

HUNTING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Carl R. Albrecht

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

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 purposes of the federal Fish and Wildlife Act of 1956.

(2) [(a)] A [state agency or] private person may not use any aircraft for the prevention

30 of damage without first obtaining a use permit from the department.

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

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 private person
41 for the protection of land, water, wildlife, livestock, domesticated animals, human life, or
42 crops, if the person shows that the person or the person's designated pilot, along with the
43 aircraft to be used in the aerial hunting, are licensed and qualified in accordance with the
44 requirements of the 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 under a permit issued by the department is restricted 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.
63 (8) The issuance of an aerial hunting permit or license under this section does not
64 authorize the holder to use aircraft to hunt, pursue, shoot, wound, kill, trap, capture, or collect
65 protected wildlife, as defined in Section [23-13-2](#), unless also authorized by the Division of
66 Wildlife Resources under Section [23-20-12](#).