

**HUNTING AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

House Sponsor: Carl R. Albrecht

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to regulating hunting.

**Highlighted Provisions:**

This bill:

▶ addresses the Department of Agriculture and Food's regulation of aerial hunting, including granting rulemaking authority; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-23-106**, as renumbered and amended by Laws of Utah 2017, Chapter 345

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

Section 1. Section **4-23-106** is amended to read:

**4-23-106. Department to issue licenses and permits -- Department to issue aircraft use permits -- Aerial hunting.**

(1) The department is responsible for the issuance of permits and licenses for the



28 purposes of the federal Fish and Wildlife Act of 1956.

29           (2) ~~Ŝ→ [(a)] ←Ŝ~~ A ~~Ŝ→ [state agency or] ←Ŝ~~ private person may not use any aircraft for the  
29a prevention of  
30 damage without first obtaining a use permit from the department.

31           ~~Ŝ→ [(b) A state agency that contemplates the use of aircraft for the protection of agricultural~~  
32 ~~crops, livestock, poultry, or wildlife shall file an application with the department for an aircraft~~  
33 ~~use permit to enable the agency to issue licenses to personnel within the agency charged with~~  
34 ~~the responsibility to protect such resources.] ←Ŝ~~

35           ~~[(c) A person who desires to use privately owned aircraft for the protection of land,~~  
36 ~~water, crops, wildlife, or livestock may not engage in any such protective activity without first~~  
37 ~~obtaining an aircraft permit from the department.]~~

38           ~~[(d) Agencies and private persons that obtain aircraft use permits shall file such reports~~  
39 ~~with the department as it deems necessary in the administration of its licensing authority.]~~

40           (3) The department may issue an annual permit for aerial hunting to a ~~Ŝ→ private ←Ŝ~~  
40a person for the  
41 protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, if the  
42 person shows that the person or the person's designated pilot, along with the aircraft to be used  
43 in the aerial hunting, are licensed and qualified in accordance with the requirements of the  
44 department set by rule.

45           (4) The department may predicate the issuance or retention of a permit for aerial  
46 hunting upon the permittee's full and prompt disclosure of information as the department may  
47 request for submission pursuant to rules made by the department.

48           (5) The department shall collect an annual fee, set in accordance with Section  
49 63J-1-504, from a person who has an aircraft for which a permit is issued or renewed under this  
50 section.

51           (6) Aerial hunting activity ~~Ŝ→ under a permit issued by the department ←Ŝ~~ is restricted  
51a to:

52           (a) (i) private lands that are owned or managed by the permittee;

53           (ii) state grazing allotments where the permittee is permitted by the state or the State  
54 Institutional Trust Lands Administration to graze livestock; or

55           (iii) federal grazing allotments where the permittee is permitted by the United States  
56 Bureau of Land Management or United States Forest Service to graze livestock; and

57           (b) only during the time period:

58           (i) for purposes of Subsection (6)(a)(ii) or (iii), that under an active permit the

59 permittee may graze or run livestock on the land; and

60 (ii) for which the land owner has provided written permission for the aerial hunting.

61 (7) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah

62 Administrative Rulemaking Act, that are necessary to carry out the purpose of this section.

62a **Ŝ→ (8) The issuance of an aerial hunting permit or license under this section does not**

62b **authorize the holder to use aircraft to hunt, pursue, shoot, wound, kill, trap, capture, or collect**

62c **protected wildlife, as defined in Section 23-13-2, unless also authorized by the Division of**

62d **Wildlife Resources under Section 23-20-12. ←Ŝ**