Utah 2015,  
449 Chapter 200)  
450           **23A-12-203**, (Renumbered from 23-17-7, as enacted by Laws of Utah 1971, Chapter  
451 46)  
452           **23A-12-204**, (Renumbered from 23-17-8, as last amended by Laws of Utah 2011,  
453 Chapter 297)  
454           **23A-12-205**, (Renumbered from 23-17-9, as enacted by Laws of Utah 1971, Chapter  
455 46)  
456           **23A-12-301**, (Renumbered from 23-32-102, as enacted by Laws of Utah 2021, Chapter  
457 177)  
458           **23A-12-302**, (Renumbered from 23-32-103, as enacted by Laws of Utah 2021, Chapter  
459 177)  
460           **23A-12-303**, (Renumbered from 23-32-104, as enacted by Laws of Utah 2021, Chapter  
461 177)

462            **23A-13-101**, (Renumbered from 23-28-102, as enacted by Laws of Utah 2009, Chapter  
463 273)  
464            **23A-13-201**, (Renumbered from 23-28-201, as last amended by Laws of Utah 2021,  
465 Chapter 41)  
466            **23A-13-202**, (Renumbered from 23-28-202, as last amended by Laws of Utah 2021,  
467 Chapter 41)  
468            **23A-13-301**, (Renumbered from 23-28-301, as enacted by Laws of Utah 2009, Chapter  
469 273)  
470            **23A-13-302**, (Renumbered from 23-28-302, as last amended by Laws of Utah 2021,  
471 Chapter 41)  
472            **23A-13-303**, (Renumbered from 23-28-303, as last amended by Laws of Utah 2019,  
473 Chapter 81)  
474            **23A-13-304**, (Renumbered from 23-28-304, as enacted by Laws of Utah 2009, Chapter  
475 273)  
476            **23A-13-305**, (Renumbered from 23-28-305, as enacted by Laws of Utah 2009, Chapter  
477 273)  
478            **23A-14-201**, (Renumbered from 23-18-2, as last amended by Laws of Utah 1986,  
479 Chapter 76)  
480            **23A-14-202**, (Renumbered from 23-18-3, as enacted by Laws of Utah 1971, Chapter  
481 46)  
482            **23A-14-203**, (Renumbered from 23-18-6, as enacted by Laws of Utah 1993, Chapter  
483 264)  
484            **23A-15-101**, (Renumbered from 23-29-102, as enacted by Laws of Utah 2010, Chapter  
485 20)  
486            **23A-15-102**, (Renumbered from 23-29-103, as enacted by Laws of Utah 2010, Chapter  
487 20)  
488            **23A-15-201**, (Renumbered from 23-29-201, as enacted by Laws of Utah 2010, Chapter  
489 20)  
490            **23A-15-202**, (Renumbered from 23-29-202, as enacted by Laws of Utah 2010, Chapter  
491 20)  
492 REPEALS:



- 493            **23-13-1**, as last amended by Laws of Utah 2007, Chapter 306
- 494            **23-13-16**, as enacted by Laws of Utah 1992, Chapter 261
- 495            **23-14-2.1**, as last amended by Laws of Utah 2008, Chapter 382
- 496            **23-14-11**, as last amended by Laws of Utah 1984, Chapter 67
- 497            **23-14-16**, as last amended by Laws of Utah 1992, Chapter 30
- 498            **23-17-5**, as enacted by Laws of Utah 1971, Chapter 46
- 499            **23-20-23**, as enacted by Laws of Utah 1971, Chapter 46
- 500            **23-21a-1**, as enacted by Laws of Utah 1977, Chapter 103
- 501            **23-21a-2**, as enacted by Laws of Utah 1977, Chapter 103
- 502            **23-21a-3**, as enacted by Laws of Utah 1977, Chapter 103
- 503            **23-21a-4**, as enacted by Laws of Utah 1977, Chapter 103
- 504            **23-21a-5**, as enacted by Laws of Utah 1977, Chapter 103
- 505            **23-21a-6**, as enacted by Laws of Utah 1977, Chapter 103
- 506            **23-25-1**, as enacted by Laws of Utah 1992, Chapter 260
- 507            **23-25-12**, as enacted by Laws of Utah 1992, Chapter 260
- 508            **23-27-101**, as enacted by Laws of Utah 2008, Chapter 284
- 509            **23-28-101**, as enacted by Laws of Utah 2009, Chapter 273
- 510            **23-29-101**, as enacted by Laws of Utah 2010, Chapter 20
- 511            **23-30-101**, as enacted by Laws of Utah 2012, Chapter 143
- 512            **23-31-101**, as enacted by Laws of Utah 2020, Chapter 190
- 513            **23-32-101**, as enacted by Laws of Utah 2021, Chapter 177

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

516            Section 1. Section **23A-1-101**, which is renumbered from Section 23-13-2 is

517 renumbered and amended to read:

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

519            **CHAPTER 1. GENERAL PROVISIONS**

520            **Part 1. General Provisions**

521            ~~[23-13-2]~~.    **23A-1-101. Definitions.**

522            As used in this title:

523            (1) "Activity regulated under this title" means an act, attempted act, or activity

524 prohibited or regulated under this title or the rules[;] and proclamations promulgated under this  
525 title pertaining to protected wildlife including:

- 526 (a) fishing;
- 527 (b) hunting;
- 528 (c) trapping;
- 529 (d) taking;
- 530 (e) permitting ~~[any]~~ a dog, falcon, or other domesticated animal to take;
- 531 (f) transporting;
- 532 (g) possessing;
- 533 (h) selling;
- 534 (i) wasting;
- 535 (j) importing;
- 536 (k) exporting;
- 537 (l) rearing;
- 538 (m) keeping;
- 539 (n) using as a commercial venture; and
- 540 (o) releasing to the wild.

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

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

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

545 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife  
546 that one person may legally take during one day.

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

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

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

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

554 (10) "Conservation officer" means a full-time, permanent employee of the ~~[Division of~~

555 ~~Wildlife Resources]~~ division who is POST certified as a peace or a special function officer.

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

557 (a) expanded hunting opportunities;

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

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

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

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

562 ~~[(12)]~~ (14) "Division" means the Division of Wildlife Resources.

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

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

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

566 ~~[(iii)]~~ (c) in which the individual, and the individual's family voluntarily reside, not for

567 a special or temporary purpose, but with the intention of making a permanent home.

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

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

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

571 ~~[(14)]~~ (16) "Endangered" means wildlife designated as endangered according to  
572 Section 3 of the federal Endangered Species Act of 1973.

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

575 ~~[(15)]~~ (18) "Fee fishing facility" means the same as that term is defined in Section  
576 4-37-103.

577 ~~[(16)]~~ (19) "Feral" means an animal that is normally domesticated but has reverted to  
578 the wild.

579 ~~[(17)]~~ (20) "Fishing" means to take fish or crayfish by any means.

580 ~~[(18)]~~ (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae,  
581 Mustelidae, and Castoridae families, except coyote and cougar.

582 ~~[(19)]~~ (22) "Game" means wildlife normally pursued, caught, or taken by sporting  
583 means for human use.

584 ~~[(20) "Guide" means a person who receives compensation or advertises services for~~  
585 ~~assisting another person to take protected wildlife, including the provision of food, shelter, or~~

586 ~~transportation, or any combination of these.]~~

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

589 ~~[(22)]~~ (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by  
590 any means.

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

592 ~~[(23)]~~ (25) "Intimidate or harass" means to physically interfere with or impede, hinder,  
593 or diminish the efforts of an officer in the performance of the officer's duty.

594 ~~[(24)]~~ (26) (a) "Natural flowing stream" means a topographic low where water collects  
595 and perennially or intermittently flows with a perceptible current in a channel formed  
596 exclusively by forces of nature.

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

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

600 (ii) dredged natural flowing stream channel.

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

604 ~~[(25)]~~ (27) (a) "Natural lake" means a perennial or intermittent body of water that  
605 collects on the surface of the earth exclusively through the forces of nature and without human  
606 assistance.

607 (b) "Natural lake" does not mean a lake where ~~at~~ the surface water sources supplying  
608 the body of water originate from groundwater springs no more than 100 yards upstream.

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

611 ~~[(26)]~~ (29) "Nonresident" means a person who does not qualify as a resident.

612 ~~[(27)]~~ (30) "Open season" means the period of time during which protected wildlife  
613 may be legally taken.

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

615 ~~[(28)]~~ (32) "Pecuniary gain" means the acquisition of money or something of monetary  
616 value.

617 ~~[(29)]~~ (33) "Permit" means a paper-based or electronic document~~[-, including a stamp,]~~  
 618 that grants authority to engage in specified activities under this title or a rule or proclamation of  
 619 the Wildlife Board.

620 ~~[(30)]~~ (34) "Person" means an individual, association, partnership, government agency,  
 621 corporation, or an agent of the ~~[foregoing]~~ individual, association, partnership, government  
 622 agency, or corporation.

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

625 (a) exceeds state water quality standards; or

626 (b) could harm protected wildlife.

627 ~~[(31)]~~ (36) "Possession" means actual or constructive possession.

628 ~~[(32)]~~ (37) "Possession limit" means the number of bag limits one individual may  
 629 legally possess.

630 ~~[(33)]~~ (38) (a) "Private fish pond" means a pond, reservoir, or other body of water,  
 631 including a fish culture system, located on privately owned land where privately owned fish:

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

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

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

635 (i) an aquaculture facility[-];

636 (ii) a fee fishing facility[-];

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

638 (iv) private stocking.

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

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

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

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

647 ~~[(35)]~~ (40) "Private wildlife farm" means an enclosed place where privately owned

648 birds or furbearers are propagated or kept and that restricts the birds or furbearers from:

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

650 (b) escaping into the wild.

651 ~~[(36)]~~ (41) "Proclamation" means the publication that is:

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

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

655 ~~[(37)]~~ (42) (a) "Protected aquatic wildlife" means aquatic wildlife ~~[as defined in~~  
656 ~~Subsection (3);]~~ except as provided in Subsection ~~[(37)]~~ (42)(b).

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

658 ~~[(38)]~~ (43) (a) "Protected wildlife" means wildlife ~~[as defined in Subsection (54)],~~  
659 except as provided in Subsection ~~[(38)]~~ (43)(b).

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

661 (i) coyote;

662 (ii) field mouse;

663 (iii) gopher;

664 (iv) ground squirrel;

665 (v) jack rabbit;

666 (vi) muskrat; ~~and~~; or

667 (vii) raccoon.

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

669 ~~[(39)]~~ (45) "Released to the wild" means to be turned loose from confinement.

670 ~~[(40)]~~ (46) (a) "Reservoir constructed on a natural stream channel" means a body of  
671 water collected and stored on the course of a natural flowing stream by impounding the stream  
672 through excavation or diking.

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

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

678 (i) (a) has been domiciled in the state for six consecutive months immediately

679 preceding the purchase of a license; and

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

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

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

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

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

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

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

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

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

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

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

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

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

702        ~~[(42)]~~ (48) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the  
703 act of selling, bartering, exchanging, or trading.

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

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

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

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

709        ~~[(44)]~~ (50) "Small game" means species of protected wildlife:

710 (a) commonly pursued for sporting purposes;

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

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

713 ~~[(45)]~~ (51) "Spoiled" means impairment of the flesh of wildlife that renders the flesh  
714 unfit for human consumption.

715 ~~[(46)]~~ (52) "Spotlighting" means throwing or casting the rays of ~~[any]~~ a spotlight,  
716 headlight, or other artificial light on ~~[any]~~ a highway or in ~~[any]~~ a field, woodland, or forest  
717 while having in possession a weapon by which protected wildlife may be killed.

718 ~~[(47)]~~ (53) "Tag" means a card, label, or other paper-based or electronic means of  
719 identification used to document harvest of protected wildlife.

720 ~~[(48)]~~ (54) "Take" means to:

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

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

724 ~~[(49)]~~ (55) "Threatened" means wildlife designated as ~~[such]~~ threatened pursuant to  
725 Section 3 of the federal Endangered Species Act of 1973.

726 ~~[(50)]~~ (56) "Trapping" means taking protected wildlife with a trapping device.

727 ~~[(51)]~~ (57) "Trophy animal" means an animal described as follows:

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

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

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

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

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

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

734 (g) bison - a bull.

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

737 ~~[(52)]~~ (59) "Waste" means to:

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

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



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

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

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

745 ~~[(54)]~~ (60) "Wildlife" means:

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

747 (b) mollusks; and

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

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

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

752 ~~[23-13-3].~~ **23A-1-102. Wildlife declared property of the state.**

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

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

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

758 **23A-1-103. Domicile or residency.**

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

760 (a) abandon the old domicile; and

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

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

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

765 (b) the person complies with Subsection [23A-1-101\(47\)\(b\)](#).

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

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

770 (ii) complies with Subsection [23A-1-101\(47\)\(b\)](#).

771 (b) A member shall present a copy of the assignment orders to a division office to

772 verify the member's qualification as a resident.

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

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

777 (b) complies with Subsection [23A-1-101\(47\)\(b\)](#).

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

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

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

784 **Part 2. Miscellaneous**

785 ~~[23-13-8].~~ **23A-1-201. Private wildlife farms.**

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

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

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

792 (b) Before establishing ~~[such]~~ a private wildlife farm, a person shall obtain written  
793 authorization from the ~~[Division of Wildlife Resources]~~ division in accordance with rules  
794 established by the Wildlife Board~~[- Any wildlife which]~~ in accordance with Title 63G, Chapter  
795 3, Utah Administrative Rulemaking Act.

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

798 (2) This section does not:

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

802 (b) provide for the propagating, rearing, and keeping of ~~[any]~~ a protected wildlife other

803 than [~~those~~] a wildlife specified in this section.

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

806 ~~[23-13-12.5].~~ **23A-1-202. Agreement with a tribe.**

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

808 (a) Indian tribe; or

809 (b) Indian band.

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

813 (i) based on:

814 (A) a treaty;

815 (B) an aboriginal right; or

816 (C) other recognized federal right; and

817 (ii) on lands located within the state.

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

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

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

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

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

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

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

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

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

834 (d) An agreement permitted under Subsection (2)(a) shall:  
835 (i) be in writing;  
836 (ii) be signed by:  
837 (A) the governor; and  
838 (B) the governing body of the tribe that:  
839 (I) is designated by the tribe; and  
840 (II) may bind the tribe to the terms of the agreement;  
841 (iii) be conditioned on obtaining any approval required by federal law;  
842 (iv) state the effective date of the agreement;  
843 (v) provide that the governor shall renegotiate the agreement if the agreement is or  
844 becomes inconsistent with a state statute for which an exemption is not authorized under this  
845 section; and  
846 (vi) include any accommodation made by the tribe that:  
847 (A) is agreed to by the tribe;  
848 (B) is reasonably related to the agreement; and  
849 (C) concerns the management and use of wildlife resources or habitat.  
850 (e) ~~[Prior to]~~ Before executing an agreement under this Subsection (2), the governor  
851 shall consult with:  
852 (i) the division; and  
853 (ii) the chair of the Wildlife Board ~~[created in Section 23-14-2]~~.  
854 (f) At least 30 days before the agreement under this Subsection (2) is executed, the  
855 governor or the governor's designee shall provide a copy of the agreement in the form that the  
856 agreement will be executed to:  
857 (i) the chairs of the Native American Legislative Liaison Committee; and  
858 (ii) the Office of Legislative Research and General Counsel.  
859 Section 6. Section **23A-1-203**, which is renumbered from Section 23-13-15 is  
860 renumbered and amended to read:  
861 ~~[23-13-15]~~. **23A-1-203. Utah State Hunting and Fishing Day.**  
862 In recognition of the substantial and continued contribution by hunters and fishermen  
863 toward the sound management of wildlife in Utah, the fourth Saturday of September of each  
864 year is ~~[hereby established]~~ known as "Utah State Hunting and Fishing Day."

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

867 ~~[23-13-17].~~ **23A-1-204. Spotlighting of coyote, red fox, striped skunk, and**  
868 **raccoon -- County ordinances -- Permits.**

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

871 ~~[(1)]~~ (2) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon  
872 ~~[where]~~ when allowed by a county ordinance enacted pursuant to this section.

873 ~~[(2)]~~ (3) The ordinance shall provide that:

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

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

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

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

882 (4) The ordinance may specify:

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

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

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

886 (d) the weapons permitted; and

887 (e) penalties for violation of the ordinance.

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

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

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

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

893 ~~[(iii) Revenues]~~ A county shall remit revenue generated by the permit fee ~~[shall be~~  
894 ~~remitted to the Division of Wildlife Resources]~~ to the division for deposit into the Wildlife  
895 Resources Account, except the Wildlife Board may allow ~~[any]~~ a county that enacts an

896 ordinance pursuant to this section to retain a reasonable amount to pay for the costs of  
 897 administering and enforcing the ordinance[~~-, provided this~~] if the use of the permit revenues  
 898 does not affect federal funds received by the state under Wildlife Restoration Act, 16 U.S.C.  
 899 Sec. 669 et seq., [~~Wildlife Restoration Act~~] and Sport Fish Restoration Act, 16 U.S.C. Sec. 777  
 900 et seq.[~~, Sport Fish Restoration Act.~~]

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

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

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

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

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

911 ~~[23-20-9].~~ **23A-1-205. Donating protected wildlife.**

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

914 (a) the residence of the donor;

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

916 (c) a meat locker;

917 (d) a storage plant;

918 (e) a meat processing facility; or

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

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

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

923 (b) the date of donation;

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

925 (d) the signature of the donor.

926 (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big

927 game animal to another person or organization at any place without a donation slip.

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

929 **CHAPTER 2. ADMINISTRATION**

930 **Part 1. General Provisions**

931 **23A-2-101. Definitions.**

932 Reserved.

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

935 ~~[23-14-3].~~ **23A-2-102. Powers of division to determine facts -- Policymaking**  
936 **powers of Wildlife Board.**

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

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

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

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

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

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

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

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

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

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

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

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

963 **Part 2. Division and Director**

964 ~~[23-14-1].~~ **23A-2-201. Division of Wildlife Resources -- Limits on authority of**  
 965 **political subdivisions -- Adjudicative proceedings -- Official seal.**

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

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

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

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

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

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

988 (b) ~~[Communities]~~ A community may close areas to hunting for safety reasons after



989 confirmation by the Wildlife Board.

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

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

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

996 ~~[23-14-7].~~ **23A-2-202. Director of the division -- Qualifications.**

997 (1) The director shall:

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

1000 (b) have demonstrated ability in management and administration and experience in the  
1001 protection, conservation, restoration, and management of wildlife resources.

1002 (2) The director may not hold ~~[any other]~~ another public office or be involved in a  
1003 political party or organization.

1004 Section 13. Section **23A-2-203**, which is renumbered from Section 23-14-8 is  
1005 renumbered and amended to read:

1006 ~~[23-14-8].~~ **23A-2-203. Director powers.**

1007 The director ~~[of the Division of Wildlife Resources]~~, under administrative supervision  
1008 of the executive director ~~[of the Department of Natural Resources, shall have]~~, has:

1009 (1) executive authority and control of the ~~[Division of Wildlife Resources]~~ division so  
1010 that policies of the Wildlife Board are carried out in accordance with the laws of this state;

1011 (2) authority over ~~[aH]~~ personnel matters;

1012 (3) full control of ~~[aH]~~ property acquired and held for the purposes specified in this  
1013 title; and

1014 (4) authority to declare emergency closed or open seasons in the interest of the wildlife  
1015 resources of the state.

1016 Section 14. Section **23A-2-204**, which is renumbered from Section 23-14-10 is  
1017 renumbered and amended to read:

1018 ~~[23-14-10].~~ **23A-2-204. Compensation of division employees -- Travel expenses**  
1019 **of director and employees.**

1020 ~~[Employees of the Division of Wildlife Resources shall receive such]~~ An employee of  
1021 the division shall receive the compensation [as] the director [shall determine] determines  
1022 within limits established for state employees by [the Division of Finance] Title 63A, Chapter  
1023 17, Utah State Personnel Management Act. In addition to salaries provided for within this title,  
1024 the director and employees of the ~~[Division of Wildlife Resources]~~ division are entitled to  
1025 receive travel expenses as provided in the rules established by the Division of Finance.

1026 Section 15. Section **23A-2-205**, which is renumbered from Section 23-14-12 is  
1027 renumbered and amended to read:

1028 ~~[23-14-12].~~ **23A-2-205. Oaths administered by director.**

1029 The director ~~[of wildlife resources shall have the power to]~~ may administer oaths for  
1030 ~~[aH]~~ the purposes required in the discharge of ~~[his]~~ the director's duties.

1031 Section 16. Section **23A-2-206**, which is renumbered from Section 23-15-2 is  
1032 renumbered and amended to read:

1033 ~~[23-15-2].~~ **23A-2-206. Jurisdiction of division over public or private land and**  
1034 **waters.**

1035 ~~[All wildlife]~~ Wildlife within this state, including wildlife on public or private land or  
1036 in public or private waters within this state, ~~[shall fall]~~ is within the jurisdiction of the  
1037 ~~[Division of Wildlife Resources]~~ division.

1038 Section 17. Section **23A-2-207**, which is renumbered from Section 23-13-6 is  
1039 renumbered and amended to read:

1040 ~~[23-13-6].~~ **23A-2-207. Taking of wildlife by division.**

1041 (1) Subject to the other provisions of this section, the division may take wildlife of any  
1042 kind from any place and in any manner for purposes considered by the director ~~[of the division]~~  
1043 to be in the interest of wildlife conservation.

1044 (2) The division shall deliver notice to an affected landowner or an agent of an affected  
1045 landowner, either in writing or orally, before the taking of wildlife on privately owned land  
1046 under this section. The division may take the wildlife immediately after or at a time reasonably  
1047 required for the taking after delivering notice.

1048 (3) The notice requirements in Subsection (2) do not apply in a situation when there is  
1049 a threat to public safety or exigent circumstances exist.

1050 Section 18. Section **23A-2-208**, which is renumbered from Section 23-13-7 is

1051 renumbered and amended to read:

1052 ~~[23-13-7]~~. 23A-2-208. Use of fireworks and explosives by division employees  
1053 and certain federal game agents.

1054 Notwithstanding any other provision of law, ~~[employees of the Division of Wildlife~~  
1055 ~~Resources and federal game agents]~~ the following may, without obtaining a permit, use  
1056 fireworks and explosives to rally, drive, or otherwise disperse concentrations of wildlife as may  
1057 be necessary to protect property or wildlife resources:

1058 (1) an employee of the division designated by the director; or

1059 (2) a federal game agent charged with the duty of managing wildlife resources ~~[may,~~  
1060 ~~without obtaining a permit, use fireworks and explosives to rally, drive, or otherwise disperse~~  
1061 ~~concentrations of wildlife as may be necessary to protect property or wildlife resources].~~

1062 Section 19. Section 23A-2-209, which is renumbered from Section 23-14-21 is  
1063 renumbered and amended to read:

1064 ~~[23-14-21]~~. 23A-2-209. Transplants of big game, turkeys, wolves, or sensitive  
1065 species.

1066 (1) The division may transplant big game, turkeys, wolves, or sensitive species only in  
1067 accordance with:

1068 (a) (i) a list of sites for the transplant of a particular species that is prepared and  
1069 adopted in accordance with Subsections (2) through (5);

1070 ~~[(b)]~~ (ii) a species management plan, such as a deer or elk management plan adopted  
1071 under Section ~~[23-16-7]~~ 23A-11-301 or a recovery plan for a threatened or endangered species,  
1072 provided that:

1073 ~~[(i)]~~ (A) the plan identifies sites for the transplant of the species or the lands or waters  
1074 the species are expected to occupy; and

1075 ~~[(ii)]~~ (B) the public has had an opportunity to comment and make recommendations on  
1076 the plan; ~~[or]~~ and

1077 (iii) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.; or

1078 ~~[(c)]~~ (b) a legal agreement between the state and a tribal government that identifies  
1079 potential transplants~~[-and]~~

1080 ~~[(d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.]~~.

1081 (2) The division shall:

1082 (a) consult with the landowner in determining the suitability of a site for the transplant  
1083 of a species;

1084 (b) prepare a list of proposed sites for the transplant of species; and

1085 (c) provide notification of proposed sites for the transplant of species to:

1086 (i) local government officials having jurisdiction over areas that may be affected by a  
1087 transplant; and

1088 (ii) the Resource Development Coordinating Committee created in Section  
1089 63L-11-401.

1090 (3) After receiving comments from local government officials and the Resource  
1091 Development Coordinating Committee, the division shall submit the list of proposed transplant  
1092 sites, or a revised list, to regional advisory councils for the one or more regions that may be  
1093 affected by the transplants of species.

1094 (4) [~~Each~~] A regional advisory council reviewing a list of proposed sites for the  
1095 transplant of species may submit recommendations to the Wildlife Board.

1096 (5) The Wildlife Board shall approve, modify, or reject [~~each~~] a proposal for the  
1097 transplant of a species.

1098 (6) [~~Each~~] A list of proposed transplant sites approved by the Wildlife Board shall have  
1099 a termination date after which a transplant may not occur.

1100 Section 20. Section **23A-2-301**, which is renumbered from Section 23-14-2 is  
1101 renumbered and amended to read:

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

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

1104 (1) There is created a Wildlife Board [~~which shall consist~~] that consists of seven  
1105 members appointed by the governor with the advice and consent of the Senate in accordance  
1106 with Title 63G, Chapter 24, Part 2, Vacancies.

1107 (2) (a) In addition to the requirements of Section 79-2-203, the members of the [~~board~~]  
1108 Wildlife Board shall have expertise or experience in at least one of the following areas:

1109 (i) wildlife management or biology;

1110 (ii) habitat management, including range or aquatic;

1111 (iii) business, including knowledge of private land issues; and

1112 (iv) economics, including knowledge of recreational wildlife uses.

1113 (b) ~~[Each]~~ At least one member of the Wildlife Board shall represent each of the areas  
1114 of expertise under Subsection (2)(a) ~~[shall be represented by at least one member of the~~  
1115 ~~Wildlife Board]~~.

1116 (3) (a) The governor shall select ~~[each]~~ a board member from a list of nominees  
1117 submitted by the nominating committee pursuant to Section ~~[23-14-2.5]~~ 23A-2-302.

1118 (b) No more than two members shall be from a single wildlife region described in  
1119 Subsection ~~[23-14-2.6]~~ 23A-2-303(1).

1120 (c) The governor may request an additional list of at least two nominees from the  
1121 nominating committee if the initial list of nominees for a given position is unacceptable.

1122 (d) (i) If the governor fails to appoint a board member within 60 days after receipt of  
1123 the initial or additional list, the nominating committee shall make an interim appointment by  
1124 majority vote.

1125 (ii) The interim board member shall serve until the matter is resolved by the  
1126 nominating committee and the governor or until the board member is replaced pursuant to this  
1127 chapter.

1128 (4) (a) Except as required by Subsection (4)(b), as terms of current board members  
1129 expire, the governor shall appoint ~~[each]~~ a new member or reappointed member to a six-year  
1130 term.

1131 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1132 time of appointment or reappointment, adjust the length of terms to ensure that:

1133 (i) the terms of board members are staggered so that approximately one-third of the  
1134 ~~[board]~~ Wildlife Board is appointed every two years; and

1135 (ii) members serving from the same region have staggered terms.

1136 (c) If a vacancy occurs, the nominating committee shall submit at least two names, as  
1137 provided in Subsection ~~[23-14-2.5]~~ 23A-2-302(4), to the governor and the governor shall  
1138 appoint a replacement for the unexpired term.

1139 (d) ~~[Board members]~~ A board member may serve only one term unless the board  
1140 member:

1141 (i) ~~[the member]~~ is among the first board members appointed to serve four years or  
1142 less; or

1143 (ii) ~~[the member]~~ filled a vacancy under Subsection (4)(c) for four years or less.

1144 (5) (a) The [~~board~~] Wildlife Board shall elect a chair and a vice chair from [~~its~~] the  
1145 Wildlife Board's membership.

1146 (b) Four members of the [~~board shall constitute~~] Wildlife Board constitutes a quorum.

1147 (c) The director [~~of the Division of Wildlife Resources~~] shall act as secretary to the  
1148 [~~board~~] Wildlife Board, but is not a voting member of the [~~board~~] Wildlife Board.

1149 (6) (a) The Wildlife Board shall hold a sufficient number of public meetings each year  
1150 to expeditiously conduct [~~its~~] the Wildlife Board's business.

1151 (b) Meetings may be called by the chair upon five days notice or upon shorter notice in  
1152 emergency situations.

1153 (c) Meetings may be held at the Salt Lake City office of the [~~Division of Wildlife~~  
1154 ~~Resources~~] division or elsewhere as determined by the Wildlife Board.

1155 (7) A member may not receive compensation or benefits for the member's service, but  
1156 may receive per diem and travel expenses in accordance with:

1157 (a) Section [63A-3-106](#);

1158 (b) Section [63A-3-107](#); and

1159 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1160 [63A-3-107](#).

1161 (8) (a) [~~The members~~] A member of the Wildlife Board shall complete an orientation  
1162 course to assist [~~them~~] the member in the performance of the duties of [~~their~~] the member's  
1163 office.

1164 (b) The [~~Department of Natural Resources~~] department shall provide the course  
1165 required under Subsection (8)(a).

1166 (9) A member shall comply with the conflict of interest provisions described in Title  
1167 63G, Chapter 24, Part 3, Conflicts of Interest.

1168 Section 21. Section **23A-2-302**, which is renumbered from Section 23-14-2.5 is  
1169 renumbered and amended to read:

1170 [~~23-14-2.5~~]. **23A-2-302. Wildlife Board Nominating Committee created.**

1171 (1) There is created a Wildlife Board Nominating Committee [~~which shall consist~~] that  
1172 consists of 11 members.

1173 (2) The governor shall appoint members to the nominating committee as follows:

1174 (a) three members shall be appointed from a list of at least two nominees per position

1175 submitted by the agriculture industry;

1176 (b) three members shall be appointed from a list of at least two nominees per position  
1177 submitted by sportsmen groups;

1178 (c) two members shall be appointed from a list of at least two nominees per position  
1179 submitted by nonconsumptive wildlife interests;

1180 (d) one member shall be appointed from a list of at least two nominees submitted by  
1181 federal land management agencies;

1182 (e) one local elected official shall be appointed from a list of at least two nominees  
1183 submitted by the Utah Association of Counties; and

1184 (f) one range management specialist shall be appointed from a list of at least two  
1185 nominees submitted jointly by the Utah Chapter, Society of Range Management and the Utah  
1186 Chapter, The Wildlife Society.

1187 (3) [~~Each~~] A wildlife region described in Subsection [~~23-14-2-6~~] 23A-2-303(1) shall be  
1188 represented by at least one member [~~and no~~]. A wildlife region may not be represented by more  
1189 than three members.

1190 (4) The nominating committee shall nominate at least two, but not more than four,  
1191 candidates for each position or vacancy [~~which~~] that occurs on the [~~board~~] Wildlife Board.

1192 (5) (a) Except as required by Subsection (5)(b), as terms of current [~~board~~] nominating  
1193 committee members expire, the governor shall appoint [~~each~~] a new or reappointed member to  
1194 a four-year term.

1195 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
1196 time of appointment or reappointment, adjust the length of terms to ensure that:

1197 (i) the terms of [~~board~~] nominating committee members are staggered so that  
1198 approximately half of the [~~board~~] nominating committee is appointed every two years; and

1199 (ii) members from the same wildlife region serve staggered terms.

1200 (c) If a vacancy occurs for any reason, the governor shall appoint a replacement in the  
1201 same manner that the position was originally filled to serve the remainder of the unexpired  
1202 term.

1203 (6) The nominating committee shall select a chair and vice chair from [~~its~~] the  
1204 nominating committee's membership.

1205 (7) Six members shall constitute a quorum.

1206 (8) A member of the nominating committee may not receive compensation or benefits  
1207 for the member's service, but may receive per diem and travel expenses in accordance with:

1208 (a) Section [63A-3-106](#);

1209 (b) Section [63A-3-107](#); and

1210 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1211 [63A-3-107](#).

1212 Section 22. Section **23A-2-303**, which is renumbered from Section 23-14-2.6 is  
1213 renumbered and amended to read:

1214 ~~[23-14-2.6].~~ **23A-2-303. Regional advisory councils created.**

1215 (1) There are created five regional advisory councils ~~[which shall]~~ that consist of 12 to  
1216 15 members each from the wildlife region whose boundaries are established for administrative  
1217 purposes by the division.

1218 (2) The members shall include individuals who represent the following groups and  
1219 interests:

1220 (a) agriculture;

1221 (b) sportsmen;

1222 (c) nonconsumptive wildlife;

1223 (d) locally elected public officials;

1224 (e) federal land agencies; and

1225 (f) the public at large.

1226 (3) The executive director ~~[of the Department of Natural Resources]~~, in consultation  
1227 with the director ~~[of the Division of Wildlife Resources]~~, shall select the members from a list  
1228 of nominees submitted by the respective interest group or agency.

1229 (4) The regional advisory councils shall:

1230 (a) hear broad input, including recommendations, biological data, and information  
1231 regarding the effects of wildlife;

1232 (b) gather information from staff, the public, and government agencies; and

1233 (c) make recommendations to the Wildlife Board in an advisory capacity.

1234 (5) (a) Except as required by Subsection (5)(b), ~~[each]~~ a member shall serve a four-year  
1235 term.

1236 (b) Notwithstanding the requirements of Subsection (5)(a), the executive director shall,



1237 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
1238 of council members are staggered so that approximately half of the council is appointed every  
1239 two years.

1240 (6) When a vacancy occurs in the membership for any reason, the replacement shall be  
1241 appointed for the unexpired term.

1242 (7) The councils shall determine:

1243 (a) the time and place of meetings; and

1244 (b) ~~[any other]~~ a procedural matter not specified in this chapter.

1245 (8) Members of the councils shall complete an orientation course ~~[as provided]~~  
1246 described in Subsection ~~[23-14-2]~~ 23A-2-301(8).

1247 (9) A member may not receive compensation or benefits for the member's service, but  
1248 may receive per diem and travel expenses in accordance with:

1249 (a) Section 63A-3-106;

1250 (b) Section 63A-3-107; and

1251 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1252 63A-3-107.

1253 Section 23. Section 23A-2-304, which is renumbered from Section 23-14-19 is  
1254 renumbered and amended to read:

1255 ~~[23-14-19]~~. 23A-2-304. Rules, proclamations, and orders of the Wildlife Board  
1256 -- Judicial notice of proclamations.

1257 (1) The Wildlife Board shall exercise ~~[its]~~ the Wildlife Board's powers by making rules  
1258 and issuing proclamations and orders pursuant to this ~~[code]~~ title.

1259 (2) A court shall take judicial notice of a proclamation published under the authority of  
1260 this title.

1261 Section 24. Section 23A-2-305, which is renumbered from Section 23-14-18 is  
1262 renumbered and amended to read:

1263 ~~[23-14-18]~~. 23A-2-305. Establishment of seasons, locations, limits, and  
1264 regulations by the Wildlife Board.

1265 (1) To provide an adequate and flexible system of protection, propagation,  
1266 introduction, increase, control, harvest, management, and conservation of protected wildlife in  
1267 this state and to provide for the use and development of protected wildlife for public recreation

1268 and food supply while maintaining a sustainable population of protected wildlife, the Wildlife  
1269 Board shall determine the circumstances, time, location, means, and the amounts[;] and  
1270 numbers of protected wildlife [~~which~~] that may be taken.

1271 (2) The Wildlife Board shall, except as otherwise specified in this [~~code~~] title:

1272 (a) fix seasons and shorten, extend, or close seasons on any species of protected  
1273 wildlife in any locality, or in the entire state, if the [~~board~~] Wildlife Board finds that the action  
1274 is necessary to effectuate proper wildlife management and control;

1275 (b) close or open areas to fishing, trapping, or hunting;

1276 (c) establish refuges and preserves;

1277 (d) regulate and prescribe the means by which protected wildlife may be taken;

1278 (e) regulate the transportation and storage of protected wildlife, or [~~their~~] the wildlife  
1279 parts, within the boundaries of the state and the shipment or transportation out of the state;

1280 (f) establish or change bag limits and possession limits;

1281 (g) prescribe safety measures and establish other regulations as may be considered  
1282 necessary in the interest of wildlife conservation and the safety and welfare of hunters,  
1283 trappers, fishermen, landowners, and the public;

1284 (h) (i) prescribe when [~~licenses, permits, tags, and certificates of registration shall be~~] a  
1285 license, permit, tag, or certificate of registration is required and procedures for their issuance  
1286 and use; and

1287 (ii) establish forms and fees for [~~licenses, permits, tags, and certificates of registration~~]  
1288 a license, permit, tag, or certificate of registration; and

1289 (i) [~~prescribe rules and regulations as it~~] make rules, in accordance with Title 63G,  
1290 Chapter 3, Utah Administrative Rulemaking Act, as the Wildlife Board may consider necessary  
1291 to control the use and harvest of protected wildlife by private associations, clubs, partnerships,  
1292 or corporations, provided the rules [~~and regulations~~] do not preclude the landowner from  
1293 personally controlling trespass upon the owner's properties nor from charging a fee to trespass  
1294 for purposes of hunting or fishing.

1295 (3) The Wildlife Board may allow a season on protected wildlife to commence on any  
1296 day of the week except Sunday.

1297 (4) The Wildlife Board shall establish fees for licenses, permits, tags, and certificates  
1298 of registration in accordance with Section [63J-1-504](#).

1299 (5) The Wildlife Board may not issue a license, permit, tag, or certificate of registration  
1300 as a reward for an individual's assistance with a prosecution for violation of Section 76-6-111.

1301 Section 25. Section **23A-2-401**, which is renumbered from Section 23-22-1 is  
1302 renumbered and amended to read:

1303 **Part 4. Cooperative and Reciprocal Agreements**

1304 ~~[23-22-1].~~ **23A-2-401. Cooperative agreements and programs authorized.**

1305 (1) The ~~[Division of Wildlife Resources]~~ division may enter into cooperative  
1306 agreements and programs with other state agencies, federal agencies, states, educational  
1307 institutions, municipalities, counties, corporations, organized clubs, landowners, associations,  
1308 and individuals for purposes of wildlife conservation.

1309 (2) Cooperative agreements that are policy in nature shall be:

1310 (a) approved by the executive director ~~[of the Department of Natural Resources];~~ and

1311 (b) reviewed by the Wildlife Board.

1312 Section 26. Section **23A-2-402**, which is renumbered from Section 23-22-2 is  
1313 renumbered and amended to read:

1314 ~~[23-22-2].~~ **23A-2-402. Acceptance of Acts of Congress.**

1315 (1) The state assents to ~~[the provisions of]~~ the Wildlife Restoration Act, 16 U.S.C. Sec.  
1316 669 et seq., ~~[Wildlife Restoration Act]~~ and the Sport Fish Restoration Act, 16 U.S.C. 777 et  
1317 seq., ~~[Sport Fish Restoration Act.]~~

1318 (2) The division shall conduct and establish cooperative fish and wildlife restoration  
1319 projects as provided by the acts specified in Subsection (1) and rules ~~[promulgated]~~ made  
1320 under those acts.

1321 (3) The following revenues received by the state may not be used for any purpose other  
1322 than the administration of the division:

1323 (a) revenue from the sale of ~~[any]~~ a license, permit, tag, ~~[stamp,]~~ or certificate of  
1324 registration that conveys to a person the privilege to take wildlife for sport or recreation, less  
1325 reasonable vendor fees;

1326 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal  
1327 property acquired with revenue specified in Subsection (3)(a);

1328 (c) interest, dividends, or other income earned on revenue specified in Subsection  
1329 (3)(a) or (b); and

1330 (d) federal aid project reimbursements to the extent that revenue specified in  
1331 Subsection (3)(a) or (b) originally funded the project for which the reimbursement is being  
1332 made.

1333 Section 27. Section **23A-2-403**, which is renumbered from Section 23-22-3 is  
1334 renumbered and amended to read:

1335 ~~[23-22-3]~~. **23A-2-403. Reciprocal agreements with other states.**

1336 (1) The Wildlife Board ~~[is authorized to]~~ may enter into reciprocal agreements with  
1337 other states to:

1338 (a) license and regulate fishing, hunting, and related activities; and

1339 (b) promote and implement wildlife management programs.

1340 (2) Reciprocal agreements shall be approved by the executive director ~~[of the~~  
1341 ~~Department of Natural Resources]~~.

1342 Section 28. Section **23A-2-501**, which is renumbered from Section 23-25-2 is  
1343 renumbered and amended to read:

1344 **Part 5. Wildlife Violator Compact**

1345 ~~[23-25-2]~~. **23A-2-501. Adoption and text of compact.**

1346 (1) The participating states find that:

1347 (a) Wildlife resources are managed in trust by the respective states for the benefit of all  
1348 residents and visitors.

1349 (b) The protection of the wildlife resources of a state is materially affected by the  
1350 degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules  
1351 relating to the management of the resources.

1352 (c) The preservation, protection, management, and restoration of wildlife contributes  
1353 immeasurably to the aesthetic, recreational, and economic aspects of the natural resources.

1354 (d) Wildlife resources are valuable without regard to political boundaries; therefore,  
1355 every person should be required to comply with wildlife preservation, protection, management,  
1356 and restoration laws, ordinances, and administrative rules and regulations of the participating  
1357 states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap,  
1358 or possess wildlife.

1359 (e) Violation of wildlife laws interferes with the management of wildlife resources and  
1360 may endanger the safety of persons and property.

1361 (f) The mobility of many wildlife law violators necessitates the maintenance of  
1362 channels of communication among the various states.

1363 (g) Usually, a person who is cited for a wildlife violation in a state other than his home  
1364 state:

1365 (i) is required to post collateral or bond to secure appearance for a trial at a later date;

1366 or

1367 (ii) is taken directly into custody until collateral or bond is posted; or

1368 (iii) is taken directly to court for an immediate appearance.

1369 (h) The purpose of the enforcement practices set forth in Subsection (1)(g) is to ensure  
1370 compliance with the terms of a wildlife citation by the cited person who, if permitted to  
1371 continue on his way after receiving the citation, could return to his home state and disregard his  
1372 duty under the terms of the citation.

1373 (i) In most instances, a person receiving a wildlife citation in his home state is  
1374 permitted to accept the citation from the officer at the scene of the violation and immediately  
1375 continue on his way after agreeing or being instructed to comply with the terms of the citation.

1376 (j) The practices described in Subsection (1)(g) cause unnecessary inconvenience and,  
1377 at times, a hardship for the person who is unable at the time to post collateral, furnish a bond,  
1378 stand trial, or pay a fine, and is compelled to remain in custody until some alternative  
1379 arrangement is made.

1380 (k) The enforcement practices described in Subsection (1)(g) consume an undue  
1381 amount of enforcement time.

1382 (2) It is the policy of the participating states to:

1383 (a) promote compliance with the statutes, laws, ordinances, regulations, and  
1384 administrative rules relating to the management of wildlife resources in their respective states;

1385 (b) recognize the suspension of wildlife license privileges of a person whose license  
1386 privileges have been suspended by a participating state and treat the suspension as if it had  
1387 occurred in their state;

1388 (c) allow a violator, except as provided in Subsection [~~23-25-4~~] [23A-2-503](#)(2), to  
1389 accept a wildlife citation and, without delay, proceed on his way, whether or not the violator is  
1390 a resident of the state in which the citation was issued, provided that the violator's home state is  
1391 a party to this compact;

1392 (d) report to the appropriate participating state, as provided in the compact manual, a  
1393 conviction recorded against a person whose home state was not the issuing state;

1394 (e) allow the home state to recognize and treat convictions recorded against its  
1395 residents, which convictions occurred in a participating state, as though they had occurred in  
1396 the home state;

1397 (f) extend cooperation to its fullest extent among the participating states for enforcing  
1398 compliance with the terms of a wildlife citation issued in one participating state to a resident of  
1399 another state;

1400 (g) maximize effective use of law enforcement personnel and information; and

1401 (h) assist court systems in the efficient disposition of wildlife violations.

1402 Section 29. Section **23A-2-502**, which is renumbered from Section 23-25-3 is  
1403 renumbered and amended to read:

1404 **[23-25-3]. 23A-2-502. Definitions.**

1405 As used in this compact:

1406 (1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty  
1407 assessment, or other official document issued to a person by a wildlife officer or other peace  
1408 officer for a wildlife violation which contains an order requiring the person to respond.

1409 (2) "Collateral" means cash or other security deposited to secure an appearance for trial  
1410 in connection with the issuance by a wildlife officer or other peace officer of a citation for a  
1411 wildlife violation.

1412 (3) "Compliance" with respect to a citation means the act of answering a citation  
1413 through an appearance in a court or tribunal, or through the payment of fines, costs, and  
1414 surcharges.

1415 (4) "Conviction" means a conviction, including any court conviction, for an offense  
1416 related to the preservation, protection, management, or restoration of wildlife which is  
1417 prohibited by state statute, law, regulation, ordinance, or administrative rule. This conviction  
1418 shall also include the forfeiture of any bail, bond, or other security deposited to secure  
1419 appearance by a person charged with having committed the offense, the payment of a penalty  
1420 assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence  
1421 by the court.

1422 (5) "Court" means a court of law, including magistrate's court and the justice of the

1423 peace court.

1424 (6) "Home state" means the state of primary residence of a person.

1425 (7) "Issuing state" means the participating state which issues a wildlife citation to the  
1426 violator.

1427 (8) "License" means a license, permit, or other public document which conveys to the  
1428 person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife  
1429 regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

1430 (9) "Licensing authority" means the department or division within each participating  
1431 state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or  
1432 possess wildlife.

1433 (10) "Participating state" means any state which enacts legislation to become a member  
1434 of this wildlife compact.

1435 (11) "Personal recognizance" means an agreement by a person made at the time of  
1436 issuance of the wildlife citation that the person will comply with the terms of the citation.

1437 (12) "State" means a state, territory, or possession of the United States, the District of  
1438 Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other  
1439 countries.

1440 (13) "Suspension" means a revocation, denial, or withdrawal of any or all license  
1441 privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by  
1442 any license.

1443 (14) "Wildlife" means species of animals including, but not limited to, mammals,  
1444 birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and  
1445 are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative  
1446 rule in a participating state. Species included in the definition of "wildlife" vary from state to  
1447 state and determination of whether a species is "wildlife" for the purpose of this compact shall  
1448 be based on local law.

1449 (15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative  
1450 rule developed and enacted for the management and use of wildlife resources.

1451 (16) "Wildlife officer" means an individual authorized by a participating state to issue a  
1452 citation for a wildlife violation.

1453 (17) "Wildlife violation" means a cited violation of a statute, law, regulation,

1454 ordinance, or administrative rule developed and enacted for the management and use of  
1455 wildlife resources.

1456 Section 30. Section **23A-2-503**, which is renumbered from Section 23-25-4 is  
1457 renumbered and amended to read:

1458 ~~[23-25-4]~~. **23A-2-503. Procedures for issuing state.**

1459 (1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a  
1460 citation to a person whose primary residence is in a participating state in the same manner as  
1461 though the person were a resident of the issuing state and shall not require the person to post  
1462 collateral to secure appearance, subject to the exceptions under Subsection (2), if the officer  
1463 receives the recognizance of the person that he will comply with the terms of the citation.

1464 (2) Personal recognizance is acceptable:

1465 (a) if not prohibited by local law or the compact manual; and

1466 (b) if the violator provides adequate proof of identification to the wildlife officer.

1467 (3) (a) Upon conviction or failure of a person to comply with the terms of a wildlife  
1468 citation, the appropriate official shall report the conviction or failure to comply to the licensing  
1469 authority of the participating state in which the wildlife citation was issued.

1470 (b) The report shall be made in accordance with procedures specified by the issuing  
1471 state and shall contain information as specified in the compact manual as minimum  
1472 requirements for effective processing by the home state.

1473 (4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection  
1474 (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority of the  
1475 home state of the violator the information in the form and with the content as prescribed in the  
1476 compact manual.

1477 Section 31. Section **23A-2-504**, which is renumbered from Section 23-25-5 is  
1478 renumbered and amended to read:

1479 ~~[23-25-5]~~. **23A-2-504. Procedure for home state.**

1480 (1) (a) Upon receipt of a report from the licensing authority of the issuing state  
1481 reporting the failure of a violator to comply with the term of a citation, the licensing authority  
1482 of the home state shall:

1483 (i) notify the violator;

1484 (ii) initiate a suspension action in accordance with the home state's suspension



1485 procedures; and

1486 (iii) suspend the violator's license privileges until satisfactory evidence of compliance  
1487 with the terms of the wildlife citation has been furnished by the issuing state to the home state  
1488 licensing authority.

1489 (b) Due process safeguards will be accorded.

1490 (2) Upon receipt of a report of conviction from the licensing authority of the issuing  
1491 state, the licensing authority of the home state shall enter the conviction as though it occurred  
1492 in the home state for the purposes of the suspension of license privileges.

1493 (3) The licensing authority of the home state shall:

1494 (a) maintain a record of actions taken; and

1495 (b) make reports to issuing states as provided in the compact manual.

1496 Section 32. Section **23A-2-505**, which is renumbered from Section 23-25-6 is  
1497 renumbered and amended to read:

1498 **[23-25-6]. 23A-2-505. Reciprocal recognition of suspension.**

1499 (1) All participating states shall recognize the suspension of license privileges of a  
1500 person by the participating state as though the violation resulting in the suspension:

1501 (a) had occurred in their state; and

1502 (b) could have been the basis of the suspension of license privileges in their state.

1503 (2) Each participating state shall communicate suspension information to other  
1504 participating states in the form and with the content as contained in the compact manual.

1505 Section 33. Section **23A-2-506**, which is renumbered from Section 23-25-7 is  
1506 renumbered and amended to read:

1507 **[23-25-7]. 23A-2-506. Applicability of other laws.**

1508 Except as expressly required by provisions of this compact, nothing herein shall be  
1509 construed to affect the right of any participating state to apply any of its laws relating to license  
1510 privileges to a person or circumstance or to invalidate or prevent any agreement or other  
1511 cooperative arrangement between a participating state and a nonparticipating state concerning  
1512 wildlife law enforcement.

1513 Section 34. Section **23A-2-507**, which is renumbered from Section 23-25-8 is  
1514 renumbered and amended to read:

1515 **[23-25-8]. 23A-2-507. Compact administrator procedures.**

- 1516 (1) (a) A Board of Compact Administrators is established to:
- 1517 (i) administer the provisions of this compact; and
- 1518 (ii) serve as a governing body for the resolution of all matters relating to the operation
- 1519 of this compact.
- 1520 (b) The board shall be composed of one representative from each of the participating
- 1521 states to be known as the compact administrator.
- 1522 (c) The compact administrator shall be appointed by the head of the licensing authority
- 1523 of each participating state and shall serve and be subject to removal in accordance with the
- 1524 laws of the state he represents.
- 1525 (d) A compact administrator may provide for the discharge of his duties and the
- 1526 performance of his function as a board member by an alternate.
- 1527 (e) An alternate shall not be entitled to serve unless written notification of his identity
- 1528 has been given to the board.
- 1529 (2) (a) Each member of the board of compact administrators shall be entitled to one
- 1530 vote.
- 1531 (b) An action of the board shall not be binding unless taken at a meeting at which a
- 1532 majority of the total number of the board's votes are cast in favor thereof.
- 1533 (c) Action by the board shall be only at a meeting at which a majority of the
- 1534 participating states are represented.
- 1535 (3) The board shall elect annually from its membership a chairman and vice-chairman.
- 1536 (4) The board shall adopt bylaws not inconsistent with the provisions of this compact
- 1537 or the laws of a participating state for the conduct of its business and shall have the power to
- 1538 amend and rescind its bylaws.
- 1539 (5) The board may accept for any of its purposes and functions under this compact any
- 1540 and all donations and grants of money, equipment, supplies, materials, and services,
- 1541 conditional or otherwise, from any state, the United States, or any governmental agency, and
- 1542 may receive, utilize, and dispose of the donations and grants.
- 1543 (6) The board may contract with, or accept services or personnel from, any
- 1544 governmental or intergovernmental agency, individual, firm, or corporation, or any private
- 1545 nonprofit organization or institution.
- 1546 (7) The board shall formulate all necessary procedures and develop uniform forms and

1547 documents for administering the provisions of this compact. All procedures and forms adopted  
1548 to board action shall be contained in a compact manual.

1549 Section 35. Section **23A-2-508**, which is renumbered from Section 23-25-9 is  
1550 renumbered and amended to read:

1551 ~~[23-25-9]~~. **23A-2-508. Entry into compact and withdrawal.**

1552 (1) This compact shall become effective at the time it is adopted in substantially  
1553 similar form by two or more states.

1554 (2) (a) Entry into the compact shall be made by resolution of ratification by the  
1555 authorized officials of the applying state and submitted to the chairman of the board.

1556 (b) The resolution shall substantially be in the form and content as provided in the  
1557 compact manual and shall include the following:

1558 (i) a citation of the authority from which the state is empowered to become a party to  
1559 this compact;

1560 (ii) an agreement of compliance with the terms and provisions of this compact; and

1561 (iii) an agreement that compact entry is with all states participating in the compact and  
1562 with all additional states legally becoming a party to the compact.

1563 (c) The effective date of entry shall be specified by the applying state but shall not be  
1564 less than 60 days after notice has been given:

1565 (i) by the chairman of the board of the compact administrators; or

1566 (ii) by the secretary of the board to each participating state that the resolution from the  
1567 applying state has been received.

1568 (3) A participating state may withdraw from participation in this compact by official  
1569 written notice to each participating state, but withdrawal shall not become effective until 90  
1570 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity  
1571 of this compact as to the remaining participating states.

1572 Section 36. Section **23A-2-509**, which is renumbered from Section 23-25-10 is  
1573 renumbered and amended to read:

1574 ~~[23-25-10]~~. **23A-2-509. Amendments to the compact.**

1575 (1) This compact may be amended from time to time. Amendments shall be presented  
1576 in resolution form to the chairman of the Board of Compact Administrators and shall be  
1577 initiated by one or more participating states.

1578           (2) Adoption of an amendment shall require endorsement by all participating states and  
1579 shall become effective 30 days after the date of the last endorsement.

1580           (3) Failure of a participating state to respond to the compact chairman within 120 days  
1581 after receipt of a proposed amendment shall constitute endorsement thereof.

1582           Section 37. Section **23A-2-510**, which is renumbered from Section 23-25-11 is  
1583 renumbered and amended to read:

1584           ~~[23-25-11]~~.   **23A-2-510. Construction and severability.**

1585           (1) This compact shall be liberally construed so as to effectuate the purposes stated  
1586 herein.

1587           (2) The provisions of this compact shall be severable and if a phrase, clause, sentence,  
1588 or provision of this compact is declared to be contrary to the constitution of a participating state  
1589 or of the United States, or the applicability thereof to a government, agency, individual, or  
1590 circumstance is held invalid, the validity of the remainder of this compact shall not be affected  
1591 thereby.

1592           (3) If this compact is held contrary to the constitution of a participating state, the  
1593 compact shall remain in full force and effect as to the remaining states and in full force and  
1594 effect as to the participating state affected regarding all severable matters.

1595           Section 38. Section **23A-2-511**, which is renumbered from Section 23-25-13 is  
1596 renumbered and amended to read:

1597           ~~[23-25-13]~~.   **23A-2-511. Licensing authority -- Administrator -- Expenses.**

1598           (1) The Division of Wildlife Resources is designated as the licensing authority in this  
1599 state for the purpose of the compact.

1600           (2) The director of the Division of Wildlife Resources shall furnish to the appropriate  
1601 authorities of the participating states any information or documents reasonably necessary to  
1602 facilitate the administration of the compact.

1603           (3) The compact administrator provided for in Section ~~[23-25-8]~~ 23A-2-507, "Wildlife  
1604 Violator Compact," shall not be entitled to any additional compensation for his service as the  
1605 administrator but shall be entitled to expenses incurred in connection with his duties and  
1606 responsibilities as administrator in the same manner as for expenses incurred in connection  
1607 with any other duties or responsibilities of his office or employment.

1608           Section 39. Section **23A-3-101** is enacted to read:

1609 **CHAPTER 3. FUNDS AND ACCOUNTS**1610 **Part 1. General Provisions**1611 **23A-3-101. Definitions.**1612 **Reserved.**

1613 Section 40. Section **23A-3-201**, which is renumbered from Section 23-14-13 is  
 1614 renumbered and amended to read:

1615 **Part 2. Funds and Accounts in General**

1616 **~~[23-14-13].~~ 23A-3-201. Wildlife Resources Account -- Unexpected fund**  
 1617 **balances converted to General Fund account.**

1618 (1) There is created a restricted account within the General Fund known as the  
 1619 "Wildlife Resources Account."

1620 (2) The following money shall be deposited into the Wildlife Resources Account:

1621 (a) revenue from the sale of licenses, permits, tags, and certificates of registration  
 1622 issued under this title or a rule or proclamation of the Wildlife Board, except as otherwise  
 1623 provided by this title;

1624 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal  
 1625 property acquired with revenue specified in Subsection (2)(a);

1626 (c) revenue from fines and forfeitures for violations of this title or ~~[any]~~ a rule,  
 1627 proclamation, or order of the Wildlife Board, minus court costs not to exceed the schedule  
 1628 adopted by the Judicial Council;

1629 (d) ~~[funds]~~ money appropriated from the General Fund by the Legislature pursuant to  
 1630 Section ~~[23-19-39]~~ 23A-4-306;

1631 (e) other money received by the division under ~~[any provision of]~~ this title, except as  
 1632 otherwise provided by this title; and

1633 (f) interest, dividends, or other income earned on account money.

1634 (3) Money in the Wildlife Resources Account shall be used for the administration of  
 1635 this title.

1636 (4) The state auditor and director of the Division of Finance shall, at the close of the  
 1637 fiscal year, convert into the Wildlife Resources Account the unexpended balances of the  
 1638 Wildlife Resources Account not legally obligated by contract or appropriated by the Wildlife  
 1639 Board for capital outlay projects or other programs that may extend beyond the close of the

1640 fiscal year.

1641 Section 41. Section **23A-3-202**, which is renumbered from Section 23-14-14 is  
1642 renumbered and amended to read:

1643 ~~[23-14-14].~~ **23A-3-202.** **Grants or gifts accepted by division -- Special account.**

1644 The ~~[Division of Wildlife Resources is authorized to]~~ division may accept grants or  
1645 gifts of money, property, water rights or other endowments that ~~[will]~~ benefit the wildlife  
1646 resources of the state. ~~[Money]~~ The division shall place money as received ~~[shall be placed]~~ in  
1647 a special account to be used for specific use as indicated by the grantor.

1648 Section 42. Section **23A-3-203**, which is renumbered from Section 23-14-13.5 is  
1649 renumbered and amended to read:

1650 ~~[23-14-13.5].~~ **23A-3-203.** **Support for State-Owned Shooting Ranges**  
1651 **Restricted Account.**

1652 (1) There is created in the General Fund a restricted account known as the "Support for  
1653 State-Owned Shooting Ranges Restricted Account."

1654 (2) The account shall be funded by:

1655 (a) contributions deposited into the ~~[account]~~ Support for State-Owned Shooting  
1656 Ranges Restricted Account in accordance with Section [41-1a-422](#);

1657 (b) private contributions; and

1658 (c) donations or grants from public or private entities.

1659 (3) Upon appropriation by the Legislature, the division shall distribute ~~[funds]~~ money  
1660 in the ~~[account]~~ Support for State-Owned Shooting Ranges Restricted Account to facilitate  
1661 construction of new firearm shooting ranges, and operation and maintenance of existing ranges,  
1662 that are:

1663 (a) built on land owned or leased by the state;

1664 (b) owned by the division; and

1665 (c) operated by the division or the division's contractors.

1666 (4) The division shall only expend the ~~[funds]~~ Support for State-Owned Shooting  
1667 Ranges Restricted Account to:

1668 (a) construct, operate, and maintain firearm shooting ranges described in Subsection  
1669 (3); and

1670 (b) pay the costs of issuing or reordering Support the 2nd Amendment and

1671 State-Owned Shooting Ranges support special group license plate decals.

1672 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are  
1673 nonlapsing.

1674 Section 43. Section **23A-3-204**, which is renumbered from Section 23-14-14.2 is  
1675 renumbered and amended to read:

1676 ~~[23-14-14.2].~~ **23A-3-204. Wildlife Resources Conservation Easement**  
1677 **Restricted Account.**

1678 (1) There is created within the General Fund a restricted account known as the  
1679 "Wildlife Resources Conservation Easement Account."

1680 (2) The Wildlife Resources Conservation Easement Account consists of:

1681 (a) grants from private foundations;

1682 (b) grants from local governments, the state, or the federal government;

1683 (c) grants from the Land Conservation Board created under Section [4-46-201](#);

1684 (d) donations from landowners for monitoring and managing conservation easements;

1685 (e) donations from any other person; and

1686 (f) interest on account money.

1687 (3) Upon appropriation by the Legislature, the ~~[Division of Wildlife Resources]~~

1688 division shall use money from the ~~[account]~~ Wildlife Resources Conservation Easement

1689 Account to monitor and manage conservation easements held by the division.

1690 (4) The division may not receive or expend donations from the ~~[account]~~ Wildlife

1691 Resources Conservation Easement Account to acquire conservation easements.

1692 Section 44. Section **23A-3-205**, which is renumbered from Section 23-13-20 is

1693 renumbered and amended to read:

1694 ~~[23-13-20].~~ **23A-3-205. Wildlife Conservation Fund.**

1695 (1) As used in this section:

1696 (a) "Fund" means the Wildlife Conservation Fund created by this section.

1697 (b) "Wildlife conservation permit program" means a program under which the division

1698 issues permit opportunities to be sold by a conservation organization for auction to the highest

1699 bidder at a fund-raising event.

1700 (c) "Wildlife exposition program" means a program under which the division allocates

1701 permits to a drawing administered by a selected conservation organization as part of a regional

1702 or national exposition for the purpose of generating revenue to fund wildlife conservation  
1703 activities in Utah.

1704 (2) There is created an expendable special revenue fund known as the "Wildlife  
1705 Conservation Fund."

1706 (3) The fund consists of:

1707 (a) wildlife conservation permit program revenue transferred to the division pursuant to  
1708 rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah  
1709 Administrative Rulemaking Act;

1710 (b) wildlife exposition program revenue transferred to the division pursuant to rules,  
1711 made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative  
1712 Rulemaking Act;

1713 (c) money appropriated to the fund by the Legislature;

1714 (d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted  
1715 by the division and specifically directed to the fund; and

1716 (e) interest and earnings on the fund.

1717 (4) (a) The fund shall earn interest and other earnings.

1718 (b) The interest and earnings described in Subsection (4)(a) shall be deposited into the  
1719 fund.

1720 (5) (a) The division shall use proceeds in the fund to carry out the purposes of the  
1721 wildlife conservation permit program or wildlife exposition program.

1722 (b) Deposits into and expenditures from the fund shall specifically identify the wildlife  
1723 conservation permit program or wildlife exposition program to which the deposits and  
1724 expenditures apply.

1725 (c) The division shall make expenditures from the fund consistent with the rules  
1726 governing the applicable program.

1727 (6) The division shall annually report to the Natural Resources, Agriculture, and  
1728 Environmental Quality Appropriations Subcommittee regarding:

1729 (a) the amount of money in the fund [~~from~~];

1730 (b) the sources of money [~~for~~] in the fund; and

1731 (c) how the money is expended.

1732 Section 45. Section **23A-3-206**, which is renumbered from Section 23-14-14.3 is



1733 renumbered and amended to read:

1734 ~~[23-14-14.3].~~ **23A-3-206. Donations related to donation of wild game meat**

1735 **-- Wild Game Meat Donation Fund.**

1736 (1) As used in this section:

1737 ~~[(a) "Division" means the Division of Wildlife Resources.]~~

1738 ~~[(b)]~~ (a) "Fund" means the expendable special revenue fund created in this section.

1739 ~~[(c)]~~ (b) "Nonprofit charitable organization" means the same as that term is defined in

1740 Section [4-34-102](#).

1741 ~~[(d)]~~ (c) "Wild game" means the same as that term is defined in Section [4-32-105](#).

1742 (2) There is created an expendable special revenue fund known as the "Wild Game

1743 Meat Donation Fund."

1744 (3) The fund consists of:

1745 (a) donations made to the division for the purpose of addressing the processing of wild

1746 game meat that is donated in accordance with Section [4-34-108](#) to a nonprofit charitable

1747 organization to feed individuals in need;

1748 (b) appropriations from the Legislature; and

1749 (c) interest and earnings on the fund.

1750 (4) The state treasurer shall invest the money in the fund according to Title 51, Chapter

1751 7, State Money Management Act, except that the state treasurer shall deposit in the fund

1752 interest or other earnings derived from those investments ~~[shall be deposited into the fund]~~.

1753 (5) The division may use money in the fund only to address the processing of wild

1754 game meat that is donated in accordance with Section [4-34-108](#) to a nonprofit charitable

1755 organization to feed individuals in need.

1756 (6) The division shall coordinate with the Department of Agriculture and Food to

1757 implement this section.

1758 Section 46. Section **23A-3-207**, which is renumbered from Section 23-19-43 is

1759 renumbered and amended to read:

1760 ~~[23-19-43].~~ **23A-3-207. Wildlife Habitat Account.**

1761 (1) There is created a restricted account within the General Fund known as the

1762 "Wildlife Habitat Account."

1763 (2) The contents of the ~~[account]~~ Wildlife Habitat Account shall consist of:

1764 (a) revenue from the sale of licenses, permits, ~~[stamps,]~~ and certificates of registration[  
1765 ~~and Wildlife Heritage certificates]~~ as provided in Section ~~[23-19-47]~~ 23A-3-208;

1766 (b) money donated to the division for a purpose specified in Subsection (6); and

1767 (c) interest and earnings on account money.

1768 (3) ~~[Revenue]~~ The division shall use the revenue from the sale of licenses, permits,  
1769 ~~[stamps,]~~ and certificates of registration[~~, and Wildlife Heritage certificates]~~ that is deposited to  
1770 the account pursuant to Section ~~[23-19-47 shall be used by the division]~~ 23A-3-208, after  
1771 appropriation by the Legislature, as provided in Subsections (4) through (6).

1772 (4) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$70,000 or 4% of the  
1773 annual deposits to the ~~[account]~~ Wildlife Habitat Account, whichever amount is greater, ~~[shall~~  
1774 ~~be allocated]~~ for the development, restoration, and preservation of wetlands that are beneficial  
1775 to waterfowl.

1776 (b) Up to 20% of the money allocated to waterfowl projects may be appropriated by the  
1777 Legislature for use by a nonprofit conservation organization for wetland development projects  
1778 within the state that benefit waterfowl.

1779 (5) (a) ~~[Each]~~ The division shall allocate in a fiscal year up to \$230,000 or 12% of the  
1780 annual deposits to the ~~[account]~~ Wildlife Habitat Account, whichever amount is greater, ~~[shall~~  
1781 ~~be allocated]~~ to upland game projects as follows:

- 1782 (i) the control of predators;
- 1783 (ii) the development, improvement, restoration, or maintenance of critical habitat  
1784 through the establishment of landowner incentives, cooperative programs, or other means;
- 1785 (iii) the acquisition or preservation of critical habitat;
- 1786 (iv) landowner habitat education and assistance programs;
- 1787 (v) public access to private lands; and
- 1788 (vi) upland game transplant and reintroduction programs.

1789 ~~[(b) As used in this section "upland game" means pheasant, quail, chukar, partridge,~~  
1790 ~~sage grouse, sharp-tailed grouse, Hungarian partridge, ruffed grouse, blue grouse, ptarmigan,~~  
1791 ~~mourning dove, band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.]~~

1792 ~~[(c)]~~ (b) Money allocated to upland game may not be used for the acquisition,  
1793 development, improvement, restoration, or maintenance of habitat within commercial hunting  
1794 areas.

1795           ~~[(d)]~~ (c) No more than 5% of the money allocated to upland game may be used for  
1796 landowner habitat education programs.

1797           ~~[(e)]~~ (d) The division shall use money allocated to upland game ~~[shall be used]~~ for  
1798 programs and activities relating to upland game species based generally upon the proportion of  
1799 average annual hunter participation for each species.

1800           ~~[(f)]~~ (e) Projects for which free public access is assured shall receive first priority for  
1801 funding from money allocated to upland game.

1802           ~~[(g)]~~ (f) Projects for which public access is assured shall receive second priority for  
1803 funding from money allocated to upland game.

1804           (6) The division shall use remaining money in the ~~[account shall be used]~~ Wildlife  
1805 Habitat Account for the following purposes:

1806           (a) the enhancement, acquisition, preservation, protection, and management of aquatic  
1807 and terrestrial wildlife habitat; and

1808           (b) to improve access for fishing and hunting.

1809           (7) The division shall seek the advice and recommendations of the Habitat Council,  
1810 created by the division, regarding the expenditure of account money.

1811           (8) Donations of money deposited into the ~~[account]~~ Wildlife Habitat Account and  
1812 interest earned on that money shall be expended:

1813           (a) as directed by the donor; and

1814           (b) without being appropriated by the Legislature.

1815           Section 47. Section **23A-3-208**, which is renumbered from Section 23-19-47 is  
1816 renumbered and amended to read:

1817           ~~[23-19-47].~~   **23A-3-208. Portion of revenue from license, permit, and certificate**  
1818 **of registration fees deposited into Wildlife Habitat Account.**

1819           (1) Fifty cents of the fee charged for ~~[any of the following licenses or stamps]~~ a  
1820 one-day fishing license shall be deposited in the Wildlife Habitat Account created in Section  
1821 ~~[23-19-43:]~~ 23A-3-207.

1822           ~~[(a) a one-day fishing license, or]~~

1823           ~~[(b) a one-day fishing stamp.]~~

1824           (2) Three dollars and fifty cents of the fee charged for any of the following licenses or  
1825 permits shall be deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~

1826 [23A-3-207](#):

1827 (a) a fishing license, except any one-day fishing license;

1828 (b) a hunting license;

1829 (c) a combination license;

1830 (d) a furbearer license; or

1831 (e) a fishing permit~~[, except any fish stamp]~~.

1832 (3) Four dollars and seventy-five cents of the fee charged for any of the following

1833 certificates of registration~~[, permits, or Wildlife Heritage certificates]~~ or permits shall be

1834 deposited in the Wildlife Habitat Account created in Section ~~[23-19-43]~~ [23A-3-207](#):

1835 (a) a certificate of registration for the dedicated hunter program, except a certificate of  
1836 registration issued to a lifetime licensee;

1837 (b) a big game permit;

1838 (c) a bear permit;

1839 (d) a cougar permit;

1840 (e) a turkey permit; or

1841 (f) a muskrat permit~~[; or]~~

1842 ~~[(g) a Wildlife Heritage certificate]~~.

1843 Section 48. Section ~~23A-3-209~~, which is renumbered from Section 23-19-48 is

1844 renumbered and amended to read:

1845 ~~[23-19-48]~~. **23A-3-209. Predator Control Restricted Account.**

1846 (1) There is created a restricted account within the General Fund known as the  
1847 "Predator Control Restricted Account."

1848 (2) The ~~[restricted account]~~ Predator Control Restricted Account includes:

1849 (a) deposits made to the ~~[restricted account]~~ Predator Control Restricted Account from  
1850 fees established on hunting permits in accordance with Section ~~[23-19-22]~~ [23A-4-703](#); and

1851 (b) ~~[any other amount]~~ other amounts deposited in the ~~[restricted account]~~ Predator  
1852 Control Restricted Account from donations or appropriations.

1853 (3) ~~[Money from the restricted account shall be used by the]~~ The division shall use  
1854 money from the Predator Control Restricted Account to fund a predator control program to  
1855 control populations of predatory animals that endanger the health of nonpredatory wildlife  
1856 populations in the state, consistent with the policies of the Wildlife Board.

1857 Section 49. Section **23A-3-210**, which is renumbered from Section 23-15-14 is  
1858 renumbered and amended to read:

1859 ~~[23-15-14]~~. **23A-3-210. State Fish Hatchery Maintenance Account.**

1860 (1) There is created a restricted account within the General Fund known as the "State  
1861 Fish Hatchery Maintenance Account."

1862 (2) The following money shall be deposited into the ~~[account]~~ State Fish Hatchery  
1863 Maintenance Account:

1864 (a) \$2.00 of ~~[each]~~ a fishing license fee or combination license fee; and

1865 (b) interest and earnings on account money.

1866 (3) ~~[Money in the account shall be used by the]~~ The division, after appropriation by the  
1867 Legislature, shall use money in the State Fish Hatchery Maintenance Account for major repairs  
1868 or replacement of facilities and equipment at fish hatcheries owned and operated by the  
1869 division for the production and distribution of fish to enhance sport fishing opportunities in the  
1870 state.

1871 Section 50. Section **23A-3-211**, which is renumbered from Section 23-27-305 is  
1872 renumbered and amended to read:

1873 ~~[23-27-305]~~. **23A-3-211. Aquatic Invasive Species Interdiction Account.**

1874 (1) There is created within the General Fund a restricted account known as the  
1875 "Aquatic Invasive Species Interdiction Account."

1876 (2) The ~~[restricted account]~~ Aquatic Invasive Species Interdiction Account shall consist  
1877 of:

1878 (a) nonresident aquatic invasive species fees collected under Section ~~[23-27-304]~~

1879 23A-10-304;

1880 (b) resident aquatic invasive species fees collected under Section 73-18-26; and

1881 (c) ~~[any other amount]~~ other amounts deposited in the ~~[restricted account]~~ Aquatic  
1882 Invasive Species Interdiction Account from donations, appropriations, contractual agreements,  
1883 and accrued interest.

1884 (3) Upon appropriation, the division shall use the fees collected under ~~[Sections~~  
1885 23-27-305] this section and Section 73-18-26 and deposited in the Aquatic Invasive Species  
1886 Account to fund aquatic invasive species prevention and containment efforts.

1887 Section 51. Section **23A-3-212**, which is renumbered from Section 23-30-103 is

1888 renumbered and amended to read:

1889 ~~[23-30-103].~~ **23A-3-212. Mule Deer Protection Account.**

1890 (1) There is created a restricted account within the General Fund known as the "Mule  
1891 Deer Protection Restricted Account."

1892 (a) The ~~[restricted account]~~ Mule Deer Protection Restricted Account shall consist of:

1893 (i) appropriations made by the Legislature; and

1894 (ii) grants or donations from:

1895 (A) the federal government;

1896 (B) a state agency;

1897 (C) a local government; or

1898 (D) a person.

1899 (b) The division shall administer the ~~[restricted account]~~ Mule Deer Protection  
1900 Restricted Account.

1901 (2) Subject to appropriation, the division may expend money in the ~~[restricted account]~~  
1902 Mule Deer Protection Restricted Account on:

1903 (a) a program established by rule under Subsection ~~[23-30-104]~~ 23A-11-402(1);

1904 (b) a contract for targeted predator control described in Subsection ~~[23-30-104]~~  
1905 23A-11-402(3)(a);

1906 (c) predator control education and training related to mule deer protection described in  
1907 Subsection ~~[23-30-104]~~ 23A-11-402(3)(b); and

1908 (d) administration costs incurred to carry out ~~[the requirements of this chapter]~~ Chapter  
1909 11, Part 4, Mule Deer Protection.

1910 Section 52. Section **23A-3-213**, which is renumbered from Section 23-19-17.7 is  
1911 renumbered and amended to read:

1912 ~~[23-19-17.7].~~ **23A-3-213. Wildlife Resources Trust Account.**

1913 (1) There is created within the General Fund a restricted account to be known as the  
1914 "Wildlife Resources Trust Account~~[. All fees].~~ Fees received from the sale of lifetime licenses  
1915 shall be deposited in that account.

1916 (2) ~~[All interest]~~ Interest earned by investments of the funds in the Wildlife Resources  
1917 Trust Account shall, on July 1 of each year, be deposited in the Wildlife Resources Account  
1918 created in Section ~~[23-14-13]~~ 23A-3-201.

1919 (3) Money in the Wildlife Resources Trust Account is subject to the restriction in  
 1920 Section [~~23-22-2~~] [23A-2-402](#) that no money paid to the state for hunting and fishing license  
 1921 fees shall be diverted for any other purpose than the enhancement of wildlife by the [~~Division~~  
 1922 ~~of Wildlife Resources~~] division.

1923 Section 53. Section **23A-3-301**, which is renumbered from Section 23-31-102 is  
 1924 renumbered and amended to read:

1925 **Part 3. Utah Natural Resources Legacy Fund**

1926 [~~23-31-102~~]. **23A-3-301. Definitions.**

1927 As used in this [~~chapter~~] part:

1928 (1) "Board" means the Utah Natural Resources Legacy Fund Board created in Section  
 1929 [~~23-31-202~~] [23A-3-305](#).

1930 [~~(2) "Department" means the Department of Natural Resources.~~]

1931 [~~(3)~~] (2) "Legacy fund" means the Utah Natural Resources Legacy Fund created in  
 1932 Section [~~23-31-201~~] [23A-3-304](#).

1933 Section 54. Section **23A-3-302**, which is renumbered from Section 23-31-103 is  
 1934 renumbered and amended to read:

1935 [~~23-31-103~~]. **23A-3-302. Application to mineral estates.**

1936 This [~~chapter~~] part does not change law regarding:

- 1937 (1) the primacy of a mineral estate;  
 1938 (2) limiting access to a mineral estate; or  
 1939 (3) limiting development of a mineral estate.

1940 Section 55. Section **23A-3-303**, which is renumbered from Section 23-31-104 is  
 1941 renumbered and amended to read:

1942 [~~23-31-104~~]. **23A-3-303. Reporting.**

1943 The division shall annually report to the governor and the Natural Resources,  
 1944 Agriculture, and Environment Interim Committee on or before September 1 with respect to:

- 1945 (1) federal grants, state appropriations, and other contributions, grants, gifts, transfers,  
 1946 bequests, and donations received and credited to the legacy fund during the preceding fiscal  
 1947 year; and  
 1948 (2) expenditures from the legacy fund under Section [~~23-31-203~~] [23A-3-306](#).

1949 Section 56. Section **23A-3-304**, which is renumbered from Section 23-31-201 is

1950 renumbered and amended to read:

1951 ~~[23-31-201].~~ **23A-3-304. Utah Natural Resources Legacy Fund.**

1952 (1) There is created an expendable special revenue fund known as the "Utah Natural  
1953 Resources Legacy Fund."

1954 (2) The legacy fund consists of:

1955 (a) appropriations to the legacy fund by the Legislature;

1956 (b) federal grants accepted by the department or a division of the department and  
1957 specifically directed to the legacy fund; and

1958 (c) contributions, grants, gifts, transfers, bequests, and donations to the legacy fund  
1959 accepted by the department and specifically directed to the legacy fund.

1960 (3) (a) The ~~[account]~~ legacy fund shall earn interest.

1961 (b) The interest described in Subsection (3)(a) shall be deposited into the ~~[account]~~  
1962 legacy fund.

1963 Section 57. Section **23A-3-305**, which is renumbered from Section 23-31-202 is  
1964 renumbered and amended to read:

1965 ~~[23-31-202].~~ **23A-3-305. Utah Natural Resources Legacy Fund Board.**

1966 (1) Subject to Subsection (12), there is created within the department the Utah Natural  
1967 Resources Legacy Fund Board that consists of eight members as follows:

1968 (a) the following voting members:

1969 (i) two members representing the agriculture industry, appointed by the commissioner  
1970 of the Department of Agriculture and Food;

1971 (ii) one member representing a non-government entity that has as a primary purpose  
1972 conserving non-game wildlife and habitat, appointed by the director ~~[of the Division of~~  
1973 ~~Wildlife Resources]~~;

1974 (iii) one member representing hunting, fishing, and trapping interests in Utah,  
1975 appointed by the director ~~[of the Division of Wildlife Resources]~~;

1976 (iv) one member representing mineral extraction and development interests, appointed  
1977 by the director of the Division of Oil, Gas, and Mining;

1978 (v) one member representing water development and distribution interests, appointed  
1979 by the executive director ~~[of the department]~~; and

1980 (vi) one at-large member, appointed by the executive director ~~[of the department]~~; and



- 1981 (b) the director [~~of the division~~] as a nonvoting member.
- 1982 (2) A voting member of the board shall be appointed for a three-year term.
- 1983 (3) Notwithstanding Subsection (2), terms of board members are staggered as follows
- 1984 so that approximately one-third of the board is appointed every year:
- 1985 (a) the initial individuals appointed under Subsections (1)(a)(i) and (ii) shall be
- 1986 appointed for three-year terms;
- 1987 (b) the initial individuals appointed under Subsections (1)(a)(iii) and (iv) shall be
- 1988 appointed for two-year terms; and
- 1989 (c) the initial individuals appointed under Subsections (1)(a)(v) and (vi) shall be
- 1990 appointed for one-year terms.
- 1991 (4) An individual may be appointed to more than one term.
- 1992 (5) When a vacancy occurs in the membership for any reason, an individual shall be
- 1993 appointed in accordance with Subsection (1) to replace the member for the unexpired term.
- 1994 (6) The board shall elect one member to serve as chair of the board.
- 1995 (7) The board shall meet regularly as called by the chair.
- 1996 (8) Four voting members constitute a quorum.
- 1997 (9) An action by the majority of voting members present when a quorum is present is
- 1998 an action of the board.
- 1999 (10) A member may not receive compensation or benefits for the member's service, but
- 2000 may receive per diem and travel expenses in accordance with:
- 2001 (a) Section [63A-3-106](#);
- 2002 (b) Section [63A-3-107](#); and
- 2003 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 2004 [63A-3-107](#).
- 2005 (11) The division shall staff the board.
- 2006 (12) The board is not created and may not begin operation until the legacy fund
- 2007 described in Section [~~23-31-201~~] [23A-3-304](#) holds at least \$200,000.
- 2008 Section 58. Section **23A-3-306**, which is renumbered from Section 23-31-203 is
- 2009 renumbered and amended to read:
- 2010 ~~[23-31-203]~~. **23A-3-306. Uses of legacy fund.**
- 2011 (1) Each year, when the board creates a budget, the board shall allocate:

- 2012 (a) 40% of the budget:
- 2013 (i) for staff and expenses to administer the legacy fund under this [~~chapter~~] part;
- 2014 (ii) to conduct research, monitoring, and management actions that benefit non-game
- 2015 species; or
- 2016 (iii) to otherwise reduce the likelihood of future species listings under the Endangered
- 2017 Species Act, 16 U.S.C. Sec. 1531 et seq.; and
- 2018 (b) 60% of the budget to fund the following projects that provide the following
- 2019 landscape level conservation benefits:
- 2020 (i) preserving open spaces, wildlife habitat, and critical agricultural lands;
- 2021 (ii) providing perpetual access for hunting, fishing, or trapping;
- 2022 (iii) addressing and mitigating impacts detrimental to wildlife habitat, the environment,
- 2023 and the multiple use of renewable natural resources attributable to residential, mineral, and
- 2024 industrial development; or
- 2025 (iv) preserving a viable agricultural industry.
- 2026 (2) (a) The board shall make recommendations to the division regarding expenditures
- 2027 from the legacy fund for the purposes described in Subsection (1)(b).
- 2028 (b) The division shall consider the board's recommendations in approving an
- 2029 expenditure from the legacy fund under Subsection (1) and, if the division rejects the board's
- 2030 recommendation, the director [~~of the division~~] shall provide the board with a written
- 2031 explanation of the reason for the rejection.
- 2032 (3) In performing the actions described in Subsection (1)(b), the division shall comply
- 2033 with [~~the requirements described in Section 23-21-1.5~~] Section 23A-6-202.
- 2034 (4) This section does not give the division the power of eminent domain.
- 2035 (5) The division may not use assets from the legacy fund for litigation.
- 2036 (6) Money in the legacy fund may not be used to develop or implement a habitat
- 2037 conservation plan required under federal law unless the federal government pays for at least
- 2038 one-third of the habitat conservation plan costs.

2039 Section 59. Section **23A-4-101** is enacted to read:

2040 **CHAPTER 4. LICENSES, PERMITS, CERTIFICATES OF REGISTRATION, AND**

2041 **TAGS**

2042 **Part 1. General Provisions**

2043 **23A-4-101. Definitions.**

2044 Reserved.

2045 Section 60. Section **23A-4-201**, which is renumbered from Section 23-19-1 is  
2046 renumbered and amended to read:

2047 **Part 2. Basic Requirements**

2048 **~~[23-19-1].~~ 23A-4-201. Possession of licenses, certificates of registration,**  
2049 **permits, and tags required -- Nonassignability -- Exceptions -- Nature of licenses, permits,**  
2050 **or tags issued by the division.**

2051 (1) Except as provided in Subsection (5), a person may not take, hunt, fish, or seine  
2052 protected wildlife or sell, trade, or barter protected wildlife or wildlife parts unless the person:

2053 (a) procures the necessary licenses, certificates of registration, permits, or tags required  
2054 under this title, by rule made by the Wildlife Board under this title, or by an order or  
2055 proclamation [~~issued in accordance with a rule made by the Wildlife Board under this title~~];  
2056 and

2057 (b) carries in the person's possession while engaging in the activities described in  
2058 Subsection (1) the license, certificate of registration, permit, or tag required under this title, by  
2059 rule made by the Wildlife Board under this title, or by an order or proclamation [~~issued in~~  
2060 ~~accordance with a rule made by the Wildlife Board under this title~~].

2061 (2) Except as provided in Subsection (3) a person may not:

2062 (a) lend, transfer, sell, give, or assign:

2063 (i) a license, certificate of registration, permit, or tag belonging to the person; or

2064 (ii) a right granted by a license, certificate of registration, permit, or tag; or

2065 (b) use or attempt to use a license, certificate of registration, permit, or tag of another  
2066 person.

2067 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2068 Wildlife Board may, by rule, make exceptions to the prohibitions described in Subsection (2)  
2069 to:

2070 (a) transport wildlife;

2071 (b) allow a person to take protected wildlife for another person if:

2072 (i) the person possessing the license, certificate of registration, permit, or tag has a  
2073 permanent physical impairment due to a congenital or acquired injury or disease; and

2074 (ii) the injury or disease described in Subsection (3)(b)(i) results in the person having a  
2075 disability that renders the person physically unable to use a legal hunting weapon or fishing  
2076 device;

2077 (c) allow a resident minor under 18 years ~~[of age]~~ old to use the resident or nonresident  
2078 hunting permit of another person if:

2079 (i) the resident minor is otherwise legally eligible to hunt; and

2080 (ii) the permit holder:

2081 (A) receives no form of compensation or remuneration for allowing the minor to use  
2082 the permit;

2083 (B) obtains the division's prior written approval to allow the minor to use the permit;  
2084 and

2085 (C) accompanies the minor, for the purposes of advising and assisting during the hunt,  
2086 at a distance where the permit holder can communicate with the minor, in person, by voice or  
2087 visual signals; or

2088 (d) subject to the requirements of Subsection (4), transfer to another person a certificate  
2089 of registration to harvest brine shrimp and brine shrimp eggs, if the certificate is transferred in  
2090 connection with the sale or transfer of the brine shrimp harvest operation or harvesting  
2091 equipment.

2092 (4) A person may transfer a certificate of registration to harvest brine shrimp and brine  
2093 shrimp eggs if:

2094 (a) the person submits to the division an application to transfer the certificate on a form  
2095 provided by the division;

2096 (b) the proposed transferee meets ~~[a]t~~ the requirements necessary to obtain an original  
2097 certificate of registration; and

2098 (c) the division approves the transfer of the certificate.

2099 (5) A person is not required to obtain a license, certificate of registration, permit, or tag  
2100 to:

2101 (a) fish on a free fishing day that the Wildlife Board may establish each year by rule  
2102 made by the Wildlife Board under this title or by an order or proclamation ~~[issued in~~  
2103 ~~accordance with a rule made by the Wildlife Board under this title];~~

2104 (b) fish at a private fish pond operated in accordance with Section ~~[23-15-10; or]~~

2105 [23A-9-203](#);

2106 (c) hunt birds on a commercial hunting area that the owner or operator is authorized to  
2107 propagate, keep, and release for shooting in accordance with a certificate of registration issued  
2108 under Section [~~23-17-6~~] [23A-12-202](#); or

2109 (d) take fish at a short-term fishing event.

2110 (6) (a) A license, permit, tag, or certificate of registration issued under this title, or the  
2111 rules of the Wildlife Board issued pursuant to [~~authority granted by~~] this title, to take protected  
2112 wildlife is:

2113 (i) a privilege; and

2114 (ii) not a right or property for any purpose.

2115 (b) A point or other form of credit issued to, or accumulated by, a person under  
2116 procedures established by the Wildlife Board in rule to improve the likelihood of obtaining a  
2117 hunting permit in a division-administered drawing:

2118 (i) may not be transferred, sold, or assigned to another person; and

2119 (ii) is not a right or property for any purpose.

2120 Section 61. Section **23A-4-202**, which is renumbered from Section 23-19-2 is  
2121 renumbered and amended to read:

2122 [~~23-19-2~~]. **23A-4-202. License, permit, and certificate forms prescribed by**  
2123 **Wildlife Board.**

2124 (1) The Wildlife Board shall prescribe the form of a license, permit, or certificate of  
2125 registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

2126 (2) A license, permit, or certificate of registration may be paper-based or in electronic  
2127 format pursuant to the rules [~~established~~] made by the Wildlife Board in accordance with Title  
2128 63G, Chapter 3, Utah Administrative Rulemaking Act.

2129 (3) A license issued pursuant to Section [~~23-19-36~~] [23A-4-305](#) shall be designated as  
2130 such by a code number and may not contain a reference to the licensee's disability.

2131 Section 62. Section **23A-4-203**, which is renumbered from Section 23-19-3 is  
2132 renumbered and amended to read:

2133 [~~23-19-3~~]. **23A-4-203. Tag as supplement to licenses and permits.**

2134 The division may issue, [~~as supplements to appropriate licenses and permits, special~~  
2135 ~~tags~~] as a supplement to the appropriate license or permit, a tag for protected wildlife, as

2136 determined by the Wildlife Board.

2137 Section 63. Section **23A-4-204**, which is renumbered from Section 23-19-4 is  
2138 renumbered and amended to read:

2139 ~~[23-19-4].~~ **23A-4-204.** **Alien's and nonresident peace officer's ability to obtain**  
2140 **licenses and certificates.**

2141 (1) An alien resident of [~~the State of~~] Utah may purchase a hunting, fishing, trapping,  
2142 seining, and fur dealer [~~licenses and certificates of registration~~] license or certificate of  
2143 registration upon the same terms as a resident citizen.

2144 (2) [~~All nonresident aliens~~] A nonresident alien may purchase a hunting, fishing,  
2145 trapping, seining, [~~and~~] or fur dealer [~~licenses and certificates~~] license or certificate of  
2146 registration upon the same terms as nonresident citizens.

2147 (3) Notwithstanding Subsection [~~23-19-5~~] 23A-4-1101(1)(b), a nonresident may  
2148 purchase a hunting, fishing, trapping, seining, and fur dealer license [~~and~~] or certificate of  
2149 registration upon the same terms as a resident citizen if the person is:

2150 (a) employed by the state as a peace officer, as classified by Title 53, Chapter 13, Peace  
2151 Officer Classifications; and

2152 (b) required to live outside the state as a condition of the person's employment.

2153 Section 64. Section **23A-4-205**, which is renumbered from Section 23-19-7 is  
2154 renumbered and amended to read:

2155 ~~[23-19-7].~~ **23A-4-205.** **Expiration date of licenses, permits, and certificates of**  
2156 **registration.**

2157 (1) The Wildlife Board shall establish the term and expiration date for a license,  
2158 permit, [~~and~~] or certificate of registration issued under this title.

2159 (2) The division shall indicate the term and expiration date established under  
2160 Subsection (1) on [~~each~~] a license, permit, [~~and~~] or certificate of registration.

2161 Section 65. Section **23A-4-206**, which is renumbered from Section 23-19-8 is  
2162 renumbered and amended to read:

2163 ~~[23-19-8].~~ **23A-4-206.** **Signature on documents -- Considered under oath --**  
2164 **Prohibition on use of unsigned documents.**

2165 (1) A person's signature on a license, permit, tag, or certificate of registration is  
2166 certification of that person's eligibility to use the license, permit, tag, or certificate of

2167 registration for the purpose intended by this title.

2168 (2) ~~[The]~~ A signature described in Subsection (1) need not be notarized but shall be  
2169 considered to be made under oath.

2170 (3) A signature may be an electronic signature if allowed by rule made by the Wildlife  
2171 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2172 ~~[(3)]~~ (4) A person may not use an unsigned license, permit, tag, or certificate of  
2173 registration.

2174 Section 66. Section **23A-4-207**, which is renumbered from Section 23-19-38 is  
2175 renumbered and amended to read:

2176 ~~[23-19-38].~~ **23A-4-207. Sales of licenses, certificates, or permits final --**  
2177 **Exceptions -- Reallocation of surrendered permits.**

2178 (1) ~~[Sales of all licenses, certificates, or permits are final, and no refunds may be made~~  
2179 ~~by the division]~~ A sale of a license, permit, or certificate is final, and the division may not  
2180 refund money except as provided in Subsections (2) and (3) or Section [23A-4-301](#).

2181 (2) The division may refund the amount of ~~[the]~~ a license, certificate, or permit if:

2182 (a) the division or the Wildlife Board discontinues the activity for which the license,  
2183 certificate, or permit was obtained;

2184 (b) the division determines that ~~[it]~~ the division has erroneously collected a fee;

2185 (c) (i) the person to whom the license, certificate, or permit is issued becomes ill or  
2186 suffers an injury that precludes the person from using the license, certificate, or permit;

2187 (ii) the person furnishes verification of illness or injury from a physician or physician  
2188 assistant;

2189 (iii) the person does not actually use the license, certificate, or permit; and

2190 (iv) the license, certificate, or permit is surrendered before the end of the season for  
2191 which the permit was issued; or

2192 (d) the person to whom the license, certificate, or permit is issued dies ~~[prior to]~~ before  
2193 the person being able to use the license, certificate, or permit.

2194 (3) The Wildlife Board may establish additional exceptions ~~[in rule]~~ to the refund  
2195 prohibitions in Subsection (1) by rule made in accordance with Title 63G, Chapter 3, Utah  
2196 Administrative Rulemaking Act.

2197 (4) The ~~[division]~~ director may reallocate surrendered permits in accordance with rules

2198 ~~[adopted]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah  
2199 Administrative Rulemaking Act.

2200 Section 67. Section **23A-4-208**, which is renumbered from Section 23-19-10 is  
2201 renumbered and amended to read:

2202 ~~[23-19-10].~~ **23A-4-208. Duplicate license, permit, tag, or certificate of**  
2203 **registration.**

2204 If an unexpired license, permit, tag, or certificate of registration issued under ~~[the~~  
2205 ~~provisions of this code]~~ this title is destroyed, lost, or stolen, the ~~[Division of Wildlife~~  
2206 ~~Resources and its]~~ division, a person designated by the director, or the division's authorized  
2207 license agents may issue a duplicate license, permit, tag, or certificate of registration in  
2208 accordance with the rules set and fees determined by the Wildlife Board.

2209 Section 68. Section **23A-4-209**, which is renumbered from Section 23-19-42 is  
2210 renumbered and amended to read:

2211 ~~[23-19-42].~~ **23A-4-209. Search and rescue surcharge.**

2212 (1) In addition to the fees imposed under this ~~[chapter]~~ title, there is imposed a 25 cent  
2213 surcharge on ~~[each]~~ a fishing, hunting, or combination license.

2214 (2) ~~[This]~~ The surcharge imposed under Subsection (1) shall be deposited in the  
2215 General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program  
2216 created under Section ~~[53-2a-1101]~~ 53-2a-1102.

2217 Section 69. Section **23A-4-210**, which is renumbered from Section 23-19-45 is  
2218 renumbered and amended to read:

2219 ~~[23-19-45].~~ **23A-4-210. Fees and certificates of registration to harvest brine**  
2220 **shrimp eggs.**

2221 ~~[(+)]~~ The Wildlife Board may not impose ~~[fees]~~ a fee to harvest brine shrimp eggs other  
2222 than a certificate of registration ~~[fees]~~ fee.

2223 ~~[(2) Each person holding certificates of registration for the harvesting of brine shrimp~~  
2224 ~~eggs in the 1996-97 harvesting season may obtain the same number of certificates of~~  
2225 ~~registration for the 1997-98 and 1998-99 harvesting seasons upon payment of the required fee.]~~

2226 Section 70. Section **23A-4-301**, which is renumbered from Section 23-19-38.2 is  
2227 renumbered and amended to read:

2228 **Part 3. Special Circumstances**



2229            ~~[23-19-38.2]~~.            **23A-4-301. Refunds for armed forces or public health or**  
 2230 **safety organization members.**

2231            (1) A member of the United States Armed Forces or public health or public safety  
 2232 organization who is mobilized or deployed on order in the interest of national defense or  
 2233 emergency and is precluded from using a purchased license, certificate, tag, or permit, may, as  
 2234 provided in Subsection (2):

2235            (a) receive a refund from the division; and

2236            (b) if the person has drawn a permit, have ~~[aH]~~ the opportunities to draw that permit in  
 2237 a future draw reinstated.

2238            (2) To qualify, the person or a legal representative shall:

2239            (a) notify the division within a reasonable amount of time that the person is applying  
 2240 for a refund;

2241            (b) surrender the license, certificate, tag, or permit to the division; and

2242            (c) furnish satisfactory proof to the division that the person:

2243            (i) is a member of:

2244            (A) the United States Armed Forces;

2245            (B) a public health organization; or

2246            (C) a public safety organization; and

2247            (ii) was precluded from using the license, certificate, tag, or permit as a result of being  
 2248 called to active duty.

2249            (3) The Wildlife Board may ~~[adopt]~~ make rules in accordance with Title 63G, Chapter  
 2250 3, Utah Administrative Rulemaking Act, necessary to administer this section including  
 2251 allowing retroactive refund to September 11, 2001.

2252            Section 71. Section **23A-4-302**, which is renumbered from Section 23-19-38.3 is  
 2253 renumbered and amended to read:

2254            ~~[23-19-38.3]~~.            **23A-4-302. Licenses for disabled veterans.**

2255            (1) The ~~[division]~~ Wildlife Board shall make rules in accordance with Title 63G,  
 2256 Chapter 3, Utah Administrative Rulemaking Act, under which a veteran with a disability may  
 2257 receive a hunting, fishing, or combination license free or at a reduced price.

2258            (2) In making rules under this section, the ~~[division]~~ Wildlife Board shall:

2259            (a) use the same guidelines for disability as the United States Department of Veterans

2260 Affairs; and

2261 (b) provide at a minimum a reduction under this section of 25% of the full fee.

2262 Section 72. Section **23A-4-303**, which is renumbered from Section 23-19-14 is

2263 renumbered and amended to read:

2264 ~~[23-19-14]~~. **23A-4-303. Persons residing in certain institutions may fish without**  
2265 **license.**

2266 (1) The [~~Division of Wildlife Resources~~] division shall permit a person to fish without  
2267 a license if:

2268 (a) (i) the person resides in:

2269 (A) the Utah State Developmental Center in American Fork;

2270 (B) the state hospital;

2271 (C) a veterans hospital;

2272 (D) a veterans nursing home;

2273 (E) a mental health center;

2274 (F) an intermediate care facility for people with an intellectual disability;

2275 (G) a group home licensed by the Department of Human Services and operated under  
2276 contract with the Division of Services for People with Disabilities;

2277 (H) a group home or other community-based placement licensed by the Department of  
2278 Human Services and operated under contract with the Division of Juvenile Justice Services;

2279 (I) a private residential facility for at-risk youth licensed by the Department of Human  
2280 Services; or

2281 (J) another similar institution approved by the division; or

2282 (ii) the person is a youth who participates in a work camp operated by the Division of  
2283 Juvenile Justice Services;

2284 (b) the person is properly supervised by a representative of the institution described in  
2285 Subsection (1)(a); and

2286 (c) the institution described in Subsection (1)(a) obtains from the division a certificate  
2287 of registration that specifies:

2288 (i) the date and place where the person will fish; and

2289 (ii) the name of the institution's representative who will supervise the person fishing.

2290 (2) The institution described in Subsection (1) shall apply for the certificate of

2291 registration at least 10 days before the fishing outing.

2292 (3) (a) An institution that receives a certificate of registration authorizing at-risk youth  
2293 to fish shall provide instruction to the youth on fishing laws and regulations.

2294 (b) The division shall provide educational materials to the institution to assist [it] the  
2295 institution in complying with Subsection (3)(a).

2296 Section 73. Section **23A-4-304**, which is renumbered from Section 23-19-14.5 is  
2297 renumbered and amended to read:

2298 ~~[23-19-14.5]~~. **23A-4-304. Persons participating in youth organization or**  
2299 **school activity may fish without license.**

2300 (1) As used in this section:

2301 (a) "School" means an elementary school or a secondary school that:

2302 (i) is a public or private school located in the state; and

2303 (ii) provides student instruction for one or more years of kindergarten through grade 9.

2304 (b) "Youth organization" means a local Utah chapter of:

2305 (i) the Boy Scouts of America;

2306 (ii) the Girls Scouts of the USA; or

2307 (iii) an organization that:

2308 (A) is exempt from taxation under Section 501(c)(3), Internal Revenue Code; and

2309 (B) promotes character building through outdoor activities.

2310 (2) The ~~[Division of Wildlife Resources]~~ division shall permit a person to fish without  
2311 a license during a youth organization or school activity if:

2312 (a) the person is:

2313 (i) (A) a member of the youth organization; or

2314 (B) a student enrolled in the school; and

2315 (ii) younger than 16 years old;

2316 (b) the fishing is in compliance with ~~[aH]~~ the fishing statutes and rules;

2317 (c) the activity is part of a recreational or instructional program of the youth  
2318 organization or school; and

2319 (d) an adult leader of the activity obtains from the youth organization or school:

2320 (i) a valid tour permit; or

2321 (ii) documentation that specifies:

- 2322 (A) the date and place of the fishing activity;
- 2323 (B) the name of the adult leader that will supervise the fishing; and
- 2324 (C) that the activity is officially sanctioned or authorized by the youth organization or
- 2325 school.

- 2326 (3) (a) The adult leader shall:
  - 2327 (i) possess a valid Utah fishing or combination license; and
  - 2328 (ii) instruct the activity participants on fishing statutes and rules.

2329 (b) The division shall provide educational materials on ~~[its]~~ the division's website to  
 2330 assist the adult leader in complying with Subsection (3)(a).

2331 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 2332 Wildlife Board shall adopt rules specifying the form of the documentation required under  
 2333 Subsection (2)(d)(ii).

2334 Section 74. Section **23A-4-305**, which is renumbered from Section 23-19-36 is  
 2335 renumbered and amended to read:

2336 ~~[23-19-36].~~ **23A-4-305. Persons with a physical or intellectual disability,**  
 2337 **terminally ill persons, and children in the custody of the state may fish for free.**

2338 (1) A resident who is blind, has paraplegia, or has another permanent disability so as to  
 2339 be permanently confined to a wheelchair or the use of crutches, or who has lost either or both  
 2340 lower extremities, may receive a free license to fish upon furnishing satisfactory proof of this  
 2341 fact to the ~~[Division of Wildlife Resources]~~ division.

2342 (2) A resident who has an intellectual disability and is not eligible under Section  
 2343 ~~[23-19-14]~~ 23A-4-303 to fish without a license may receive a free license to fish upon  
 2344 furnishing verification from a physician or physician assistant that the person has an  
 2345 intellectual disability.

2346 (3) A resident who is terminally ill, and has less than five years to live, may receive a  
 2347 free license to fish:

- 2348 (a) upon furnishing verification from a physician or physician assistant; and
- 2349 (b) if the resident qualifies for assistance under ~~[any]~~ a low income public assistance  
 2350 program administered by a state agency.

2351 (4) A child placed in the custody of the state by a court order may receive a free fishing  
 2352 license upon furnishing verification of custody to the ~~[Division of Wildlife Resources]~~

2353 division.

2354 Section 75. Section **23A-4-306**, which is renumbered from Section 23-19-39 is  
2355 renumbered and amended to read:

2356 ~~[23-19-39].~~ **23A-4-306. Additional appropriation.**

2357 The division each year shall request the Legislature to appropriate from the General  
2358 Fund in ~~[the]~~ an appropriations act, for deposit in the Wildlife Resources Restricted Account, a  
2359 sum equal to the total of the fees, as determined by the previous year's license sales, that would  
2360 have otherwise been collected for fishing licenses had full fees been paid by those 65 years ~~[of~~  
2361 age] old or older or those who received free fishing privileges under ~~[the provisions of Section~~  
2362 23-19-14 or 23-19-36] Section 23A-4-303 or 23A-4-305.

2363 Section 76. Section **23A-4-401**, which is renumbered from Section 23-19-17 is  
2364 renumbered and amended to read:

2365 **Part 4. Combined or Lifetime Licenses**

2366 ~~[23-19-17].~~ **23A-4-401. Resident fishing and hunting license -- Use of fee.**

2367 (1) A resident, after paying the fee established by the Wildlife Board, may obtain, as  
2368 provided by the Wildlife Board's rules, a combination license to:

2369 (a) fish;

2370 (b) hunt for small game; and

2371 (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2372 (2) Up to \$1 of the combination license fee may be used for the hunter education

2373 program for any of the following:

2374 (a) instructor and student training;

2375 (b) assisting local organizations with development;

2376 (c) maintenance of existing facilities; or

2377 (d) operation and maintenance of the hunter education program.

2378 (3) (a) Up to 50 cents of the combination license fee may be used for the upland game  
2379 program to:

2380 (i) acquire pen-raised birds; or

2381 (ii) capture and transplant upland game species.

2382 (b) The combination license fee revenue designated for the upland game program by

2383 Subsection (3)(a) is in addition to ~~[any]~~ combination license fee revenue that may be used for

2384 the upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and  
 2385 23A-3-208.

2386 Section 77. Section **23A-4-402**, which is renumbered from Section 23-19-17.5 is  
 2387 renumbered and amended to read:

2388 ~~[23-19-17.5]~~. **23A-4-402. Lifetime hunting and fishing licenses.**

2389 (1) ~~[Lifetime licensees]~~ A lifetime licensee who is born after December 31, 1965, shall  
 2390 complete the hunter education requirements under Section ~~[23-19-11]~~ 23A-4-1001 before  
 2391 engaging in hunting.

2392 (2) A lifetime license ~~[shall remain]~~ remains valid if the residency of the lifetime  
 2393 licensee changes to another state or country.

2394 (3) (a) A lifetime license may be used in lieu of a hunting or fishing license.

2395 (b) Each year, a lifetime licensee is entitled to receive without charge a permit and tag  
 2396 of the lifetime licensee's choice for one of the following general season deer hunts:

2397 (i) archery;

2398 (ii) rifle; or

2399 (iii) muzzleloader.

2400 (c) A lifetime licensee is subject to each requirement for special hunting and fishing  
 2401 permits and tags, except as provided in Subsections (3)(a) and (b).

2402 (4) The Wildlife Board may ~~[adopt]~~ make rules, in accordance with Title 63G, Chapter  
 2403 3, Utah Administrative Rulemaking Act, necessary to carry out ~~[the provisions of]~~ this section.

2404 Section 78. Section **23A-4-501**, which is renumbered from Section 23-19-15 is  
 2405 renumbered and amended to read:

2406 **Part 5. License Agents**

2407 ~~[23-19-15]~~. **23A-4-501. Wildlife license agents.**

2408 (1) The director ~~[of the division]~~ may designate wildlife license agents to sell licenses,  
 2409 permits, and tags.

2410 (2) ~~[Wildlife license agents]~~ A wildlife license agent may:

2411 (a) sell ~~[licenses, permits, and tags to all eligible applicants, except those licenses,~~  
 2412 permits, and tags] a license, permit, or tag to an eligible applicant, except for a license, permit,  
 2413 or tag specified in Subsection ~~[23-19-16]~~ 23A-4-503(2) which may be sold only by the  
 2414 division; and

- 2415 (b) collect a fee for ~~[each]~~ a license, permit, or tag sold.
- 2416 (3) A wildlife license agent shall receive:
- 2417 (a) for ~~[any]~~ a wildlife license, permit, or tag having a fee equal to \$10 or less ~~[and]~~ but
- 2418 greater than \$1, 50 cents for ~~[each]~~ a wildlife license, permit, or tag sold; and
- 2419 (b) for ~~[any]~~ a wildlife license, permit, or tag having a fee greater than \$10, 5% of the
- 2420 fee.
- 2421 (4) The division may require a wildlife license ~~[agents]~~ agent to obtain a bond in a
- 2422 reasonable amount.
- 2423 (5) (a) As directed by the division, ~~[each]~~ a wildlife license agent shall:
- 2424 (i) report ~~[all]~~ the wildlife license agent's sales to the division; and
- 2425 (ii) submit ~~[all-of]~~ to the division the fees obtained from the sale of licenses, permits,
- 2426 and tags less the remuneration provided in Subsection (3).
- 2427 (b) If a wildlife license agent fails to pay the amount due, the division may assess a
- 2428 penalty of 20% of the amount due. ~~[All delinquent payments]~~ A delinquent payment shall bear
- 2429 interest at the rate of 1% per month. If the amount due is not paid because of bad faith or
- 2430 fraud, the division shall assess a penalty of 100% of the total amount due together with interest.
- 2431 (c) ~~[All fees]~~ Fees, except the remuneration provided in Subsection (3), shall:
- 2432 (i) be kept separate from the private ~~[funds]~~ money of the wildlife license agents; and
- 2433 (ii) belong to the state.
- 2434 (6) A wildlife license agent may not intentionally:
- 2435 (a) fail to date or misdate a license, permit, or tag;
- 2436 (b) issue a hunting license or permit to an individual until that individual furnishes
- 2437 proof of successful completion of a division-approved hunter education course as provided in
- 2438 Section ~~[23-19-11]~~ 23A-4-1001; or
- 2439 (c) issue a furbearer license to an individual until that individual furnishes proof of
- 2440 successful completion of a division-approved furharvester education course as provided in
- 2441 Section ~~[23-19-11.5]~~ 23A-4-1005.
- 2442 ~~[(7)(a) Except as provided in Subsections (7)(b) and (c), a violation of this section is a~~
- 2443 ~~class B misdemeanor.]~~
- 2444 ~~[(b) A violation of this section is a class A misdemeanor if the aggregate amount~~
- 2445 ~~required under Subsection (5)(a).]~~

2446 ~~[(i) is at least \$1,000, but less than \$10,000;]~~

2447 ~~[(ii) is not submitted for one or more months; and]~~

2448 ~~[(iii) remains uncollectable.]~~

2449 ~~[(c) A violation of this section is a felony of the third degree if the aggregate amount~~

2450 ~~required under Subsection (5)(a):]~~

2451 ~~[(i) is \$10,000 or more;]~~

2452 ~~[(ii) is not submitted for one or more months; and]~~

2453 ~~[(iii) remains uncollectable.]~~

2454 ~~[(8) Violation of any provision of this section may be cause for revocation of the~~

2455 ~~wildlife license agent authorization.]~~

2456 Section 79. Section **23A-4-502** is enacted to read:

2457 **23A-4-502. Violations by a wildlife license agent -- Criminal penalty.**

2458 (1) A person is guilty of an unlawful act if the actor:

2459 (a) fails to take an action required by Section [23A-4-501](#); or

2460 (b) takes an action prohibited by Section [23A-4-501](#).

2461 (2) (a) Except as provided in Subsections (2)(b) and (c), a violation of Subsection (1) is

2462 a class B misdemeanor.

2463 (b) A violation of Subsection (1) is a class A misdemeanor if the aggregate amount

2464 required under Subsection [23A-4-501\(5\)\(a\)](#):

2465 (i) is at least \$1,000, but less than \$10,000;

2466 (ii) is not submitted for one or more months; and

2467 (iii) remains uncollectable.

2468 (c) A violation of Subsection (1) is a felony of the third degree if the aggregate amount

2469 required under Subsection [23A-4-501\(5\)\(a\)](#):

2470 (i) is \$10,000 or more;

2471 (ii) is not submitted for one or more months; and

2472 (iii) remains uncollectable.

2473 (3) A violation of Subsection (1) may be cause for revocation of the wildlife license

2474 agent authorization.

2475 Section 80. Section **23A-4-503**, which is renumbered from Section 23-19-16 is

2476 renumbered and amended to read:



2477 ~~[23-19-16].~~ 23A-4-503. **Licenses obtained from agents of division.**

2478 (1) [~~Licenses~~] A person may obtain a license provided for in [Sections ~~23-19-17~~  
2479 through ~~23-19-27~~ may be obtained] the following sections from the division or one of [its] the  
2480 division's authorized wildlife license agents:

2481 (a) Section 23A-4-401;

2482 (b) Section 23A-4-601;

2483 (c) Sections 23A-4-703 through 23A-4-707; and

2484 (d) Section 23A-4-901.

2485 (2) [~~Licenses~~] A person may obtain a license provided for in [Sections ~~23-19-17.5~~;  
2486 ~~23-19-34.7~~, and ~~23-19-36~~ may be obtained] Section 23A-4-305, 23A-4-402, or 23A-4-802 only  
2487 from the division.

2488 Section 81. Section **23A-4-601**, which is renumbered from Section 23-19-21 is  
2489 renumbered and amended to read:

#### Part 6. Fishing

2491 ~~[23-19-21].~~ 23A-4-601. **Fishing license.**

2492 (1) A person 12 years [~~of age~~] old or older shall purchase a fishing license before  
2493 engaging in a regulated fishing activity.

2494 (2) Upon paying the fee prescribed by the Wildlife Board, a person may obtain a  
2495 license to fish and engage in a regulated fishing activity in accordance with the rules,  
2496 proclamations, and orders of the Wildlife Board.

2497 (3) A person under 12 years [~~of age~~] old may fish without a license in accordance with  
2498 the rules, proclamations, and orders of the Wildlife Board.

2499 Section 82. Section **23A-4-602**, which is renumbered from Section 23-19-35 is  
2500 renumbered and amended to read:

2501 ~~[23-19-35].~~ 23A-4-602. **Seining registration.**

2502 [~~Any~~] A person, upon application to the Wildlife Board, may be registered to seine.

2503 Section 83. Section **23A-4-701**, which is renumbered from Section 23-19-14.6 is  
2504 renumbered and amended to read:

#### Part 7. Hunting

2506 ~~[23-19-14.6].~~ 23A-4-701. **Trial hunting authorization.**

2507 (1) Upon application, the division may issue a trial hunting authorization to an

2508 individual who:

2509 (a) is 11 years [~~of age~~] old or older at the time of application;

2510 (b) is eligible under state and federal law to possess a firearm and archery equipment;

2511 and

2512 (c) (i) was born after 1965; and

2513 (ii) has not completed a division approved hunter education course.

2514 (2) Notwithstanding [~~the requirements of Section 23-19-11~~] Section 23A-4-1001, an

2515 individual who [~~has obtained~~] obtains a trial hunting authorization under Subsection (1) may

2516 obtain:

2517 (a) a hunting license under [~~Sections 23-19-17, 23-19-24, and 23-19-26~~] Section

2518 23A-4-401, 23A-4-706, or 23A-4-707; or

2519 (b) a hunting permit authorized by the Wildlife Board under Subsection (4).

2520 (3) An individual who [~~has obtained~~] obtains a hunting license or permit with a trial

2521 hunting authorization under Subsection (2) may use the license or permit if the individual is:

2522 (a) 12 years [~~of age~~] old or older; and

2523 (b) accompanied, as defined in Subsection [~~23-20-20~~] 23A-4-708(1), in the field while

2524 hunting by an individual who:

2525 (i) is 21 years [~~of age~~] old or older;

2526 (ii) is eligible under state and federal law to possess a firearm and archery equipment;

2527 (iii) possesses a current Utah hunting or combination license;

2528 (iv) has satisfied applicable hunter education requirements under this chapter; and

2529 (v) possesses the written consent of the holder's parent or legal guardian, if

2530 accompanying a holder of a trial hunting authorization who is under 18 years [~~of age~~] old.

2531 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

2532 Wildlife Board may make rules to:

2533 (a) designate the types of hunting permits under Subsection (2) that may be obtained

2534 with a trial hunting authorization;

2535 (b) establish the term of a trial hunting authorization;

2536 (c) establish the number of years a person may obtain a trial hunting authorization;

2537 (d) prescribe the number of individuals using a trial hunting authorization that an

2538 individual may accompany in the field under Subsection (3) at a single time;

2539 (e) establish the application process for an individual to obtain a trial hunting  
2540 authorization; and

2541 (f) administer and enforce ~~[the provisions of]~~ this section.

2542 Section 84. Section ~~23A-4-702~~, which is renumbered from Section 23-19-49 is  
2543 renumbered and amended to read:

2544 ~~[23-19-49].~~ **23A-4-702. Air rifle hunting.**

2545 (1) As used in this section~~[(a) "Division" means the Division of Wildlife~~  
2546 ~~Resources.~~~~(b) "Pre-charged"],~~ "pre-charged pneumatic air rifle" means a rifle that fires a single  
2547 projectile with compressed air released from a chamber:

2548 ~~[(i)]~~ (a) built into the rifle; and

2549 ~~[(ii)]~~ (b) pressurized at a minimum of 2,000 pounds per square inch from an external  
2550 high compression device or source, such as a hand pump, compressor, or scuba tank.

2551 (2) (a) An individual shall obtain a permit issued under this section before using a  
2552 pre-charged pneumatic air rifle to hunt a species of wildlife designated by the Wildlife Board.

2553 (b) The Wildlife Board shall by rule, made in accordance with Title 63G, Chapter 3,  
2554 Utah Administrative Rulemaking Act, designate which species of wildlife may be hunted with  
2555 the use of a pre-charged pneumatic air rifle.

2556 (3) The division shall review the funding available for the regulation of hunting with  
2557 pre-charged pneumatic air rifles and report the division's findings to the Natural Resources,  
2558 Agriculture, and Environment Interim Committee by no later than the November 2024 interim  
2559 committee meeting.

2560 Section 85. Section ~~23A-4-703~~, which is renumbered from Section 23-19-22 is  
2561 renumbered and amended to read:

2562 ~~[23-19-22].~~ **23A-4-703. Big game hunting permit.**

2563 (1) A person who is at least 12 years old~~[, upon paying the big game hunting permit fee~~  
2564 ~~established by the Wildlife Board, paying the fee established by Subsection (4), and possessing~~  
2565 ~~a valid hunting or combination license,]~~ may apply for or obtain a permit to hunt big game as  
2566 provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife Board~~[-] upon:~~

2567 (a) paying the big game hunting permit fee established by the Wildlife Board;

2568 (b) paying the fee established by Subsection (4); and

2569 (c) possessing a valid hunting or combination license.

2570 (2) (a) A person who is 11 years old may apply for or obtain a big game hunting permit  
2571 consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the  
2572 calendar year for which the permit is issued.

2573 (b) A person may not use a permit to hunt big game before the person's 12th birthday.

2574 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a big game permit fee collected  
2575 from a resident ~~[shall be used]~~ for the hunter education program as provided in Section  
2576 ~~[23-19-17]~~ 23A-4-401.

2577 (4) There is established a fee in the amount of \$5 added to ~~[each]~~ a permit under this  
2578 section to be deposited in the Predator Control Restricted Account.

2579 Section 86. Section **23A-4-704**, which is renumbered from Section 23-19-22.5 is  
2580 renumbered and amended to read:

2581 ~~[23-19-22.5]~~. **23A-4-704. Cougar or bear hunting permit.**

2582 (1) A person 12 years ~~[of age]~~ old or older~~[-, upon paying the cougar or bear hunting~~  
2583 ~~permit fee established by the Wildlife Board and possessing a valid hunting or combination~~  
2584 ~~license;]~~ may apply for or obtain a permit to take cougar or bear as provided by ~~[rules and~~  
2585 ~~proclamations]~~ a rule or proclamation of the Wildlife Board~~[-]~~ upon:

2586 (a) paying the cougar or bear hunting permit fee established by the Wildlife Board; and

2587 (b) possessing a valid hunting or combination license.

2588 (2) A person 11 years ~~[of age]~~ old may apply for or obtain a cougar or bear hunting  
2589 permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls  
2590 within the calendar year in which the permit is issued.

2591 (3) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a cougar or bear permit fee  
2592 collected from a resident ~~[shall be used]~~ for the hunter education program.

2593 Section 87. Section **23A-4-705**, which is renumbered from Section 23-19-22.6 is  
2594 renumbered and amended to read:

2595 ~~[23-19-22.6]~~. **23A-4-705. Turkey hunting permit -- Use of fee.**

2596 (1) ~~[A person, upon paying the turkey permit fee established by the Wildlife Board and~~  
2597 ~~possessing a valid hunting or combination license;]~~ A person may apply for or obtain a permit  
2598 to take turkey as provided by ~~[rules and proclamations]~~ a rule or proclamation of the Wildlife  
2599 Board~~[-]~~ upon:

2600 (a) paying the turkey permit fee established by the Wildlife Board; and

2601 (b) possessing a valid hunting or combination license.

2602 (2) ~~[One]~~ The division shall use one dollar of ~~[each]~~ a turkey permit fee collected from  
2603 a resident ~~[shall be used]~~ for the hunter education program.

2604 Section 88. Section ~~23A-4-706~~, which is renumbered from Section 23-19-24 is  
2605 renumbered and amended to read:

2606 ~~[23-19-24].~~ 23A-4-706. Resident hunting license -- Use of fee.

2607 (1) A resident~~[, after paying the fee established by the Wildlife Board,]~~ may obtain a  
2608 hunting license after paying the fee established by the Wildlife Board.

2609 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife  
2610 Board's rules and proclamations:

2611 (a) take small game; and

2612 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2613 (3) Up to \$1 of the hunting license fee may be used for the hunter education program.

2614 (4) (a) Up to 50 cents of the hunting license fee may be used for the upland game  
2615 program to:

2616 (i) acquire pen-raised birds; or

2617 (ii) capture and transplant upland game species.

2618 (b) The hunting license fee revenue designated for the upland game program by  
2619 Subsection (4)(a) is in addition to ~~[any]~~ hunting license fee revenue that may be used for the  
2620 upland game program as provided by Sections ~~[23-19-43 and 23-19-47]~~ 23A-3-207 and  
2621 23A-3-208.

2622 Section 89. Section ~~23A-4-707~~, which is renumbered from Section 23-19-26 is  
2623 renumbered and amended to read:

2624 ~~[23-19-26].~~ 23A-4-707. Nonresident hunting license -- Use of fee.

2625 (1) A nonresident~~[, after paying the fee established by the Wildlife Board,]~~ may obtain  
2626 a hunting license after paying the fee established by the Wildlife Board.

2627 (2) A hunting license authorizes the licensee to, according to this title and the Wildlife  
2628 Board's rules and proclamations:

2629 (a) take small game; and

2630 (b) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

2631 (3) (a) Up to 50 cents of the hunting license fee may be used for the upland game

2632 program to:

- 2633 (i) acquire pen-raised birds; or
- 2634 (ii) capture and transplant upland game species.

2635 (b) The hunting license fee revenue designated for the upland game program by  
2636 Subsection (3)(a) is in addition to [~~any~~] hunting license fee revenue that may be used for the  
2637 upland game program as provided by Sections [~~23-19-43 and 23-19-47~~] 23A-3-207 and  
2638 23A-3-208.

2639 Section 90. Section **23A-4-708**, which is renumbered from Section 23-20-20 is  
2640 renumbered and amended to read:

2641 [~~23-20-20~~]. **23A-4-708. Children accompanied by adults while hunting with**  
2642 **weapon.**

2643 (1) As used in this section:

2644 (a) "Accompanied" means at a distance within which visual and verbal communication  
2645 is maintained for the purposes of advising and assisting.

2646 (b) (i) "Electronic device" means a mechanism powered by electricity that allows  
2647 communication between two or more people.

2648 (ii) "Electronic device" includes a mobile telephone or two-way radio.

2649 (c) "Verbal communication" means the conveyance of information through speech that  
2650 does not involve an electronic device.

2651 (2) A person younger than 14 years old who is hunting with [~~any~~] a weapon shall be  
2652 accompanied by:

2653 (a) the person's parent or legal guardian; or

2654 (b) a responsible person who is at least 21 years old and who is approved by the  
2655 person's parent or guardian.

2656 (3) A person younger than 16 years old who is hunting big game with [~~any~~] a weapon  
2657 shall be accompanied by:

2658 (a) the person's parent or legal guardian; or

2659 (b) a responsible person who is at least 21 years old and who is approved by the  
2660 person's parent or guardian.

2661 (4) A person who is at least 14 years old but younger than 16 years old shall be  
2662 accompanied by a person who is at least 21 years old while hunting wildlife, other than big

2663 game, with ~~[any]~~ a weapon.

2664 Section 91. Section **23A-4-709**, which is renumbered from Section 23-20-30 is  
2665 renumbered and amended to read:

2666 ~~[23-20-30]~~. **23A-4-709**. **Tagging requirements.**

2667 (1) The Wildlife Board may make rules that require the carcass of certain species of  
2668 protected wildlife to be tagged.

2669 (2) Except as provided by the Wildlife Board by rules made in accordance with Title  
2670 63G, Chapter 3, Utah Administrative Rulemaking Act, a hunter shall tag the carcass of ~~[any]~~ a  
2671 species of protected wildlife required to be tagged ~~[shall be tagged]~~ before the carcass is moved  
2672 from or the hunter leaves the site of kill.

2673 (3) To tag a carcass, a person shall:

2674 (a) (i) completely detach the tag from the license or permit;

2675 (ii) completely remove the appropriate notches to correspond with:

2676 (A) the date the animal was taken; and

2677 (B) the sex of the animal; and

2678 (iii) attach the tag to the carcass so that the tag remains securely fastened and visible;

2679 or

2680 (b) complete an electronic tagging certification according to standards approved by the  
2681 Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
2682 Rulemaking Act.

2683 (4) A person may not:

2684 (a) remove more than one notch indicating date or sex; or

2685 (b) tag more than one carcass using the same tag.

2686 Section 92. Section **23A-4-801**, which is renumbered from Section 23-19-34.5 is  
2687 renumbered and amended to read:

2688 **Part 8. Falconry**

2689 ~~[23-19-34.5]~~. **23A-4-801**. **Falconry certificate of registration -- Residents**  
2690 **12 or older may obtain certificate of registration -- License for falconry meet for**  
2691 **nonresidents -- Wildlife Board approval required for falconry meet -- Hunting license**  
2692 **required to take protected game.**

2693 (1) A resident 12 years ~~[of age]~~ old or older~~[, upon application to the division,]~~ may

2694 obtain a certificate of registration to hold falcons and engage in the sport of falconry on  
2695 nongame wildlife species upon application to the division.

2696 (2) A nonresident entering Utah to participate in the sport of falconry at an organized  
2697 meet shall obtain a license as provided in Section ~~[23-19-34.7]~~ 23A-4-802.

2698 (3) Organizers of a falconry meet shall apply to and receive approval from the Wildlife  
2699 Board ~~[in order]~~ to conduct an organized falconry meet.

2700 (4) (a) ~~[Any]~~ A person engaging in the sport of falconry on protected small game  
2701 species shall possess, in addition to the falconry certificate of registration, a hunting license.

2702 (b) ~~[Any]~~ A nonresident who has been issued a license pursuant to Section  
2703 ~~[23-19-34.7]~~ 23A-4-802 is not required to possess a hunting license ~~[in order]~~ to take small  
2704 game during the five-day period of the license.

2705 Section 93. Section **23A-4-802**, which is renumbered from Section 23-19-34.7 is  
2706 renumbered and amended to read:

2707 ~~[23-19-34.7].~~ **23A-4-802. Nonresident falconry meet license.**

2708 (1) A nonresident 12 years ~~[of age]~~ old or older may participate in a falconry meet in  
2709 this state upon payment of a fee prescribed by the Wildlife Board.

2710 (2) (a) A nonresident falconry meet license is valid only for five consecutive days, the  
2711 dates to be designated on the license.

2712 (b) The holder of the license may engage in the sport of falconry on nongame wildlife  
2713 species and small game species~~;~~ during the specified five-day period.

2714 Section 94. Section **23A-4-901**, which is renumbered from Section 23-19-27 is  
2715 renumbered and amended to read:

2716 **Part 9. Furbearer License or Registration**

2717 ~~[23-19-27].~~ **23A-4-901. Furbearer license -- Resident or nonresident.**

2718 A resident or nonresident~~;~~ ~~upon payment of the fee prescribed by the Wildlife Board;~~  
2719 may receive a license to take furbearers upon payment of the fee prescribed by the Wildlife  
2720 Board.

2721 Section 95. Section **23A-4-902**, which is renumbered from Section 23-19-31 is  
2722 renumbered and amended to read:

2723 ~~[23-19-31].~~ **23A-4-902. Resident fur dealer registration.**

2724 A resident~~;~~ ~~upon application to the Wildlife Board;~~ may be registered as a fur dealer



2725 upon application to the Wildlife Board.

2726 Section 96. Section **23A-4-903**, which is renumbered from Section 23-19-32 is  
2727 renumbered and amended to read:

2728 ~~[23-19-32].~~ **23A-4-903. Nonresident fur dealer registration.**

2729 A nonresident~~[, upon application to the wildlife board,]~~ may be registered as a fur  
2730 dealer upon application to the Wildlife Board.

2731 Section 97. Section **23A-4-904**, which is renumbered from Section 23-19-33 is  
2732 renumbered and amended to read:

2733 ~~[23-19-33].~~ **23A-4-904. Registration of fur dealer's agent.**

2734 ~~[Any]~~ A person who is employed by a fur dealer as a fur buyer in the field~~[, upon~~  
2735 ~~application to the Wildlife Board,]~~ may be registered as a fur dealer's agent upon application to  
2736 the Wildlife Board.

2737 Section 98. Section **23A-4-905**, which is renumbered from Section 23-18-5 is  
2738 renumbered and amended to read:

2739 ~~[23-18-5].~~ **23A-4-905. Fur dealer and fur dealer's agent -- Certificates of**  
2740 **registration required -- Receipts required.**

2741 (1) (a) ~~[Any]~~ A person engaging in, carrying on, or conducting, wholly or in part, the  
2742 business of buying, selling, trading, or dealing, within the state, in the skins or pelts of  
2743 furbearing mammals ~~[shall be deemed]~~ is considered a fur dealer within the meaning of this  
2744 ~~[code. All fur dealers]~~ title.

2745 (b) A fur dealer shall secure a fur dealer certificate of registration from the ~~[Division of~~  
2746 ~~Wildlife Resources, but no]~~ division, except a certificate of registration [shall be] is not  
2747 required for:

2748 (i) a licensed trapper or fur farmer selling skins or pelts ~~[which]~~ that the licensed  
2749 trapper or fur farmer has lawfully taken~~;~~ or raised~~[, nor for any]; or~~

2750 (ii) a person who is not a fur dealer and who purchases ~~[any such]~~ skins or pelts  
2751 described in Subsection (1)(b)(i) exclusively for the person's own use and not for sale.

2752 (2) ~~[Any]~~ (a) A person who is employed by a resident or nonresident fur dealer as a fur  
2753 buyer, in the field, is ~~[deemed]~~ considered a fur dealer's agent.

2754 ~~[Application]~~ (b) The fur dealer employing an agent shall apply for a fur dealer's agent  
2755 certificate of registration [shall be made by the fur dealer employing the agent, and no], and an

2756 agent certificate of registration [~~shall~~] may not be issued until the necessary fur dealer  
 2757 certificate of registration has been first secured by the employer of the agent.

2758 (3) [~~Receipts shall be issued by the~~] The vendor shall issue a receipt to the vendee  
 2759 whenever the skins or pelts of furbearing mammals change ownership by virtue of sale,  
 2760 exchange, barter, or gift[~~, and both~~]. Both the vendor and vendee shall produce [~~this~~] the  
 2761 receipt or evidence of legal transaction upon request by the [~~Division of Wildlife Resources~~]  
 2762 division or other person authorized to enforce [~~the provisions of this code~~] this title.

2763 Section 99. Section **23A-4-1001**, which is renumbered from Section 23-19-11 is  
 2764 renumbered and amended to read:

#### 2765 **Part 10. Education**

2766 [~~23-19-11~~]. **23A-4-1001. Hunter education required.**

2767 (1) (a) Except as provided in Section [~~23-19-14.6~~] 23A-4-701, an individual born after  
 2768 December 31, 1965, may not acquire or possess a hunting license or permit unless the  
 2769 individual has successfully completed a division-approved hunter education course.

2770 (b) A division-approved hunter education course shall include education concerning  
 2771 the importance of gates and fences used in agriculture and how to properly close a gate.

2772 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 2773 Wildlife Board may make rules establishing:

2774 (a) criteria and standards for approving a hunter education course, including a course  
 2775 offered in another state or country; and

2776 (b) procedures for verifying and documenting that an individual seeking a hunting  
 2777 license or permit has successfully completed a division-approved hunter education course.

2778 [~~(3) (a) It is unlawful for an individual to obtain, attempt to obtain, or possess a hunting~~  
 2779 ~~license or permit in violation of the hunter education requirements in Subsection (1).]~~

2780 [~~(b) A hunting license or permit obtained or possessed in violation of this section is~~  
 2781 ~~invalid.]~~

2782 Section 100. Section **23A-4-1002**, which is renumbered from Section 23-19-11.1 is  
 2783 renumbered and amended to read:

2784 [~~23-19-11.1~~]. **23A-4-1002. Hunter education practical shooting test --**  
 2785 **Exemptions.**

2786 (1) Except as provided in Subsection (2), the Wildlife Board may require that the

2787 division-approved hunter education course required by Section ~~[23-19-11]~~ [23A-4-1001](#) include  
2788 a practical shooting test.

2789 (2) A member of the United States Armed Forces, including the Utah National Guard,  
2790 is exempt from a practical shooting test that may be required under Subsection (1) if the  
2791 member has passed firearms training in the United States Armed Forces or Utah National  
2792 Guard.

2793 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2794 Wildlife Board may make rules establishing firearms test verification requirements.

2795 Section 101. Section **23A-4-1003**, which is renumbered from Section 23-19-12 is  
2796 renumbered and amended to read:

2797 ~~[23-19-12]~~. **23A-4-1003. Instruction in hunter education -- Issuance of**  
2798 **certificate of competency.**

2799 (1) The ~~[Division of Wildlife Resources]~~ division shall provide for ~~[individuals]~~ an  
2800 individual interested in obtaining an instructor's certificate in hunter education a course of  
2801 instruction in:

2802 (a) the safe handling of firearms;

2803 (b) conservation;

2804 (c) hunting ethics;

2805 (d) information required by Subsection ~~[23-19-11]~~ [23A-4-1001](#)(1)(b); and

2806 (e) related subject matter.

2807 (2) A certified instructor may, on a voluntary basis, give instruction in the course of  
2808 hunter education, as established by the ~~[Division of Wildlife Resources]~~ division, to eligible  
2809 persons ~~[who, upon the successful completion of the course, shall be issued]~~. The division shall  
2810 issue a certificate of competency in hunter education upon the successful completion of the  
2811 course.

2812 Section 102. Section **23A-4-1004**, which is renumbered from Section 23-19-12.7 is  
2813 renumbered and amended to read:

2814 ~~[23-19-12.7]~~. **23A-4-1004. Instruction in bow hunter education -- Issuance**  
2815 **of certificate of completion.**

2816 (1) The division shall establish criteria for a bow hunter education course, which may  
2817 be offered by ~~[any]~~ an entity that meets the division's criteria.

2818 (2) The bow hunter education course shall include instruction in:

2819 (a) the safe use of bow hunting equipment;

2820 (b) fundamentals of bow hunting;

2821 (c) shooting and hunting techniques; and

2822 (d) hunter ethics.

2823 (3) The division shall issue a certificate of completion to a participant upon successful  
2824 completion of a bow hunter education course which meets the requirements of this section and  
2825 criteria established by the division.

2826 Section 103. Section **23A-4-1005**, which is renumbered from Section 23-19-11.5 is  
2827 renumbered and amended to read:

2828 ~~[23-19-11.5].~~ **23A-4-1005. Proof of furharvester education required.**

2829 (1) A resident born after December 31, 1984, may not acquire or possess a furbearer  
2830 license unless the individual has successfully completed a division-approved furharvester  
2831 education course.

2832 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2833 Wildlife Board may make rules establishing:

2834 (a) criteria and standards for approving a furharvester education course, including a  
2835 course offered in another state or country; and

2836 (b) procedures for verifying and documenting that an individual seeking a furbearer  
2837 license has successfully completed a division-approved furharvester education course.

2838 ~~[(3)(a) It is unlawful for an individual to obtain, attempt to obtain, or possess a  
2839 furbearer license in violation of the furharvester education requirements in Subsection (1).]~~

2840 ~~[(b) A furbearer license or permit obtained or possessed in violation of this section is  
2841 invalid.]~~

2842 Section 104. Section **23A-4-1006**, which is renumbered from Section 23-19-12.5 is  
2843 renumbered and amended to read:

2844 ~~[23-19-12.5].~~ **23A-4-1006. Instruction in furharvester education --**  
2845 **Issuance of certificate of completion.**

2846 (1) The division shall provide a course of instruction in safe and responsible trapping,  
2847 including instruction in:

2848 (a) the use of trapping devices;

- 2849 (b) trapping laws;  
 2850 (c) trapping ethics;  
 2851 (d) techniques in safely releasing nontarget animals;  
 2852 (e) firearms safety;  
 2853 (f) wildlife management;  
 2854 (g) proper catch handling;  
 2855 (h) trapper health and safety; and  
 2856 (i) ethics relating to the avoidance of conflicts with other public land users and private  
 2857 landowners.

2858 (2) (a) [~~Certified instructors will~~] A certified instructor may, on a voluntary basis, give  
 2859 instruction in the course of furharvester education, as established by the division.

2860 (b) Upon the successful completion of the course, [~~each~~] the division shall issue to the  
 2861 participant in the furharvester education course [~~shall be issued~~] a certificate of completion in  
 2862 furharvester education.

2863 Section 105. Section **23A-4-1007**, which is renumbered from Section 23-19-13 is  
 2864 renumbered and amended to read:

2865 **[23-19-13]. 23A-4-1007. Hunter and furharvester education training -- Fee.**

2866 The Wildlife Board shall establish the fees to be assessed for obtaining instruction in  
 2867 hunter education and furharvester education.

2868 Section 106. Section **23A-4-1101**, which is renumbered from Section 23-19-5 is  
 2869 renumbered and amended to read:

2870 **Part 11. Violations and Enforcement**

2871 **[23-19-5]. 23A-4-1101. Fraud, deceit, or misrepresentation in obtaining a**  
 2872 **license, permit, tag, or certificate of registration -- Criminal penalty.**

2873 (1) [~~It is unlawful for~~] A person may not:

2874 (a) [~~any person to~~] obtain or attempt to obtain a license, permit, tag, or certificate of  
 2875 registration by fraud, deceit, or misrepresentation;

2876 (b) if a nonresident [~~to~~], purchase a resident license; and

2877 (c) if a resident [~~to~~], purchase a nonresident license.

2878 [~~(2) Any license, permit, tag, or certificate of registration obtained in violation of~~  
 2879 ~~Subsection (1) is invalid.~~]

2880 ~~[(3) Any]~~ (2) A person violating Subsection (1) is guilty of a class B misdemeanor.

2881 (3) A license, permit, certificate of registration, or tag obtained in violation of

2882 Subsection (1) is invalid.

2883 (4) A fraudulent claim of residency in another state or country does not exempt a

2884 person from the definition of resident in Section ~~[23-13-2]~~ 23A-1-101.

2885 Section 107. Section **23A-4-1102**, which is renumbered from Section 23-19-5.5 is

2886 renumbered and amended to read:

2887 ~~[23-19-5.5].~~ **23A-4-1102. Issuance of license, permit, or tag prohibited for**

2888 **failure to pay child support.**

2889 (1) As used in this section:

2890 (a) "Child support" means the same as that term is defined in Section 62A-11-401.

2891 (b) "Delinquent on a child support obligation" means that:

2892 (i) an individual owes at least \$2,500 on an arrearage obligation of child support based  
2893 on an administrative or judicial order;

2894 (ii) the individual has not obtained a judicial order staying enforcement of the  
2895 individual's obligation on the amount in arrears; and

2896 (iii) the office has obtained a statutory judgment lien pursuant to Section  
2897 62A-11-312.5.

2898 (c) "Office" means the Office of Recovery Services created in Section 62A-11-102.

2899 (d) "Wildlife license agent" means a person authorized under Section ~~[23-19-15]~~  
2900 23A-4-501 to sell a license, permit, or tag in accordance with this chapter.

2901 (2) (a) An individual who is delinquent on a child support obligation may not apply for,  
2902 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by  
2903 the Wildlife Board under this title, or by an order or proclamation ~~[issued in accordance with a~~  
2904 ~~rule made by the Wildlife Board under this title]~~.

2905 (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or  
2906 tag in violation of Subsection (2)(a) violates Section ~~[23-19-5]~~ 23A-4-1101.

2907 (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.

2908 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag  
2909 violates Section ~~[23-20-3]~~ 23A-5-309.

2910 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective

2911 until the office notifies the division that the individual who is delinquent on a child support  
2912 obligation has:

2913 (i) paid the delinquency in full; or

2914 (ii) except as provided in Subsection (3)(d), complied for at least 12 consecutive  
2915 months with a payment schedule entered into with the office.

2916 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:

2917 (i) pay the current child support obligation in full each month; and

2918 (ii) pays an additional amount as assessed by the office pursuant to Section

2919 [62A-11-320](#) towards the child support arrears.

2920 (c) Except as provided in Subsection (3)(d), if an individual fails to comply with the  
2921 payment schedule described in Subsection (3)(b), the office may notify the division and the  
2922 individual is considered to be an individual who is delinquent on a child support obligation and  
2923 cannot obtain a new license, permit, or tag without complying with this Subsection (3).

2924 (d) If an individual fails to comply with the payment schedule described in Subsection  
2925 (3)(b) for one month of the 12-month period because of a transition to new employment, the  
2926 individual may obtain a license, permit, or tag and is considered in compliance with this  
2927 Subsection (3) if the individual:

2928 (i) provides the office with information regarding the individual's new employer within  
2929 30 days from the day on which the missed payment was due;

2930 (ii) pays the missed payment within 30 days from the day on which the missed payment  
2931 was due; and

2932 (iii) complies with the payment schedule for all other payments owed for child support  
2933 within the 12-month period.

2934 (4) (a) The division or a wildlife license agent may not knowingly issue a license,  
2935 permit, or tag under this title to an individual identified by the office as delinquent on a child  
2936 support obligation until notified by the office that the individual has complied with Subsection  
2937 (3).

2938 (b) The division is not required to hold or reserve a license, permit, or tag opportunity  
2939 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that  
2940 individual upon compliance with Subsection (3).

2941 (c) The division may immediately reissue to another qualified person a license, permit,

2942 or tag opportunity withheld from an individual identified by the office as delinquent on a child  
2943 support obligation pursuant to Subsection (4)(a).

2944 (5) The office and division shall automate the process for the division or a wildlife  
2945 license agent to be notified whether an individual is delinquent on a child support obligation or  
2946 has complied with Subsection (3).

2947 (6) The office is responsible to provide ~~[any]~~ administrative or judicial review required  
2948 incident to the division issuing or denying a license, permit, or tag to an individual under  
2949 Subsection (4).

2950 (7) The denial or withholding of a license, permit, or tag under this section is not a  
2951 suspension or revocation of license and permit privileges for purposes of:

2952 (a) Section ~~[23-19-9]~~ [23A-4-1106](#);

2953 (b) Subsection ~~[23-20-4]~~ [23A-5-311](#)(1); and

2954 (c) Section ~~[23-25-6]~~ [23A-2-505](#).

2955 (8) This section does not modify a court action to withhold, suspend, or revoke a  
2956 recreational license under Sections [62A-11-107](#) and [78B-6-315](#).

2957 Section 108. Section **23A-4-1103**, which is renumbered from Section 23-19-6 is  
2958 renumbered and amended to read:

2959 ~~[23-19-6]~~. **23A-4-1103. Imitating or counterfeiting license unlawful --**  
2960 **Criminal penalty.**

2961 ~~[It is unlawful to]~~ (1) A person may not imitate or counterfeit ~~[any]~~ a license, permit,  
2962 tag, or certificate of registration for the purpose of defrauding the state ~~[of Utah]~~ or for evading  
2963 the purposes and provisions of this ~~[code. Any]~~ title.

2964 (2) A person who violates ~~[any provision of]~~ this section is guilty of a class A  
2965 misdemeanor.

2966 Section 109. Section **23A-4-1104** is enacted to read:

2967 **23A-4-1104. Violation of hunter education requirements -- Criminal penalty.**

2968 (1) An individual may not obtain, attempt to obtain, or possess a hunting license or  
2969 permit in violation of the hunter education requirements in Subsection [23A-4-1001](#)(1).

2970 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2971 (3) A hunting license or permit obtained or possessed in violation of Section  
2972 [23A-4-1101](#) is invalid.



2973 Section 110. Section **23A-4-1105** is enacted to read:

2974 **23A-4-1105. Violation of furharvester education requirements -- Criminal**

2975 **penalty.**

2976 (1) An individual may not obtain, attempt to obtain, or possess a furbearer license in  
2977 violation of the furharvester education requirements in Subsection [23A-4-1005\(1\)](#).

2978 (2) An individual who violates Subsection (1) is guilty of a class B misdemeanor.

2979 (3) A furbearer license or permit obtained or possessed in violation of this section is  
2980 invalid.

2981 Section 111. Section **23A-4-1106**, which is renumbered from Section 23-19-9 is  
2982 renumbered and amended to read:

2983 ~~[23-19-9]~~. **23A-4-1106. Suspension of license or permit privileges --**

2984 **Suspension of certificates of registration.**

2985 (1) As used in this section:

2986 (a) "License or permit privileges" means the privilege of applying for, purchasing, and  
2987 exercising the benefits conferred by a license or permit issued by the division.

2988 (b) "Livestock guardian dog" means the same as that term is defined in Section  
2989 [76-6-111](#).

2990 (2) A hearing officer, appointed by the division, may suspend a person's license or  
2991 permit privileges if:

2992 (a) in a court of law, the person:

2993 (i) is convicted of:

2994 (A) violating this title or a rule of the Wildlife Board;

2995 (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in  
2996 an activity regulated under this title;

2997 (C) violating Section [76-6-111](#); or

2998 (D) violating Section [76-10-508](#) while engaged in an activity regulated under this title;

2999 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no  
3000 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

3001 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person  
3002 enters into a diversion agreement which suspends the prosecution of the offense; and

3003 (b) the hearing officer determines the person committed the offense intentionally,

3004 knowingly, or recklessly, as defined in Section [76-2-103](#).

3005 (3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing  
3006 officer shall consider in determining:

3007 (i) the type of license or permit privileges to suspend; and

3008 (ii) the duration of the suspension.

3009 (b) The Wildlife Board shall ensure that the guidelines established under Subsection  
3010 (3)(a) are consistent with Subsections (4), (5), and (6).

3011 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a  
3012 person's license or permit privileges according to Subsection (2) for a period of time not to  
3013 exceed:

3014 (a) seven years for:

3015 (i) a felony conviction;

3016 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is  
3017 held in abeyance pursuant to a plea in abeyance agreement; or

3018 (iii) being charged with an offense punishable as a felony, the prosecution of which is  
3019 suspended pursuant to a diversion agreement;

3020 (b) five years for:

3021 (i) a class A misdemeanor conviction;

3022 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,  
3023 which plea is held in abeyance pursuant to a plea in abeyance agreement; or

3024 (iii) being charged with an offense punishable as a class A misdemeanor, the  
3025 prosecution of which is suspended pursuant to a diversion agreement;

3026 (c) three years for:

3027 (i) a class B misdemeanor conviction;

3028 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor  
3029 when the plea is held in abeyance according to a plea in abeyance agreement; or

3030 (iii) being charged with an offense punishable as a class B misdemeanor, the  
3031 prosecution of which is suspended pursuant to a diversion agreement; and

3032 (d) one year for:

3033 (i) a class C misdemeanor conviction;

3034 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,

3035 when the plea is held in abeyance according to a plea in abeyance agreement; or

3036 (iii) being charged with an offense punishable as a class C misdemeanor, the  
3037 prosecution of which is suspended according to a diversion agreement.

3038 (5) The hearing officer may double a suspension period established in Subsection (4)  
3039 for offenses:

3040 (a) committed in violation of an existing suspension or revocation order issued by the  
3041 courts, division, or Wildlife Board; or

3042 (b) involving the unlawful taking of a trophy animal, as defined in Section ~~[23-13-2]~~  
3043 [23A-1-101](#).

3044 (6) (a) A hearing officer may suspend, according to Subsection (2), a person's license  
3045 or permit privileges for a particular license or permit only once for each single criminal  
3046 episode, as defined in Section [76-1-401](#).

3047 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the  
3048 suspension periods of ~~[any]~~ license or permit privileges of the same type suspended, according  
3049 to Subsection (2), may run consecutively.

3050 (c) If a hearing officer suspends, according to Subsection (2), license or permit  
3051 privileges of the type that have been previously suspended by a court, a hearing officer, or the  
3052 Wildlife Board and the suspension period has not expired, the suspension periods may run  
3053 consecutively.

3054 (7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of  
3055 applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:

3056 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as  
3057 defined in Section [76-2-103](#), violated:

3058 (A) this title;

3059 (B) a rule or order of the Wildlife Board;

3060 (C) the terms of a certificate of registration; or

3061 (D) the terms of a certificate of registration application or agreement; or

3062 (ii) the person, in a court of law:

3063 (A) is convicted of an offense that the hearing officer determines bears a reasonable  
3064 relationship to the person's ability to safely and responsibly perform the activities authorized by  
3065 the certificate of registration;

3066 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a  
3067 reasonable relationship to the person's ability to safely and responsibly perform the activities  
3068 authorized by the certificate of registration, and the plea is held in abeyance in accordance with  
3069 a plea in abeyance agreement; or

3070 (C) is charged with an offense that the hearing officer determines bears a reasonable  
3071 relationship to the person's ability to safely and responsibly perform the activities authorized by  
3072 the certificate of registration, and prosecution of the offense is suspended in accordance with a  
3073 diversion agreement.

3074 (b) ~~[All certificates]~~ A hearing officer shall suspend a certificate of registration for the  
3075 harvesting of brine shrimp eggs, as defined in Section 59-23-3, ~~[shall be suspended by a~~  
3076 ~~hearing officer,]~~ if the hearing officer determines the holder of the ~~[certificates]~~ certificate of  
3077 registration has violated Section 59-23-5.

3078 (8) (a) The director shall appoint a qualified person as a hearing officer to perform the  
3079 adjudicative functions provided in this section.

3080 (b) The director may not appoint a division employee who investigates or enforces  
3081 wildlife violations.

3082 (9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply  
3083 for, purchase, or exercise the benefits conferred by a license, permit, or certificate of  
3084 registration.

3085 (b) The courts shall promptly notify the division of ~~[any]~~ suspension orders or  
3086 recommendations entered.

3087 (c) The division, upon receiving notification of suspension from the courts, shall  
3088 prohibit the person from applying for, purchasing, or exercising the benefits conferred by a  
3089 license, permit, or certification of registration for the duration and of the type specified in the  
3090 court order.

3091 (d) The hearing officer shall consider ~~[any]~~ a recommendation made by a sentencing  
3092 court concerning suspension before issuing a suspension order.

3093 ~~[(10) (a) A person may not apply for, purchase, possess, or attempt to exercise the~~  
3094 ~~benefits conferred by any permit, license, or certificate of registration specified in an order of~~  
3095 ~~suspension while that order is in effect.]~~

3096 ~~[(b) Any license possessed or obtained in violation of the order shall be considered~~

3097 ~~invalid.]~~

3098 ~~[(c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.]~~

3099 ~~[(11)] (10)~~ Before suspension under this section, ~~[a person shall be]~~ the division shall

3100 give a person:

3101 (a) ~~[given]~~ written notice of ~~[any]~~ action the division intends to take; and

3102 (b) ~~[provided with]~~ an opportunity for a hearing.

3103 ~~[(12)] (11)~~ (a) A person may file an appeal of a hearing officer's decision with the

3104 Wildlife Board.

3105 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and

3106 any written documentation submitted at the hearing.

3107 (c) The Wildlife Board may:

3108 (i) take no action;

3109 (ii) vacate or remand the decision; or

3110 (iii) amend the period or type of suspension.

3111 ~~[(13)] (12)~~ The division shall suspend and reinstate all hunting, fishing, trapping, and

3112 falconry privileges consistent with ~~[Title 23, Chapter 25,]~~ Chapter 2, Part 5, Wildlife Violator

3113 Compact.

3114 ~~[(14)] (13)~~ The Wildlife Board may make rules to implement this section in accordance

3115 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3116 Section 112. Section **23A-4-1107** is enacted to read:

3117 **23A-4-1107. Violation of suspension --Criminal penalty.**

3118 (1) A person may not apply for, purchase, possess, or attempt to exercise the benefits

3119 conferred by a permit, license, or certificate of registration specified in an order of suspension

3120 while that order is in effect.

3121 (2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

3122 (3) A license possessed or obtained in violation of the order is invalid.

3123 Section 113. Section **23A-4-1108**, which is renumbered from Section 23-19-9.1 is

3124 renumbered and amended to read:

3125 ~~[23-19-9.1].~~ **23A-4-1108. Court-ordered action against a license.**

3126 The division shall promptly withhold, suspend, restrict, or reinstate the use of a license

3127 issued under this chapter if so ordered by a court.

3128 Section 114. Section **23A-4-1109**, which is renumbered from Section 23-19-9.5 is  
3129 renumbered and amended to read:

3130 ~~[23-19-9.5].~~ **23A-4-1109. Warrant outstanding or failure to comply with citation**  
3131 **-- Person not entitled to license, permit, tag, or certificate.**

3132 (1) A person may not purchase a license, permit, tag, or certificate of registration if:

3133 (a) there is an outstanding Utah warrant against ~~[him]~~ the person for failure to appear  
3134 in answer to a summons for a violation of:

3135 (i) ~~[a provision of]~~ this title; or

3136 (ii) a rule, proclamation, or order of the Wildlife Board; or

3137 (b) ~~[he has failed]~~ the person fails to comply with a wildlife citation in a state which is  
3138 a party to the Wildlife Violator Compact set forth in ~~[Title 23, Chapter 25,]~~ Chapter 2, Part 5,  
3139 Wildlife Violator Compact.

3140 (2) The division may allow a person referred to in Subsection (1) to purchase a license,  
3141 permit, tag, or certificate of registration if satisfactory proof is given that:

3142 (a) the warrant is no longer outstanding; or

3143 (b) ~~[he]~~ the person has complied with the wildlife citation.

3144 Section 115. Section **23A-5-101** is enacted to read:

3145 **CHAPTER 5. ENFORCEMENT AND VIOLATIONS**

3146 **Part 1. General Provisions**

3147 **23A-5-101. Definitions.**

3148 Reserved.

3149 Section 116. Section **23A-5-201**, which is renumbered from Section 23-20-1 is  
3150 renumbered and amended to read:

3151 **Part 2. Enforcement**

3152 ~~[23-20-1].~~ **23A-5-201. Enforcement authority of conservation officers --**  
3153 **Seizure and disposition of property.**

3154 (1) ~~[Conservation officers]~~ A conservation officer of the division shall enforce ~~[the~~  
3155 ~~provisions of]~~ this title with the same authority and following the same procedures as other law  
3156 enforcement officers.

3157 (2) (a) ~~[Conservation officers]~~ A conservation officer shall seize ~~[any]~~ protected  
3158 wildlife illegally taken or held.

- 3159 (b) (i) Upon determination of a defendant's guilt by the court[;]:
- 3160 (A) the court shall confiscate the protected wildlife [~~shall be confiscated by the court~~
- 3161 ~~and sold or otherwise disposed of by the division~~]; and
- 3162 (B) the division shall sell or otherwise dispose of the protected wildlife.
- 3163 (ii) Proceeds of [~~the sales~~] a sale under this section shall be deposited in the Wildlife
- 3164 Resources Account.
- 3165 (iii) Migratory wildfowl may not be sold, but [~~shall be given~~] the division shall give the
- 3166 migratory wildfowl to a charitable institution [~~or used~~] for other charitable purposes.
- 3167 (3) (a) [~~Conservation officers~~] A conservation officer may seize and impound a vehicle
- 3168 used for the unlawful taking or possessing of protected wildlife for any of the following
- 3169 purposes:
- 3170 (i) to provide for the safekeeping of the vehicle, if the owner or operator is arrested;
- 3171 (ii) to search the vehicle as provided in Subsection (2)(a) or as provided by a search
- 3172 warrant; or
- 3173 (iii) to inspect the vehicle for evidence that protected wildlife was unlawfully taken or
- 3174 possessed.
- 3175 (b) The division shall store [~~any~~] a seized vehicle in a public or private garage, state
- 3176 impound lot, or other secured storage facility.
- 3177 (4) A seized vehicle shall be released to the owner no later than 30 days after the date
- 3178 the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of
- 3179 wildlife by a person who is charged with committing a felony under this title.
- 3180 (5) (a) The owner of a seized vehicle is liable for the payment of any impound fee if the
- 3181 owner used the vehicle for the unlawful taking or possessing of wildlife and is found by a court
- 3182 to be guilty of a violation of this title.
- 3183 (b) The owner of a seized vehicle is not liable for the payment of any impound fee or,
- 3184 if the fees have been paid, is entitled to reimbursement of the fees paid, if:
- 3185 (i) no charges are filed or all charges are dropped [~~which~~] that involve the use of the
- 3186 vehicle for the unlawful taking or possessing of wildlife;
- 3187 (ii) the person charged with using the vehicle for the unlawful taking or possessing of
- 3188 wildlife is found by a court to be not guilty; or
- 3189 (iii) the owner did not consent to a use of the vehicle [~~which~~] that violates this chapter.

3190 Section 117. Section **23A-5-202**, which is renumbered from Section 23-20-1.5 is  
3191 renumbered and amended to read:

3192 ~~[23-20-1.5].~~ **23A-5-202. Powers of law enforcement section.**

3193 (1) The chief and assistant chief of the law enforcement section, an enforcement  
3194 ~~[agents, and]~~ agent, or conservation ~~[officers]~~ officer of the law enforcement section within the  
3195 ~~[Division of Wildlife Resources]~~ division are vested with the powers of law enforcement  
3196 officers throughout ~~[all of]~~ the counties of the state with exception of the power to serve civil  
3197 process and:

3198 (a) may serve criminal process, arrest, and prosecute ~~[violators of any]~~ a violator of a  
3199 law of this state; and

3200 (b) ~~[shall have]~~ has the same right as other law enforcement officers to require aid in  
3201 executing ~~[their]~~ the duties.

3202 (2) The powers and duties conferred by this section upon employees of the law  
3203 enforcement section of the ~~[Division of Wildlife Resources]~~ division shall be supplementary to  
3204 and in no way a limitation on the powers and duties of other law enforcement officers in the  
3205 state.

3206 Section 118. Section **23A-5-203**, which is renumbered from Section 23-20-2 is  
3207 renumbered and amended to read:

3208 ~~[23-20-2].~~ **23A-5-203. Special deputies -- Appointment -- Duties.**

3209 The director ~~[of the Division of Wildlife Resources is authorized to]~~ may appoint  
3210 ~~[persons]~~ a person, on a temporary basis, as a special ~~[deputies. These special deputies shall~~  
3211 ~~have the authority to enforce provisions of this code and all rules and regulations promulgated~~  
3212 ~~under this code.]~~ deputy. A special deputy may enforce this title and rules made under this  
3213 title.

3214 Section 119. Section **23A-5-204**, which is renumbered from Section 23-20-10 is  
3215 renumbered and amended to read:

3216 ~~[23-20-10].~~ **23A-5-204. Butcher, locker, or storage plant to require proper tag**  
3217 **or donation slip.**

3218 ~~[It is unlawful for a]~~ A butcher or owner or employee of a locker plant or storage plant  
3219 ~~[to]~~ may not receive for processing or storage the carcass of ~~[any]~~ protected wildlife that by law  
3220 or regulation is required to be tagged, unless the carcass is properly tagged or is accompanied



3221 with a valid donation slip.

3222 Section 120. Section **23A-5-205**, which is renumbered from Section 23-20-16 is  
3223 renumbered and amended to read:

3224 ~~[23-20-16]~~. **23A-5-205**. **Enforcement -- Procedure.**

3225 In enforcing the misdemeanor or felony provisions of this ~~[code]~~ title, ~~[the]~~ a peace  
3226 officer shall follow ~~[the procedures and requirements of]~~ Title 53, Chapter 13, Peace Officer  
3227 Classifications.

3228 Section 121. Section **23A-5-206**, which is renumbered from Section 23-20-28 is  
3229 renumbered and amended to read:

3230 ~~[23-20-28]~~. **23A-5-206**. **Search warrants.**

3231 (1) A search warrant may be issued by a magistrate to search for ~~[any]~~ property ~~[which]~~  
3232 that may constitute evidence of ~~[any violation of the provisions of this code]~~ a violation of this  
3233 title, rules, ~~[regulations,]~~ or proclamations of the Wildlife Board upon an affidavit of ~~[any]~~ a  
3234 person.

3235 (2) The search warrant shall be directed to a conservation officer or a peace officer,  
3236 directing the officer to search for evidence and to bring ~~[it]~~ the evidence before the magistrate.

3237 (3) A search warrant may not be issued except upon probable cause supported by oath  
3238 or affirmation, particularly describing the place, person, or thing to be searched for and the  
3239 person or thing to be seized.

3240 (4) The warrant shall be served in the daytime, unless there is reason to believe that the  
3241 service of the search warrant is required immediately because a person may:

3242 (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;

3243 (b) destroy or conceal evidence of the commission of ~~[any]~~ a violation; or

3244 (c) injure another person or damage property.

3245 (5) ~~[The]~~ Notwithstanding Subsection (4), a search warrant may be served at night if:

3246 (a) there is reason to believe that a violation may occur at night; or

3247 (b) the evidence of the violation may not be available to the officers serving the  
3248 warrant during the day.

3249 Section 122. Section **23A-5-207**, which is renumbered from Section 23-20-25 is  
3250 renumbered and amended to read:

3251 ~~[23-20-25]~~. **23A-5-207**. **Exhibition of license, permit, tag, or device required --**

3252 **Criminal penalty.**

3253 (1) ~~[Any]~~ A person while engaged in ~~[any]~~ an activity regulated under this title, shall  
 3254 ~~[be required upon demand of any]~~ exhibit the following at the request of conservation officer or  
 3255 ~~[any]~~ other peace officer ~~[to exhibit]:~~

3256 (a) the required license, permit, or tag;

3257 (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity  
 3258 regulated under this title; or

3259 (c) ~~[any]~~ wildlife in that person's possession.

3260 (2) ~~[Any]~~ A conservation officer who has a reasonable belief that a person is engaged  
 3261 in ~~[any]~~ an activity regulated under this title may stop and temporarily detain that person ~~[in~~  
 3262 ~~order]~~ to demand and inspect:

3263 (a) the required license, permit, or tag;

3264 (b) ~~[any]~~ a device or apparatus in that person's possession used for ~~[any]~~ an activity  
 3265 regulated under this title; or

3266 (c) ~~[any]~~ wildlife in that person's possession.

3267 (3) ~~[Any]~~ A person ~~[who]~~ is subject to the penalties of Section [23A-5-301](#) if the person  
 3268 fails to produce for examination to ~~[an]~~ a correction officer or other peace officer any of the  
 3269 required licenses, permits, tags, devices or apparatuses used for ~~[any]~~ an activity regulated  
 3270 under this title or ~~[any]~~ wildlife in that person's possession ~~[is guilty of a class B~~  
 3271 misdemeanor].

3272 Section 123. Section **23A-5-301**, which is renumbered from Section 23-13-11 is  
 3273 renumbered and amended to read:

3274 **Part 3. Violations**

3275 ~~[23-13-11].~~ **23A-5-301. Violations in general -- Criminal penalty -- Aiding or**  
 3276 **assisting violation.**

3277 (1) Except as otherwise provided in this title:

3278 ~~[(1)]~~ (a) a violation of ~~[any provision of]~~ this title is a class B misdemeanor; and

3279 ~~[(2)]~~ (b) a violation of ~~[any]~~ a rule of the Wildlife Board, made in accordance with  
 3280 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the Wildlife  
 3281 Board is an infraction.

3282 (2) (a) A person may not aid or assist another person to violate this title or a rule made

3283 by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah  
3284 Administrative Rulemaking Act.

3285 (b) The penalty for violating this Subsection (2) is the same as for the provision or rule  
3286 for which aid or assistance is given.

3287 Section 124. Section **23A-5-302**, which is renumbered from Section 23-13-4 is  
3288 renumbered and amended to read:

3289 **[23-13-4]. 23A-5-302. Captivity of protected wildlife unlawful -- Criminal**  
3290 **penalty.**

3291 [It is unlawful for any] (1) A person [to] may not hold in captivity at any time [any]  
3292 protected wildlife except as provided by this [code] title or rules [and regulations of] made by  
3293 the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3294 Act.

3295 (2) A person who violates this section is subject to the penalty provided in Section  
3296 [23A-5-301](#).

3297 Section 125. Section **23A-5-303**, which is renumbered from Section 23-13-5 is  
3298 renumbered and amended to read:

3299 **[23-13-5]. 23A-5-303. Importation or exportation and release of wildlife**  
3300 **unlawful -- Criminal penalty.**

3301 [It is unlawful for any] (1) A person [to] may not:

3302 (a) import into or export from the state [of Utah any] a species of live native or exotic  
3303 wildlife; or [to]

3304 (b) possess or release from captivity [any such] imported live wildlife [except as]  
3305 described in Subsection (1)(a).

3306 (2) Notwithstanding Subsection (1), a person may engage in an act described in  
3307 Subsection (1) if:

3308 (a) provided for in this [code] title or the rules [and regulations of] made by the  
3309 Wildlife Board [without] in accordance with Title 63G, Chapter 3, Utah Administrative  
3310 Rulemaking Act; and

3311 (b) the person first [securing] secures written permission from the division [of Wildlife  
3312 Resources].

3313 (3) A person who violates this section is subject to the penalty provided in Section

3314 [23A-5-301.](#)

3315 Section 126. Section **23A-5-304**, which is renumbered from Section 23-13-13 is  
3316 renumbered and amended to read:

3317 ~~[23-13-13].~~ **23A-5-304. Commercialization of wildlife unlawful -- Criminal**  
3318 **penalty.**

3319 ~~[It shall be unlawful for any person to utilize]~~ (1) A person may not use wildlife as a  
3320 commercial venture for financial gain except as provided in this ~~[code]~~ title or under rules ~~[and~~  
3321 ~~regulations of]~~ made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah  
3322 Administrative Rulemaking Act.

3323 (2) A person who violates this section is subject to the penalty provided in Section  
3324 [23A-5-301.](#)

3325 Section 127. Section **23A-5-305**, which is renumbered from Section 23-13-14 is  
3326 renumbered and amended to read:

3327 ~~[23-13-14].~~ **23A-5-305. Release of wildlife unlawful -- Criminal penalty.**

3328 (1) (a) A person may not release or transplant a live terrestrial or aquatic wildlife into  
3329 the wild:

3330 (i) without a certificate of registration issued by the division authorizing the release; or

3331 (ii) except as provided in this title and rules ~~[and regulations established]~~ made by the  
3332 Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3333 (b) The division may only authorize the transplanting of big game, turkeys, wolves,  
3334 threatened or endangered species, or sensitive species as provided in Section ~~[23-14-21]~~  
3335 [23A-2-209.](#)

3336 (2) Except as provided in ~~[Subsection (3)]~~ Section [23A-5-306](#), a person who violates  
3337 Subsection (1) is guilty of a class A misdemeanor.

3338 ~~[(3) A person who knowingly and without lawful authority imports, transports, or~~  
3339 ~~releases a live species of wildlife that the person knows is listed as threatened or endangered, or~~  
3340 ~~is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with~~  
3341 ~~the intent to establish the presence of that species in an area of the state not currently known to~~  
3342 ~~be occupied by a reproducing population of that species is guilty of a third degree felony.]~~

3343 Section 128. Section **23A-5-306** is enacted to read:

3344 **23A-5-306. Import, transport, or release of threatened or endangered species --**

3345 **Criminal penalty.**

3346 (1) A person may not knowingly and without lawful authority import, transport, or  
3347 release a live species of wildlife that the person knows is listed as threatened or endangered, or  
3348 is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with  
3349 the intent to establish the presence of that species in an area of the state not currently known to  
3350 be occupied by a reproducing population of that species.

3351 (2) A person who violates Subsection (1) is guilty of a third degree felony.

3352 Section 129. Section **23A-5-307**, which is renumbered from Section 23-13-18 is  
3353 renumbered and amended to read:

3354 ~~[23-13-18].~~ **23A-5-307. Use of a computer or other device to remotely hunt**  
3355 **wildlife prohibited -- Trail cameras -- Criminal penalty.**

3356 (1) As used in this section, "trail camera" means a device that is not held or manually  
3357 operated by a person and is used to capture images, video, or location data of wildlife using  
3358 heat or motion to trigger the device.

3359 ~~[(1)]~~ (2) A person may not use a computer or other device to remotely control the  
3360 aiming and discharge of a firearm or other weapon for hunting an animal.

3361 ~~[(2)]~~ (3) A person who violates Subsection (1) is guilty of a class A misdemeanor.

3362 ~~[(3)(a) As used in this Subsection (3), "trail camera" means a device that is not held or~~  
3363 ~~manually operated by a person and is used to capture images, video, or location data of wildlife~~  
3364 ~~using heat or motion to trigger the device.]~~

3365 ~~[(b)]~~ (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3366 Act, the Wildlife Board shall make rules regulating the use of trail cameras.

3367 ~~[(c)]~~ (b) The division shall provide an annual report to the Natural Resources,  
3368 Agriculture, and Environment Interim Committee regarding rules made or changed in  
3369 accordance with this Subsection ~~[(3)]~~ (4).

3370 (c) A person who violates rules made by the Wildlife Board under this Subsection (4)  
3371 is subject to the penalty provided in Section [23A-5-301](#).

3372 Section 130. Section **23A-5-308**, which is renumbered from Section 23-13-19 is  
3373 renumbered and amended to read:

3374 ~~[23-13-19].~~ **23A-5-308. Administering substances to protected wildlife**  
3375 **prohibited -- Exceptions -- Criminal penalty.**

- 3376 (1) For purposes of this section:
- 3377 (a) "Administer" means the application of a substance by any method, including:
- 3378 (i) injection;
- 3379 (ii) inhalation;
- 3380 (iii) ingestion; or
- 3381 (iv) absorption.
- 3382 (b) "Agricultural producer" means a person who produces an agricultural product.
- 3383 (c) "Agricultural product" means the same as that term is defined in Section 4-1-109.
- 3384 (d) "Substance" means a chemical or organic substance that:
- 3385 (i) pacifies;
- 3386 (ii) sedates;
- 3387 (iii) immobilizes;
- 3388 (iv) harms;
- 3389 (v) kills;
- 3390 (vi) controls fertility; or
- 3391 (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
- 3392 (2) Except as authorized by Subsection [~~(3)~~] (4) or a rule made by the Wildlife Board
- 3393 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a person may
- 3394 not administer or attempt to administer a substance to protected wildlife.
- 3395 (3) A person who violates this section is subject to the penalty provided in Section
- 3396 23A-5-301.
- 3397 [~~(3)~~] (4) (a) A division employee or a person with written permission from the division
- 3398 may administer a substance to protected wildlife if that employee or person administers the
- 3399 substance to promote wildlife management and conservation.
- 3400 (b) One or more of the following may administer a substance to protected wildlife that
- 3401 the person is authorized by this title, the Wildlife Board, or the division to possess:
- 3402 (i) a licensed veterinarian;
- 3403 (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
- 3404 (iii) a person who is following written instructions for veterinary care from a licensed
- 3405 veterinarian.
- 3406 [~~(4)~~-A] (5) Notwithstanding the other provisions of this section, a person is not liable

3407 under this section for administering a substance, notwithstanding the substance has an effect  
3408 described in Subsection (1)(d) on protected wildlife, if:

3409 (a) an agricultural producer administers the substance:

3410 (i) for the sole purpose of producing an agricultural product and not for the purpose of  
3411 affecting protected wildlife in a manner described in Subsection (1)(d);

3412 (ii) consistent with generally accepted agricultural practices; and

3413 (iii) in compliance with applicable local, state, and federal law; or

3414 (b) the protected wildlife presents an immediate threat of death or serious bodily injury  
3415 to a person.

3416 Section 131. Section **23A-5-309**, which is renumbered from Section 23-20-3 is  
3417 renumbered and amended to read:

3418 ~~[23-20-3]~~. **23A-5-309. Taking, transporting, selling, or purchasing protected**  
3419 **wildlife illegal except as authorized -- Criminal penalty.**

3420 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife  
3421 Board, a person may not:

3422 (a) take protected wildlife or ~~[its]~~ wildlife parts;

3423 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export  
3424 protected wildlife or ~~[its]~~ wildlife parts;

3425 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or ~~[its]~~  
3426 wildlife parts without having previously procured the necessary licenses, permits, tags, federal  
3427 stamps, certificates of registration, authorizations, and receipts required in this title or a rule,  
3428 proclamation, or order of the Wildlife Board;

3429 (d) take protected wildlife with ~~[any]~~ a weapon, ammunition, implement, tool, device,  
3430 or any part of any of these not specifically authorized in this title or a rule, proclamation, or  
3431 order of the Wildlife Board;

3432 (e) possess while in pursuit of protected wildlife ~~[any]~~ a weapon, ammunition,  
3433 implement, tool, device, or any part of any of these not specifically authorized in this title or a  
3434 rule, proclamation, or order of the Wildlife Board;

3435 (f) take protected wildlife using ~~[any]~~ a method, means, process, or practice not  
3436 specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;

3437 (g) take protected wildlife outside the season dates, location boundaries, and daily time

- 3438 frames established in rule, proclamation, or order of the Wildlife Board;
- 3439 (h) take protected wildlife in excess of the bag and possession limits established in  
3440 rule, proclamation, or order of the Wildlife Board;
- 3441 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,  
3442 proclamation, or order of the Wildlife Board, or by executive order of the [~~division~~] director  
3443 pursuant to Subsection [~~23-14-8~~] [23A-2-203](#)(4);
- 3444 (j) practice falconry or capture, possess, or use birds in falconry;
- 3445 (k) take [~~any~~] wildlife from an airplane or any other airborne vehicle or device or [~~any~~]  
3446 a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational  
3447 vehicles;
- 3448 (l) hold in captivity at any time any live protected wildlife;
- 3449 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 3450 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 3451 (o) release captured or captive wildlife into the wild;
- 3452 (p) use spotlighting to take protected wildlife;
- 3453 (q) employ or use a means of concealment or camouflage while taking protected  
3454 wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 3455 (r) possess or use bait or other attractant to take protected wildlife which is prohibited  
3456 in this title or a rule, proclamation, or order of the Wildlife Board;
- 3457 (s) use [~~any~~] a decoy or recorded or electronically amplified call which is prohibited in  
3458 this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 3459 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp  
3460 eggs;
- 3461 (u) [~~utilize~~] use protected wildlife for commercial purposes or financial gain as  
3462 prohibited by Section [23A-5-304](#);
- 3463 (v) enter, establish, or hold a contest or tournament involving the taking of protected  
3464 wildlife;
- 3465 (w) operate or participate in a commercial hunting area as described in Section  
3466 [~~23-17-6~~] [23A-12-202](#); or
- 3467 (x) operate or participate in a cooperative wildlife management unit as defined in  
3468 Section [~~23-23-2~~] [23A-7-101](#).



3469 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of  
 3470 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was  
 3471 illegally taken and is illegally held in possession.

3472 (3) A person is ~~[guilty of a class B misdemeanor]~~ subject to the penalty under Section  
 3473 23A-5-301 if the person:

3474 (a) violates ~~[any provision of]~~ Subsection (1); and

3475 (b) does so with criminal negligence as defined in Subsection ~~76-2-103~~(4).

3476 Section 132. Section ~~23A-5-310~~, which is renumbered from Section 23-20-3.5 is  
 3477 renumbered and amended to read:

3478 ~~[23-20-3.5].~~ **23A-5-310. Taking protected wildlife while trespassing -- Criminal**  
 3479 **penalty.**

3480 (1) A person may not take or permit ~~[his]~~ the person's dog to take, while in violation of  
 3481 Subsection ~~[23-20-14]~~ 23A-5-317(2):

3482 (a) protected wildlife or ~~[their]~~ protected wildlife parts;

3483 (b) an occupied nest of protected wildlife; or

3484 (c) an egg of protected wildlife.

3485 (2) A person ~~[is guilty of a class B misdemeanor if he or she violates any provision of]~~  
 3486 who violates Subsection (1) is subject to the penalty provided in Section 23A-5-301.

3487 Section 133. Section ~~23A-5-311~~, which is renumbered from Section 23-20-4 is  
 3488 renumbered and amended to read:

3489 ~~[23-20-4].~~ **23A-5-311. Wanton destruction of protected wildlife -- Criminal**  
 3490 **penalty.**

3491 (1) A person is guilty of wanton destruction of protected wildlife if that person:

3492 (a) commits an act in violation of ~~[Section 23-13-4, 23-13-5, 23-13-13, 23-15-6~~

3493 ~~through 23-15-9, 23-16-5, or Subsection 23-20-3(1);];~~

3494 (i) Section 23A-5-302;

3495 (ii) Section 23A-5-304;

3496 (iii) Sections 23A-9-302 through 23A-9-305;

3497 (iv) Section 23A-11-201; or

3498 (v) Subsection 23A-5-309(1);

3499 (b) captures, injures, or destroys protected wildlife; and

- 3500 (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section
- 3501 [76-2-103](#);
- 3502 (ii) intentionally abandons protected wildlife or a carcass;
- 3503 (iii) commits the offense at night with the use of a weapon;
- 3504 (iv) is under a court or division revocation of a license, tag, permit, or certificate of
- 3505 registration; or
- 3506 (v) acts for pecuniary gain.

3507 [~~(2)~~ Subsection (1) does not apply to actions taken in accordance with:]

3508 [~~(a)~~ Title 4, Chapter 14, Utah Pesticide Control Act;]

3509 [~~(b)~~ Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or]

3510 [~~(c)~~ Section [23-16-3.1](#).]

3511 [~~(3)~~] (2) [~~Wanton~~] A person who commits wanton destruction of wildlife is

3512 [~~punishable~~] guilty of:

- 3513 (a) [~~as~~] a third degree felony if:
  - 3514 (i) the aggregate value of the protected wildlife determined by the values in Subsection
  - 3515 [~~(4)~~] (3) is more than \$500; or
  - 3516 (ii) a trophy animal was captured, injured, or destroyed;
- 3517 (b) [~~as~~] a class A misdemeanor if the aggregate value of the protected wildlife,
- 3518 determined by the values established in Subsection [~~(4)~~] (3) is more than \$250, but does not
- 3519 exceed \$500; and

3520 (c) [~~as~~] a class B misdemeanor if the aggregate value of the protected wildlife

3521 determined by the values established in Subsection [~~(4)~~] (3) is \$250 or less.

3522 [~~(4)~~] (3) Regardless of the restitution amounts imposed under Subsection [~~23-20-4.5~~]

3523 [23A-5-312](#)(2), the following values are assigned to protected wildlife for the purpose of

3524 determining the offense for wanton destruction of wildlife:

- 3525 (a) \$1,000 per animal for:
  - 3526 (i) bison;
  - 3527 (ii) bighorn sheep;
  - 3528 (iii) rocky mountain goat;
  - 3529 (iv) moose;
  - 3530 (v) bear;

- 3531 (vi) peregrine falcon;  
3532 (vii) bald eagle; or  
3533 (viii) endangered species;  
3534 (b) \$750 per animal for:  
3535 (i) elk; or  
3536 (ii) threatened species;  
3537 (c) \$500 per animal for:  
3538 (i) cougar;  
3539 (ii) golden eagle;  
3540 (iii) river otter; or  
3541 (iv) gila monster;  
3542 (d) \$400 per animal for:  
3543 (i) pronghorn antelope; or  
3544 (ii) deer;  
3545 (e) \$350 per animal for bobcat;  
3546 (f) \$100 per animal for:  
3547 (i) swan;  
3548 (ii) sandhill crane;  
3549 (iii) turkey;  
3550 (iv) pelican;  
3551 (v) loon;  
3552 (vi) egrets;  
3553 (vii) herons;  
3554 (viii) raptors, except those that are threatened or endangered;  
3555 (ix) Utah milk snake; or  
3556 (x) Utah mountain king snake;  
3557 (g) \$35 per animal for furbearers, except:  
3558 (i) bobcat;  
3559 (ii) river otter; and  
3560 (iii) threatened or endangered species;  
3561 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,

3562 largemouth bass, smallmouth bass, and wiper;

3563 (i) \$15 per animal for game birds, except:

3564 (i) turkey;

3565 (ii) swan; and

3566 (iii) sandhill crane;

3567 (j) \$10 per animal for game fish not listed in Subsection ~~[(4)]~~ (3)(h);

3568 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and

3569 (l) \$5 per animal for protected wildlife not listed.

3570 ~~[(5)]~~ (4) For purposes of sentencing for a ~~[wildlife]~~ violation under this section, a  
3571 person who has been convicted of a third degree felony under Subsection ~~[(3)]~~ (2)(a) is not  
3572 subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).

3573 ~~[(6)]~~ (5) As part of a sentence imposed, the court shall impose a sentence of  
3574 incarceration of not less than 20 consecutive days for a person convicted of a third degree  
3575 felony under Subsection ~~[(3)]~~ (2)(a)(ii) who captured, injured, or destroyed a trophy animal for  
3576 pecuniary gain.

3577 ~~[(7)]~~ (6) If a person has already been convicted of a third degree felony under  
3578 Subsection ~~[(3)]~~ (2)(a)(ii) once, each separate additional offense under Subsection ~~[(3)]~~  
3579 (2)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less  
3580 than 20 consecutive days.

3581 ~~[(8)]~~ (7) The court may not sentence a person subject to Subsection ~~[(6) or (7)]~~ (5) or  
3582 (6) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence  
3583 unless the court finds mitigating circumstances justifying lesser punishment and makes that  
3584 finding a part of the court record.

3585 (8) Subsection (1) does not apply to actions taken in accordance with:

3586 (a) Title 4, Chapter 14, Utah Pesticide Control Act;

3587 (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or

3588 (c) Section [23A-8-403](#).

3589 Section 134. Section **23A-5-312**, which is renumbered from Section 23-20-4.5 is  
3590 renumbered and amended to read:

3591 ~~[23-20-4.5]~~. **23A-5-312. Restitution -- Disposition of money.**

3592 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton

- 3593 destruction of protected wildlife, other than a trophy animal, the court may order the defendant  
3594 to pay restitution:
- 3595 (a) as set forth in Subsection (2); or
  - 3596 (b) in a greater or lesser amount than the amount established in Subsection (2).
- 3597 (2) Suggested minimum restitution values for protected wildlife are as follows:
- 3598 (a) \$1,000 per animal for:
    - 3599 (i) bison;
    - 3600 (ii) bighorn sheep;
    - 3601 (iii) rocky mountain goat;
    - 3602 (iv) moose;
    - 3603 (v) bear;
    - 3604 (vi) peregrine falcon;
    - 3605 (vii) bald eagle; or
    - 3606 (viii) endangered species;
  - 3607 (b) \$750 per animal for:
    - 3608 (i) elk; or
    - 3609 (ii) threatened species;
  - 3610 (c) \$500 per animal for:
    - 3611 (i) golden eagle;
    - 3612 (ii) river otter; or
    - 3613 (iii) gila monster;
  - 3614 (d) \$400 per animal for:
    - 3615 (i) pronghorn antelope; or
    - 3616 (ii) deer;
  - 3617 (e) \$350 per animal for:
    - 3618 (i) cougar; or
    - 3619 (ii) bobcat;
  - 3620 (f) \$100 per animal for:
    - 3621 (i) swan;
    - 3622 (ii) sandhill crane;
    - 3623 (iii) turkey;

- 3624 (iv) pelican;
- 3625 (v) loon;
- 3626 (vi) egrets;
- 3627 (vii) herons;
- 3628 (viii) raptors, except those that are threatened or endangered;
- 3629 (ix) Utah milk snake; or
- 3630 (x) Utah mountain king snake;
- 3631 (g) \$35 per animal for furbearers, except:
- 3632 (i) bobcat;
- 3633 (ii) river otter; and
- 3634 (iii) threatened or endangered species;
- 3635 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 3636 largemouth bass, smallmouth bass, and wiper;
- 3637 (i) \$15 per animal for game birds, except:
- 3638 (i) turkey;
- 3639 (ii) swan; and
- 3640 (iii) sandhill crane;
- 3641 (j) \$10 per animal for game fish not listed in Subsection (2)(h);
- 3642 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- 3643 (l) \$5 per animal for protected wildlife not listed.
- 3644 (3) If the court finds that restitution is inappropriate or if the value imposed is less than
- 3645 the suggested minimum value as provided in Subsection (2), the court shall make the reasons
- 3646 for the decision part of the court record.
- 3647 (4) (a) The court shall order a person convicted of a third degree felony under
- 3648 Subsection [~~23-20-4(3)(a)(ii)~~] [23A-5-311\(2\)\(a\)\(ii\)](#) to pay restitution in accordance with
- 3649 Subsection (4)(b).
- 3650 (b) The minimum restitution value for a trophy animal is as follows:
- 3651 (i) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;
- 3652 (ii) \$8,000 per animal for deer;
- 3653 (iii) \$8,000 per animal for elk;
- 3654 (iv) \$6,000 per animal for moose or mountain goat;

- 3655 (v) \$6,000 per animal for bison; and
- 3656 (vi) \$2,000 per animal for pronghorn antelope.
- 3657 (5) Restitution paid under Subsection (4) shall be remitted to the division and
- 3658 deposited in the Wildlife Resources Account.
- 3659 (6) ~~[Restitution money shall be used by the division]~~ The division shall use restitution
- 3660 money for activities and programs to help stop poaching, including:
- 3661 (a) educational programs on wildlife crime prevention;
- 3662 (b) acquisition and development of wildlife crime detection equipment;
- 3663 (c) operation and maintenance of anti-poaching projects; and
- 3664 (d) wildlife law enforcement training.
- 3665 (7) If restitution is required ~~[it]~~, restitution shall be in addition to:
- 3666 (a) a fine or penalty imposed for a violation of ~~[any provision of]~~ this title; and
- 3667 (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or
- 3668 certificate of registration.
- 3669 (8) A judgment imposed under this section constitutes a lien when recorded in the
- 3670 judgment docket and shall have the same effect and is subject to the same rules as a judgment
- 3671 for money in a civil action.
- 3672 Section 135. Section **23A-5-313**, which is renumbered from Section 23-20-4.7 is
- 3673 renumbered and amended to read:
- 3674 ~~[23-20-4.7]~~. **23A-5-313. Habitual wanton destruction of protected wildlife --**
- 3675 **Criminal penalty.**
- 3676 (1) As used in this section, "convicted" includes a guilty adjudication, guilty plea, no
- 3677 contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title
- 3678 77, Chapter 2a, Pleas in Abeyance.
- 3679 ~~[(+)]~~ (2) A person ~~[is guilty of]~~ commits habitual wanton destruction of protected
- 3680 wildlife if the person:
- 3681 (a) takes a big game animal in violation of Section ~~[23-20-4]~~ 23A-5-311; and
- 3682 (b) within seven years of the day on which the violation described in Subsection ~~[(+)]~~
- 3683 ~~(2)~~(a) occurs, has twice been convicted of taking a big game animal in violation of Section
- 3684 ~~[23-20-4]~~ 23A-5-311.
- 3685 ~~[(2) "Convicted," for purposes of this section, includes a guilty adjudication, guilty~~

3686 plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement  
3687 under Title 77, Chapter 2a, Pleas in Abeyance.]

3688 (3) [~~Habitual~~] A person who commits habitual wanton destruction of protected wildlife  
3689 is guilty of a third degree felony.

3690 Section 136. Section **23A-5-314**, which is renumbered from Section 23-20-8 is  
3691 renumbered and amended to read:

3692 ~~[23-20-8].~~ **23A-5-314. Waste of wildlife unlawful -- Criminal penalty.**

3693 (1) [~~Except~~] A person may not waste or permit to be wasted protected wildlife or a part  
3694 of protected wildlife except as otherwise provided;

3695 (a) in this title~~[-or]~~;

3696 (b) by rule made by the Wildlife Board under this title~~;~~ and in accordance with Title  
3697 63G, Chapter 3, Utah Administrative Rulemaking Act; or

3698 (c) by an order or proclamation [~~issued in accordance with a rule made by the Wildlife~~  
3699 ~~Board under this title, a person may not waste or permit to be wasted protected wildlife or a~~  
3700 ~~part of protected wildlife].~~

3701 (2) A person who violates this section is subject to the penalty provided in Section  
3702 [23A-5-301](#).

3703 Section 137. Section **23A-5-315**, which is renumbered from Section 23-20-12 is  
3704 renumbered and amended to read:

3705 ~~[23-20-12].~~ **23A-5-315. Airplanes or terrestrial or aquatic vehicles -- Use in**  
3706 **taking wildlife unlawful -- Exceptions -- Criminal penalty.**

3707 (1) [~~It is unlawful for any person to take any~~] A person may not take wildlife from an  
3708 airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle,  
3709 including snowmobiles and other recreational vehicles, except as provided by this [~~code~~] title  
3710 or in the rules [~~and regulations~~] made by of the Wildlife Board in accordance with Title 63G,  
3711 Chapter 3, Utah Administrative Rulemaking Act.

3712 (2) A person who violates this section is subject to the penalty provided in Section  
3713 [23A-5-301](#).

3714 [(2)] (3) Notwithstanding Subsection (1), the Wildlife Board may authorize an  
3715 individual validly licensed to hunt [~~may be authorized~~]<sub>2</sub> to hunt from a vehicle under terms and  
3716 conditions specified by the Wildlife Board if the individual has:



3717 (a) paraplegia; or  
 3718 (b) a disability that permanently confines the individual to a wheelchair or the use of  
 3719 crutches.

3720 Section 138. Section **23A-5-316**, which is renumbered from Section 23-20-13 is  
 3721 renumbered and amended to read:

3722 ~~[23-20-13]~~. **23A-5-316. Signs or equipment -- Damage or destruction unlawful**  
 3723 **-- Criminal penalty.**

3724 (1) A person may not:

3725 ~~[(1)]~~ (a) shoot at, shoot, deface, damage, remove, or destroy ~~[any division signs or~~  
 3726 ~~placards]~~ a division sign or placard located in ~~[any part of]~~ this state; or

3727 ~~[(2)]~~ (b) damage, destroy, remove, or cause to be damaged, destroyed, or removed  
 3728 ~~[any]~~ equipment or devices owned, controlled, or operated by the ~~[Division of Wildlife~~  
 3729 ~~Resources]~~ division.

3730 (2) A person who violates this section is subject to the penalty provided in Section  
 3731 23A-5-301.

3732 Section 139. Section **23A-5-317**, which is renumbered from Section 23-20-14 is  
 3733 renumbered and amended to read:

3734 ~~[23-20-14]~~. **23A-5-317. Posted property -- Hunting by permission -- Entry on**  
 3735 **private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable**  
 3736 **to officers.**

3737 (1) As used in this section:

3738 (a) "Cultivated land" means land that is readily identifiable as:

3739 (i) land whose soil is loosened or broken up for the raising of crops;

3740 (ii) land used for the raising of crops; or

3741 (iii) pasturage which is artificially irrigated.

3742 ~~[(b)]~~ ~~"Division" means the Division of Wildlife Resources.]~~

3743 ~~[(c)]~~ (b) "Permission" means written authorization from the owner or person in charge  
 3744 to enter upon private land that is either cultivated or properly posted, and shall include:

3745 (i) the signature of the owner or person in charge;

3746 (ii) the name of the person being given permission;

3747 (iii) the appropriate dates; and

3748 (iv) a general description of the property.  
3749 [~~(c)~~] (c) "Properly posted" means that signs prohibiting trespass or bright yellow,  
3750 bright orange, or fluorescent paint are clearly displayed:  
3751 (i) at ~~the~~ the corners, fishing streams crossing property lines, roads, gates, and  
3752 rights-of-way entering the land; or  
3753 (ii) in a manner that would reasonably be expected to be seen by a person in the area.  
3754 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may  
3755 not:  
3756 (i) without permission, enter upon privately owned land that is cultivated or properly  
3757 posted;  
3758 (ii) enter or remain on privately owned land if the person has notice to not enter or  
3759 remain on the privately owned land; or  
3760 (iii) obstruct ~~any~~ an entrance or exit to private property.  
3761 (b) A person has notice to not enter or remain on privately owned land if:  
3762 (i) the person is directed to not enter or remain on the land by:  
3763 (A) the owner of the land;  
3764 (B) the owner's employee; or  
3765 (C) a person with apparent authority to act for the owner; or  
3766 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person  
3767 would recognize as intended to exclude intruders.  
3768 (c) The division shall provide "hunting by permission cards" to a landowner upon the  
3769 landowner's request.  
3770 (d) A person may not post:  
3771 (i) private property the person does not own or legally control; or  
3772 (ii) land that is open to the public as provided by Section [~~23-21-4~~] [23A-6-402](#).  
3773 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in  
3774 Section [23A-5-301](#) and liable for the civil damages described in Subsection (7).  
3775 [~~(4)~~] (4) (a) A person convicted of violating Subsection (2)(a) may have the person's  
3776 license, tag, certificate of registration, or permit, relating to the activity engaged in at the time  
3777 of the violation, revoked by a hearing officer.  
3778 (b) A hearing officer may construe ~~any~~ a subsequent conviction [~~which~~] that occurs

3779 within a five-year period as a flagrant violation and may prohibit the person from obtaining a  
 3780 new license, tag, certificate of registration, or permit for a period of up to five years.

3781 ~~[(4)]~~ (5) Subsection (2)(a) does not apply to peace or conservation officers in the  
 3782 performance of their duties.

3783 ~~[(5)]~~ (6) (a) The division shall provide information regarding owners' rights and  
 3784 ~~[sportsmen's]~~ duties:

3785 (i) to anyone holding ~~[licenses, certificates of registration, tags, or permits]~~ a license,  
 3786 certificate of registration, tag, or permit to take wildlife; and

3787 (ii) by using the public media and other sources.

3788 (b) The Wildlife Board shall state restrictions in this section relating to trespassing  
 3789 ~~[shall be stated in all]~~ in the hunting and fishing proclamations issued by the Wildlife Board.

3790 ~~[(6) A person who violates Subsection (2)(a) or (d) is guilty of a class B misdemeanor~~  
 3791 ~~and liable for the civil damages described in Subsection (7).]~~

3792 (7) In addition to an order for restitution under Section [77-38b-205](#), a person who  
 3793 commits a violation of Subsection (2)(a) or (d) may also be liable for:

3794 (a) the greater of:

3795 ~~[(a)]~~ (i) statutory damages in the amount of three times the value of damages resulting  
 3796 from the violation of Subsection (2)(a) or (d); or

3797 (ii) \$500~~[-, whichever is greater];~~ and

3798 (b) reasonable attorney fees not to exceed \$250, and court costs.

3799 (8) Civil damages under Subsection (7) may be collected in a separate action by the  
 3800 property owner or the property owner's assignee.

3801 Section 140. Section **23A-5-318**, which is renumbered from Section 23-20-15 is  
 3802 renumbered and amended to read:

3803 ~~[23-20-15].~~ **23A-5-318. Destruction of signs or inclosure on private land**  
 3804 **unlawful -- Criminal penalty.**

3805 ~~[It is unlawful for any person,]~~

3806 (1) A person may not, without the consent of the owner or person in charge of ~~[any]~~  
 3807 privately owned land~~[-to];~~

3808 (a) tear down, mutilate, or destroy ~~[any]~~ a sign, signboard, or other notice ~~[which]~~ that  
 3809 regulates trespassing for purposes of hunting, trapping, or fishing on this land; or ~~[to, without~~

3810 ~~such consent,]~~

3811 (b) tear down, deface, or destroy [~~any~~]:

3812 (i) a fence or other inclosure on [~~this~~] the privately owned land[~~, or any~~]; or

3813 (ii) a gate or bars belonging to [~~any such~~] a fence or inclosure on the privately owned

3814 land.

3815 (2) A person who violates this section is subject to the penalty provided in Section

3816 23A-5-301.

3817 Section 141. Section **23A-5-319**, which is renumbered from Section 23-20-18 is

3818 renumbered and amended to read:

3819 [~~23-20-18~~]. **23A-5-319. Interference with, intimidation, or harassment of officer**

3820 **unlawful.**

3821 [~~It is unlawful for any person to~~]

3822 (1) A person may not interfere with, intimidate, or harass a conservation officer or

3823 special deputy in the lawful performance of [~~his~~] the conservation officer's or special deputy's

3824 duty.

3825 (2) A person who violates this section is subject to the penalty provided in Section

3826 23A-5-301.

3827 Section 142. Section **23A-5-320**, which is renumbered from Section 23-20-19 is

3828 renumbered and amended to read:

3829 [~~23-20-19~~]. **23A-5-320. Failure to stop at roadblocks or checking stations**

3830 **unlawful.**

3831 [~~It is unlawful for any person to fail to stop at Division of Wildlife Resources road~~

3832 ~~blocks or checking stations where]~~

3833 (1) A person may not fail to stop at a division roadblock or checking station when a

3834 stop sign or red or blue light is displayed.

3835 (2) A person who violates this section is subject to the penalty provided in Section

3836 23A-5-301.

3837 Section 143. Section **23A-5-321**, which is renumbered from Section 23-20-29 is

3838 renumbered and amended to read:

3839 [~~23-20-29~~]. **23A-5-321. Interference with hunting prohibited -- Action to**

3840 **recover damages -- Exceptions -- Criminal penalty.**

3841 (1) A person [~~is guilty of a class B misdemeanor who intentionally interferes~~] may not  
 3842 interfere with the right of a person licensed and legally hunting under Chapter [~~19~~] 4, Licenses,  
 3843 Permits, Certificates of Registration, and Tags, to take wildlife by driving, harassing, or  
 3844 intentionally disturbing [~~any~~] a species of wildlife for the purpose of disrupting a legal hunt,  
 3845 trapping, or predator control.

3846 (2) A person who violates this section is subject to the penalty provided in Section  
 3847 23A-5-301.

3848 [~~(2)~~] (3) [~~Any~~] A directly affected person or the state may bring an action to recover  
 3849 civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a  
 3850 potential violation of Subsection (1).

3851 [~~(3)~~] (4) This section does not apply to incidental interference with a hunt caused by  
 3852 lawful activities including ranching, mining, and recreation.

3853 Section 144. Section **23A-5-322**, which is renumbered from Section 23-20-29.5 is  
 3854 renumbered and amended to read:

3855 [~~23-20-29.5~~]. **23A-5-322. Interference with hunters or hunting activity --**  
 3856 **Criminal penalty.**

3857 A person who intentionally interferes with a person who is licensed and taking wildlife  
 3858 legally under [~~the provision of Title 23, Chapter 19~~] Chapter 4, Licenses, Permits, Certificates  
 3859 of Registration, and Tags, or disrupts an activity involving a legal hunt, trapping, falconry, or  
 3860 predator control may be charged with a violation under Section 76-9-102 if that interference or  
 3861 disruption constitutes a violation under Section 76-9-102.

3862 Section 145. Section **23A-6-101**, which is renumbered from Section 23-21-.5 is  
 3863 renumbered and amended to read:

## 3864 **CHAPTER 6. LANDS AND WATERS FOR WILDLIFE PURPOSES**

### 3865 **Part 1. General Provisions**

3866 [~~23-21-.5~~]. **23A-6-101. Definitions.**

3867 As used in this chapter:

3868 (1) (a) "General plan" means a document that a municipality or county adopts that sets  
 3869 forth general guidelines for proposed future development of the land within the municipality or  
 3870 county [~~and~~].

3871 (b) "General plan" includes what is commonly referred to as a "master plan."

3872 (2) "Management plan" means a document prepared in accordance with this chapter  
 3873 that describes how one or more tracts of land owned or managed by the [~~Division of Wildlife~~  
 3874 ~~Resources~~] division are to be used.

3875 [~~(3) "Regional advisory council" means a council created pursuant to Section~~  
 3876 ~~23-14-2.6.~~]

3877 [~~(4)~~] (3) "Wildlife management area" means:

3878 (a) a single tract of land owned or managed by the division; or

3879 (b) two or more tracts of land owned or managed by the division that are within close  
 3880 proximity of each other and managed as a single unit.

3881 Section 146. Section **23A-6-201**, which is renumbered from Section 23-21-1 is  
 3882 renumbered and amended to read:

### Part 2. Acquisition

3884 [~~23-21-1~~]. **23A-6-201. Acquisition of lands, waters, and rights-of-way --**  
 3885 **Authority of division.**

3886 The [~~Division of Wildlife Resources shall have the power to~~] division may acquire  
 3887 lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or  
 3888 any other lawful means, for authorized activities of the [~~Division of Wildlife Resources~~  
 3889 division] as outlined by this [~~code~~] title and the rules [~~and regulations of~~] made by the Wildlife  
 3890 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3891 Section 147. Section **23A-6-202**, which is renumbered from Section 23-21-1.5 is  
 3892 renumbered and amended to read:

3893 [~~23-21-1.5~~]. **23A-6-202. Acquisition of real property held in private ownership --**  
 3894 **Published notice and governor's approval required.**

3895 (1) The [~~Division of Wildlife Resources~~] division may not acquire title to real property  
 3896 held in private ownership without first:

3897 (a) publishing a notice of the proposed acquisition:

3898 (i) in a newspaper of general circulation in the county in which the property is located;

3899 and

3900 (ii) as required in Section [45-1-101](#); and

3901 (b) obtaining the approval of the governor.

3902 (2) [~~The requirements of~~] Subsection (1) [~~apply~~] applies whether title to real property

3903 held in private ownership is acquired through a purchase, donation, or other means.

3904 (3) In the case of a proposed purchase of private property, the ~~[notice may be~~  
3905 ~~published]~~ division may publish notice after earnest money is paid.

3906 (4) The published notice shall inform the public regarding:

3907 (a) the proposed use of the ~~[land]~~ real property;

3908 (b) any conditions on the acquisition of the ~~[land]~~ real property placed by donors, the  
3909 federal government, sellers, or others specifying how the ~~[land must]~~ real property is to be  
3910 used;

3911 (c) any changes to existing land uses that are anticipated; and

3912 (d) the public comment submission process for comments on the proposed acquisition.

3913 (5) The governor shall:

3914 (a) submit a notification of the proposed acquisition to:

3915 (i) the county executive of the county in which the real property is located;

3916 (ii) the legislators of the legislative districts in which the ~~[lands are]~~ real property is  
3917 located; and

3918 (iii) the School and Institutional Trust Lands Administration; and

3919 (b) invite those notified to submit ~~[any]~~ comments on the proposed acquisition.

3920 (6) After considering comments on the proposed acquisition, the governor may:

3921 (a) approve the acquisition in whole or in part; or

3922 (b) disapprove the acquisition.

3923 Section 148. Section ~~23A-6-203~~, which is renumbered from Section 23-21-2 is  
3924 renumbered and amended to read:

3925 ~~[23-21-2].~~ **23A-6-203. Payments in lieu of property taxes on property**  
3926 **purchased by division.**

3927 ~~[Prior to]~~ (1) Before the purchase of ~~[any]~~ real property held in private ownership, the  
3928 ~~[Division of Wildlife Resources]~~ division shall:

3929 (a) first submit the proposition to the county legislative body in a regular open public  
3930 meeting in the county where the real property is located; and ~~[shall]~~

3931 (b) by contractual agreement with the county legislative body, approved by the  
3932 executive director ~~[of the Department of Natural Resources]~~, agree to pay an amount of money  
3933 in lieu of property taxes to the county.

3934           (2) The division shall, by contractual agreement with the county legislative body in  
3935 which ~~[any]~~ real property previously acquired from private ownership and now owned by the  
3936 division is located, agree to pay annually an amount of money in lieu of wildlife resource fine  
3937 money, previously paid to the county. ~~[Payments]~~

3938           (3) A payment provided for in this section ~~[will]~~ may not:

3939           (a) exceed what the regularly assessed real property taxes would be if the ~~[land]~~ real  
3940 property had remained in private ownership; and ~~[these payments may not]~~

3941           (b) include ~~[any]~~ an amount for buildings, installations, fixtures, improvements or  
3942 personal property located upon the ~~[land]~~ real property or for those acquired, constructed, or  
3943 placed by the division after ~~[it]~~ the division acquires the ~~[land]~~ real property.

3944           Section 149. Section **23A-6-204**, which is renumbered from Section 23-21-6 is  
3945 renumbered and amended to read:

3946           ~~[23-21-6].~~     **23A-6-204. Acquisition of lands by United States for migratory bird**  
3947 **refuges.**

3948           (1) (a) The ~~[consent of the state of Utah is given]~~ state consents to acquisition by the  
3949 United States of ~~[such]~~ the areas of land or water in the state, as the United States may ~~[deem]~~  
3950 consider necessary, by and with the consent of the county legislative body of the county where  
3951 the land or water are located and after approval of application, subject to the laws of the state  
3952 ~~[of Utah]~~ for water rights, for the establishment and maintenance of migratory waterfowl  
3953 refuges in accordance with and for the purpose of the ~~[Act of Congress approved February 18,~~  
3954 ~~1929, entitled "~~Migratory Bird Conservation Act["], 16 U.S.C. Sec. 715 to 715s, as amended,  
3955 and ~~[the Act of Congress approved March 16, 1935, entitled "~~Migratory Bird Hunting Stamp  
3956 Act,["] 16 U.S.C. Sec. 718a to 718k, as amended~~]; and the same may be used by the United~~  
3957 States].

3958           (b) The United States may use the land or water described in this Subsection (1) as  
3959 refuge for migratory birds, reserving~~[-, however,]~~ to the state ~~[of Utah]~~ jurisdiction, both civil  
3960 and criminal, of persons upon the areas ~~[so]~~ acquired except so far as the punishment of  
3961 offenses against the United States are concerned.

3962           (2) (a) ~~[Nothing in this section shall be]~~ This section may not be construed to impose  
3963 ~~[under]~~ upon the state or ~~[any]~~ an agency of ~~[it any]~~ the state an obligation to convey to the  
3964 United States any interest in land or water owned or controlled by the state, except upon



3965 appropriate terms and for adequate consideration.

3966 (b) The reservation to the state of coal and other minerals in lands sold by [it] the state  
3967 within areas so established and easements retained by the state to prospect for, mine, and  
3968 remove the same are declared to be subject to rules and regulations prescribed from time to  
3969 time by the Secretary of the Interior for the occupation, use, operation, protection, and  
3970 administration of these areas as refuges for migratory birds.

3971 Section 150. Section **23A-6-301**, which is renumbered from Section 23-21-2.1 is  
3972 renumbered and amended to read:

3973 **Part 3. Management Plans**

3974 **~~[23-21-2.1].~~ 23A-6-301. Management plans.**

3975 (1) The division shall prepare a management plan for each wildlife management area.  
3976 Upon adoption of a management plan by the [~~division~~] director, the division shall manage the  
3977 lands [~~shall be managed~~] within the wildlife management area in accordance with the  
3978 management plan.

3979 (2) [~~Each~~] A management plan shall include:

3980 (a) a statement of the proposed or anticipated uses;

3981 (b) a description of [~~any~~] management limitations or conditions covering the wildlife  
3982 management area;

3983 (c) an inventory of the existing conditions;

3984 (d) a statement of the desired future condition of the wildlife management area;

3985 (e) a list of strategies that may be implemented to achieve the desired future condition;

3986 and

3987 (f) a description of any reallocation of forage, water, or other resource appurtenant to  
3988 the land within the wildlife management area.

3989 Section 151. Section **23A-6-302**, which is renumbered from Section 23-21-2.2 is  
3990 renumbered and amended to read:

3991 **~~[23-21-2.2].~~ 23A-6-302. Preparation of management plans -- Participation by**  
3992 **interested persons and local and tribal governments -- Compatibility with local**  
3993 **government plans and existing rights.**

3994 (1) The division shall invite persons who may have an interest in how the land in a  
3995 wildlife management area is managed to participate in the management planning process.

3996 (2) Those persons may include:  
3997 (a) persons who use, or may use, the land in a wildlife management area for:  
3998 (i) agriculture, mining, or other commercial pursuits;  
3999 (ii) hunting or fishing;  
4000 (iii) recreation; or  
4001 (iv) other uses;  
4002 (b) adjacent or nearby landowners or residents; or  
4003 (c) other interested parties.  
4004 (3) The division shall invite local government officials to participate in the  
4005 management planning process.  
4006 (4) In preparing a management plan, the division shall seek to make land uses  
4007 compatible with:  
4008 (a) local government general plans and zoning and land use ordinances; and  
4009 (b) existing rights of others within the wildlife management area.  
4010 (5) (a) If the land in a wildlife management area is located within or adjacent to tribal  
4011 lands, the division shall invite tribal government officials to participate in the management  
4012 planning process.  
4013 (b) Participation by tribal officials in the development of management plans for lands  
4014 owned by the division does not waive the tribe's sovereignty.  
4015 Section 152. Section **23A-6-303**, which is renumbered from Section 23-21-2.3 is  
4016 renumbered and amended to read:  
4017 **~~[23-21-2.3].~~ 23A-6-303. Review and adoption of management plans.**  
4018 (1) The division shall submit ~~[the]~~ a draft management plan to the Resource  
4019 Development Coordinating Committee created in Section **63L-11-401** and the Habitat Council  
4020 created by the division for their review and recommendations.  
4021 (2) The division shall submit ~~[the]~~ a draft management plan and any recommendations  
4022 received from the Resource Development Coordinating Committee and the Habitat Council to:  
4023 (a) the regional advisory council for the wildlife region in which the lands covered by  
4024 the management plan are located; and  
4025 (b) the regional advisory council for ~~[any]~~ a wildlife region that may be affected by the  
4026 management plan.

4027 (3) ~~[Each]~~ A regional advisory council reviewing ~~[the]~~ a draft management plan may  
4028 make recommendations to the ~~[division]~~ director.

4029 (4) The ~~[division director has authority to]~~ director may adopt the management plan,  
4030 adopt the management plan with amendments, or reject the management plan.

4031 (5) (a) At the request of the ~~[division]~~ director or ~~[any]~~ a member of the Wildlife  
4032 Board, the Wildlife Board may review a management plan to determine whether the plan is  
4033 consistent with ~~[board]~~ Wildlife Board policies.

4034 ~~[(6)]~~ (b) The ~~[division]~~ director may amend a management plan in accordance with  
4035 recommendations made by the Wildlife Board.

4036 Section 153. Section **23A-6-304**, which is renumbered from Section 23-21-2.4 is  
4037 renumbered and amended to read:

4038 ~~[23-21-2.4].~~ **23A-6-304. Procedure to revise a management plan.**

4039 (1) ~~[Any]~~ A person seeking a revision of a management plan may request the regional  
4040 advisory council in the region where the land in a wildlife management area is located to  
4041 consider the proposal to revise the management plan. The regional advisory council shall  
4042 consider the proposal and advise the division.

4043 (2) The process specified in Sections ~~[23-21-2.2 and 23-21-2.3]~~ 23A-6-302 and  
4044 23A-6-303 shall be used to revise a management plan.

4045 Section 154. Section **23A-6-305**, which is renumbered from Section 23-21-2.5 is  
4046 renumbered and amended to read:

4047 ~~[23-21-2.5].~~ **23A-6-305. Change in land use where a management plan is not in**  
4048 **effect -- Notification to affected persons -- Compatibility with local government plans.**

4049 (1) If a management plan has not been adopted by the ~~[division]~~ director for a tract of  
4050 land owned by the division, the division may not change ~~[any]~~ an existing right to use the land  
4051 until the division notifies those who may be affected by the change and local government  
4052 officials.

4053 (2) When changing ~~[any]~~ an existing right to use the land, the division shall seek to  
4054 make uses of division-owned land compatible with local government general plans and zoning  
4055 and land use ordinances.

4056 Section 155. Section **23A-6-401**, which is renumbered from Section 23-21-2.6 is  
4057 renumbered and amended to read:

Part 4. Use of Land

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~~[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:

(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

4089 government meander line or high water line of navigable waters, for the purpose of hunting,  
4090 trapping, or fishing.

4091 (2) When ~~[any]~~ a department or agency of the state leases or sells ~~[any lands]~~ land  
4092 belonging to the state ~~[of Utah]~~ lying below the official government meander line or the high  
4093 water line of the navigable waters within the state, the lease, contract of sale, or deed shall  
4094 contain a provision that:

4095 (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing  
4096 during the lawful season, except as provided by Section [65A-2-5](#); and

4097 (b) ~~[no charge may be made by]~~ the lessee, contractee, or grantee ~~[to]~~ may not charge  
4098 ~~[any]~~ a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.

4099 (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or  
4100 fishing as provided in this title for other lands and waters.

4101 Section 157. Section ~~23A-6-403~~, which is renumbered from Section 23-21-5 is  
4102 renumbered and amended to read:

4103 ~~[23-21-5].~~ **23A-6-403. State-owned lands authorized for use as wildlife**  
4104 **management areas, fishing waters, and for other recreational activities.**

4105 (1) The Wildlife Board ~~[is authorized to]~~ may use any and all unsurveyed state-owned  
4106 lands below the 1855 meander line of the Great Salt Lake within the following townships for  
4107 the creation, operation, maintenance and management of wildlife management areas, fishing  
4108 waters and other recreational activities:

4109 Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West,  
4110 S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4  
4111 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North,  
4112 Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2  
4113 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.;  
4114 Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B.  
4115 and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West,  
4116 S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2  
4117 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4  
4118 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North,  
4119 Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5

4120 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North,  
4121 Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7  
4122 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.;  
4123 Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B.  
4124 and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West,  
4125 S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2  
4126 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North,  
4127 Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township  
4128 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.;  
4129 Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10  
4130 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North  
4131 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

4132 (2) (a) The Wildlife Board shall establish a wildlife management area known as the  
4133 "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands below the  
4134 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township 8 North, Range 4  
4135 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Sections 1, 2, 11, 12 of  
4136 Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B.  
4137 and M.; Sections 20, 21, 29, 30, 31 of Township 8 North, Range 2 West, S.L.B. and M. [~~;~~  
4138 ~~excepting~~], except for the following:

4139 (i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird  
4140 Refuge;

4141 (ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl  
4142 Management Area;

4143 (iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and

4144 (iv) lands within the May 14, 2019, boundaries of state mineral leases.

4145 (b) The division shall execute a memorandum of understanding with the Division of  
4146 Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands  
4147 described in Subsection (2)(a) as a wildlife management area.

4148 (c) The division shall manage the state-owned lands described in Subsection (2)(a) as a  
4149 wildlife management area and consistent with:

4150 (i) the beneficial purposes identified in Subsection (2)(d); and

4151 (ii) a management plan created consistent with the procedures in this chapter for a  
4152 management plan.

4153 (d) The division shall manage the Willard Spur Waterfowl Management Area for the  
4154 following beneficial purposes:

4155 (i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals,  
4156 shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake ecosystem  
4157 and the Great Salt Lake ecosystem's surrounding wetlands;

4158 (ii) preserving and enhancing the natural function, vegetation, and water flows under  
4159 existing or acquired water rights to provide productive habitat for the species listed in  
4160 Subsection (2)(d)(i);

4161 (iii) providing recreational opportunity for traditional marsh-related activities,  
4162 including hunting, fishing, trapping, and wildlife viewing; and

4163 (iv) providing public access in the management area for purposes of hunting, fishing,  
4164 trapping, and wildlife viewing, including access with airboats and other small watercraft.

4165 (e) The division shall provide the habitat, recreational opportunities, and public access  
4166 described in Subsection (2)(d) without construction or use of an impounding dike, impounding  
4167 levee, or other impounding structure.

4168 (f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not  
4169 prohibit year-round public airboat and small watercraft access in the management area except  
4170 in selected areas during limited periods of time to protect habitat, nesting birds, or vulnerable  
4171 wildlife.

4172 Section 158. Section **23A-6-404**, which is renumbered from Section 23-21-7 is  
4173 renumbered and amended to read:

4174 ~~[23-21-7]~~. **23A-6-404**. **Unlawful uses and activities on division lands.**

4175 (1) Except as authorized by statute, rule, contractual agreement, special use permit,  
4176 certificate of registration, or public notice, a person may not on division land:

4177 (a) remove, extract, use, consume, or destroy ~~[any]~~ an improvement or cultural or  
4178 historic resource;

4179 (b) remove, extract, use, consume, or destroy ~~[any]~~ sand, gravel, cinder, ornamental  
4180 rock, or other common mineral resource, or vegetation resource, except a person may collect  
4181 for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on

- 4182 the surface of the ground;
- 4183 (c) allow livestock to graze;
- 4184 (d) remove [~~any~~] a plant or portion of a plant for commercial gain purposes;
- 4185 (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;
- 4186 (f) enter, use, or occupy division land as part of a group of more than 25 people, except
- 4187 a group may include up to 50 persons if the group consists of extended family members;
- 4188 (g) enter, use, or occupy division land while engaged in or part of an organized event;
- 4189 (h) use, occupy, destroy, move, or construct [~~any~~] a structure, including [~~fences, water~~
- 4190 ~~control devices, roads, survey and section markers, or signs~~] a fence, water control device,
- 4191 road, survey and section marker, or sign;
- 4192 (i) prohibit, prevent, or obstruct public entry on division lands when public entry is
- 4193 authorized by the division;
- 4194 (j) attempt to manage or control division lands in a manner inconsistent with division
- 4195 management plans, rules, or policies;
- 4196 (k) solicit, promote, negotiate, barter, sell, or trade [~~any~~] a product or service on, or
- 4197 obtained from, division lands for commercial gain;
- 4198 (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the
- 4199 area is posted for a different duration;
- 4200 (m) light a fire without taking adequate precaution to prevent spreading of the fire or
- 4201 leave a fire unattended;
- 4202 [~~(n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;~~]
- 4203 (n) use fireworks, an explosive, a poison, a herbicide, an insecticide, or a pesticide;
- 4204 (o) use a motorized [~~vehicles~~] vehicle of any kind except as authorized by declaration,
- 4205 management plan, or posting; or
- 4206 (p) use division lands for [~~any~~] a purpose that violates applicable land use restrictions
- 4207 imposed by statute, rule, or by the division.
- 4208 (2) A person [~~or entity which~~] who unlawfully uses division lands is liable for damages
- 4209 in the amount of:
- 4210 (a) the value of the resource removed, destroyed, or extracted;
- 4211 (b) the amount of damage caused; and
- 4212 (c) whichever is greater of:



4213 (i) the value of ~~[any]~~ losses or expenses caused as a result of interference with  
4214 authorized activities; or

4215 (ii) the consideration which would have been charged by the division for use of the  
4216 land during the period of trespass.

4217 (3) This section does not apply to division employees or division volunteers while  
4218 acting in the lawful performance of ~~[their]~~ the employees' or volunteers' duties.

4219 (4) Except as otherwise provided by statute, the criminal penalty for a violation of ~~[any~~  
4220 ~~provision of]~~ this section is prescribed in Section ~~[23-13-11]~~ 23A-5-301.

4221 Section 159. Section **23A-7-101**, which is renumbered from Section 23-23-2 is  
4222 renumbered and amended to read:

## 4223 **CHAPTER 7. COOPERATIVE WILDLIFE MANAGEMENT UNITS**

### 4224 **Part 1. General Provisions**

#### 4225 ~~[23-23-2].~~ **23A-7-101. Definitions.**

4226 As used in this chapter:

4227 (1) "Cooperative wildlife management unit" ~~[or "unit"]~~ means a generally contiguous  
4228 area of land that is:

4229 (a) open for hunting small game, waterfowl, cougar, turkey, or big game ~~[which is];~~  
4230 and

4231 (b) registered in accordance with this chapter and rules of the Wildlife Board.

4232 (2) ~~[(a)]~~ "Cooperative wildlife management unit agent" means a person appointed by a  
4233 landowner, landowner association, or landowner association operator to perform the functions  
4234 described in Section ~~[23-23-9]~~ 23A-7-207.

4235 ~~[(b) For purposes of this chapter, a cooperative wildlife management unit agent may~~  
4236 ~~not:]~~

4237 ~~[(i) be appointed by the division or the state;]~~

4238 ~~[(ii) be an employee or agent of the division;]~~

4239 ~~[(iii) receive compensation from the division or the state to act as a cooperative~~  
4240 ~~wildlife management unit agent; or]~~

4241 ~~[(iv) act as a peace officer or perform any duties of a peace officer without qualifying~~  
4242 ~~as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.]~~

4243 (3) "Cooperative wildlife management unit authorization" means a card, label, ticket,

4244 or other identifying document authorizing the possessor to hunt small game or waterfowl in a  
4245 cooperative wildlife management unit.

4246 (4) "Cooperative wildlife management unit permit" means a permit authorizing the  
4247 possessor to hunt cougar, turkey, or big game in a cooperative wildlife management unit.

4248 [~~(5) "Division" means the Division of Wildlife Resources.~~]

4249 [~~(6)~~ (5) "Landowner association" means a landowner or an organization of owners of  
4250 private lands who operates a cooperative wildlife management unit.

4251 [~~(7)(a)~~ (6) "Landowner association operator" means a person designated by a  
4252 landowner association to operate the cooperative wildlife management unit.

4253 [~~(b) For purposes of this chapter, a landowner association operator may not:~~]

4254 [~~(i) be appointed by the division; or]~~

4255 [~~(ii) be an employee or agent of the division.~~]

4256 Section 160. Section **23A-7-102**, which is renumbered from Section 23-23-3 is  
4257 renumbered and amended to read:

4258 [~~23-23-3~~]. **23A-7-102. Rulemaking authority of Wildlife Board.**

4259 The Wildlife Board [~~is authorized to~~] may make and enforce rules applicable to  
4260 cooperative wildlife management units organized for the hunting of small game, waterfowl,  
4261 cougar, turkey, or big game that in [~~its~~] the Wildlife Board's judgment are necessary to  
4262 administer and enforce [~~the provisions of~~] this chapter.

4263 Section 161. Section **23A-7-103**, which is renumbered from Section 23-23-1 is  
4264 renumbered and amended to read:

4265 [~~23-23-1~~]. **23A-7-103. Purposes of wildlife management units.**

4266 [~~Cooperative~~] A cooperative wildlife management [~~units are~~] unit is established to:

4267 (1) provide income to landowners;

4268 (2) create satisfying hunting opportunities;

4269 (3) increase wildlife resources;

4270 (4) provide adequate protection to landowners who open their lands for hunting; and

4271 (5) provide access to public and private lands for hunting.

4272 Section 162. Section **23A-7-201**, which is renumbered from Section 23-23-4 is  
4273 renumbered and amended to read:

4274 **Part 2. Requirements**

4275 [23-23-4]. **23A-7-201. Operation by landowner association.**

4276 (1) A landowner association shall operate a cooperative wildlife management unit as  
4277 prescribed by this chapter and the rules of the Wildlife Board.

4278 (2) For purposes of this chapter, a landowner association operator may not:

4279 (a) be appointed by the division; or

4280 (b) be an employee or agent of the division.

4281 Section 163. Section **23A-7-202**, which is renumbered from Section 23-23-5 is  
4282 renumbered and amended to read:

4283 [23-23-5]. **23A-7-202. Certificate of registration -- Renewal.**

4284 (1) A landowner association may not establish or operate a cooperative wildlife  
4285 management unit without first obtaining a certificate of registration from the Wildlife Board.

4286 (2) The Wildlife Board may renew annually certificates of registration if the landowner  
4287 association has previously complied with this chapter and the rules of the Wildlife Board made  
4288 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4289 Section 164. Section **23A-7-203**, which is renumbered from Section 23-23-6 is  
4290 renumbered and amended to read:

4291 [23-23-6]. **23A-7-203. Season dates -- Boundaries -- Review by councils and**  
4292 **Wildlife Board.**

4293 (1) The Wildlife Board shall establish season dates and boundaries for each  
4294 cooperative wildlife management unit.

4295 (2) Season dates may differ from general statewide season dates.

4296 (3) At least every five years, the relevant regional advisory council and Wildlife Board  
4297 shall review a cooperative wildlife management [units] unit containing public land [will be  
4298 reviewed by the regional advisory councils and the Wildlife Board].

4299 Section 165. Section **23A-7-204**, which is renumbered from Section 23-23-7 is  
4300 renumbered and amended to read:

4301 [23-23-7]. **23A-7-204. Permits -- Acreage and lands that may be included --**  
4302 **Posting of boundaries.**

4303 (1) The division shall provide cooperative wildlife management unit authorizations for  
4304 hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

4305 (2) At least 50% of the cooperative wildlife management unit authorizations for

4306 hunting small game or waterfowl provided to a cooperative wildlife management unit shall be  
4307 offered for sale to the general public at the times and places designated on the application for a  
4308 certificate of registration.

4309 (3) (a) [~~Cooperative~~] A cooperative wildlife management [~~units~~] unit organized for  
4310 hunting small game or waterfowl shall consist of private land.

4311 (b) At least 75% of the acreage within the boundaries of [~~each~~] a cooperative wildlife  
4312 management unit organized for the hunting of small game or waterfowl shall be open to  
4313 hunting by holders of valid authorizations.

4314 (4) (a) The division may issue cooperative wildlife management unit permits for  
4315 hunting cougar, turkey, or big game to permittees:

4316 (i) qualifying through a public drawing; or

4317 (ii) named by the cooperative wildlife management unit operator.

4318 (b) The Wildlife Board may specify by rule, made in accordance with Title 63G,  
4319 Chapter 3, Utah Administrative Rulemaking Act, those persons who are eligible to draw a  
4320 cooperative wildlife management unit permit in a public drawing.

4321 (5) (a) [~~Cooperative~~] A cooperative wildlife management [~~units~~] unit organized for  
4322 hunting cougar, turkey, or big game shall consist of private land to the extent practicable.

4323 Public land may be included within a cooperative wildlife management unit if:

4324 (i) the public land is completely surrounded by private land or is otherwise inaccessible  
4325 to the general public;

4326 (ii) including public land is necessary to establish a readily identifiable boundary; or

4327 (iii) including public land is necessary to achieve cougar, turkey, or big game  
4328 management objectives.

4329 (b) If [~~any~~] public land is included within a cooperative wildlife management unit:

4330 (i) the landowner association shall meet applicable federal or state land use  
4331 requirements on the public land; and

4332 (ii) the Wildlife Board shall increase the number of permits or hunting opportunities  
4333 made available to the general public to reflect the proportion of public lands to private lands  
4334 within the cooperative wildlife management unit.

4335 (6) [~~Each~~] A landowner association shall:

4336 (a) clearly post [~~at~~] the boundaries of the cooperative wildlife management unit by

4337 displaying signs containing information prescribed by rule of the Wildlife Board at the  
4338 locations specified in Subsection [~~23-20-14(1)(d)~~] 23A-5-317(1)(c); and

4339 (b) provide a written copy of [~~its~~] the landowner association's guidelines to each holder  
4340 of an authorization or permit.

4341 Section 166. Section **23A-7-205**, which is renumbered from Section 23-23-7.5 is  
4342 renumbered and amended to read:

4343 [~~23-23-7.5~~]. **23A-7-205**. **Landowner association to provide comparable hunting**  
4344 **opportunities.**

4345 A landowner association shall provide [~~each~~] a holder of an authorization or permit a  
4346 comparable hunting opportunity in terms of hunting area and number of days.

4347 Section 167. Section **23A-7-206**, which is renumbered from Section 23-23-8 is  
4348 renumbered and amended to read:

4349 [~~23-23-8~~]. **23A-7-206**. **Compensation for damage -- Claims.**

4350 (1) A landowner participating in a cooperative wildlife management unit who incurs  
4351 damages caused by a hunter on [~~his or her~~] the landowner's land may submit a claim and  
4352 receive compensation for the claim from money received for cooperative wildlife management  
4353 unit authorization or permit fees collected by the landowner association.

4354 [~~(1) These claims shall:~~]

4355 (2) The claims under Subsection (1) shall:

4356 (a) be paid first and have priority over all other obligations of the landowner  
4357 association;

4358 (b) be reviewed, investigated, and paid by the landowner association; and

4359 (c) not exceed annual revenues of a cooperative wildlife management unit.

4360 [~~(2)~~] (3) A landowner participating in a cooperative wildlife management unit who  
4361 incurs damages caused by a hunter on [~~his or her~~] the landowner's land may not hold the state  
4362 liable for compensation.

4363 Section 168. Section **23A-7-207**, which is renumbered from Section 23-23-9 is  
4364 renumbered and amended to read:

4365 [~~23-23-9~~]. **23A-7-207**. **Agents -- Appointment -- Identification -- Refusal of**  
4366 **entry by agent.**

4367 (1) A landowner association may appoint one or more cooperative wildlife

4368 management unit agents to protect private property of the cooperative wildlife management  
4369 unit.

4370 (2) ~~[Each]~~ A cooperative wildlife management unit agent shall wear or have in ~~[his or~~  
4371 ~~her]~~ the cooperative wildlife management unit agent's possession a form of identification  
4372 prescribed by the Wildlife Board ~~[which]~~ that indicates ~~[he or she]~~ that the individual is a  
4373 cooperative wildlife management unit agent.

4374 (3) A cooperative wildlife management unit agent may refuse entry into private lands  
4375 within a cooperative wildlife management unit to any person, except an owner of land within  
4376 the cooperative wildlife management unit and ~~[his or her]~~ the landowner's employees, who:

4377 (a) does not have in ~~[his or her]~~ the person's possession a cooperative wildlife  
4378 management unit authorization or permit;

4379 (b) endangers or has endangered human safety;

4380 (c) damages or has damaged private property within a cooperative wildlife  
4381 management unit; or

4382 (d) fails or has failed to comply with reasonable rules of a landowner association.

4383 (4) In performing the functions described in this section, a cooperative wildlife  
4384 management unit agent shall comply with the relevant laws of this state.

4385 (5) For purposes of this chapter, a cooperative wildlife management unit agent may  
4386 not:

4387 (a) be appointed by the division or the state;

4388 (b) be an employee or agent of the division;

4389 (c) receive compensation from the division or the state to act as a cooperative wildlife  
4390 management unit agent; or

4391 (d) act as a peace officer or perform the duties of a peace officer without qualifying as  
4392 a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

4393 Section 169. Section **23A-7-208**, which is renumbered from Section 23-23-10 is  
4394 renumbered and amended to read:

4395 ~~[23-23-10].~~ **23A-7-208. Possession of permits and licenses by hunter --**

4396 **Restrictions.**

4397 (1) A person may not hunt in a cooperative wildlife management unit without having in  
4398 ~~[his or her]~~ the person's possession:

4399 (a) a valid cooperative wildlife management unit authorization or permit or other  
4400 permit as authorized by the [~~wildlife board~~] Wildlife Board; and

4401 (b) the necessary hunting licenses[~~, tags, and stamps~~] and tags.

4402 (2) A cooperative wildlife management unit authorization or permit:

4403 (a) entitles the holder to hunt only in the cooperative wildlife management unit  
4404 specified on the authorization or permit pursuant to rules and proclamations of the Wildlife  
4405 Board and does not entitle the holder to hunt on any other private or public land; and

4406 (b) constitutes written permission for trespass as required under Section [~~23-20-14~~]  
4407 23A-5-317.

4408 Section 170. Section **23A-7-209**, which is renumbered from Section 23-23-11 is  
4409 renumbered and amended to read:

4410 [~~23-23-11~~]. **23A-7-209**. **Failure to comply with rules and requirements.**

4411 A person shall leave private property within a cooperative wildlife management unit  
4412 immediately, upon request of a landowner, landowner association operator, or cooperative  
4413 wildlife management unit agent, if that person:

4414 (1) does not have in that person's possession a cooperative wildlife management unit  
4415 authorization or permit;

4416 (2) endangers or has endangered human safety;

4417 (3) damages or has damaged private property within a cooperative wildlife  
4418 management unit; or

4419 (4) fails or has failed to comply with reasonable rules of a landowner association.

4420 Section 171. Section **23A-7-210**, which is renumbered from Section 23-23-12 is  
4421 renumbered and amended to read:

4422 [~~23-23-12~~]. **23A-7-210**. **Damage or destruction of property.**

4423 A person on the land of another person may not intentionally damage, disarrange, or  
4424 destroy that person's property.

4425 Section 172. Section **23A-7-211**, which is renumbered from Section 23-23-13 is  
4426 renumbered and amended to read:

4427 [~~23-23-13~~]. **23A-7-211**. **Violation of chapter -- Class B misdemeanor.**

4428 Any person who violates [~~any provision of~~] this chapter is guilty of a class B  
4429 misdemeanor, unless another penalty is provided elsewhere in the laws of this state.

4430 Section 173. Section **23A-7-212**, which is renumbered from Section 23-23-14 is  
4431 renumbered and amended to read:

4432 ~~[23-23-14]~~. **23A-7-212. Landowner protection under Landowner Liability Act.**

4433 ~~[Landowners who participate in]~~ A landowner who participates in a cooperative  
4434 wildlife management [units shall have] unit has the full protection afforded under Title 57,  
4435 Chapter 14, Limitations on Landowner Liability.

4436 Section 174. Section **23A-8-101** is enacted to read:

## 4437 CHAPTER 8. WILDLIFE DAMAGE

### 4438 Part 1. General Provisions

#### 4439 **23A-8-101. Definitions.**

4440 As used in this chapter:

4441 (1) "72 hours" means a time period that begins with the hour a request for action is  
4442 made pursuant to Section 23A-8-402 and ends 72 hours later with the exclusion of any hour  
4443 that occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section  
4444 63G-1-301.

4445 (2) "Cultivated crops" means:

4446 (a) annual or perennial crops harvested from or on cleared and planted land;

4447 (b) perennial orchard trees on cleared and planted land;

4448 (c) crop residues that have forage value for livestock; and

4449 (d) pastures.

4450 (3) "Depredation" means an act causing damage or death.

4451 (4) "Depredation mitigation plan" means the plan described in Subsection  
4452 23A-8-402(2).

4453 (5) "Growing season" means the portion of a year in which local conditions permit  
4454 normal plant growth.

4455 (6) "Livestock" means cattle, sheep, horses, goats, or turkeys.

4456 (7) "Management unit" means a prescribed area of contiguous land designated by the  
4457 division for the purpose of managing a species of big game animal.

4458 (8) "Mitigation review panel" means the panel created under Section 23A-8-404.

4459 (9) (a) For purposes of Part 2, Damage in General, "predator" means a mountain lion or  
4460 bear.



4461 (b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear, or  
 4462 coyote.

4463 (10) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey  
 4464 and does not include a privately owned or domestic turkey.

4465 (11) "Wildlife Services Program" means a program of the United States Department of  
 4466 Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and  
 4467 natural resources, and to safeguard human health and safety.

4468 (12) "Wildlife specialist" means a United States Department of Agriculture, Wildlife  
 4469 Services specialist.

4470 (13) (a) "Wolf" means the gray wolf Canis lupus.

4471 (b) "Wolf" does not mean a wolf hybrid with a domestic dog.

4472 Section 175. Section **23A-8-201**, which is renumbered from Section 23-24-1 is  
 4473 renumbered and amended to read:

#### 4474 **Part 2. Damage in General**

4475 ~~[23-24-1].~~ **23A-8-201. Procedure to obtain compensation for livestock damage**  
 4476 **done by bear, mountain lion, wolf, or eagle.**

4477 ~~[(1) As used in this section:]~~

4478 ~~[(a) "Damage" means injury to or loss of livestock.]~~

4479 ~~[(b) "Division" means the Division of Wildlife Resources.]~~

4480 ~~[(c) "Livestock" means cattle, sheep, goats, or turkeys.]~~

4481 ~~[(d) (i) "Wolf" means the gray wolf Canis lupus.]~~

4482 ~~[(ii) "Wolf" does not mean a wolf hybrid with a domestic dog.]~~

4483 ~~[(2)]~~ (1) (a) (i) Except as provided by Subsection [(2)] (1)(a)(ii), if livestock are  
 4484 damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for  
 4485 the fair market value of the damage to the livestock.

4486 (ii) The owner of livestock may not receive compensation if the livestock is damaged  
 4487 by a wolf within an area where a wolf is endangered or threatened under the Endangered  
 4488 Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.

4489 (b) To obtain ~~[this]~~ compensation under this section, the owner of the damaged  
 4490 livestock shall notify the division of the damage as soon as possible, but no later than four days  
 4491 after the damage to the livestock is discovered.

4492 (c) The owner shall notify the division each time ~~[any]~~ damage to livestock is  
4493 discovered.

4494 ~~[(3)]~~ (2) The livestock owner shall file a proof of loss form, provided by the division,  
4495 no later than 30 days after the original notification of damage to livestock was given to the  
4496 division by the owner.

4497 ~~[(4)]~~ (3) (a) (i) The division, with the assistance of the Department of Agriculture and  
4498 Food shall:

4499 (A) within 30 days after the owner files the proof of loss form, either accept or deny the  
4500 claim for damages; and

4501 (B) subject to Subsections ~~[(4)]~~ (3)(a)(ii) through ~~[(4)]~~ (3)(a)(iv), pay ~~[a]]~~ the accepted  
4502 claims to the extent money appropriated by the Legislature is available for this purpose.

4503 (ii) Money appropriated from the Wildlife Resources Account may be used to provide  
4504 compensation for only up to 50% of the fair market value of ~~[any]~~ damaged livestock.

4505 (iii) Money appropriated from the Wildlife Resources Account may not be used to  
4506 provide compensation for livestock damaged by an eagle or a wolf.

4507 (iv) The division may not pay ~~[any]~~ an eagle damage claim until the division has paid  
4508 all accepted mountain lion and bear livestock damage claims for the fiscal year.

4509 (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a  
4510 livestock owner unless the owner has filed a completed livestock form and the appropriate fee  
4511 as outlined in Section [4-23-107](#) for the immediately preceding and current year.

4512 (c) (i) Unless the division denies a claim for the reason identified in Subsection ~~[(4)]~~  
4513 (3)(b), the owner may appeal the decision to a panel consisting of one person selected by the  
4514 owner, one person selected by the division, and a third person selected by the first two panel  
4515 members.

4516 (ii) The panel shall decide whether the division should pay all of the claim, a portion of  
4517 the claim, or none of the claim.

4518 (5) ~~[By following the procedures and requirements of Title 63G, Chapter 3, Utah~~  
4519 ~~Administrative Rulemaking Act, the]~~ The Wildlife Board may make rules, in accordance with  
4520 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and enforce rules to administer  
4521 and enforce this section.

4522 Section 176. Section **23A-8-202**, which is renumbered from Section 23-24-2 is

4523 renumbered and amended to read:

4524 ~~[23-24-2].~~ **23A-8-202. Livestock depredation by predators.**

4525 ~~[(1) As used in this section:]~~

4526 ~~[(a) "Depredation" means an act causing damage or death.]~~

4527 ~~[(b) "Director" means the director of the Division of Wildlife Resources.]~~

4528 ~~[(c) "Division" means the Division of Wildlife Resources.]~~

4529 ~~[(d) "Livestock" means cattle, sheep, goats, horses, or turkeys.]~~

4530 ~~[(e) "Predator" means a mountain lion or bear.]~~

4531 ~~[(f) "Wildlife Board" means the board created in Section 23-14-2.]~~

4532 ~~[(g) "Wildlife Services Program" means a program of the United States Department of~~  
4533 ~~Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and~~  
4534 ~~natural resources, and to safeguard human health and safety.]~~

4535 ~~[(h) "Wildlife specialist" means a United States Department of Agriculture, Wildlife~~  
4536 ~~Services specialist.]~~

4537 ~~[(2)]~~ (1) If a predator harasses, chases, disturbs, harms, attacks, or kills livestock,  
4538 within 96 hours of the act:

4539 (a) in a depredation case, the livestock owner, an immediate family member, or an  
4540 employee of the livestock owner on a regular payroll and not specifically hired to take a  
4541 predator, may take predators subject to the requirements of this section;

4542 (b) a landowner or livestock owner may notify the division of the depredation or  
4543 human health and safety concerns, who may authorize a local hunter to take the offending  
4544 predator or notify a wildlife specialist; or

4545 (c) the livestock owner may notify a wildlife specialist of the depredation who may  
4546 take the depredating predator.

4547 ~~[(3)]~~ (2) A depredating predator may be taken at any time by a wildlife specialist,  
4548 supervised by the Wildlife Services Program, while acting in the performance of the wildlife  
4549 specialist's assigned duties and in accordance with procedures approved by the division.

4550 ~~[(4)]~~ (3) (a) A depredating predator may be taken by an individual authorized in  
4551 Subsection ~~[(2)]~~ (1)(a):

4552 (i) with a weapon authorized by the division, pursuant to rules made by the Wildlife  
4553 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for

4554 taking the predator; or

4555 (ii) only using snares:

4556 (A) with written authorization from the director;

4557 (B) subject to the conditions and restrictions set out in the written authorization; and

4558 (C) if the division verifies that there has been a chronic depredation situation when

4559 numerous livestock have been killed by a predator as described in rule made by the Wildlife

4560 Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4561 (b) An individual authorized in Subsection [~~(2)~~] (1)(a) to take depredating predators

4562 may take no more than two bears per incident.

4563 [~~(5)~~] (4) (a) In accordance with Subsection [~~(5)~~] (4)(b), the division may issue a

4564 depredation permit to take a predator on specified private lands and public land grazing

4565 allotments with a chronic depredation situation when numerous livestock have been killed by

4566 predators.

4567 (b) The division may:

4568 (i) issue one or more depredation permits to an affected livestock owner or a designee

4569 of the affected livestock owner, provided that the livestock owner does not receive monetary

4570 consideration from the designee for the opportunity to use the depredation permit;

4571 (ii) determine the legal weapons and methods of taking allowed; and

4572 (iii) specify the area and season that the depredation permit is valid.

4573 [~~(6)~~] (5) (a) A predator taken under Subsection [~~(2)~~] (1)(a) or [~~(5)~~] (4) remains the

4574 property of the state and shall be delivered to a division office or employee with 96 hours of the

4575 take.

4576 (b) The division may issue a predatory damage permit to a person who has taken a

4577 depredating predator under Subsection [~~(2)~~] (1)(a) that authorizes the individual to keep the

4578 carcass.

4579 (c) An individual who takes a predator under Subsection [~~(2)~~] (1)(a) or [~~(5)~~] (4) may

4580 acquire and use a limited entry permit or harvest objective permit in the same year.

4581 (d) Notwithstanding Subsections [~~(6)~~] (5)(b) and (c), a person may retain no more than

4582 one predator carcass annually.

4583 [~~(7)~~] (6) Money derived from the sale of a predator taken under this section shall be

4584 deposited into the Wildlife Resources Account created in Section [~~23-14-13~~] [23A-3-201](#).



4616 of one or more persons acquainted with the crops concerned and pheasants, to appraise the  
4617 damage.

4618 (5) If a provision of this section conflicts with the requirements of the federal  
4619 Pittman-Robertson Act or the regulations issued under that act, the provisions relating to  
4620 damage claims are void.

4621 Section 179. Section **23A-8-302**, which is renumbered from Section 23-17-5.1 is  
4622 renumbered and amended to read:

4623 ~~[23-17-5.1].~~ **23A-8-302. Damage by turkeys.**

4624 ~~[(1) As used in this section, "turkey" means a wild, free-ranging turkey and does not~~  
4625 ~~include a privately owned or domestic turkey.]~~

4626 ~~[(2)]~~ (1) (a) If a turkey materially damages private property, the landowner or lessee of  
4627 the property may:

4628 (i) notify the division of the damage; and

4629 (ii) request that the division take action to mitigate the damage.

4630 (b) The landowner or lessee of the damaged property shall allow division staff  
4631 reasonable access to the damaged property to verify and mitigate the damage.

4632 ~~[(3)]~~ (2) (a) Within 72 hours after receiving a request for action under Subsection ~~[(2)]~~  
4633 (1)(a)(ii), the division shall investigate the damaged property and, if it appears that material  
4634 damage by a turkey may continue, the division shall begin to:

4635 (i) remove or drive off the turkeys causing the damage; or

4636 (ii) implement a damage mitigation and prevention plan with the written approval of  
4637 the landowner or lessee of the property.

4638 (b) As part of a damage mitigation and prevention plan described in Subsection ~~[(3)]~~  
4639 (2)(a)(ii), the division may:

4640 (i) schedule a depredation hunt;

4641 (ii) issue a permit to the landowner or lessee to, during a general or special season hunt  
4642 authorized by the Wildlife Board, take a turkey on the property;

4643 (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation  
4644 permit to, during a general or special season hunt authorized by the Wildlife Board, take a  
4645 turkey on the property;

4646 (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a

4647 turkey that causes damage to the property;

4648 (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a  
4649 turkey that causes damage to the property; or

4650 (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise  
4651 prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable  
4652 for the location of the property due to local law or public safety concerns.

4653 (c) If the division takes an action described in Subsection ~~[(3)]~~ (2)(b)(ii) or (iii), the  
4654 division shall specify the number and sex of turkeys the landowner or lessee is authorized to  
4655 take in accordance with Subsection ~~[(3)]~~ (2)(b)(ii) or (iii).

4656 (d) If a landowner or lessee takes a turkey under Subsection ~~[(3)]~~ (2)(b)(ii), the division  
4657 and the landowner or lessee shall jointly determine the number of turkeys the landowner or  
4658 lessee may retain.

4659 ~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4660 Act, the Wildlife Board may make rules necessary to administer ~~[the provisions of]~~ this  
4661 section.

4662 Section 180. Section **23A-8-401**, which is renumbered from Section 23-16-2 is  
4663 renumbered and amended to read:

4664 **Part 4. Damage by Big Game**

4665 ~~[23-16-2]~~. **23A-8-401. Removal of big game animals doing damage.**

4666 The director ~~[of the division of Wildlife Resources]~~ may authorize the removal of big  
4667 game animals when ~~[they]~~ the big game animals are doing actual damage. ~~[Animals so~~  
4668 ~~removed shall be sold or otherwise disposed of by the Division of Wildlife Resources, and any]~~  
4669 The division shall sell or otherwise dispose of a big game animal removed pursuant to this  
4670 section and money derived from the sale of these big game animals shall be placed in the  
4671 Wildlife Resources Account.

4672 Section 181. Section **23A-8-402**, which is renumbered from Section 23-16-3 is  
4673 renumbered and amended to read:

4674 ~~[23-16-3]~~. **23A-8-402. Damage to cultivated crops, livestock forage, fences, or**  
4675 **irrigation equipment by big game animals -- Notice to division -- Depredation mitigation**  
4676 **plan.**

4677 (1) (a) If on private land big game animals damage cultivated crops, livestock forage,

4678 fences, or irrigation equipment, the landowner or lessee shall immediately, upon discovery of  
4679 the damage, request that the division take action to alleviate the depredation problem.

4680 (b) The landowner or lessee shall allow division personnel reasonable access to the  
4681 property sustaining damage to verify and alleviate the depredation problem.

4682 (2) (a) Within 72 hours after receiving the request for action under Subsection (1)(a),  
4683 the division shall investigate the situation, and if it appears that depredation by big game  
4684 animals may continue, the division shall:

4685 (i) remove the big game animals causing depredation; or

4686 (ii) implement a depredation mitigation plan that is approved, in writing, by the  
4687 landowner or lessee.

4688 (b) A depredation mitigation plan may provide for any or all of the following:

4689 (i) the scheduling of a depredation hunt;

4690 (ii) issuing permits to the landowners or lessees, to take big game animals causing  
4691 depredation during a general or special season hunt authorized by the Wildlife Board;

4692 (iii) allowing landowners or lessees to designate recipients who may obtain a  
4693 mitigation permit to take big game animals on the landowner's or lessee's land during a general  
4694 or special season hunt authorized by the Wildlife Board; or

4695 (iv) a description of how the division will assess and compensate the landowner or  
4696 lessee under Section ~~[23-16-4]~~ 23A-8-405 for damage to cultivated crops, fences, or irrigation  
4697 equipment.

4698 (c) (i) The division shall specify the number and sex of the big game animals that may  
4699 be taken pursuant to Subsections (2)(b)(ii) and (iii).

4700 (ii) ~~[Control efforts shall be directed]~~ The division shall direct control efforts toward  
4701 antlerless animals, if possible.

4702 (d) ~~[A]~~ The director or the director's designee shall approve a permit issued for an  
4703 antlered animal [shall be approved by the division director or the director's designee].

4704 (e) The division and the landowner or lessee shall jointly determine the number of big  
4705 game animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may  
4706 retain possession.

4707 (f) In determining appropriate remedial action under this Subsection (2), the division  
4708 shall consider:



4709 (i) the extent of damage experienced or expected in a single growing season; and

4710 (ii) ~~[any]~~ revenue the landowner derives from:

4711 (A) participation in a cooperative wildlife management unit;

4712 (B) use of landowner association permits;

4713 (C) use of mitigation permits; and

4714 (D) charging for hunter access.

4715 (3) ~~[Any]~~ A landowner or lessee shall determine a fee for accessing the owner's or  
4716 lessee's land ~~[shall be determined by the landowner or lessee].~~

4717 (4) (a) If the landowner or lessee who approved the depredation mitigation plan under  
4718 Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the landowner or  
4719 lessee may revoke the landowner's or lessee's approval of the plan and again request that the  
4720 division take action pursuant to Subsection (2)(a)(i).

4721 (b) ~~[A]~~ The division shall consider a subsequent request for action provided under  
4722 Subsection (4)(a) ~~[shall be considered]~~ to be a new request for purposes of the 72-hour time  
4723 limit specified in Subsection (2)(a).

4724 (5) (a) The division may enter into a conservation lease with the owner or lessee of  
4725 private lands for a fee or other remuneration as compensation for depredation.

4726 (b) ~~[Any]~~ A conservation lease entered into under this section shall provide that the  
4727 claimant may not unreasonably restrict hunting on the land or passage through the land to  
4728 access public lands for the purpose of hunting, if those actions are necessary to control or  
4729 mitigate damage by big game animals.

4730 Section 182. Section **23A-8-403**, which is renumbered from Section 23-16-3.1 is  
4731 renumbered and amended to read:

4732 ~~[23-16-3.1].~~ **23A-8-403. Landowner or lessee may kill big game animals.**

4733 (1) (a) A landowner or lessee may kill big game animals damaging ~~[those]~~ cultivated  
4734 crops on private land if:

4735 (i) it is necessary to protect cultivated crops;

4736 (ii) 72 hours has expired since a request for action is given pursuant to Subsection  
4737 ~~[23-16-3]~~ 23A-8-402(1)(a);

4738 (iii) the landowner or lessee has provided or sent written notice of an intent to kill the  
4739 big game animal to the nearest regional office of the division;

4740 (iv) the landowner or lessee kills the big game animal within 90 days, or a longer  
4741 period, if approved, in writing, by the division, after having requested that the division take  
4742 action to prevent depredation under Subsection [~~23-16-3~~] [23A-8-402](#)(1)(a); and

4743 (v) the killing is not prohibited by Subsection (2)(a) or (3).

4744 (b) Immediately after killing a big game animal under Subsection (1)(a), the landowner  
4745 or lessee shall notify the division of the killing.

4746 (c) The carcass of a big game animal killed under Subsection (1)(a) is the property of  
4747 the division and the division shall dispose of the carcass.

4748 (d) Money derived from the sale of big game animals killed shall be placed in the  
4749 Wildlife Resources Account created in Section [~~23-14-13~~] [23A-3-201](#).

4750 (e) A landowner or lessee who kills big game animals pursuant to this section shall:

4751 (i) make reasonable effort to prevent the big game animals from wasting; and

4752 (ii) provide the division reasonable access to the landowner's or lessee's land to retrieve  
4753 and dispose of the big game animals.

4754 (2) (a) The [~~division~~] director may prohibit the killing of big game animals under  
4755 Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division  
4756 take action to remove depredating big game animals, the division:

4757 (i) determines that the restitution value of the big game animal or animals, as  
4758 established under Section [~~23-20-4.5~~] [23A-5-312](#), is more than twice the estimated value of the  
4759 cultivated crops that have been or will be damaged or consumed within a single growing  
4760 season;

4761 (ii) determines that the prohibition is consistent with the management plan established  
4762 under Section [~~23-16-7~~] [23A-11-301](#);

4763 (iii) notifies the landowner or lessee of the prohibition; and

4764 (iv) offers the landowner or lessee a depredation mitigation plan.

4765 (b) A landowner or lessee who is offered a depredation mitigation plan may:

4766 (i) accept the plan in writing; or

4767 (ii) refuse to accept the plan and appeal the plan, in writing, to the [~~division~~] director.

4768 (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a),  
4769 the [~~division~~] director may prohibit [~~any~~] further killing of big game animals if:

4770 (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); or

4771 (b) the mitigation review panel reviews and approves the deprecation mitigation plan.

4772 Section 183. Section **23A-8-404**, which is renumbered from Section 23-16-3.2 is

4773 renumbered and amended to read:

4774 ~~[23-16-3.2]~~. **23A-8-404**. **Mitigation review panel.**

4775 (1) A mitigation review panel may be convened to review:

4776 (a) a deprecation mitigation plan; or

4777 (b) division action under Section ~~[23-16-4]~~ 23A-8-405.

4778 (2) Membership of the mitigation review panel shall consist of:

4779 (a) the ~~[division]~~ director or the director's designee;

4780 (b) (i) the commissioner of the Department of Agriculture and Food or the

4781 commissioner's designee; or

4782 (ii) a representative of agricultural interests appointed by the commissioner of the

4783 Department of Agriculture and Food; and

4784 (c) a representative of Utah State University Extension Service appointed by the Vice

4785 President and Dean for University Extension.

4786 (3) (a) The ~~[division]~~ director shall convene a mitigation review panel if:

4787 (i) a landowner or lessee appeals a deprecation mitigation plan under Subsection

4788 ~~[23-16-3.1]~~ 23A-8-403(2)(b)(ii);

4789 (ii) the ~~[division]~~ director requests review of a deprecation mitigation plan; or

4790 (iii) the division receives a petition of an aggrieved party to a final division action

4791 under Section ~~[23-16-4]~~ 23A-8-405.

4792 (b) Within five business days of an appeal under Subsection ~~[23-16-3.1]~~

4793 23A-8-403(2)(b)(ii) or a division request for review, the mitigation review panel shall review

4794 the deprecation mitigation plan and approve or modify the plan.

4795 (c) A mitigation review panel shall act on a petition described in Subsection (3)(a)(iii)

4796 in accordance with rules made by the Wildlife Board under Subsection ~~[23-16-4]~~

4797 23A-8-405(6).

4798 (4) Judicial review of a mitigation review panel action under this section is governed

4799 by Title 63G, Chapter 4, Administrative Procedures Act.

4800 Section 184. Section **23A-8-405**, which is renumbered from Section 23-16-4 is

4801 renumbered and amended to read:

4802           ~~[23-16-4].~~    23A-8-405.   **Compensation for damage to crops, fences, or irrigation**  
4803 **equipment -- Limitations -- Appeals.**

4804           (1) The division may provide compensation to claimants for damage caused by big  
4805 game animals to:

- 4806           (a) cultivated crops on private land;
- 4807           (b) fences on private land; or
- 4808           (c) irrigation equipment on private land.

4809           (2) To be eligible to receive compensation as provided in this section, the claimant  
4810 shall:

4811           (a) notify the division of the damage within 72 hours after the damage is discovered;  
4812 and

4813           (b) allow division personnel reasonable access to the property to verify and alleviate  
4814 the depredation problem.

4815           (3) (a) The ~~[appraisal of the damage shall be made by the]~~ claimant and the division  
4816 shall make an appraisal of the damage as soon after notification as possible.

4817           (b) In determining damage payment, the division and claimant shall consider:

- 4818           (i) the extent of damage experienced; and
- 4819           (ii) ~~[any]~~ revenue the landowner derives from:

4820           (A) participation in a cooperative wildlife management unit;

4821           (B) use of landowner association permits;

4822           (C) use of mitigation permits; and

4823           (D) charging for hunter access.

4824           (c) The division and claimant may not include speculative damages or claims of future  
4825 value in an appraisal or damage payment beyond the growing season when the damage  
4826 occurred under this section.

4827           (d) In determining how to assess and compensate for damages to cultivated crops, the  
4828 ~~[division's determination shall be based]~~ division shall base the division's determination on the:

4829           (i) estimated number of big game animals that damaged or consumed cultivated crops;

4830           (ii) estimated quantity of cultivated crops damaged or consumed by big game animals;

4831           (iii) local market value of the cultivated crops that actually have been or will be

4832 damaged or consumed by big game animals;

4833 (iv) replacement value of an equivalent aged tree for perennial orchard trees; and  
4834 (v) other documented costs directly incurred by the landowner or lessee because of  
4835 damage to cultivated crops by big game animals.

4836 (e) If the claimant and the division are unable to agree on a fair and equitable damage  
4837 payment, the claimant and division shall designate a third party, consisting of one or more  
4838 persons familiar with the crops, fences, or irrigation equipment and the type of big game  
4839 animals doing the damage, to appraise the damage.

4840 (4) (a) The total amount of compensation that may be provided by the division pursuant  
4841 to this section and the total cost of fencing materials provided by the division to prevent crop  
4842 damage may not exceed the legislative appropriation for fencing material and compensation for  
4843 damaged crops, fences, and irrigation equipment.

4844 (b) (i) A claim of \$1,000 or less may be paid after appraisal of the damage as provided  
4845 in Subsection (3), unless the claim brings the total amount of claims submitted by the claimant  
4846 in the fiscal year to an amount in excess of \$1,000.

4847 (ii) A claim for damage to irrigation equipment may be paid after appraisal of the  
4848 damage as provided in Subsection (3).

4849 (c) (i) A claim in excess of \$1,000, or claim that brings the total amount of claims  
4850 submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be treated  
4851 as follows:

4852 (A) \$1,000 may be paid pursuant to the conditions of this section; and

4853 (B) the amount in excess of \$1,000 may not be paid until the total amount of the  
4854 approved claims of all the claimants and expenses for fencing materials for the fiscal year are  
4855 determined.

4856 (ii) If the total exceeds the amount appropriated by the Legislature pursuant to  
4857 Subsection (4)(a), claims in excess of \$1,000, or a claim that brings the total amount of a  
4858 claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.

4859 (5) The division may deny or limit compensation if the claimant:

4860 (a) fails to exercise reasonable care and diligence to avoid the loss or minimize the  
4861 damage;

4862 (b) fails to provide the division reasonable access to the property;

4863 (c) fails to allow the division to use reasonable mitigation tools to alleviate the damage;

4864 (d) unreasonably restricts hunting on land under the claimant's control or passage  
4865 through the land to access public lands for the purpose of hunting, after receiving written  
4866 notification from the division of the necessity of allowing the hunting or access to control or  
4867 mitigate damage by big game animals; or

4868 (e) fails to provide supporting evidence of cultivated crop values and claimed costs to  
4869 the division during the damage appraisal process.

4870 (6) (a) The Wildlife Board shall make rules, in accordance with Title 63G, Chapter 3,  
4871 Utah Administrative Rulemaking Act, and consistent with Subsection (6)(d), specifying  
4872 procedures for the appeal of division actions under this section.

4873 (b) Upon the petition of an aggrieved party to a final division action, a mitigation  
4874 review panel may review the action on the record and issue an order modifying or rescinding  
4875 the division action.

4876 (c) A mitigation review panel may appoint a third party designated under Subsection  
4877 (3)(e) for purposes of taking evidence and making recommendations for an order of the  
4878 mitigation review panel. The mitigation review panel shall consider the recommendations of  
4879 the designated third party in making decisions.

4880 (d) A mitigation review panel's review of final agency action and judicial review of  
4881 final action by a mitigation review panel is governed by Title 63G, Chapter 4, Administrative  
4882 Procedures Act.

4883 Section 185. Section **23A-9-101** is enacted to read:

4884 **CHAPTER 9. AQUATIC WILDLIFE**

4885 **Part 1. General Provisions**

4886 **23A-9-101. Definitions.**

4887 Reserved.

4888 Section 186. Section **23A-9-201**, which is renumbered from Section 23-15-4 is  
4889 renumbered and amended to read:

4890 **Part 2. Operations**

4891 ~~[23-15-4].~~ **23A-9-201. Screens or other devices required -- Failure to install**  
4892 **after notice a misdemeanor.**

4893 ~~[It is unlawful for any person, company or corporation to take any]~~

4894 (1) A person may not take water from the state streams, lakes, or reservoirs for power

4895 purposes, or for waterworks, without first furnishing and maintaining suitable screens or other  
 4896 devices to prevent fish from entering ~~[such]~~ the power plants, millraces, or waterworks  
 4897 system~~[-said]~~.

4898 (2) A screen or other ~~[devices]~~ device is to be built and maintained under the direction  
 4899 of the ~~[board]~~ Wildlife Board and at the expense of ~~[said]~~ the owner or ~~[operators . The failure~~  
 4900 of any person, firm or corporation] operator.

4901 (3) A person who fails to install a screen or device within 30 days after the Wildlife  
 4902 Board gives notice in writing ~~[so to do has been given by the board is]~~ to install the screen or  
 4903 device is guilty of a class B misdemeanor.

4904 Section 187. Section **23A-9-202**, which is renumbered from Section 23-15-5 is  
 4905 renumbered and amended to read:

4906 ~~[23-15-5].~~ **23A-9-202. Notice of intention to drain or divert waterway.**

4907 (1) ~~[Any person, company or corporation]~~ A person owning or controlling ~~[any]~~ an  
 4908 irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into ~~[any]~~ a state  
 4909 waterway containing protected aquatic wildlife ~~[who shall desire]~~ shall provide the notice  
 4910 described in Subsection (2) if the person:

4911 (a) desires to drain ~~[any such waterway, or who shall intend]~~ the waterway; or

4912 (b) intends to divert sufficient water from ~~[any]~~ a state waterway endangering the  
 4913 protected aquatic wildlife ~~[therein;]~~ in the state waterway.

4914 (2) If the conditions described in Subsection (1) are met, the person shall give five  
 4915 days' written notice to the ~~[Division of Wildlife Resources prior to]~~ division before the  
 4916 diversion except that under emergency conditions the person shall give reasonable notice ~~[shall~~  
 4917 be given].

4918 Section 188. Section **23A-9-203**, which is renumbered from Section 23-15-10 is  
 4919 renumbered and amended to read:

4920 ~~[23-15-10].~~ **23A-9-203. Private fish pond.**

4921 (1) A private fish pond is not required to obtain a certificate of registration from the  
 4922 division to receive fish from an aquaculture facility if:

4923 (a) the pond is properly screened as provided in Subsection (3)(c); and

4924 (b) the fish species being stocked is authorized by this chapter or rules of the Wildlife  
 4925 Board made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4926 (2) (a) Except as provided in Subsection (2)(b), a private fish pond or a short-term  
4927 fishing event may not be developed or held on:

4928 (i) a natural lake;

4929 (ii) a natural flowing stream; or

4930 (iii) a reservoir constructed on a natural stream channel.

4931 (b) The division may authorize a private fish pond on a natural lake or reservoir  
4932 constructed on a natural stream channel upon inspecting and determining:

4933 (i) the pond and inlet source of the pond neither contain wild game fish nor are likely  
4934 to support [~~such species~~] wild game fish in the future;

4935 (ii) the pond and the pond's intended use will not jeopardize conservation of aquatic  
4936 wildlife populations or lead to the privatization or commercialization of aquatic wildlife;

4937 (iii) the pond is properly screened as provided in Subsection (3)(c) and otherwise in  
4938 compliance with the requirements of this title, rules of the Wildlife Board, and applicable law;  
4939 and

4940 (iv) the pond is not vulnerable to flood or high water events capable of compromising  
4941 the pond's inlet or outlet screens allowing escapement of privately owned fish into waters of the  
4942 state.

4943 (c) [~~Any~~] An authorization issued by the division under Subsection (2)(b) shall be in  
4944 the form of a certificate of registration.

4945 (3) A person who owns or operates a private fish pond may receive a fish from an  
4946 aquaculture facility if:

4947 (a) the aquaculture facility has a health approval number required by Section 4-37-501;

4948 (b) the species, strain, and reproductive capability of the fish is authorized by the  
4949 Wildlife Board in accordance with Subsection (4) for stocking in the area where the private fish  
4950 pond is located;

4951 (c) the private fish pond is screened in accordance with the Wildlife Board's rule, made  
4952 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to prevent the  
4953 fish from moving into or out of the private fish pond;

4954 (d) the fish is not:

4955 (i) released from the private fish pond; or

4956 (ii) transported live to another location; and



4957 (e) the person provides the aquaculture facility with a signed statement that the private  
4958 fish pond is in compliance with this section.

4959 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
4960 Wildlife Board may make rules that:

4961 (a) specify the screen requirements to prevent the movement of fish into or out of the  
4962 private fish pond;

4963 (b) specify the fish species that may not be stocked in a private fish pond located in the  
4964 state;

4965 (c) establish a location or region where a specified species, strain, and reproductive  
4966 capability of fish may be stocked in a private fish pond; and

4967 (d) specify procedures and requirements for authorizing development of a private fish  
4968 pond, fee fishing facility, or aquaculture facility on a natural lake, natural flowing stream, or  
4969 reservoir on a natural stream channel pursuant to Subsection (2) and Section 4-37-111.

4970 (5) The division may inspect a private fish pond to verify compliance with this section  
4971 and rules of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah  
4972 Administrative Rulemaking Act.

4973 Section 189. Section **23A-9-204**, which is renumbered from Section 23-15-13 is  
4974 renumbered and amended to read:

4975 ~~[23-15-13]~~. **23A-9-204. Operation of aquaculture and fee fishing facilities.**

4976 A person may engage in the following activities as provided by Title 4, Chapter 37,  
4977 Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and  
4978 Food and Wildlife Board:

4979 (1) acquisition, importation, or possession of aquatic animals intended for use in an  
4980 aquaculture or fee fishing facility;

4981 (2) transportation of aquatic animals to or from an aquaculture facility or to a fee  
4982 fishing facility;

4983 (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility;  
4984 and

4985 (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing  
4986 facility.

4987 Section 190. Section **23A-9-301**, which is renumbered from Section 23-15-3 is

4988 renumbered and amended to read:

4989 **Part 3. Prohibitions**

4990 **[23-15-3]. 23A-9-301. Diversion of water prohibited -- Exception for flood**  
 4991 **control.**

4992 ~~[Except in anticipation of and to provide for the carrying away and the safe disposal of~~  
 4993 ~~natural storm and flood waters, no person may,]~~

4994 (1) Except as provided in Subsection (2), a person may not, without existing rights,  
 4995 divert so much water from [any] a natural stream, lake, pond, or natural lake or pond, the  
 4996 natural storage content of which has been increased by the construction of a dam, that the  
 4997 diversion unduly endangers protected aquatic wildlife.

4998 (2) A person may divert waters in a manner that would otherwise violate Subsection  
 4999 (1) in anticipation of and to provide for the carrying away and the safe disposal of natural storm  
 5000 and flood waters.

5001 Section 191. Section **23A-9-302**, which is renumbered from Section 23-15-6 is  
 5002 renumbered and amended to read:

5003 **[23-15-6]. 23A-9-302. Pollution of waters unlawful.**

5004 ~~[It is unlawful for any person to pollute any waters deemed necessary by]~~

5005 (1) A person may not pollute waters:

5006 (a) the Wildlife Board considers necessary for wildlife purposes [or any waters]; or

5007 (b) containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies  
 5008 (Ephemeroptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis flies  
 5009 (Trichoptera), spongilla flies (Neuroptera), and crustaceans. [Provided further that each]

5010 (2) Each day of pollution [shall constitute] constitutes a separate offense.

5011 Section 192. Section **23A-9-303**, which is renumbered from Section 23-15-7 is  
 5012 renumbered and amended to read:

5013 **[23-15-7]. 23A-9-303. Taking protected aquatic wildlife or eggs unlawful**  
 5014 **except as authorized.**

5015 ~~[It is unlawful for any person to take any]~~ A person may not take protected aquatic  
 5016 wildlife or eggs of [same in any of] aquatic wildlife in the waters of this state, except as  
 5017 provided by this [code] title or the rules [and regulations] of the Wildlife Board made in  
 5018 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5019 Section 193. Section **23A-9-304**, which is renumbered from Section 23-15-8 is  
5020 renumbered and amended to read:

5021 ~~[23-15-8].~~ **23A-9-304. Seining or selling aquatic wildlife unlawful except as**  
5022 **authorized.**

5023 ~~[It is unlawful for any person to]~~ Except as prescribed by this title or rules of the  
5024 Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative Procedures  
5025 Act, a person may not seine:

5026 (1) for any kind of protected aquatic wildlife in ~~[any of]~~ the waters of this state; or

5027 (2) to sell protected aquatic wildlife ~~[except as prescribed by this title or rules of the~~  
5028 ~~Wildlife Board]~~.

5029 Section 194. Section **23A-9-305**, which is renumbered from Section 23-15-9 is  
5030 renumbered and amended to read:

5031 ~~[23-15-9].~~ **23A-9-305. Possession or transportation of live aquatic wildlife**  
5032 **unlawful except as authorized -- Exceptions.**

5033 (1) ~~[It is unlawful for any person to]~~ A person may not possess or transport live  
5034 protected aquatic wildlife except as provided by this ~~[code]~~ title or the rules ~~[and regulations]~~  
5035 of the Wildlife Board made in accordance with Title 63G, Chapter 3, Utah Administrative  
5036 Rulemaking Act.

5037 (2) This section does not apply to tropical and goldfish species intended for exhibition  
5038 or commercial purposes. ~~[Operators]~~

5039 (3) An operator of a properly registered private fish pond may transport live aquatic  
5040 wildlife specified by the Wildlife Board in the operator's certificate of registration.

5041 Section 195. Section **23A-10-101**, which is renumbered from Section 23-27-102 is  
5042 renumbered and amended to read:

## 5043 **CHAPTER 10. AQUATIC INVASIVE SPECIES INTERDICTION**

### 5044 **Part 1. General Provisions**

5045 ~~[23-27-102].~~ **23A-10-101. Definitions.**

5046 As used in this chapter:

5047 ~~[(1) "Board" means the Wildlife Board.]~~

5048 ~~[(2)]~~ (1) (a) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle part that  
5049 may carry or contain a Dreissena mussel.

5050 (b) "Conveyance" includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal  
5051 watercraft, a container, a trailer, a live well, or a bilge area.

5052 [~~(3)~~] (2) "Decontaminate" means to:

5053 (a) drain and dry ~~[at]~~ non-treated water; and

5054 (b) chemically or thermally treat in accordance with rule.

5055 [~~(4)~~] "Director" means the director of the division.]

5056 [~~(5)~~] "Division" means the Division of Wildlife Resources.]

5057 [~~(6)~~] (3) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage,  
5058 including a zebra mussel, a quagga mussel, and Conrad's false mussel.

5059 [~~(7)~~] (4) "Equipment" means an article, tool, implement, or device capable of carrying  
5060 or containing:

5061 (a) water; or

5062 (b) a Dreissena mussel.

5063 [~~(8)~~] "Executive director" means the executive director of the Department of Natural  
5064 Resources.]

5065 [~~(9)~~] (5) "Facility" means a structure that is located within or adjacent to a water body.

5066 [~~(10)~~] (6) "Infested water" means a geographic region, water body, facility, or water  
5067 supply system within or outside the state that the ~~[board]~~ Wildlife Board identifies in rule as  
5068 carrying or containing a Dreissena mussel.

5069 [~~(11)~~] (7) "Vessel" means the same as that term is defined in Section [73-18-2](#).

5070 [~~(12)~~] (8) "Water body" means natural or impounded surface water, including a stream,  
5071 river, spring, lake, reservoir, pond, wetland, tank, and fountain.

5072 [~~(13)~~] (9) (a) "Water supply system" means a system that treats, conveys, or distributes  
5073 water for irrigation, industrial, waste water treatment, or culinary use.

5074 (b) "Water supply system" includes a pump, canal, ditch, or pipeline.

5075 (c) "Water supply system" does not include a water body.

5076 Section 196. Section **23A-10-201**, which is renumbered from Section 23-27-201 is  
5077 renumbered and amended to read:

5078 **Part 2. Invasive Species Prohibited**

5079 [~~23-27-201~~]. **23A-10-201. Invasive species prohibited -- Administrative**  
5080 **inspection authorized.**

5081 (1) Except as authorized in this title or a ~~[board]~~ Wildlife Board rule or order, a person  
5082 may not:

5083 (a) possess, import, export, ship, or transport a Dreissena mussel;

5084 (b) release, place, plant, or cause to be released, placed, or planted a Dreissena mussel  
5085 in a water body, facility, or water supply system; or

5086 (c) transport a conveyance or equipment that has been in an infested water within the  
5087 previous 30 days without decontaminating the conveyance or equipment.

5088 (2) ~~[A]~~ Except as provided in Subsection (3), a person who violates Subsection (1):

5089 (a) is strictly liable;

5090 (b) is guilty of an infraction; and

5091 (c) shall reimburse the state for ~~[aH]~~ the costs associated with detaining, quarantining,  
5092 and decontaminating the conveyance or equipment.

5093 (3) A person who knowingly or intentionally violates Subsection (1) is guilty of a class  
5094 A misdemeanor.

5095 (4) A person may not proceed past or travel through an inspection station or  
5096 administrative checkpoint, as described in Section ~~[23-27-301]~~ 23A-10-301, while transporting  
5097 a conveyance during an inspection station's or administrative checkpoint's hours of operations  
5098 without presenting the conveyance for inspection.

5099 (5) A person who violates Subsection (4) is guilty of a class B misdemeanor.

5100 Section 197. Section **23A-10-202**, which is renumbered from Section 23-27-202 is  
5101 renumbered and amended to read:

5102 ~~[23-27-202]~~. **23A-10-202. Reporting of invasive species required.**

5103 (1) A person who discovers a Dreissena mussel within this state or has reason to  
5104 believe a Dreissena mussel may exist at a specific location shall immediately report the  
5105 discovery to the division.

5106 (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

5107 Section 198. Section **23A-10-301**, which is renumbered from Section 23-27-301 is  
5108 renumbered and amended to read:

5109 **Part 3. Enforcement**

5110 ~~[23-27-301]~~. **23A-10-301. Division's power to prevent invasive species**  
5111 **infestation.**

- 5112 To eradicate and prevent the infestation of a Dreissena mussel, the division may:
- 5113 (1) (a) establish inspection stations located at or along:
- 5114 (i) highways, as defined in Section [72-1-102](#);
- 5115 (ii) ports of entry, if the Department of Transportation authorizes the division to use the
- 5116 port of entry; and
- 5117 (iii) publicly accessible:
- 5118 (A) boat ramps; and
- 5119 (B) conveyance launch sites; and
- 5120 (b) temporarily stop, detain, and inspect a conveyance or equipment that:
- 5121 (i) the division reasonably believes is in violation of Section [~~23-27-201~~] [23A-10-201](#);
- 5122 (ii) the division reasonably believes is in violation of Section [~~23-27-306~~] [23A-10-305](#);
- 5123 (iii) is stopped at an inspection station; or
- 5124 (iv) is stopped at an administrative checkpoint;
- 5125 (2) conduct an administrative checkpoint in accordance with Section [77-23-104](#);
- 5126 (3) detain and quarantine a conveyance or equipment as provided in Section
- 5127 [~~23-27-302~~] [23A-10-302](#);
- 5128 (4) order a person to decontaminate a conveyance or equipment; and
- 5129 (5) inspect the following that may contain a Dreissena mussel:
- 5130 (a) a water body;
- 5131 (b) a facility; and
- 5132 (c) a water supply system.

5133 Section 199. Section **23A-10-302**, which is renumbered from Section 23-27-302 is

5134 renumbered and amended to read:

5135 [~~23-27-302~~]. **23A-10-302. Conveyance or equipment detainment or**

5136 **quarantine.**

- 5137 (1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a
- 5138 conveyance or equipment if:
- 5139 (a) the division, agent, or peace officer:
- 5140 (i) finds the conveyance or equipment contains a Dreissena mussel; or
- 5141 (ii) reasonably believes that the person transporting the conveyance or equipment is in
- 5142 violation of Section [~~23-27-201~~] [23A-10-201](#); or

5143 (b) the person transporting the conveyance or equipment refuses to submit to an  
5144 inspection authorized by Section [~~23-27-301~~] 23A-10-301.

5145 (2) The detainment or quarantine authorized by Subsection (1) may continue for:

5146 (a) up to five days; or

5147 (b) the period of time necessary to:

5148 (i) decontaminate the conveyance or equipment; and

5149 (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

5150 Section 200. Section **23A-10-303**, which is renumbered from Section 23-27-303 is  
5151 renumbered and amended to read:

5152 ~~[23-27-303]~~. **23A-10-303. Closing a water body, facility, or water supply**  
5153 **system.**

5154 (1) Except as provided by Subsection (6), if the division detects or suspects a Dreissena  
5155 mussel is present in a water body, a facility, or a water supply system, the director or the  
5156 director's designee may, with the concurrence of the executive director, order:

5157 (a) the water body, facility, or water supply system closed to a conveyance or  
5158 equipment;

5159 (b) restricted access by a conveyance or equipment to a water body, facility, or water  
5160 supply system; or

5161 (c) a conveyance or equipment that is removed from or introduced to the water body,  
5162 facility, or water supply system to be inspected, quarantined, or decontaminated in a manner  
5163 and for a duration necessary to detect and prevent the infestation of a Dreissena mussel.

5164 (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division  
5165 shall:

5166 (a) provide a written update to the operator of the water body, facility, or water supply  
5167 system every 10 days on the division's effort to address the Dreissena infestation; and

5168 (b) post the update on the division's website.

5169 (3) (a) The [~~board~~] Wildlife Board shall develop procedures to ensure proper  
5170 notification of a state, federal, or local agency that is affected by a Dreissena mussel  
5171 infestation.

5172 (b) The notification shall include:

5173 (i) the reasons for the closure, quarantine, or restriction; and

5174 (ii) methods for providing updated information to the agency.

5175 (4) When deciding the scope, duration, level, and type of restriction or a quarantine or  
5176 closure location, the director shall consult with the person with the jurisdiction, control, or  
5177 management responsibility over the water body, facility, or water supply system to avoid or  
5178 minimize disruption of economic and recreational activity.

5179 (5) (a) A person that operates a water supply system shall cooperate with the division  
5180 to implement a measure to:

5181 (i) avoid infestation by a Dreissena mussel; and

5182 (ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply  
5183 system.

5184 (b) (i) If a Dreissena mussel is detected, the water supply system's operator, in  
5185 cooperation with the division, shall prepare and implement a plan to control or eradicate a  
5186 Dreissena mussel within the water supply system.

5187 (ii) A plan required by Subsection (5)(b)(i) shall include a:

5188 (A) method for determining the scope and extent of the infestation;

5189 (B) method to control or eradicate the Dreissena mussel;

5190 (C) method to decontaminate the water supply system containing the Dreissena mussel;

5191 (D) systematic monitoring program to determine a change in the infestation; and

5192 (E) requirement to update or revise the plan in conformity with a scientific advance in  
5193 the method of controlling or eradicating a Dreissena mussel.

5194 (6) (a) The division may not close or quarantine a water supply system if the operator  
5195 has prepared and implemented a plan to control or eradicate a Dreissena mussel in accordance  
5196 with Subsection (5).

5197 (b) (i) The division may require the operator to update a plan.

5198 (ii) If the operator fails to update or revise a plan, the division may close or quarantine  
5199 the water supply system in accordance with this section.

5200 Section 201. Section **23A-10-304**, which is renumbered from Section 23-27-304 is  
5201 renumbered and amended to read:

5202 ~~[23-27-304]~~. **23A-10-304. Aquatic invasive species fee.**

5203 (1) (a) Except as provided in Subsection (1)(b), there is imposed an annual nonresident  
5204 aquatic invasive species fee of \$20 on ~~[each vessel in order]~~ a vessel to launch or operate a



5205 vessel in waters of this state if:

5206 (i) the vessel is owned by a nonresident; and

5207 (ii) the vessel would otherwise be subject to registration requirements under Section  
5208 [73-18-7](#) if the vessel were owned by a resident of this state.

5209 (b) ~~[The provisions of]~~ Subsection (1)(a) ~~[do]~~ does not apply if the vessel is owned and  
5210 operated by a state or federal government agency and the vessel is used within the course and  
5211 scope of the duties of the agency.

5212 (c) The division shall administer and collect the fee described in Subsection (1)(a), and  
5213 the fee shall be deposited into the Aquatic Invasive Species Interdiction Account created in  
5214 Section ~~[23-27-305]~~ [23A-3-211](#).

5215 (2) Before launching a vessel on the waters of this state, a nonresident shall pay the  
5216 aquatic invasive species fee as described in Subsection (1), and the vessel owner shall  
5217 successfully complete an aquatic invasive species education course offered by the division.

5218 (3) (a) The division shall study options and ~~[feasability]~~ feasibility of implementing an  
5219 automated system capable of scanning, photographing, and providing real-time information  
5220 regarding a conveyance's or equipment's last:

5221 (i) ~~[last]~~ entry into a body of water; and

5222 (ii) ~~[last]~~ decontamination.

5223 (b) The study described in Subsection (3)(a) shall evaluate the system's capability of:

5224 (i) operation with or without the use or supervision of personnel;

5225 (ii) operation 24 hours per day;

5226 (iii) capturing a state assigned number on a vessel or conveyance as described in  
5227 Section [73-18-6](#);

5228 (iv) preserving photographic evidence of:

5229 (A) a conveyance's state assigned bow number;

5230 (B) a conveyance's or equipment's entry into a body of water, including the global  
5231 positioning system location of where the conveyance is photographed; and

5232 (C) decontamination of the conveyance or equipment;

5233 (v) identifying a conveyance or equipment not owned by a resident that is entering a  
5234 body of water in this state; and

5235 (vi) collecting the fee described in Subsection (1).

5236 ~~[(c) The division shall present a report of the study and findings described in~~  
5237 ~~Subsections (3)(a) and (b) to the Natural Resources, Agriculture, and Environment Interim~~  
5238 ~~Committee before November 30, 2020.]~~

5239 ~~[(d)]~~ (c) Based on the findings of the study described in this Subsection (3), the  
5240 division shall implement a pilot program to provide the services described in this Subsection  
5241 (3) on or before May 1, 2021.

5242 (4) The ~~[board]~~ Wildlife Board may increase fees assessed under Subsection (1), so  
5243 long as:

5244 (a) the fee for nonresidents described in Subsection (1) is no less than the resident fee  
5245 described in Section [73-18-26](#); and

5246 (b) the fee is confirmed in the legislative fee schedule.

5247 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5248 ~~[board]~~ Wildlife Board may make rules establishing procedures for:

5249 (a) proof of payment and other methods of verifying compliance with this section;

5250 (b) special requirements applicable on interstate water bodies in this state; and

5251 (c) other provisions necessary for the administration of the program.

5252 Section 202. Section **23A-10-305**, which is renumbered from Section 23-27-306 is  
5253 renumbered and amended to read:

5254 ~~[23-27-306].~~ **23A-10-305. Removal of drain plug or similar device during**  
5255 **transport.**

5256 (1) Before transporting a conveyance on a highway, as defined in Section [72-1-102](#), in  
5257 the state, a person shall:

5258 (a) remove the plugs and similar devices that prevent drainage of raw water systems on  
5259 the conveyance; and

5260 (b) to the extent feasible, drain ~~[a]]~~ the water from live wells, bilges, ballast tanks, or  
5261 similar compartments on the conveyance.

5262 (2) A person who fails to comply with Subsection (1) is guilty of a class C  
5263 misdemeanor.

5264 Section 203. Section **23A-10-401**, which is renumbered from Section 23-27-401 is  
5265 renumbered and amended to read:

5266 **Part 4. Administration**

5267 ~~[23-27-401]~~. **23A-10-401. Rulemaking authority.**

5268 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5269 ~~[board]~~ Wildlife Board may make rules that:

5270 (1) establish the procedures and requirements for decontaminating a conveyance or  
5271 equipment to prevent the introduction and infestation of a Dreissena mussel;

5272 (2) establish the requirements necessary to provide proof that a conveyance or  
5273 equipment is decontaminated;

5274 (3) establish the notification procedures required in Section ~~[23-27-303]~~ 23A-10-303;

5275 (4) identify the geographic area, water body, facility, or water supply system that is  
5276 infested by Dreissena mussels;

5277 (5) establish a procedure and protocol in cooperation with the Department of  
5278 Transportation for stopping, inspecting, detaining, and decontaminating a conveyance or  
5279 equipment at a port-of-entry in accordance with Section ~~[23-27-301]~~ 23A-10-301; and

5280 (6) are necessary to administer and enforce ~~[the provisions of]~~ this chapter.

5281 Section 204. Section **23A-10-501**, which is renumbered from Section 23-27-501 is  
5282 renumbered and amended to read:

**Part 5. Statewide Aquatic Invasive Species Emergency Response Plan**

5283 ~~[23-27-501]~~. **23A-10-501. Aquatic invasive species emergency response**  
5284 **plan.**

5286 (1) As used in this section:

5287 (a) "Committee" means the Natural Resources, Agriculture, and Environment Interim  
5288 Committee.

5289 (b) "Emergency response plan" means the statewide aquatic invasive species  
5290 emergency response plan developed by the division in accordance with this part.

5291 (2) The division shall develop a statewide aquatic invasive species emergency response  
5292 plan to address the potential spread of aquatic invasive species throughout the state.

5293 (3) In developing the emergency response plan, the division shall coordinate with  
5294 public and private entities that may be necessary or helpful to remediating the potential spread  
5295 of aquatic invasive species throughout the state.

5296 (4) The emergency response plan shall:

5297 (a) designate the division as the entity that ~~[will coordinate]~~ coordinates the

5298 implementation of the emergency response plan;

5299 (b) provide for annual review of the emergency response plan by the division;

5300 (c) provide that the emergency response plan may only be implemented if the division  
5301 detects aquatic invasive species, including Dreissena mussels, at a water body, facility, or water  
5302 supply system within the state; and

5303 (d) define what constitutes a detection of aquatic invasive species at a water body,  
5304 facility, or water supply system.

5305 ~~[(5) On or before August 1, 2021, the division shall submit to the committee the~~  
5306 ~~following:]~~

5307 ~~[(a) the emergency response plan;]~~

5308 ~~[(b) proposed legislation that may be necessary to effectuate the emergency response~~  
5309 ~~plan or to increase the effectiveness of the emergency response plan; and]~~

5310 ~~[(c) an analysis and estimate of the cost to implement the emergency response plan.]~~

5311 ~~[(6) After receiving the items described in Subsection (5), the committee may:]~~

5312 ~~[(a) recommend to the Legislature that the plan be implemented;]~~

5313 ~~[(b) return the plan to the division for further study and evaluation;]~~

5314 ~~[(c) draft legislation proposed or requested by the division; or]~~

5315 ~~[(d) take action to further the funding of the emergency response plan.]~~

5316 ~~[(7)]~~ (5) If an event requires the implementation of the emergency response plan, the  
5317 division shall report on that event and the implementation of the emergency response plan to  
5318 the committee.

5319 Section 205. Section **23A-11-101**, which is renumbered from Section 23-16-1.1 is  
5320 renumbered and amended to read:

## 5321 **CHAPTER 11. BIG GAME**

### 5322 **Part 1. General Provisions**

5323 ~~[23-16-1.1].~~ **23A-11-101. Definitions.**

5324 As used in this chapter:

5325 ~~[(1) "72 hours" means a time period that begins with the hour a request for action is~~  
5326 ~~made pursuant to Section ~~23-16-3~~ and ends 72 hours later with the exclusion of any hour that~~  
5327 ~~occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section~~  
5328 ~~63G-1-301.]~~

5329 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,  
5330 and bison.

5331 (2) "Cultivated crops" means:

5332 (a) annual or perennial crops harvested from or on cleared and planted land;

5333 (b) perennial orchard trees on cleared and planted land;

5334 (c) crop residues that have forage value for livestock; and

5335 (d) pastures.

5336 [~~(3) "Depredation mitigation plan" means the plan described in Subsection 23-16-3(2).]~~

5337 [~~(4) "Growing season" means the portion of a year in which local conditions permit~~  
5338 ~~normal plant growth.]~~

5339 [~~(5)~~ (3) "Management unit" means a prescribed area of contiguous land designated by  
5340 the division for the purpose of managing a species of big game animal.

5341 (4) "Predator" means a cougar, bear, or coyote.

5342 [~~(6) "Mitigation review panel" means the panel created under Section 23-16-3.2.]~~

5343 Section 206. Section **23A-11-201**, which is renumbered from Section 23-16-5 is  
5344 renumbered and amended to read:

#### Part 2. Limits on Hunting

5346 [~~23-16-5~~]. **23A-11-201. Limit of one of species of big game during license year**  
5347 **-- Invalid and forfeited permit or tag.**

5348 (1) A person may take only one of [~~any~~] a species of big game during a license year,  
5349 regardless of how many licenses or permits the person obtains, except as otherwise provided by  
5350 this title or [~~proclamations~~] a proclamation of the Wildlife Board.

5351 (2) (a) If a person kills a big game animal in violation of this title, while attempting to  
5352 exercise the benefits of a big game permit or big game tag, the big game permit or big game tag  
5353 is invalid and the person shall forfeit the big game permit or big game tag to the division.

5354 (b) This Subsection (2) does not apply if:

5355 (i) a citation is issued for a rule violation described in Subsection (2)(a); or

5356 (ii) a warning citation for a violation described in Subsection (2)(a) is issued.

5357 (3) The division may grant a season extension to a valid, unfilled big game permit  
5358 opportunity that was invalidated and forfeited under Subsection (2) if:

5359 (a) the criminal charges associated with the big game permit forfeiture are dismissed,

5360 with prejudice, by action of the prosecutor or court, or acquittal of the charges at trial;

5361 (b) the person issued the big game permit that is forfeited requests the division in  
5362 writing within 60 days of a final action dismissing or acquitting that person of the criminal  
5363 charges that led to the big game permit forfeiture;

5364 (c) the season extension is granted for the same species and sex, hunt unit, and season  
5365 dates associated with the forfeited big game permit, as established by the Wildlife Board in the  
5366 hunt year of the extension; and

5367 (d) the extension occurs in the first season immediately following dismissal of or  
5368 acquittal on the criminal charges described in Subsection (3)(a).

5369 Section 207. Section **23A-11-202**, which is renumbered from Section 23-16-6 is  
5370 renumbered and amended to read:

5371 ~~[23-16-6].~~ **23A-11-202.** **Commencement date of general rifle deer season.**

5372 The general rifle deer season may not commence each year before October 1.

5373 Section 208. Section **23A-11-203**, which is renumbered from Section 23-16-11 is  
5374 renumbered and amended to read:

5375 ~~[23-16-11].~~ **23A-11-203.** **Big game baiting prohibited.**

5376 (1) As used in this section:

5377 (a) (i) "Bait" means intentionally placing food or nutrient substances to manipulate the  
5378 behavior of wildlife for the purpose of taking or attempting to take big game.

5379 (ii) "Bait" does not include:

5380 (A) the use of salt, mineral blocks, or other commonly used types of livestock  
5381 supplements placed in the field by agricultural producers for normal agricultural purposes; or

5382 (B) standing crops, natural vegetation, harvested croplands, or lands or areas where  
5383 seeds or grains have been scattered solely as the result of a normal agricultural planting,  
5384 harvesting, post-harvest manipulation, or normal soil stabilization practice.

5385 (b) "Baited area" means [aH] land within a 50-yard radius of the site where bait is  
5386 placed, including the site where bait is placed.

5387 (2) Unless authorized by a certificate of registration, ~~[it is unlawful to]~~ a person may  
5388 not:

5389 (a) bait big game;

5390 (b) take big game in a baited area; or

5391 (c) take big game that has been lured to or is traveling from a baited area.  
5392 (3) The division may only issue a certificate of registration to allow for the baiting of  
5393 big game if the division determines that baiting is necessary to:

5394 (a) alleviate substantial big game depredation on cultivated crops [~~or to~~]; or  
5395 (b) facilitate the removal of deer causing property damage within cities or towns.

5396 Section 209. Section **23A-11-204**, which is renumbered from Section 23-20-33 is  
5397 renumbered and amended to read:

5398 **[~~23-20-33~~]. 23A-11-204. Limitation on compensating people to locate big game**  
5399 **animals.**

5400 (1) As used in this section:

5401 (a) "Compensate" or "compensated" means anything of value in excess of \$25 that is  
5402 paid, loaned, given, granted, donated, or transferred to a person for or in consideration of  
5403 locating or monitoring the location of big game animals.

5404 (b) "Retain" or "retained" means a written or oral agreement for the delivery of  
5405 outfitting services or hunting guide services between an outfitter or hunting guide and the  
5406 recipient of those services.

5407 (2) Except as provided in Subsections (3) and (4), a person may not compensate  
5408 another person to locate or monitor the location of big game animals on public land in  
5409 connection with or furtherance of taking a big game animal under this title.

5410 (3) A person may compensate a registered outfitter or hunting guide [~~as defined in~~  
5411 ~~Section 58-79-102,~~] to help the person locate and take a big game animal on public land if:

5412 (a) the outfitter or hunting guide is registered and in good standing under Title 58,  
5413 Chapter 79, Hunting Guides and Outfitters Registration Act;

5414 (b) the person has retained the outfitter or hunting guide and is the recipient of the  
5415 outfitting services and hunting guide services, as defined in Section [58-79-102](#);

5416 (c) the person possesses the licenses and permits required to take a big game animal;

5417 (d) the person retains and uses not more than one outfitter or hunting guide in  
5418 connection with taking a big game animal; and

5419 (e) the retained outfitter or hunting guide uses no more than one compensated  
5420 individual in locating or monitoring the location of big game animals on public land.

5421 (4) A registered outfitter or registered hunting guide in good standing may compensate

5422 another person to locate or monitor the location of big game animals on public land if:

5423 (a) the outfitter or hunting guide has been retained by the recipient of the outfitting  
5424 services or hunting guide services to assist the recipient take a big game animal on public land;

5425 (b) the recipient possesses the licenses and permits required to take a big game animal;

5426 (c) the recipient is not simultaneously using another outfitter or hunting guide to assist  
5427 in taking the same species and sex of big game animal; and

5428 (d) the outfitter or hunting guide compensates not more than one other individual to  
5429 locate or monitor the location of big game animals in connection with assisting the recipient  
5430 take a big game animal on public land.

5431 (5) A violation of:

5432 (a) this section constitutes an unlawful take under Section [~~23-20-3~~] [23A-5-309](#); and

5433 (b) Subsection (4) constitutes unlawful conduct under Sections [58-1-501](#), [58-1-502](#),  
5434 and [58-79-501](#).

5435 Section 210. Section **23A-11-205**, which is renumbered from Section 23-20-31 is  
5436 renumbered and amended to read:

5437 ~~[23-20-31]~~. **23A-11-205. Requirement to wear hunter orange -- Exceptions.**

5438 (1) As used in this section:

5439 (a) (i) "Centerfire rifle hunt" means a hunt for which a hunter may use a centerfire rifle,  
5440 except as provided in Subsection (1)(a)(ii).

5441 (ii) "Centerfire rifle hunt" does not include:

5442 (A) a bighorn sheep hunt;

5443 (B) a mountain goat hunt;

5444 (C) a bison hunt;

5445 (D) a moose hunt;

5446 (E) a hunt requiring the hunter to possess a statewide conservation permit; or

5447 (F) a hunt requiring the hunter to possess a statewide sportsman permit.

5448 (b) "Statewide conservation permit" means a permit:

5449 (i) issued by the division;

5450 (ii) distributed through a nonprofit organization founded for the purpose of promoting  
5451 wildlife conservation; and

5452 (iii) valid:



- 5453 (A) on open hunting units statewide; and
- 5454 (B) for the species of big game and time period designated by the Wildlife Board.
- 5455 (c) "Statewide sportsman permit" means a permit:
- 5456 (i) issued by the division through a public draw; and
- 5457 (ii) valid:
- 5458 (A) on open hunting units statewide; and
- 5459 (B) for the species of big game and time period designated by the Wildlife Board.
- 5460 (2) (a) A person shall wear a minimum of 400 square inches of hunter orange material
- 5461 while hunting [~~any~~] a species of big game, except as provided in Subsection (3).
- 5462 (b) [~~Hunter~~] A person shall wear hunter orange material [~~shall be worn~~] on the head,
- 5463 chest, and back.
- 5464 (3) A person is not required to wear the hunter orange material described in Subsection
- 5465 (2):
- 5466 (a) during the following types of hunts, unless a centerfire rifle hunt is in progress in
- 5467 the same area:
- 5468 (i) archery;
- 5469 (ii) muzzle-loader;
- 5470 (iii) mountain goat;
- 5471 (iv) bighorn sheep;
- 5472 (v) bison; or
- 5473 (vi) moose; or
- 5474 (b) as provided by a rule of the Wildlife Board made in accordance with Title 63G,
- 5475 Chapter 3, Utah Administrative Rulemaking Act.
- 5476 Section 211. Section **23A-11-301**, which is renumbered from Section 23-16-7 is
- 5477 renumbered and amended to read:
- 5478 **Part 3. Management**
- 5479 [~~23-16-7~~]. **23A-11-301. Deer and elk management plans -- Division to confer**
- 5480 **with others -- Target herd size objectives -- Reports.**
- 5481 (1) The [~~Division of Wildlife Resources~~] division shall:
- 5482 (a) prepare a management plan for each deer and elk herd unit in the state; and
- 5483 (b) submit the plans to the Wildlife Board for [~~their~~] the Wildlife Board's approval.

5484 (2) Upon approval of a plan by the Wildlife Board, the division shall manage the herd  
5485 unit [~~shall be managed~~] in accordance with the management plan.

5486 (3) In preparing [~~the plans~~] a management plan, the division shall confer with federal  
5487 and state land managers, private landowners, sportsmen, and ranchers.

5488 (4) (a) [~~Each~~] A management plan shall establish target herd size objectives.

5489 (b) In establishing target herd size objectives, the division and [~~board~~] Wildlife Board  
5490 shall among other factors:

5491 (i) consider available information on each unit's range carrying capacity and  
5492 ownership; and

5493 (ii) seek to balance relevant multiple uses for the range.

5494 (5) Until a management plan for a herd unit is prepared in accordance with this section  
5495 and approved by the [~~board~~] Wildlife Board, the division shall manage the herd unit [~~shall be~~  
5496 ~~managed~~] to maintain the herd size as range conditions and available data dictate.

5497 [~~(6) (a) Management plans shall be prepared by the division and approved by the board~~  
5498 ~~by the following dates:]~~

5499 [~~(i) May 1, 1994 for elk; and]~~

5500 [~~(ii) May 1, 1996 for deer.]~~

5501 [~~(b) The division shall make:]~~

5502 [~~(i) an annual progress report on the management plans to the Energy, Natural~~  
5503 ~~Resources and Agriculture Interim Committee until the plans are completed; and]~~

5504 [~~(ii) a final report to the committee:]~~

5505 [~~(A) at the committee's May 1994 meeting for elk; and]~~

5506 [~~(B) at the committee's May 1996 meeting for deer.]~~

5507 [~~(7) The management plans may be revised as the division or board determines~~  
5508 ~~necessary. Any]~~

5509 (6) The division or Wildlife Board may revise a management plan as the division or  
5510 Wildlife Board determines necessary. A revised plan shall be prepared in accordance with  
5511 Subsections (3) and (4).

5512 Section 212. Section **23A-11-302**, which is renumbered from Section 23-16-10 is  
5513 renumbered and amended to read:

5514 [~~23-16-10~~]. **23A-11-302. Big game protection -- Director authority.**

5515 (1) It is the policy of the state that big game animals are of great importance to the  
5516 citizens of the state, the citizen's quality of life, and the long term sustainability of the herds for  
5517 future generations.

5518 [~~(2) As used in this section:~~]

5519 [~~(a) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn,  
5520 and bison.~~]

5521 [~~(b) "Director" means the director of the Division of Wildlife Resources.~~]

5522 [~~(c) "Management unit" means a prescribed area of contiguous land designated by the  
5523 Division of Wildlife Resources for the purpose of managing a species of big game animal.~~]

5524 [~~(d) "Predator" means a cougar, bear, and coyote.~~]

5525 [(3)] (2) (a) Unless the condition described in Subsection [(3)] (2)(b) is determined, the  
5526 director shall take immediate action to reduce the number of predators within a management  
5527 unit when the big game population is under the established herd size objective for that  
5528 management unit.

5529 (b) Subsection [(3)] (2)(a) does not apply if the [~~Division of Wildlife Resources~~]  
5530 division determines that predators are not significantly contributing to the big game population  
5531 being under the herd size objective for the management unit.

5532 [(4)] (3) Immediate action under Subsection [(3)] (2) includes any of the following  
5533 management tools:

5534 (a) increasing take permits or tags for cougar and bear until the herd size objective is  
5535 met;

5536 (b) allowing big game hunters to harvest predators with the appropriate permit during a  
5537 big game hunting season, including issuing over-the-counter predator permits;

5538 (c) professional trapping and predator control by the United States Department of  
5539 Agriculture Wildlife Services, private contracts, and the general public, including aerial control  
5540 measures; and

5541 (d) other management tools as determined by the director.

5542 [(5)] (4) The director shall annually give a status report on predator control measures  
5543 implemented pursuant to this chapter and Chapter 8, Part 4, Damage by Big Game, to the  
5544 Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and  
5545 Natural Resources, Agriculture, and Environment Interim Committee.

5546 Section 213. Section **23A-11-401**, which is renumbered from Section 23-30-102 is  
5547 renumbered and amended to read:

5548 **Part 4. Mule Deer Protection**

5549 ~~[23-30-102]~~. **23A-11-401. Definitions.**

5550 As used in this [chapter] part:

5551 (1) "General predator control" means a predatory animal removal effort by the division  
5552 to reduce predatory animal numbers for the benefit of mule deer.

5553 (2) [~~"Predatory"~~] Notwithstanding Section 23A-8-101, "predatory animal" means a  
5554 coyote.

5555 (3) "Targeted predator control" means a predatory animal removal effort by the  
5556 division:

5557 (a) to reduce predatory animal numbers in an area where mule deer predation occurs;  
5558 and

5559 (b) that focuses on specific locations and certain times.

5560 Section 214. Section **23A-11-402**, which is renumbered from Section 23-30-104 is  
5561 renumbered and amended to read:

5562 ~~[23-30-104]~~. **23A-11-402. Rulemaking authority, coordination, and**  
5563 **administration for predator control.**

5564 (1) The [division] Wildlife Board may make rules, in accordance with Title 63G,  
5565 Chapter 3, Utah Administrative Rulemaking Act, to establish programs to accomplish targeted  
5566 predator control or general predator control, including programs that offer incentives or  
5567 compensation to participants who remove a predatory animal that is detrimental to mule deer  
5568 production.

5569 (2) The division shall:

5570 (a) administer a program established under Subsection (1);

5571 (b) coordinate with federal, state, and local governments, and private persons to  
5572 accomplish the purposes of this [chapter] part; and

5573 (c) coordinate with the Department of Agriculture and Food and the Agriculture and  
5574 Wildlife Damage Prevention Board created in Section ~~4-23-104~~ to:

5575 (i) minimize unnecessary duplication of predator control efforts; and

5576 (ii) prevent interference between predator control programs administered under Title 4,

5577 Chapter 23, Agricultural and Wildlife Damage Prevention Act, and this ~~[chapter]~~ part.

5578 (3) The division may:

5579 (a) contract with a vendor that offers targeted predator control services; and

5580 (b) prepare and distribute educational and training materials related to mule deer  
5581 protection.

5582 Section 215. Section **23A-12-101** is enacted to read:

5583 **CHAPTER 12. BIRDS IN GENERAL**

5584 **Part 1. General Provisions**

5585 **23A-12-101. Definitions.**

5586 Reserved.

5587 Section 216. Section **23A-12-201**, which is renumbered from Section 23-17-5.2 is  
5588 renumbered and amended to read:

5589 **Part 2. Hunting of Birds**

5590 ~~[23-17-5.2].~~ **23A-12-201. General season turkey hunts.**

5591 The Wildlife Board may establish two general season turkey hunts per year.

5592 Section 217. Section **23A-12-202**, which is renumbered from Section 23-17-6 is  
5593 renumbered and amended to read:

5594 ~~[23-17-6].~~ **23A-12-202. Commercial hunting area -- Registration --**  
5595 **Requirements for hunters.**

5596 (1) (a) A person desiring to operate a commercial hunting area within the state to  
5597 permit the releasing and shooting of pen-raised birds may apply to the Wildlife Board for  
5598 authorization to do so.

5599 (b) The Wildlife Board may issue the applicant a certificate of registration to operate a  
5600 commercial hunting area in accordance with rules prescribed by the ~~[board]~~ Wildlife Board in  
5601 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5602 (c) The Wildlife Board may determine the number of commercial hunting areas that  
5603 may be established in each county of the state.

5604 (2) (a) A certificate of registration issued under Subsection (1) shall specify the species  
5605 of birds that the applicant may propagate, keep, and release for shooting on the area covered by  
5606 the certificate of registration.

5607 (b) The applicant may charge a fee for harvesting the birds specified under Subsection

5608 (2)(a).

5609 (3) (a) A person hunting within the state on a commercial hunting area shall:

5610 (i) (A) possess proof of passing a division-approved hunter education course, if the  
5611 person was born after December 31, 1965; or

5612 (B) possess a trial hunting authorization issued under Section [~~23-19-14.6~~] 23A-4-701;

5613 (ii) comply with the accompaniment requirements of Sections [~~23-19-14.6 and~~  
5614 ~~23-20-20~~] 23A-4-701 and 23A-4-708, if applicable; and

5615 (iii) have the permission of the owner or operator of the commercial hunting area.

5616 (b) The operator of a commercial hunting area shall verify that each hunter on the  
5617 commercial hunting area meets the requirements of Subsection (3)(a)(i).

5618 (4) Hunting on commercial hunting areas is permitted only during the commercial  
5619 hunting area season prescribed by the Wildlife Board.

5620 Section 218. Section **23A-12-203**, which is renumbered from Section 23-17-7 is  
5621 renumbered and amended to read:

5622 [~~23-17-7~~]. **23A-12-203. Falconry authorized.**

5623 The Wildlife Board may authorize the practice of falconry within the state [~~of Utah~~] and  
5624 the capturing and keeping in possession of birds to be used in the practice of falconry under  
5625 rules [~~and regulations specified by it~~] made by the Wildlife Board in accordance with Title  
5626 63G, Chapter 3, Utah Administrative Rulemaking Act.

5627 Section 219. Section **23A-12-204**, which is renumbered from Section 23-17-8 is  
5628 renumbered and amended to read:

5629 [~~23-17-8~~]. **23A-12-204. Dog field meets.**

5630 (1) [~~It is lawful within the state to hold dog field meets or trials~~] Subject to Subsection  
5631 (2), a person may hold within the state a dog field meet or trial where dogs are permitted to  
5632 work in exhibition or contest where the skill of dogs is demonstrated by locating or retrieving  
5633 birds [~~which~~] that have been obtained from a legal source.

5634 (2) Before [~~any~~] a meet or trial is held, [~~application shall be made~~] a person shall apply  
5635 in writing to the [~~Division of Wildlife Resources~~] division, which may authorize the meet or  
5636 trial under rules [~~and regulations promulgated~~] made by the Wildlife Board in accordance with  
5637 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

5638 Section 220. Section **23A-12-205**, which is renumbered from Section 23-17-9 is

5639 renumbered and amended to read:

5640 ~~[23-17-9]~~. **23A-12-205. Training of dogs -- Use of protected or privately owned**  
5641 **wildlife.**

5642 The Wildlife Board may authorize the use of protected wildlife or privately owned  
5643 wildlife for the training of dogs within the state [of Utah] under rules [and regulations it may  
5644 promulgate] made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah  
5645 Administrative Rulemaking Act.

5646 Section 221. Section **23A-12-301**, which is renumbered from Section 23-32-102 is  
5647 renumbered and amended to read:

5648 **Part 3. Waterfowl Management Areas Act**

5649 ~~[23-32-102]~~. **23A-12-301. Definitions.**

5650 (1) The definitions in Section ~~58-79-102~~ apply to this [chapter] part.

5651 (2) (a) As used in this [chapter] part, "waterfowl management area" means real  
5652 property owned or managed by the [~~Division of Wildlife Resources~~] division that is:

5653 (i) primarily used for the conservation, production, or recreational harvest of ducks,  
5654 mergansers, geese, brant, swans, and other waterfowl; and

5655 (ii) designated as a waterfowl management area by the Wildlife Board in accordance  
5656 with Section [~~23-32-104~~] 23A-12-303.

5657 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management  
5658 Area and the Harold Crane Waterfowl Management Area described in Section [~~23-21-5~~]

5659 23A-6-403.

5660 Section 222. Section **23A-12-302**, which is renumbered from Section 23-32-103 is  
5661 renumbered and amended to read:

5662 ~~[23-32-103]~~. **23A-12-302. Prohibited activities.**

5663 (1) A commercial hunting guide or outfitter may not use a waterfowl management area  
5664 for any of the following, unless the commercial hunting guide or outfitter has an annual permit,  
5665 issued by the Wildlife Board pursuant to this [chapter] part, for the use:

5666 (a) hunting guide services or outfitter services; or

5667 (b) transportation of an individual to another area for the purpose of providing hunting  
5668 guide services or outfitter services.

5669 (2) An individual may not construct a permanent blind or other permanent structure

5670 that is used for hunting within the boundaries of a waterfowl management area.

5671 Section 223. Section **23A-12-303**, which is renumbered from Section 23-32-104 is  
5672 renumbered and amended to read:

5673 ~~[23-32-104]~~. **23A-12-303. Rulemaking -- Notice.**

5674 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5675 Wildlife Board shall make rules:

- 5676 (a) designating and establishing the boundaries of a waterfowl management area;
- 5677 (b) governing the management and use of a waterfowl management area in accordance  
5678 with ~~[the provisions of this chapter]~~ this part; and

5679 (c) to create an annual permit process by which commercial hunting guides and  
5680 outfitters may use waterfowl management areas in accordance with ~~[the provisions of this  
5681 chapter]~~ this part.

5682 (2) The annual permit process described in Subsection (1)(c) shall:

- 5683 (a) preserve the opportunity for non-guided hunters to use waterfowl management  
5684 areas; and

5685 (b) require a permit holder to comply with safety standards established by the Wildlife  
5686 Board.

5687 (3) The division shall provide an annual report to the Natural Resources, Agriculture,  
5688 and Environment Interim Committee regarding any rules made or changed in accordance with  
5689 this ~~[chapter]~~ part.

5690 (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl  
5691 management area.

5692 (5) Nothing in this ~~[chapter]~~ part modifies or limits:

- 5693 (a) ~~[the provisions of Section 23-21-5]~~ Section 23A-6-403, or the discretion of the  
5694 division to manage waterfowl management areas for other beneficial purposes, including for  
5695 the benefit of the public, shorebirds, waterfowl, and other protected wildlife; or

5696 (b) the authority of the division, the director ~~[of the division]~~, or the Wildlife Board  
5697 under ~~[Title 23, Chapter 21]~~ Chapter 6, Lands and Waters for Wildlife Purposes.

5698 Section 224. Section **23A-13-101**, which is renumbered from Section 23-28-102 is  
5699 renumbered and amended to read:

5700 **CHAPTER 13. MIGRATORY BIRD PRODUCTION AREA**



5701 **Part 1. General Provisions**5702 ~~[23-28-102].~~ **23A-13-101. Definitions.**

5703 As used in this chapter:

5704 (1) "Migratory bird" ~~[is as]~~ means the same as that term is defined in 16 U.S.C. Sec.

5705 715j.

5706 (2) "Migratory bird production area" means an area of land that is:

5707 (a) created under this chapter; and

5708 (b) used according to the description in Subsections ~~[23-28-201]~~5709 23A-13-201(1)(b)(iii)(A) ~~[through]~~ and (B).5710 Section 225. Section **23A-13-201**, which is renumbered from Section 23-28-201 is

5711 renumbered and amended to read:

5712 **Part 2. Migratory Bird Production Area**5713 ~~[23-28-201].~~ **23A-13-201. Creation of a migratory bird production area.**

5714 (1) (a) On or before July 1, 2022, an owner or owners of at least 500 contiguous acres

5715 of land in an unincorporated area may dedicate the land as a migratory bird production area by

5716 filing a notice of dedication with the county recorder of the county in which the land is located.

5717 (b) The notice of dedication shall contain:

5718 (i) the legal description of the land included within the migratory bird production area;

5719 (ii) the name of the owner or owners of the land included within the migratory bird

5720 production area; and

5721 (iii) an affidavit signed by each landowner that all of the land, except as provided by

5722 Subsection (2), within the migratory bird production area is:

5723 (A) actively managed for migratory bird:

5724 (I) production;

5725 (II) habitat; or

5726 (III) hunting; and

5727 (B) used for a purpose compatible with the purposes described in Subsection

5728 (1)(b)(iii)(A).

5729 (c) A person who files a notice of dedication under this section shall give a copy of the

5730 notice of dedication within 10 days of its filing to the legislative body of the county in which

5731 the migratory bird production area is located.

5732 (2) (a) The notice of dedication may designate land, the amount of which is less than  
5733 1% of the total acreage within a migratory bird production area, upon which the landowner  
5734 may build a structure described in Subsection [~~23-28-302~~] 23A-13-302(1)(c).

5735 (b) (i) An owner may build or maintain a road, dike, or water control structure within  
5736 the migratory bird production area.

5737 (ii) A road, dike, or water control structure is not considered a structure for purposes of  
5738 Subsection (2)(a).

5739 (3) (a) Within 30 days of the day on which the county legislative body receives a copy  
5740 of the notice of dedication under Subsection (1)(c), the county legislative body may bring an  
5741 action in district court to cancel or revise a migratory bird production area on the basis that an  
5742 affidavit filed as part of the notice of dedication under Subsection (1)(b)(iii) is inaccurate.

5743 (b) In bringing the action, the county legislative body shall specify the portion of the  
5744 migratory bird production area and the affidavit subject to the action.

5745 (c) In an action brought under this Subsection (3), the person who files an affidavit  
5746 described in Subsection (3)(a) has the burden to prove by a preponderance of the evidence that  
5747 the affidavit is accurate.

5748 (d) If the court cancels or revises a migratory bird production area, the person who filed  
5749 the original notice of dedication shall file a revision notice with the county recorder reflecting  
5750 the court's order.

5751 (4) In accordance with Section [~~23-28-202~~] 23A-13-202, a person may at any time add  
5752 land to a migratory bird production area created under this section.

5753 Section 226. Section **23A-13-202**, which is renumbered from Section 23-28-202 is  
5754 renumbered and amended to read:

5755 [~~23-28-202~~]. **23A-13-202. Adding to or removing land from a migratory**  
5756 **bird production area.**

5757 (1) Subject to the other provisions of this section, a landowner may file a revision  
5758 notice with the county recorder of the county in which the migratory bird production area is  
5759 located to add land to or remove land from a migratory bird production area.

5760 (2) The revision notice shall contain:

5761 (a) a legal description of the land added to or removed from the migratory bird  
5762 production area; and

5763 (b) the name of the owner or owners of the land added to or removed from the  
5764 migratory bird production area.

5765 (3) A person who files a revision notice under this section shall give a copy of the  
5766 revision notice within 10 days of its filing to the legislative body of the county in which the  
5767 migratory bird production area is located.

5768 (4) If removing land from a migratory bird production area results in a migratory bird  
5769 production area of less than 300 contiguous acres:

5770 (a) the migratory bird production area ceases to exist; and

5771 (b) the landowner shall:

5772 (i) notify each landowner within the former migratory bird production area; and

5773 (ii) file the revision notice required by this section for the entire migratory bird  
5774 production area.

5775 (5) A landowner may add land to a migratory bird production area only if:

5776 (a) the land to be added is contiguous to the migratory bird production area; and

5777 (b) all the landowners of the contiguous land to be added to the migratory bird  
5778 production area consent to the contiguous land being added to the migratory bird production  
5779 area.

5780 (6) A landowner of a migratory bird production area may include an easement in the  
5781 migratory bird production area if:

5782 (a) the landowner owns the easement;

5783 (b) the easement is on land that is contiguous to the migratory bird production area;  
5784 and

5785 (c) the owner of the land where the easement is located consents to the easement being  
5786 included in the migratory bird production area.

5787 Section 227. Section **23A-13-301**, which is renumbered from Section 23-28-301 is  
5788 renumbered and amended to read:

5789 **Part 3. Protections**

5790 ~~[23-28-301]~~. **23A-13-301. Farmland Assessment Act.**

5791 (1) Creation of a migratory bird production area does not impair the ability of land  
5792 within the migratory bird production area to qualify for the benefits of Title 59, Chapter 2, Part  
5793 5, Farmland Assessment Act.

5794 (2) The eligibility of land for the benefits of Title 59, Chapter 2, Part 5, Farmland  
5795 Assessment Act, is determined exclusively by [~~the provisions of~~] that act, notwithstanding the  
5796 land's location within a migratory bird production area.

5797 Section 228. Section **23A-13-302**, which is renumbered from Section 23-28-302 is  
5798 renumbered and amended to read:

5799 ~~[23-28-302]~~. **23A-13-302. Limitations on local regulations.**

5800 (1) (a) A county within which a migratory bird production area is located shall  
5801 encourage the continuity, development, and viability of the migratory bird production area.

5802 (b) Except as otherwise specifically provided in this chapter, the purposes, uses, and  
5803 activities of a migratory bird production area described in this chapter are afforded the highest  
5804 priority of use status.

5805 (c) A structure, improvement, or activity historically or customarily used in  
5806 conjunction with a migratory bird production area is considered a permitted use under the  
5807 county's zoning law, ordinance, or regulation.

5808 (2) A county within which a migratory bird production area is located may not:

5809 (a) enact a law, ordinance, or regulation that unreasonably restricts an activity normally  
5810 associated with the migratory bird production area;

5811 (b) change the zoning designation of, or a zoning regulation applying to land within a  
5812 migratory bird production area unless the county receives written approval for the change from  
5813 all the landowners within the migratory bird production area; or

5814 (c) enact a law, ordinance, or regulation concerning the use, operation, or discharge of  
5815 a firearm on a migratory bird production area.

5816 (3) For purposes of Subsection (2)(a), a law, ordinance, or regulation is unreasonable if  
5817 it restricts or impairs the purposes, uses, and activities historically or customarily associated  
5818 with a migratory bird production area.

5819 Section 229. Section **23A-13-303**, which is renumbered from Section 23-28-303 is  
5820 renumbered and amended to read:

5821 ~~[23-28-303]~~. **23A-13-303. Nuisances.**

5822 (1) (a) A county shall exclude the activities described in Subsection (1)(b) from the  
5823 definition of public nuisance in a county law or ordinance regulating a public nuisance.

5824 (b) An activity or occurrence normally associated with a migratory bird production area

5825 is not a nuisance, including:

5826 (i) hunting;

5827 (ii) discharging a firearm;

5828 (iii) improving habitat;

5829 (iv) trapping;

5830 (v) eradicating weeds;

5831 (vi) discing;

5832 (vii) planting;

5833 (viii) impounding water;

5834 (ix) raising a bird or other domestic animal;

5835 (x) grazing;

5836 (xi) an activity conducted in the normal course of an agricultural operation as defined

5837 in Section 4-44-102; and

5838 (xii) an odor.

5839 (2) In a civil action for nuisance or a criminal action for public nuisance under Section

5840 76-10-803, it is a complete defense if the action is:

5841 (a) normally associated with a migratory bird production area;

5842 (b) conducted within a migratory bird production area; and

5843 (c) not in violation of [any] federal or state law.

5844 (3) An owner of a new development located in whole or in part within 1,000 feet of a

5845 migratory bird production area shall provide the following notice on [any] a plat filed with the

5846 county recorder:

5847 "Migratory Bird Production Area

5848 This property is located in the vicinity of an established migratory bird production area

5849 in which hunting and activities related to the management and operation of land for the benefit

5850 of migratory birds have been afforded the highest priority use status. It can be anticipated that

5851 these uses and activities may now or in the future be conducted on land within the migratory

5852 bird production area. The use and enjoyment of this property is expressly conditioned on

5853 acceptance of any annoyance or inconvenience that may result from activities normally

5854 associated with a migratory bird production area."

5855 Section 230. Section 23A-13-304, which is renumbered from Section 23-28-304 is

5856 renumbered and amended to read:

5857 ~~[23-28-304].~~ **23A-13-304. Annexation restrictions.**

5858 A municipality may annex real property within a migratory bird production area as  
5859 provided by Title 10, Chapter 2, Part 4, Annexation.

5860 Section 231. Section **23A-13-305**, which is renumbered from Section 23-28-305 is  
5861 renumbered and amended to read:

5862 ~~[23-28-305].~~ **23A-13-305. Application of Water Quality Act.**

5863 A migratory bird production area is subject to Title 19, Chapter 5, Water Quality Act.

5864 Section 232. Section **23A-14-101** is enacted to read:

**CHAPTER 14. FURBEARERS**

**Part 1. General Provisions**

5867 **23A-14-101. Definitions.**

5868 Reserved.

5869 Section 233. Section **23A-14-201**, which is renumbered from Section 23-18-2 is  
5870 renumbered and amended to read:

**Part 2. Taking of Furbearers**

5872 ~~[23-18-2].~~ **23A-14-201. Taking of furbearers.**

5873 ~~[Any]~~ A person holding a furbearer license may take ~~[furbearers]~~ a furbearer in  
5874 accordance with the rules ~~[promulgated]~~ made by the Wildlife Board in accordance with Title  
5875 63G, Chapter 3, Utah Administrative Rulemaking Act.

5876 Section 234. Section **23A-14-202**, which is renumbered from Section 23-18-3 is  
5877 renumbered and amended to read:

5878 ~~[23-18-3].~~ **23A-14-202. Trapping on lands controlled by division governed by**  
5879 **Wildlife Board.**

5880 ~~[All trapping]~~ The Wildlife Board shall govern trapping on lands controlled by the  
5881 ~~[Division of Wildlife Resources shall be governed by the Wildlife Board]~~ division.

5882 Section 235. Section **23A-14-203**, which is renumbered from Section 23-18-6 is  
5883 renumbered and amended to read:

5884 ~~[23-18-6].~~ **23A-14-203. Taking red fox or striped skunk.**

5885 Red fox or striped skunk may be taken anytime without a license as provided by this  
5886 title ~~[or rules]~~, a rule made in accordance with Title 63G, Chapter 3, Utah Administrative

5887 Rulemaking Act, or a proclamation of the Wildlife Board.

5888 Section 236. Section **23A-15-101**, which is renumbered from Section 23-29-102 is  
5889 renumbered and amended to read:

5890 **CHAPTER 15. WOLF MANAGEMENT ACT**

5891 ~~[23-29-102]~~. **23A-15-101. Definitions.**

5892 As used in this chapter:

5893 (1) "Endangered Species Act" means the Endangered Species Act of 1973, 16 U.S.C.  
5894 Sec. 1531 et seq.

5895 ~~[(1)]~~ (2) "Service" means the United States Fish and Wildlife Service.

5896 ~~[(2)]~~ (3) "Wolf" means the species *Canis lupus*.

5897 Section 237. Section **23A-15-102**, which is renumbered from Section 23-29-103 is  
5898 renumbered and amended to read:

5899 ~~[23-29-103]~~. **23A-15-102. Legislative findings and declarations.**

5900 (1) Section ~~[23-14-1]~~ 23A-2-201 appoints the division as trustee and custodian of  
5901 protected wildlife in the state.

5902 (2) The wolf ~~[is]~~ has been listed as endangered under the federal Endangered Species  
5903 Act throughout the greater portion of the state.

5904 (3) The service is the federal agency charged with responsibility to administer the  
5905 Endangered Species Act.

5906 (4) The service acknowledges that Utah is not critical to the recovery of wolves and  
5907 that it does not intend to actively recover wolves in the state.

5908 (5) The division prepared a wolf management plan outlining ~~[its]~~ the division's  
5909 management objectives for the wolf in Utah when the wolf was delisted and removed from  
5910 federal control.

5911 (6) The wolf management plan prepared by the division was formally submitted to the  
5912 service in 2007 for approval.

5913 (7) The service has neither approved, denied, nor otherwise commented on the plan  
5914 since receiving it in 2007.

5915 (8) The state formally requested, in writing on multiple occasions, that the service  
5916 delist the wolf throughout Utah, and the service has failed to acknowledge or otherwise  
5917 respond to ~~[any of]~~ the requests.

5918 (9) The state cannot adequately or effectively manage wolves on a pack level in the  
5919 small area of the state where the species is currently delisted without significantly harming  
5920 other vital state interests, including livestock and big game populations.

5921 (10) It is the policy of the state to legally advocate and facilitate the delisting of wolves  
5922 in Utah under the Endangered Species Act and to return wolf management authority to the  
5923 state.

5924 Section 238. Section **23A-15-201**, which is renumbered from Section 23-29-201 is  
5925 renumbered and amended to read:

5926 **Part 2. Wolf Management**

5927 ~~[23-29-201]~~. **23A-15-201. Wolf management.**

5928 (1) The division shall contact the service upon discovering a wolf in ~~[any]~~ an area of  
5929 the state where wolves are listed as threatened or endangered under the Endangered Species  
5930 Act and request immediate removal of the animal from the state.

5931 (2) The division shall manage wolves to prevent the establishment of a viable pack in  
5932 all areas of the state where the wolf is not listed as threatened or endangered under the  
5933 Endangered Species Act until the wolf is completely delisted under the act and removed from  
5934 federal control in the entire state.

5935 (3) Subsections (1) and (2) do not apply to wolves lawfully held in captivity and  
5936 restrained.

5937 Section 239. Section **23A-15-202**, which is renumbered from Section 23-29-202 is  
5938 renumbered and amended to read:

5939 ~~[23-29-202]~~. **23A-15-202. Rulemaking.**

5940 The ~~[division]~~ Wildlife Board may make administrative rules in accordance with Title  
5941 63G, Chapter 3, Utah Administrative Rulemaking Act, to manage the wolf in accordance with  
5942 this chapter.

5943 Section 240. **Repealer.**

5944 This bill repeals:

5945 Section **23-13-1, Title.**

5946 Section **23-13-16, Judicial notice of proclamations.**

5947 Section **23-14-2.1, Procedures -- Adjudicative proceedings.**

5948 Section **23-14-11, Official seal of division.**



- 5949 Section **23-14-16**, **Unexpended fund balances converted to general fund account.**
- 5950 Section **23-17-5**, **Damages for destroyed crops -- Limitations -- Appraisal.**
- 5951 Section **23-20-23**, **Aiding or assisting violation unlawful.**
- 5952 Section **23-21a-1**, **Short title.**
- 5953 Section **23-21a-2**, **Legislative findings and policy.**
- 5954 Section **23-21a-3**, **State to condemn and purchase islands in Great Salt Lake --**
- 5955 **Protection of American white pelican.**
- 5956 Section **23-21a-4**, **Payment of fair market value to landowners -- Impartial**
- 5957 **appraisal.**
- 5958 Section **23-21a-5**, **Mineral rights retained by landowners -- Oil discovery.**
- 5959 Section **23-21a-6**, **Nonlapsing appropriation for appraisal and purchase.**
- 5960 Section **23-25-1**, **Short title.**
- 5961 Section **23-25-12**, **Title.**
- 5962 Section **23-27-101**, **Title.**
- 5963 Section **23-28-101**, **Title.**
- 5964 Section **23-29-101**, **Title.**
- 5965 Section **23-30-101**, **Title.**
- 5966 Section **23-31-101**, **Title.**
- 5967 Section **23-32-101**, **Title.**
- 5968 Section 241. **Effective date.**
- 5969 This bill takes effect on July 1, 2023.
- 5970 Section 242. **Revisor instructions.**
- 5971 The Legislature intends that the Office of Legislative Research and General Counsel, in
- 5972 preparing the Utah Code database for publication, not enroll this bill if H.B. 31, Wildlife
- 5973 Resources Recodification Cross References, does not pass.