

1943 Utah Fishing Law

CHAPTER 42

H. B. No. 2. (Passed February 10, 1943. In effect May 11, 1943.)

FISH AND GAME

An Act Amending Section 30-0-7, Utah Code Annotated 1943, Designating the Opening Days of the Fishing and Hunting Seasons.

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

Section 1. Section Amended.

Section 30-0-7, Utah Code Annotated 1943, is amended to read:

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 to open or close the hunting or killing of game birds or animals, it is hereby empowered to open or close such fishing or hunting seasons at such a time or places as they deem advisable except that such opening days shall commence on any day except Sunday. They may 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.

Approved February 15, 1943.

Fish and Game

CHAPTER 43

S. B. No. 119. (Passed March 11, 1943. In effect May 11, 1943.)

FISH AND GAME

An Act Amending Sections 30-0-2, 30-0-2B, 30-0-2D, 30-0-2E, 30-0-3, 30-0-5, 30-0-6, 30-0-9, 30-0-11, 30-0-13, 30-0-14, 30-0-15, 30-0-16, 30-0-18, 30-0-19, 30-0-25, 30-0-44, 30-0-48, and 30-0-50, Utah Code Annotated 1943, Relating to the Fish and Game Department; the Fish and Game Commission, the Appointments, Number, Qualifications, Terms and Salary of its Members; the Director of Fish and Game, His Qualifications, Appointment Term and Salary; The Meetings of the Commission; the Issuance of Non-Resident Permits to Hunt and Fish, Licenses to Guides and Licenses to Trap Fur-Bearing Animals; and Enacting New Sections to be Known as 30-0-2A, 30-0-2G and 30-0-3A, Utah Code Annotated 1943,

Providing for the Creation of Districts from which Commissions are to be Appointed, and the Powers and Duties of the Fish and Game Director; also Providing for the Reorganization of the State Game Refuge Committee and the State Board of Big Game Control.

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

Section 1. Sections Amended.

Sections 30-0-2, 30-0-2B, 30-0-2D, 30-0-2E, 30-0-3, 30-0-5, 30-0-6, 30-0-9, 30-0-11, 30-0-13, 30-0-14, 30-0-15, 30-0-16, 30-0-18, 30-0-19, 30-0-25, 30-0-44, 30-0-48 and 30-0-50, Utah Code Annotated 1943, are amended to read:

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

The policy of the department shall be directed by a commission, which shall be known as the fish and game commission. The commission shall be composed of five members to be appointed by the governor by and with the consent of the senate. The selection and appointment of said members shall be made upon consideration of the welfare and best interest of the fish and game department, and no person shall be appointed to said commission unless he shall be well informed upon, and interested in, the subject of wild life conservation and restoration; and not more than three of the members shall belong to the same political party. Each member shall be a citizen of the United States and of the state of Utah and a bona fide resident of the district from which he shall be appointed.

Each member of the commission shall qualify by taking the constitutional oath of office and shall receive \$10.00 for each day attending official meetings of the commission, or while on official business authorized by the commission, and his actual expenses incurred in the performance of official business, to be paid from the fish and game fund provided that no commissioner shall receive more than \$500.00 as compensation and expense reimbursement per annum.

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

The commission shall hold at least four meetings each year, including annual meeting to be held during the month of April. At the April meeting, the commission shall set the dates for the holding of the other meetings. Other meetings may be called by the chairman upon ten days notice. The director shall act as secretary of the commission. Meetings of the fish and game commission shall be open to the public and may be held at the offices of the commission, wherever in the state they may be established. Three 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.

30-0-2D. Id. Seal-Authenticated Records-Evidence.

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 members, or the director, 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, and the director, shall have the power to administer oaths for all purposes required in the discharge of its duties.

30-0-3. Id. Director-Qualifications--Service--Salary.

The fish and game commission with the approval of the governor shall appoint a fish and game director for a term of four years, who may be removed for cause by the commission. The director shall be a man with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. He shall not hold any other public office, nor any office in a political party organization and shall devote his entire time to the service of the state in the discharge of his official duties. The director shall receive as salary \$4,000 per annum.

30-0-5. Id. Deputies, Culturists, Assistants-Compensation.

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

30-0-6. Id. Powers, Duties--Restriction. Rules and Regulations.

The fish and game commission is empowered to investigate and determine the facts relative to the condition of fish, game and wild life of this state. Upon a determination of those facts, the commission shall effectuate the state's policy as declared in the purposes and intent of all laws pertaining to wild animals, wild birds, game, fish, and other wild life and the preservation, protection, perpetuation and management thereof; provided, however, that no authority conferred or given the fish and game commission by this act shall supersede or divest the rights, function, authority or powers of the state game refuge committee and the state board of big game control as reorganized under the provisions of this act and as set up and defined in Section 30-0-54, Utah Code Annotated 1943.

The fish and game commission shall determine the facts necessary to guide the director in the control and supervision of the water, forests and lands of the state for the collection, propagation, culture and distribution of fish and game in accordance with the laws of this state, and the distribution of all game, fish fry, and spawn received or controlled by the department fairly and equitably among the several counties. The commission 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.

30-0-9. Id. Game Damaging Property to be Killed and Sold-Proceeds Placed in Fund.

When big game are doing actual damage to farms or other property, the fish and game director may authorize the killing of such animals, and the carcasses, heads and hides of big game so killed shall be sold for the best interests of the state, and the money derived from the sale thereof shall be placed in the fish and game fund.

30-0-11. Fish and Game Fund-How Created and Expended.

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. 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 \$3,000 shall be made by the Utah state building board.

30-0-13. License to Hunt and Fish-Who May Receive-Deer Carcass Tagged-Permits May Issue to Young and Aged Persons-Fees.

Any citizen of the United States, who has resided in the state of Utah for three months immediately preceding application 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, buffalo, 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 10 cents therefor, which said fee shall be retained by the licensing agent.

30-0-14. License to Fish-Fee.

Any male citizen of the United States who has resided in the state of Utah for three months preceding the application and who is 16 years old, upon applying to any license agent and upon paying \$2, may receive a license to angle for fish within this state.

30-0-15. Removed not applicable. License to Hunt-Fee--Deer Tag.

30-0-16. Special License to Hunt, Restricted-Fee.

Any male citizen of the United States who has resided in the state of Utah for three months preceding the application and who is 12 years of age and under 16 years of age, and all female citizens of the United States who reside in the state of Utah and are 16 years of age, upon applying to any license agent and paying \$1, may receive a license to hunt for game birds and game animals, except elk, mountain sheep, antelope, marten, mink, muskrat, beaver and otter, and to angle for fish within the state of Utah. No person under the age of 16 years shall be allowed to pursue, hunt or kill deer.

30-0-18. Limited License to Fish-Fees.

Any citizen of the United States, who has not resided in the state of Utah for three months immediately preceding application, upon applying to any licensed agent and paying \$3, may receive a license to angle for any kind of fish; or upon paying \$1.50, may receive a license to fish for ten days in the state of Utah.

30-0-19. Limited License to Hunt-Fees.

Any citizen of the United States, who has not resided in the state of Utah for three months immediately preceding application, upon applying to any license agent and paying \$10.00, may receive a license to angle for any kind of fish, and hunt for any kind of game animals or game birds, except deer, elk, mountain sheep, antelope, marten, mink, muskrat, beaver and otter, and any citizen of the United States who has not resided in the state of Utah for three months immediately preceding application, upon applying to any license agent and paying \$25 may receive a license to angle for any kind of fish, and hunt for any kind of game animals and game birds, except elk, mountain sheep, antelope, marten, mink, muskrat, beaver and otter.

30-0-25. License Agents-Powers--Duties--Moneys Collected Belong to the State. Violation of Section a Misdemeanor-Penalty.

The fish and game director 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 10 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.

30-0-44. Guides-License-Liability. Violation of Section a Misdemeanor-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 director 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 or 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.

30-0-48. Removed not applicable. Offenses Under Act-Trapper's License and Privilege.

30-0-50. Removed not applicable. Id. Beaver and Otter-Damaging Property-Authority to Trap-Trap-Line Areas--Caretakers--Duties--Powers--Compensation-Bond. Violations-Penalty.

Section 2. Sections Enacted.

Sections 30-0-2A, 30-0-2G and 30-0-3A, Utah Code Annotated 1943, are enacted to read:

30-0-2A. State Divided into Five Districts-Commissioners--Appointment-Terms--Vacancies Filled.

For the purpose of this act, the state of Utah is divided into five districts. District No. 1 shall consist of the counties of Box Elder, Cache, Rich, Weber, and Morgan; District No. 2 shall consist of the counties of Summit, Daggett, Wasatch, Duchesne, Uintah, Carbon, Emery, San Juan and Grand; District No. 3 shall consist of the counties of Salt Lake, Davis, Utah and Tooele; District No. 4 shall consist of the counties of Piute, Wayne, Garfield, Sanpete and Sevier; District No. 5 shall consist of the counties of Beaver, Millard, Juab, Kane, Washington and Iron. Each of the above districts shall be represented by one member of the commission. The member from District No. 1 shall be appointed for a term of four years; upon the termination of the present term of the commissioner from District No. 2 the new member shall be appointed for a term of six years; the member from District No. 3 shall be appointed for the term of two years; the member appointed from District No. 4 shall be appointed for a term of six years; upon the termination of the present term of the commissioner from District No. 5 the new member shall be appointed for a term of six years; and thereafter as the term of each commissioner expires, his successor shall be appointed from the same district for a term of six years. Vacancies in the office of commissioner occurring by the reason of death, resignation, removal from the district which he represents, or other cause, shall be filled from the district by the governor. Each commissioner shall hold office until his successor is appointed and qualified, and each commissioner may be removed from office for cause. The governor shall appoint the members of the commission within thirty days after the passage and approval of this act.

30-0-2G. Reorganization of Game Refuge Committee and Board of Big Game Control.

The fish and game commission shall reorganize the state game refuge committee and the state board of big game control as set up in Section 30-0-54, Utah Code Annotated 1943.

30-0-3A. Director of Commission-Powers-Restriction.

The director shall have executive authority and control of the department and employees to the end that the policy of the commission shall be carried out in accordance with the laws of this

state. He shall have full control of all property of the state acquired and held for the purposes contemplated by this title. He shall appoint such deputies, fish and game culturists, and other assistants and employees as are necessary, and he may remove any employee at his discretion. In cases of emergency, the director may exercise the powers of the commission until such time as the commission shall meet or the emergency end. It is expressly provided that no expenditure or commitment over \$5,000 shall be made without advance approval of the fish and game commission.

Approved March 22, 1943.

CHAPTER 44

H. B. No. 63. (Passed March 3, 1943. In effect May 11, 1943.)

FISH AND GAME

An Act Providing for Reciprocal Agreements Between the States of Utah and Idaho Relating to Fishing on Bear Lake; and for Cooperative Agreements with Idaho and Wyoming Relating to Construction, Development and Maintenance of Fishing Resources, Being a Part of Title 30, Utah Code Annotated 1943.

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

Section 1. Reciprocal Agreements-Idaho--Fishing Licenses.

The Utah fish and game commission is authorized to enter into reciprocal agreements with the Idaho fish and game commission for the purpose of recognizing license rights of both Utah and Idaho fishing license holders to fish in the waters of Bear Lake, whether or not the said waters are within the state of Utah or the state of Idaho.

Section 2. Id. Idaho and Wyoming-Fishing Resources.

The Utah fish and game commission is authorized to enter into cooperative agreements with the Idaho and Wyoming fish and game commissions for the purpose of development, construction and maintenance of these fishing resources.

Approved March 8, 1943.

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