

1941 Utah Fishing Law

DEPARTMENT OF FISH AND GAME

CHAPTER 11

S. B. No. 15.

Special Session.

Passed March 28, 1941. In effect July 1, 1941.

FISH AND GAME

An Act Amending Sections 30-0-1, 30-0-2, 30-0-3, 30-0-4, 30-0-5, 30-0-7, 30-0-8, 30-0-9, 30-0-10, 30-0-11, 30-0-23, 30-0-24, 30-0-26, 30-0-27, 30-0-28, 30-0-30, 30-0-38, 30-0-40, 30-0-41, 30-0-45, 30-0-46, 30-0-48, 30-0-51, 30-0-52, 30-0-55, 30-0-57, 30-0-58, 30-0-59, 30-0-60, 30-0-62, 30-0-63, 30-0-66, 30-0-69, 30-0-73, and 30-0-76, Revised Statutes of Utah, 1933, and Section 30-0-6, Revised Statutes of Utah, 1933, as Amended by Chapter 32, Laws of Utah, 1935; Sections 30-0-13, and 30-0-15, Revised Statutes of Utah, 1933, as Amended by Chapter 31, Laws of Utah, 1937; Sections 30-0-20, Revised Statutes of Utah, 1933, as Amended by Chapter 32, Laws of Utah, 1937; Section 30-0-25, Revised Statutes of Utah, 1933, as Amended by Chapter 23, Laws of Utah, 1933, Section 30-0-43, Revised Statutes of Utah, 1933, as Amended by Chapter 25, Laws of Utah, 1933; Section 30-0-44, Revised Statutes of Utah, 1933, as Amended by Chapter 26, Laws of Utah, 1933; Section 30-0-50, Revised Statutes of Utah, 1933, as Amended by Chapter 34, Laws of Utah, 1937; Section 30-0-54, Revised Statutes of Utah, 1933, as Amended by Chapter 27, Laws of Utah, 1933, and Section 30-0-76A, Chapter 42, Laws of Utah, 1939, Relating to Fish and Game; Creating the Department of Fish and Game; Providing for the Appointment of the Fish and Game Commission to Succeed to the Powers and Duties Heretofore Exercised and Performed by the Fish and Game Commissioner; Defining the Powers, Duties and Functions of the Department of Fish and Game; Appointment of Commissioners, Their Term of Office and Salary, Administration, Personnel; Defining the Powers and Duties of the Council, and Providing for the Term of Office of Its Members and Enacting New Sections to Be Known as Sections 30-0-2A, 30-0-2B, 30-0-2C, 30-0-2D, 30-0-2E and 30-0-2F.

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

Section I. Sections Amended.

Sections 30-0-1, 30-0-2, 30-0-3, 30-0-4, 30-0-5, 30-0-7, 30-0-8, 30-0-9, 30-0-10, 30-0-11, 30-0-23, 30-0-24, 30-0-26, 30-0-27, 30-0-28, 30-0-30, 30-0-38, 30-0-40, 30-0-41, 30-0-45, 30-0-46, 30-0-48, 30-0-51, 30-0-52, 30-0-55, 30-0-57, 30-0-58, 30-0-59, 30-0-60, 30-0-62, 30-0-63, 30-0-66, 30-0-69, 30-0-73, and 30-0-76, 'Revised Statutes of Utah, 1933; Section 30-0-6, Revised Statutes of Utah, 1933, as amended by Chapter 32, Laws of Utah, 1935; Sections 30-0-13 and 30-0-15, Revised Statutes of Utah, 1933, as amended by Chapter 31, Laws of Utah, 1937; 30-0-20, Revised Statutes of Utah, 1933, as amended by Chapter 32, Laws of Utah, 1937; Section 30-0-25, Revised Statutes of Utah, 1933, as amended by Chapter 23, Laws of Utah, 1933; Section 30-0-43, Revised Statutes of Utah, 1933, as amended by Chapter 25, Laws of Utah, 1933; Section 30-0-44, Revised Statutes of Utah, 1933, as amended by Chapter 26, Laws of Utah, 1933; Section 30-0-50, Revised Statutes of Utah, 1933, as amended by Chapter 34, Laws of Utah, 1937; Section 30-0-54, Revised Statutes of Utah, 1933, as amended by Chapter 27, Laws of Utah, 1933; Section 30-0-76A, Chapter 42, Laws of Utah, 1939, are amended to read:

30-0-1. State Department of Fish and Game-Created-Duties.

There is created a department to be known as the state department of fish and game which shall be charged with the duty to protect, propagate and distribute game animals and birds and fish throughout the state, and to direct and supervise the propagation of fish at the various hatcheries, and the rearing of game birds at the game farms, owned and operated by the state, and shall succeed to all the powers, duties and functions heretofore conferred by law upon the commissioner of fish and game.

30-0-2. Commissioners -Number-Qualifications-Appointment-Terms-Salary.

The administration of the department shall be under the supervision, direction, and control of a commission which shall be known as the fish and game commission. The commission shall be composed of three

members, who shall be residents and citizens of this state and especially qualified by experience and training, appointed by the governor by and with the consent of the senate, whose terms of office shall be six years except as further provided in this section. The members first appointed, the term of one shall expire March 1, 1943, the term of one shall expire March 1, 1945, and the term of one shall expire March 1, 1947, and their successors shall be appointed for a term of six years. Each commissioner shall hold office until his successor is appointed and qualified, and each of whom may be removed for cause. Not more than two members of the commission shall belong to the same political party, nor shall any commissioner be a member of any hunting, shooting or fishing club. Vacancies in the office of commissioner occurring by reason of death, resignation or other cause, or by rejection by the senate, shall be filled by the appointment of any other person by the governor, which appointment shall be submitted by him to the senate for confirmation or rejection at the first session thereof after the appointment or, if made while the senate is in session, at that session. During the first regular or special session, if any, after the twenty-fourth session of the legislature, the governor shall submit to the senate for confirmation or rejection the names of three persons to serve as members of the commission.

Each member shall qualify by taking the constitutional oath of office and shall receive a salary yearly of \$100, payable quarterly at the end of each quarter year following the date of his qualification. Each member shall be paid monthly his expenses necessarily incurred while actually engaged in the performance of his duties in authorized travel from the office of the commission in the state capitol, but not to exceed \$1,000 in any one calendar year.

30-0-3. Warden-Deputies and Assistants.

The fish and game commission shall by and with the consent of the governor, appoint a state fish and game warden and such deputies, fish and game culturists, and other assistants, as may be found necessary to properly perform the duties of the department.

30-0-4. Bonds - Of Commissioners, Warden and Deputies.

The fish and game commissioners, the state fish and game warden, and each deputy shall; execute and deliver to the state a surety company bond in such form and in such amounts as the department of finance shall determine. All of said bonds shall be conditioned upon the faithful performance of their respective duties and the premium on the same shall be paid by the state out of the fish and game fund.

30-0-5. Compensation of Warden, Deputies and Other Assistants.

The state fish and game warden and the deputies, fish and game culturists, and other assistants of the fish and game commission, shall receive such compensation according to the standards established by the department of finance, as the commission shall determine; and in addition to the compensation herein specified the deputies and assistants shall receive actual and necessary traveling expenses incurred in the performance of their duties.

30-0-6. Commission - General Powers and Duties.

The fish and game commission shall have control and supervision of the waters, forests and lands of the state for the collection, propagation, culture and distribution of fish and game, and shall distribute all game, fish fry and spawn received or controlled by it fairly and equitably among the several counties. It shall have full control of all property of the state acquired and held for the purposes contemplated by this title; and it shall have full power, by general or special orders, rules or regulations, or otherwise, to fully regulate and control the importation of game birds, game animals and fish, whether imported fresh, frozen, canned, smoked, alive or otherwise, through inspection, quarantine, license or otherwise.

30-0-7. Power of Commission to Regulate Fishing and Hunting.

When, for any reason whatsoever, the fish and game commission shall deem it advisable to open or close any lake, stream or waterway, or any part thereof, to angling, or if on account of epidemic, excess shooting or any other cause it shall be deemed advisable by it to further protect any species of any game animal or game bird, it is hereby empowered to open or close such waterway to angling, or to impose additional restrictions upon the taking of such game bird or animals by shortening the open season, reducing the number of game birds or game animals permitted to be taken in any one day or during the entire open season, or by entirely prohibiting the shooting or otherwise killing or taking of any species of game birds, game or fur-bearing animals. If on account of oversight, error or any other cause the fish and game

commission shall find that adequate protection is not extended by virtue of this title to all species of fish, game birds, game and fur-bearing animals, it is hereby empowered to impose the necessary regulations and restrictions to fully protect the same.

30-0--8. Id. Notice and Proclamation - Publication.

If the fish and game commission shall close to angling or any other method of taking fish, any lake, stream or waterway, or a portion thereof, it shall first cause to be posted at or near such lake, stream or waterway a reasonable number of signs, stating that such lake, stream or waterway is closed to angling or other means of taking fish, and shall cause a notice of such action to be published in at least two newspapers having general circulation in this state, not less than twenty days prior to such closing, which section [action]* shall have the force and effect of law. When the fish and game commission desires to close all or any section of the state to the shooting, trapping or otherwise capturing or taking of any species of game bird, game or fur-bearing animal or to further restrict or limit the taking of such birds or animals, it shall issue a proclamation setting forth the changes, restrictions or limitations which it desires to effect. Such proclamation must be published in at least two newspapers having general circulation throughout the state, and after such publication such proclamations shall have the full force and effect of law.

Removed not applicable. 30-0-9. Killing Elk.

30-0-10. Enforcement of Act-Arrest, Search and Seizure.

The fish and game commission, the state fish and game warden and the deputies shall enforce the provisions of this title, and for such purposes they shall have the same power, and shall follow the same procedure in making arrests, and in the handling of prisoners and the general enforcement of this title, as other peace officers. They shall seize all furs, fish and game when taken or held in violation of law, and arrest and hold, with or without warrant, any person who the fish and game commission, the state fish and game warden, or any of its deputies have reason to believe is guilty of a violation of this title, and, if they arrest without warrant, may hold the person so arrested until a warrant can be procured; may open, enter and examine motor cars, trucks, vehicles, stages, packs, warehouses, stores outhouses, boxes, barrels, sheep and cattle camps, camp wagons and restaurant, where the state fish and game commission, the state fish and game warden or any deputy has reason to believe game, fur or fish taken or held in violation of law may be found, and may seize any fish or game unlawfully taken or held; provided, that a dwelling house actually occupied shall not be entered or searched without a search warrant. All fish and game seized pursuant to this title shall be sold and the proceeds of such sale shall be deposited in the fish and game fund.

30-0-11. Fish and Game Fund-Creation and Disposition.

A fish and game fund is hereby created, and all moneys collected from the sale of licenses issued under this title, and the net moneys collected from fines and forfeitures for violations of the fish and game laws, shall be paid into said fund. All moneys paid into said fund shall be covered into the state treasury, and shall be drawn upon for the payment of salaries and expenses of the state fish and game department, with the consent of the finance commission. The state fish and game commission, with the consent of the governor, may expend any moneys which may be standing to the credit of the fish and game fund to construct and maintain fish hatcheries, ponds and dams at suitable and convenient places throughout the state for the proper distribution of fish to all counties of the state, and to provide game farms for the propagation of game birds and animals, and to do such other work as in its judgment may pertain to the protection and propagation of fish and game, provided, that all expenditures for construction in excess of \$3000 shall be made by the Utah state building board.

30-0-13. Resident License to Fish and Hunt-Fees---Special Permits.

Any citizen of the United States, who is a bona fide resident of the state of Utah and who is sixteen years old, upon applying to any license agent and paying \$4, may receive a license to angle for fish and hunt for game birds and game animals except elk, marten, mink, mountain sheep, antelope, muskrat, beaver and otter within this state, \$1 of the amount received from the sale of such license shall be paid into the state treasury and placed in a special fund to be expended by the fish and game commission solely for the necessary feeding, ranging and protection of game and for better range and game management. There shall be attached to such license a special deer tag which must be immediately attached by the licensee to a deer when killed by him and thereafter mailed by the licensee to the fish and game commission not later than five

days after the close of the deer season unless earlier removed by a game warden at a checking station. Any citizen of the United States who is a bona fide resident of the state of Utah and who is under 12 years of age or who is blind may angle for fish within the state by procuring a permit therefor. Any citizen of the United States who is a bona fide resident of the state of Utah and who is over 65 years of age may angle for fish and hunt for game birds and game animals except elk, marten, mink, mountain sheep, antelope, muskrat, buffalo, beaver and otter within this state by procuring a permit therefor. such permits shall be obtained by application to any licensing agent of the fish and game department, and furnishing satisfactory proof of his age upon forms furnished by the fish and game department and by paying a fee of 10c therefor, which said fee shall be retained by the licensing agent.

Removed not applicable. 30-0-15. Resident License to Hunt-Fees.

Removed not applicable. 30-0-20. Non-Resident License to Hunt Deer-Fees.

Removed not applicable. 30-0-23. License-Non-transferable and Must

30-0-24. Sale of Fish From Private Ponds-License-Penalty.

No person shall sell or offer for sale fish taken from private ponds without first securing a license to sell such fish as herein required. Such license shall be procured by making an application in writing to the commission which shall contain the number and location of the pond or ponds from which the fish are to be taken, the kind of fish to be sold, offered for sale or shipped, and, if to be shipped, the railroad station to which they are to be delivered for shipping, and shall be accompanied with a fee of \$1. Upon receipt of such application and fee, it shall be the duty of the commission by investigation to ascertain whether or not the pond or ponds described in the application are private ponds, and if the fish which the applicant seeks to sell are in fact propagated and grown in said pond or ponds. If it is found that the said pond or ponds are private and the said fish are so propagated and grown, it shall be the duty of the commission to issue a license permitting the applicant to sell said fish. Such license shall be issued in triplicate and shall contain the following statements:

(1) The date when issued.

(2) The person to whom issued.

(3) The number and location of the ponds from which the fish are to be taken.

(4) The station from which the shipments are to be made.

(5) The place at which the fish are to be sold, if not shipped.

Such license shall authorize the sale of fish from private ponds, under rules and regulations prescribed by the commission, from date of issuance to and including the 31st day of the succeeding December. One copy of such license shall be retained in the office of the commission, and one shall be delivered by the licensee to the railroad or express company accepting fish from such pond or ponds for shipment. Any person selling, offering for sale, or exposing for sale, or shipping, fish taken from private ponds, without first securing and being in possession of the license herein required is guilty of a misdemeanor and shall be fined not less than \$50.

30-0-25. License Agents - Appointment Duties-Violation-Penalty.

The fish and game commission shall designate, with the approval of the commissioners of finance, state license agents and provide them with the forms of licenses. The agents so designated shall be authorized to sell and deliver licenses to all applicants, excepting only licenses to seine, and licenses to market catfish, and to make collection of all license fees fixed. License agents shall receive for all services rendered the sum of ten cents for each license issued. Such agents shall report all sales to the commission on or before the 10th day of each calendar month and shall accompany their report with all money received for licenses, less a fee of ten cents for each license issued. All license money, except such fee, shall be kept separate and apart from the private funds of such agent, and shall at all times belong to the state of Utah, and in case of an assignment for the benefit of creditors, receivership or bankruptcy, the state of Utah shall have a preferred claim against such license agent, receiver or trustee for all moneys owing the state of Utah for the sale of licenses as herein provided, and shall not be estopped from asserting such claim by reason of the commingling of funds or otherwise. The willful misdating of a license, or the issuing of a receipt in lieu of such license, shall be unlawful. Any person who violates any of the provisions of this section is guilty of a misdemeanor and shall be fined not less than \$50.

30-0-26. Commission May Take Fish and Game.

It shall be lawful for the commission, or any person appointed by it in writing so to do under the direction of

the commission, to take fish and game of any kind in any manner for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by it to be in the interest of the fish and game industry of the state.

30-0-27. Use and Care of Fish in Receding Waters.

It shall be the duty of the commission to take, or cause to be taken, in the most practical manner any game fish found in pools or other places where receding waters of rivers, lakes, canals or other waterways have left them, and to make the best disposition possible of the dead fish in the interest of the fish and game fund, and to place the live fish back in state waters.

30-0-28. Duties of Owners of Private Waterways-Penalty.

Any person owning or controlling any irrigation canal, ditch, reservoir, mill race or other waterway leading from or into any state waterway known to contain game fish, who shall desire to drain any such waterway, or who shall desire to divert sufficient water from any state waterway to endanger the fish life therein, shall give a written notice to the commission, the state fish and game warden, or to one of its deputies, and on the same date shall mail a copy thereof to the commission, at least five days prior to such draining. Failure to comply with the provisions of this section is a misdemeanor and is punishable by a fine of not less than \$100.

30-0-30. Diverting Waters - Screens -Violation-Penalty.

It shall be unlawful for any person, company or corporation to take any water from state streams, lakes or reservoirs for power purposes, or for waterworks, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering such power plants, mill races or waterworks system; said screen or other devices to be built and maintained under the direction of the commission and at the expense of said owner or operators. The failure of any person to install a screen or device within thirty days after notice in writing so to do has been given by the commission shall constitute a misdemeanor, and such person shall be fined not less than \$25 for such violation, and each and every day such violation continues after due notice has been given shall constitute a separate offense. The fish and game commission shall see that all irrigation canals are properly protected by some device, which shall not materially obstruct the flow of water into such canal, so that no fish may enter said canal between April 1, and October 15, of each year; said device to be provided and maintained out of the fish and game fund.

30-0-40. Private Ponds - Screens Required -Violation-Penalty.

It shall be unlawful for any person to operate a private pond without erecting and maintaining sufficient screens, approved by the commission, at the point where the water enters such pond from any state waters and also at the point where the waters leave such pond, so as to effectually prevent any fish from entering or leaving such pond. Any person who violates any of the provisions of this section is guilty of a misdemeanor, and shall be fined not less than \$50.

30-0-41. Transportation of Game or Fish Outside of State-License-Penalty.

It shall be unlawful for any person at any time to ship, carry or transport out of the state of Utah any fish, game or game birds, or any part or parts thereof, dead or alive, except as is provided in this title. But carp, suckers, mullets and chubs may be shipped after having been first inspected by the commission, the state fish and game warden, or one of its deputies. It shall be unlawful for any person to ship or cause to be shipped out of this state any game fish, or game or game birds, without having attached thereto a permit issued by the state fish and game commission. Any person who violates any provisions of this section is guilty of a misdemeanor, and shall be fined not less than \$25.

30-0-43. Use of Seines-License-Violation--Penalty.

It shall be unlawful for any person to seine for any kind of fish in any of the waters of this state, except that it shall be lawful to seine for carp, chub, mullet and sucker only in Green River, Sevier River below the bridge on the state highway near Elsinore, the Weber river below its junction with Ogden river, and the Bear river below the Collinston bridge, the Colorado river and the San Juan river, and in such waters only at such time and under such conditions as the commissioi may prescribe; provided, that seining shall be allowed in Utah Lake with seines not more than 400 yards long and 12 feet wide, with meshes not less than two inches square for the entire length of the seine, including the wings thereof, for carp, chub, mullet and sucker only,

between September 15 and April 1, both dates inclusive. Only persons who are bona fide residents of the state of Utah, or companies or corporations qualified to do business in this state, may use a seine for commercial fishing in the rivers or lakes of Utah and only then upon procuring a seiner's license from the state fish and game commission upon payment of ten dollars annually, and such license holders shall keep books of account showing total weight of fish taken and prices received therefor, which books shall be accurately kept and be at all times open to inspection by the fish and game commission. Provided, that before any person shall use a seine in the rivers or lakes of this state for other than personal use he shall give a bond with two sufficient sureties, or a surety company bond, to the state of Utah, in such form and such amount as shall be determined by the department of finance conditioned that he shall keep books of account as herein provided for, and shall pay the royalty herein provided for not later than the 10th day of each month, and that no fish protected by the laws of this state from seining will be taken, and that diligence will be used by him to prevent the death of any such fish, which bond shall be approved by and filed with the commission. Any person taking fish from the rivers and lakes under the provisions of this section shall pay to the fish and game commission a royalty of fifteen cents for each one hundred pounds taken. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and the seiner's license revoked.

30-0-44. Guides - License - Violation - Penalty.

Any person who shall assist any other person in the pursuit of fish or game and accept compensation therefor shall be termed a guide. The commission shall, upon the payment of \$5, issue a license to any person who is a citizen of the United States and a bona fide resident of this state and who has not been convicted of violating any provision of the fish and game law to act as a guide, and it shall be unlawful for any person to act in that capacity without first having secured such a license. Any guide accepting such license shall be jointly responsible for any violation of the law committed by persons in his charge, and such guide shall not be permitted to fish for fish or to shoot game while acting as a guide or fish at any time on waters where he has been licensed to act as guide. Any person violating any of the provisions of this section is guilty of a misdemeanor, and shall be fined not less than \$50 and his license shall be revoked. 30-0-45. Transporting Spawn or Fish to Private Ponds Prohibited-Penalty. It shall be unlawful for any person to take fish or spawn from any of the public waters of the state for the purpose of placing the same in any private pond; provided, that the commission, the state fish and game warden, or its deputies, or any one appointed by it, may take fish or spawn from any of the waters of the state, and may dispose of any surplus fish, fry or spawn for the best interest of the fish and game department. Any person who violates the provisions of this section is guilty of a misdemeanor, and shall be fined in any sum not less than \$100.

30-0-46. Seizure of Unlawful Implements.

All seines, guns, nets, tackle, powder, explosives, lime, poison, drugs, and other means or devices for the unlawful taking of fish or game of any kind found in the possession of or used by any person unlawfully taking fish or game of any kind, shall be seized by the officers making the arrest, and upon a finding by the court that they were used in the unlawful taking of fish or game, the same shall be confiscated and sold at public auction by the commission, and the proceeds therefrom covered into the fish and game fund.

Removed not applicable. 30--0-48. License to Trap Fur-Bearing Animals -Interference With Traps-Private Farms for Propagation -- License - Penalty.

Removed not applicable. 30-0-50. Beaver or Otter-Taking Prohibited -Exception--Penalty.

Removed not applicable. 30-0-51. Game Farms-License.

Removed not applicable. 30-0-52. Grouse, Sage Hens, Quail, Partridge, Doves - Commission May Declare Open Season.

Removed not applicable. 30-0-54. State Game Refuge Committee - Membership-Appointment-- Powers and Duties.

Removed not applicable. 30-0-55. Hunting or Carrying Arms on Game Preserves Forbidden-Penalty.

Removed not applicable. 30-0-57. Aliens-Seizure of Firearms.

Removed not applicable. 30-0-58. Id. Arrest Without Warrant.

Removed not applicable. 30-0-59. Ducks, Geese, Etc. - Season - Limit -Hunting-Violation-Penalty.

Removed not applicable. 30-0-60. Birds Other Than Game Birds Protected Unless Destructive-Penalty.

30-0-62. Possession of Fish or Game Unlawfully Taken-Evidence-Penalty.

Any person who has in his possession any game, game fish or bird, or the skin of any nonpredatory fur-

bearing animal, unlawfully taken, is guilty of a misdemeanor and shall be fined not less than \$100; and all furs, game, game fish or birds or any part thereof unlawfully taken, unlawfully held, shipped, or consigned for shipment, may be seized by the fish and game commission, the state fish and game warden or its deputies, and sold, and the proceeds deposited in the fish and game fund; provided, that nothing in this section shall apply to fish shipped from private ponds. The possession of any animal, game fish or bird, or any part thereof, during the time or period within which the taking, killing or possession of the same is prohibited, shall be prima facie evidence of an unlawful taking, killing or possession.

Removed not applicable. 30-0-63. Public Hunting Grounds-Bird and Game Sanctuaries.

30-0-66. Prosecutions-Expenses-Fines.

All necessary expenses incurred in transporting and keeping a prisoner arrested under this title shall be paid out of the state fish and game fund in the same manner that other claims are paid out of said fund. All necessary expenses incurred in transporting and keeping a prisoner arrested under this title may be added to the court costs in the case. The court may impose and tax as costs in any case where a fine is assessed for a violation of the fish and game laws the actual and necessary expenses incurred by a deputy game warden in apprehending any person convicted of violating any of the provisions of this title, not to exceed \$10. All such costs collected shall be remitted to the commission to be covered into the fish and game fund.

30-0-69. Mutilating Signs or State Property -Penalty.

It shall be unlawful for any person to shoot at, shoot, deface, damage, remove or destroy any signs or placards placed or caused to be placed in any part of this state by the fish and game commission; or to damage, destroy, remove, or cause to be damaged, destroyed or removed, any screens, dams, fishways or fish traps owned, controlled or operated by the state fish and game department; or to shoot, shoot at, damage, destroy or remove any road signs placed upon any of the highways of this state. Any person who violates any of the provisions of this section is guilty of a misdemeanor, and shall be fined not less than \$25.

30-0-73. Budget.

The fish and game commission shall prepare and submit to the governor, to be included in his budget to be submitted to the legislature, a budget of the requirements for salaries and wages, office expense, travel, equipment, repairs and contingent expenses to be paid from the fish and game fund in carrying out the provisions of law for the biennium next following the convening of the legislature.

30-0-76. Biennial Report of Commission.

The fish and game commission shall make a detailed report of its official transactions, including the number and kinds of fish and game distributed, and the locality and names of streams, ponds and lakes where the same have been placed, and submit such report, together with such recommendations as are deemed necessary by it for the future benefit of the fish and game of the state, to the governor and legislature not later than October 1, preceding each regular session of the legislature.

30-0-76A. Acceptance of Act of Congress- Use of License Fee.

The state of Utah assents to the provisions of the act of congress entitled "An act to provide that the United States shall aid the states in wild-life restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415-75th Congress-Chapter 899-1st Session).

The fish and game commission of the state of Utah is authorized, empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife- restoration projects as defined in said act of congress and in compliance with said act and rules and regulations promulgated by the secretary of agriculture thereunder and pursuant to said law and within the authority delegated to it. No moneys paid to the state of Utah for hunting and fishing license fees shall be diverted for any other purpose than the administration of the fish and game department of the state of Utah.

Section 2. New Sections.

Sections 30-0-2A, 30-0-2B, 30-0-2C, 30-0-2D, 30-0-2E and 30-0-2F are enacted to read:

30-0-2A. Fish and Game Commission-Members to Devote Full Time - Not to Hold Other Officers.

Each fish and game member of the commission shall devote his time and attention to the duties of his office to the exclusion of all other business or occupation and shall not hold any other office under the laws of this state or under the government of the United States, or of any other state, but this provision shall not be construed to prevent any member from holding such nominal position or title as may be required by law as a condition to participation by the state in any appropriation or allotment of any money, property or service which may be made or allotted for any of the functions of the commission or of the institutions under its supervision, nor shall this provision be construed to prevent any member from acting as head or chief of any of the divisions, departments or bureaus which may be established for the operation of the commission in the performance of its duties, but in any such case no additional compensation shall be paid to the member of the commission holding such office.

30-0-2B. Id. Meetings-Quorum-Chairman and Secretary.

Meetings of the fish and game commission shall be open to the public and may be held at the offices of the commission wherever within the state they may be established. The commission shall be deemed in continuous session for the purpose of meetings. Two members of the commission shall constitute a quorum for the transaction of business unless otherwise required by law. The commission shall elect one of its members as its chairman who shall preside at all of its meetings until the membership of the commission shall be changed for any cause. The commission shall elect a secretary who may or may not be a member of the commission.

30-0-2C. Id. Offices at Capitol.

The fish and game commission shall keep its principal offices at the state capitol, but may with the approval of the commission of finance establish and maintain such branch or division offices within the state as may be necessary for the prompt and efficient performance of its duties.

30-0-2D. Id. Seal.

The fish and game commission shall adopt and use an official seal and file an impression and a description thereof in the office of the secretary of state. Copies of its records and proceedings and copies of documents and papers within its possession may be authenticated with the seal of the commission, attested by any member and when so authenticated shall be received in evidence to the same extent and with the same effect as the originals.

30-0-2E. Id. May Administer Oaths.

The fish and game commission shall have the power to administer oaths for all purposes required in the discharge of its duties.

30-0-2F. Termination of Existing Offices.

The terms of office of the fish and game commissioner, and of the state game refuge committee and the state board of big game control, shall terminate upon the appointment and qualification of the three members of the commission of the state department of fish and game.

Section 3. Effective Date.

This act shall take effect at 12:01 A. M. on July 1, 1941, or Upon proclamation of the governor prior to that date.

Approved April 3, 1941.

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