

**WILDLIFE RELATED AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses issues related to wildlife hunting and habitat.

**Highlighted Provisions:**

This bill:

- ▶ requires the Division of Wildlife Resources to notify the Division of Professional License of a suspension of the privilege to hunt;
- ▶ addresses hunting with an air rifle;
- ▶ creates the Wildlife Land and Water Acquisition Fund;
- ▶ modifies provisions related to cooperative wildlife management units, including enacting requirements related to bordering cooperative wildlife management units;
- ▶ addresses rulemaking by the Division of Professional Licensing;
- ▶ converts the registration of hunting guides and outfitters to licensing;
- ▶ addresses when the Division of Professional Licensing is to refuse to issue, refuse to renew, or revoke a license; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates in Fiscal Year 2024:

- ▶ to the Department of Natural Resources - Wildlife Land and Water Acquisition Fund, as an ongoing appropriation:
  - from the General Fund, \$1,000,000.



28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

- 32 **23-19-9**, as last amended by Laws of Utah 2021, Chapter 57
- 33 **23-19-49**, as enacted by Laws of Utah 2022, Chapter 102
- 34 **23-20-33**, as enacted by Laws of Utah 2022, Chapter 45
- 35 **23-23-6**, as repealed and reenacted by Laws of Utah 1997, Chapter 258
- 36 **23-23-7**, as last amended by Laws of Utah 2005, Chapter 112
- 37 **23-23-10**, as last amended by Laws of Utah 2000, Chapter 44
- 38 **58-79-101**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 39 **58-79-102**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 40 **58-79-301**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 41 **58-79-302**, as last amended by Laws of Utah 2020, Chapters 316, 339 and 376
- 42 **58-79-303**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 43 **58-79-304**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 44 **58-79-401**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 45 **58-79-501**, as last amended by Laws of Utah 2020, Chapters 316, 376
- 46 **58-79-502**, as last amended by Laws of Utah 2020, Chapters 316, 376

47 ENACTS:

- 48 **23-21-8**, Utah Code Annotated 1953
- 49 **23-23-15**, Utah Code Annotated 1953
- 50 **58-79-103**, Utah Code Annotated 1953
- 51 **58-79-201.5**, Utah Code Annotated 1953

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

54 Section 1. Section **23-19-9** is amended to read:

55 **23-19-9. Suspension of license or permit privileges -- Suspension of certificates of**  
56 **registration.**

57 (1) As used in this section:

58 (a) "License or permit privileges" means the privilege of applying for, purchasing, and

59 exercising the benefits conferred by a license or permit issued by the division.

60 (b) "Livestock guardian dog" means the same as that term is defined in Section  
61 76-6-111.

62 (2) A hearing officer, appointed by the division, may suspend a person's license or  
63 permit privileges if:

64 (a) in a court of law, the person:

65 (i) is convicted of:

66 (A) violating this title or a rule of the Wildlife Board;

67 (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in  
68 an activity regulated under this title;

69 (C) violating Section 76-6-111; or

70 (D) violating Section 76-10-508 while engaged in an activity regulated under this title;

71 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no  
72 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or

73 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person  
74 enters into a diversion agreement which suspends the prosecution of the offense; and

75 (b) the hearing officer determines the person committed the offense intentionally,  
76 knowingly, or recklessly, as defined in Section 76-2-103.

77 (3) (a) The Wildlife Board shall make rules establishing guidelines that a hearing  
78 officer shall consider in determining:

79 (i) the type of license or permit privileges to suspend; and

80 (ii) the duration of the suspension.

81 (b) The Wildlife Board shall ensure that the guidelines established under Subsection  
82 (3)(a) are consistent with Subsections (4), (5), and (6).

83 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a  
84 person's license or permit privileges according to Subsection (2) for a period of time not to  
85 exceed:

86 (a) seven years for:

87 (i) a felony conviction;

88 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is  
89 held in abeyance pursuant to a plea in abeyance agreement; or

90 (iii) being charged with an offense punishable as a felony, the prosecution of which is  
91 suspended pursuant to a diversion agreement;

92 (b) five years for:

93 (i) a class A misdemeanor conviction;

94 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,  
95 which plea is held in abeyance pursuant to a plea in abeyance agreement; or

96 (iii) being charged with an offense punishable as a class A misdemeanor, the  
97 prosecution of which is suspended pursuant to a diversion agreement;

98 (c) three years for:

99 (i) a class B misdemeanor conviction;

100 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor  
101 when the plea is held in abeyance according to a plea in abeyance agreement; or

102 (iii) being charged with an offense punishable as a class B misdemeanor, the  
103 prosecution of which is suspended pursuant to a diversion agreement; and

104 (d) one year for:

105 (i) a class C misdemeanor conviction;

106 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,  
107 when the plea is held in abeyance according to a plea in abeyance agreement; or

108 (iii) being charged with an offense punishable as a class C misdemeanor, the  
109 prosecution of which is suspended according to a diversion agreement.

110 (5) The hearing officer may double a suspension period established in Subsection (4)  
111 for offenses:

112 (a) committed in violation of an existing suspension or revocation order issued by the  
113 courts, division, or Wildlife Board; or

114 (b) involving the unlawful taking of a trophy animal, as defined in Section 23-13-2.

115 (6) (a) A hearing officer may suspend, according to Subsection (2), a person's license  
116 or permit privileges for a particular license or permit only once for each single criminal  
117 episode, as defined in Section 76-1-401.

118 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the  
119 suspension periods of any license or permit privileges of the same type suspended, according to  
120 Subsection (2), may run consecutively.

121 (c) If a hearing officer suspends, according to Subsection (2), license or permit  
122 privileges of the type that have been previously suspended by a court, a hearing officer, or the  
123 Wildlife Board and the suspension period has not expired, the suspension periods may run  
124 consecutively.

125 (7) (a) A hearing officer, appointed by the division, may suspend a person's privilege of  
126 applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:

127 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as  
128 defined in Section 76-2-103, violated:

129 (A) this title;

130 (B) a rule or order of the Wildlife Board;

131 (C) the terms of a certificate of registration; or

132 (D) the terms of a certificate of registration application or agreement; or

133 (ii) the person, in a court of law:

134 (A) is convicted of an offense that the hearing officer determines bears a reasonable  
135 relationship to the person's ability to safely and responsibly perform the activities authorized by  
136 the certificate of registration;

137 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a  
138 reasonable relationship to the person's ability to safely and responsibly perform the activities  
139 authorized by the certificate of registration, and the plea is held in abeyance in accordance with  
140 a plea in abeyance agreement; or

141 (C) is charged with an offense that the hearing officer determines bears a reasonable  
142 relationship to the person's ability to safely and responsibly perform the activities authorized by  
143 the certificate of registration, and prosecution of the offense is suspended in accordance with a  
144 diversion agreement.

145 (b) All certificates of registration for the harvesting of brine shrimp eggs, as defined in  
146 Section 59-23-3, shall be suspended by a hearing officer, if the hearing officer determines the  
147 holder of the certificates of registration has violated Section 59-23-5.

148 (8) (a) The director shall appoint a qualified person as a hearing officer to perform the  
149 adjudicative functions provided in this section.

150 (b) The director may not appoint a division employee who investigates or enforces  
151 wildlife violations.

152 (9) (a) The courts may suspend, in criminal sentencing, a person's privilege to apply  
153 for, purchase, or exercise the benefits conferred by a license, permit, or certificate of  
154 registration.

155 (b) The courts shall promptly notify the division of any suspension orders or  
156 recommendations entered.

157 (c) The division, upon receiving notification of suspension from the courts, shall  
158 prohibit the person from applying for, purchasing, or exercising the benefits conferred by a  
159 license, permit, or certification of registration for the duration and of the type specified in the  
160 court order.

161 (d) The hearing officer shall consider any recommendation made by a sentencing court  
162 concerning suspension before issuing a suspension order.

163 (10) (a) A person may not apply for, purchase, possess, or attempt to exercise the  
164 benefits conferred by any permit, license, or certificate of registration specified in an order of  
165 suspension while that order is in effect.

166 (b) Any license possessed or obtained in violation of the order shall be considered  
167 invalid.

168 (c) A person who violates Subsection (10)(a) is guilty of a class B misdemeanor.

169 (11) Before suspension under this section, a person shall be:

170 (a) given written notice of any action the division intends to take; and

171 (b) provided with an opportunity for a hearing.

172 (12) (a) A person may file an appeal of a hearing officer's decision with the Wildlife  
173 Board.

174 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and  
175 any written documentation submitted at the hearing.

176 (c) The Wildlife Board may:

177 (i) take no action;

178 (ii) vacate or remand the decision; or

179 (iii) amend the period or type of suspension.

180 (13) The division shall suspend and reinstate all hunting, fishing, trapping, and  
181 falconry privileges consistent with Title 23, Chapter 25, Wildlife Violator Compact.

182 (14) Within 30 days after the day on which an individual's privilege to hunt is

183 suspended under this title, the division shall report to the Division of Professional Licensing  
 184 the:

185 (a) identifying information for the individual; and

186 (b) time period of the suspension.

187 ~~[(14)]~~ (15) The Wildlife Board may make rules to implement this section in accordance  
 188 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

189 Section 2. Section **23-19-49** is amended to read:

190 **23-19-49. Air rifle hunting.**

191 (1) As used in this section:

192 (a) "Division" means the Division of Wildlife Resources.

193 (b) "Pre-charged pneumatic air rifle" means a rifle that fires a single projectile with  
 194 compressed air released from a chamber:

195 (i) built into the rifle; and

196 (ii) pressurized at a minimum of 2,000 pounds per square inch from an external high  
 197 compression device or source, such as a hand pump, compressor, or scuba tank.

198 (2) ~~[(a)]~~ An individual ~~[shall obtain a permit issued under this section before using]~~  
 199 may use a pre-charged pneumatic air rifle to hunt:

200 (a) a species of protected wildlife designated by the Wildlife Board;

201 (b) a cottontail rabbit;

202 (c) a snowshoe hare; or

203 (d) a turkey, with a fall turkey permit.

204 ~~[(b) The Wildlife Board shall by rule, made in accordance with Title 63G, Chapter 3,~~  
 205 ~~Utah Administrative Rulemaking Act, designate which species of wildlife may be hunted with~~  
 206 ~~the use of a pre-charged pneumatic air rifle.]~~

207 (3) The division shall review ~~[the funding available for the regulation of]~~ available  
 208 funding to pay the costs of regulating hunting with pre-charged pneumatic air rifles, including  
 209 eligibility for federal excise taxes, and report the division's findings to the Natural Resources,  
 210 Agriculture, and Environment Interim Committee by no later than the November 2024 interim  
 211 committee meeting.

212 Section 3. Section **23-20-33** is amended to read:

213 **23-20-33. Limitation on compensating people to locate big game animals.**

214 (1) As used in this section:

215 (a) "Compensate" or "compensated" means anything of value in excess of \$25 that is  
216 paid, loaned, given, granted, donated, or transferred to a person for or in consideration of  
217 locating or monitoring the location of big game animals.

218 (b) "Retain" or "retained" means a written or oral agreement for the delivery of  
219 outfitting services or hunting guide services between an outfitter or hunting guide and the  
220 recipient of those services.

221 (2) Except as provided in Subsections (3) and (4), a person may not compensate  
222 another person to locate or monitor the location of big game animals on public land in  
223 connection with or furtherance of taking a big game animal under this title.

224 (3) A person may compensate a ~~[registered]~~ licensed outfitter or hunting guide, as  
225 defined in Section ~~58-79-102~~, to help the person locate and take a big game animal on public  
226 land if:

227 (a) the outfitter or hunting guide is ~~[registered]~~ licensed and in good standing under  
228 ~~[Title 58, Chapter 79, Hunting Guides and Outfitters Registration Act]~~ Title 58, Chapter 79,  
229 Hunting Guides and Outfitters Licensing Act;

230 (b) the person has retained the outfitter or hunting guide and is the recipient of the  
231 outfitting services and hunting guide services, as defined in Section ~~58-79-102~~;

232 (c) the person possesses the licenses and permits required to take a big game animal;

233 (d) the person retains and uses not more than one outfitter or hunting guide in  
234 connection with taking a big game animal; and

235 (e) the retained outfitter or hunting guide uses no more than one compensated  
236 individual in locating or monitoring the location of big game animals on public land.

237 (4) A ~~[registered]~~ licensed outfitter or hunting guide in good standing may compensate  
238 another person to locate or monitor the location of big game animals on public land if:

239 (a) the outfitter or hunting guide has been retained by the recipient of the outfitting  
240 services or hunting guide services to assist the recipient take a big game animal on public land;

241 (b) the recipient possesses the licenses and permits required to take a big game animal;

242 (c) the recipient is not simultaneously using another outfitter or hunting guide to assist  
243 in taking the same species and sex of big game animal; and

244 (d) the outfitter or hunting guide compensates not more than one other individual to



245 locate or monitor the location of big game animals in connection with assisting the recipient  
246 take a big game animal on public land.

247 (5) A violation of:

248 (a) this section constitutes an unlawful take under Section 23-20-3; and

249 (b) Subsection (4) constitutes unlawful conduct under Sections 58-1-501, 58-1-502,  
250 and 58-79-501.

251 Section 4. Section 23-21-8 is enacted to read:

252 **23-21-8. Wildlife Land and Water Acquisition Fund.**

253 (1) As used in this section, "fund" means the Wildlife Land and Water Acquisition  
254 Fund created in Subsection (2).

255 (2) There is created an expendable special revenue fund known as the "Wildlife Land  
256 and Water Acquisition Fund."

257 (3) The fund consists of:

258 (a) money appropriated to the fund by the Legislature;

259 (b) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted  
260 by the division and specifically directed to the fund;

261 (c) revenue from the division disposing of personal or real property owned by the  
262 division and not deposited into the Wildlife Resources Account under Section 23-20-1; and

263 (d) interest and earnings of the fund.

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

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

267 (5) The division shall use money in the fund to acquire land or water assets that  
268 achieve one or more of the following:

269 (a) protect and enhance wildlife populations;

270 (b) provide the public the opportunity to hunt, trap, or fish; and

271 (c) conserve, protect, and enhance wildlife habitat.

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

274 (a) the amount of money in the fund;

275 (b) the amount of money received from each source of money for the fund; and

276 (c) how the money in the fund is expended by the division.

277 Section 5. Section **23-23-6** is amended to read:

278 **23-23-6. Season dates -- Boundaries -- Review by councils and board.**

279 (1) The Wildlife Board shall establish season dates and boundaries for each  
280 cooperative wildlife management unit except as provided in Subsection (2).

281 (2) (a) A season date for a cooperative wildlife management unit that provides one  
282 buck deer permit or more per every 640 acres shall begin on September 1 and end on October  
283 31.

284 (b) A cooperative wildlife management unit that provides less than one buck deer  
285 permit per every 640 acres may select the following season date options:

286 (i) beginning on September 1 and ending on October 31; or

287 (ii) beginning on September 11 and ending on November 10.

288 (c) In accordance with Subsection [23-14-18\(3\)](#), if the season dates specified in this  
289 Subsection (2) start on a Sunday, the season date shall begin on the Saturday before.

290 ~~[(2)]~~ (3) Season dates may differ from general statewide season dates.

291 ~~[(3)]~~ (4) At least every five years, cooperative wildlife management units containing  
292 public land will be reviewed by the regional advisory councils and the Wildlife Board.

293 Section 6. Section **23-23-7** is amended to read:

294 **23-23-7. Permits -- Acreage and lands that may be included -- Posting of**  
295 **boundaries.**

296 (1) The division shall provide cooperative wildlife management unit authorizations for  
297 hunting small game or waterfowl to the cooperative wildlife management unit, free of charge.

298 (2) At least 50% of the cooperative wildlife management unit authorizations for  
299 hunting small game or waterfowl provided to a cooperative wildlife management unit shall be  
300 offered for sale to the general public at the times and places designated on the application for a  
301 certificate of registration.

302 (3) (a) Cooperative wildlife management units organized for hunting small game or  
303 waterfowl shall consist of private land.

304 (b) At least 75% of the acreage within the boundaries of each cooperative wildlife  
305 management unit organized for the hunting of small game or waterfowl shall be open to  
306 hunting by holders of valid authorizations.

307 (4) (a) The Wildlife Board may establish the maximum number of permits that may be  
 308 issued per acre, except as provided in Subsection (4)(b).

309 (b) A cooperative wildlife management unit shall issue one buck deer permit or less  
 310 per every 320 acres to be eligible to receive buck deer permits.

311 [~~4~~] (5) (a) The division may issue cooperative wildlife management unit permits for  
 312 hunting cougar, turkey, or big game to permittees:

313 (i) qualifying through a public drawing; or

314 (ii) named by the cooperative wildlife management unit operator.

315 (b) The Wildlife Board may specify by rule those persons who are eligible to draw a  
 316 cooperative wildlife management unit permit in a public drawing.

317 [~~5~~] (6) (a) Cooperative wildlife management units organized for hunting cougar,  
 318 turkey, or big game shall consist of private land to the extent practicable. Public land may be  
 319 included within a cooperative wildlife management unit if:

320 (i) the public land is completely surrounded by private land or is otherwise inaccessible  
 321 to the general public;

322 (ii) including public land is necessary to establish a readily identifiable boundary; or

323 (iii) including public land is necessary to achieve cougar, turkey, or big game  
 324 management objectives.

325 (b) If any public land is included within a cooperative wildlife management unit:

326 (i) the landowner association shall meet applicable federal or state land use  
 327 requirements on the public land; and

328 (ii) the Wildlife Board shall increase the number of permits or hunting opportunities  
 329 made available to the general public to reflect the proportion of public lands to private lands  
 330 within the cooperative wildlife management unit.

331 [~~6~~] (7) Each landowner association shall:

332 (a) clearly post all boundaries of the unit by displaying signs containing information  
 333 prescribed by rule of the Wildlife Board at the locations specified in Subsection

334 [23-20-14\(1\)\(d\)](#); and

335 (b) provide a written copy of its guidelines to each holder of an authorization or permit.

336 Section 7. Section **23-23-10** is amended to read:

337 **23-23-10. Possession of permits and licenses by hunter -- Restrictions.**

338 (1) A person may not hunt in a cooperative wildlife management unit without having in  
339 his or her possession:

340 (a) a valid cooperative wildlife management unit authorization or permit or other  
341 permit as authorized by the wildlife board; and

342 (b) the necessary hunting licenses, tags, and stamps.

343 (2) A cooperative wildlife management unit authorization or permit:

344 (a) entitles the holder to hunt only in the unit specified on the authorization or permit  
345 pursuant to rules and proclamations of the Wildlife Board and does not entitle the holder to  
346 hunt on any other private or public land; and

347 (b) constitutes written permission for trespass as required under Section 23-20-14.

348 (3) A cooperative wildlife management unit may address the number of individuals a  
349 cooperative wildlife management unit permit holder may select as companions, except that a  
350 cooperative wildlife management unit shall allow, at a minimum, one companion to  
351 accompany free of charge the cooperative wildlife management unit permit holder.

352 Section 8. Section 23-23-15 is enacted to read:

353 **23-23-15. Bordering cooperative wildlife management units.**

354 (1) The division shall create one or more strategies to align management practices  
355 between cooperative wildlife management units that border each other.

356 (2) (a) The division shall include the strategies described in Subsection (1) within a  
357 state management plan for cooperative wildlife management units.

358 (b) The state management plan for cooperative wildlife management units is subject to  
359 the approval of the Wildlife Board.

360 (3) The strategies described in Subsection (1) shall provide a way for bordering  
361 cooperative wildlife management units to manage wildlife populations in a manner that does  
362 not negatively impact the goals of each cooperative wildlife management unit.

363 Section 9. Section 58-79-101 is amended to read:

364 **CHAPTER 79. HUNTING GUIDES AND OUTFITTERS LICENSING ACT**

365 **Part 1. General Provisions**

366 **58-79-101. Title.**

367 This chapter is known as the "Hunting Guides and Outfitters [~~Registration~~] Licensing  
368 Act."

369 Section 10. Section **58-79-102** is amended to read:

370 **58-79-102. Definitions.**

371 In addition to the definitions in Section **58-1-102**, as used in this chapter:

372 (1) "Board" means the Hunting Guides and Outfitters Licensing Board created in  
373 Section **58-79-201.5**.

374 (2) "Compensation" means anything of economic value in excess of \$100 that is paid,  
375 loaned, granted, given, donated, or transferred to a hunting guide or outfitter for or in  
376 consideration of personal services, materials, or property.

377 [~~(2)~~] (3) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.

378 [~~(3)~~] (4) "Hunting guide" means an individual who:

379 (a) offers or provides hunting guide services on public lands for compensation; and

380 (b) is retained for compensation by an outfitter.

381 [~~(4)~~] (5) "Hunting guide services" means to guide, lead, or assist an individual in  
382 hunting wildlife.

383 [~~(5)~~] (6) "Outfitter" means an individual who offers or provides outfitting or hunting  
384 guide services for compensation to another individual for hunting wildlife on public lands.

385 [~~(6)~~] (7) (a) "Outfitting services" means providing, for hunting wildlife on public lands:

386 (i) transportation of people, equipment, supplies, or wildlife to or from a location;

387 (ii) packing, protecting, or supervising services; or

388 (iii) hunting guide services.

389 (b) "Outfitting services" does not include activities undertaken by the Division of  
390 Wildlife Resources or its employees, associates, volunteers, contractors, or agents under  
391 authority granted in Title 23, Wildlife Resources Code of Utah.

392 [~~(7)~~] (8) (a) "Public lands" means any lands owned by the United States, the state, or a  
393 political subdivision or independent entity of the state that are open to the public for purposes  
394 of engaging in a wildlife related activity.

395 (b) "Public lands" does not include lands owned by the United States, the state, or a  
396 political subdivision or independent entity of the state that are included in a cooperative  
397 wildlife management unit under Subsection **23-23-7(5)** so long as the guiding and outfitting  
398 services furnished by the cooperative wildlife management unit are limited to hunting species  
399 of wildlife specifically authorized by the Division of Wildlife Resources in the unit's

400 management plan.

401 ~~[(8)]~~ (9) "Wildlife" means cougar, bear, and big game animals as defined in Subsection  
402 [23-13-2\(6\)](#).

403 Section 11. Section **58-79-103** is enacted to read:

404 **58-79-103. Hunting guide and outfitter rules.**

405 Before enacting, amending, repealing, or otherwise modifying a rule made under this  
406 chapter, in addition to complying with Section [58-1-106](#) and Title 63G, Chapter 3, Utah  
407 Administrative Rulemaking Act, the division shall consult with the Division of Wildlife  
408 Resources.

409 Section 12. Section **58-79-201.5** is enacted to read:

410 **Part 2. Hunting Guides and Outfitters Licensing Board**

411 **58-79-201.5. Board.**

412 (1) There is created the Hunting Guides and Outfitters Licensing Board consisting of  
413 five members as follows:

414 (a) three persons licensed as a hunting guide or an outfitter in accordance with this  
415 chapter;

416 (b) one member of the Wildlife Board, created in Section [23-14-2](#), selected by the  
417 Wildlife Board; and

418 (c) one person appointed by the Wildlife Board.

419 (2) Except for the two members selected by the Wildlife Board, the board shall be  
420 appointed and serve in accordance with Section [58-1-201](#).

421 (3) The two members selected by the Wildlife Board may not hold a license regulated  
422 by this chapter.

423 (4) (a) The duties of the board shall be in accordance with Sections [58-1-202](#) and  
424 [58-1-203](#).

425 (b) The board shall designate one of the board's members on a permanent or rotating  
426 basis to:

427 (i) assist the division in reviewing complaints concerning the unlawful or  
428 unprofessional conduct of hunting guides and outfitters; and

429 (ii) advise the division in the division's investigations of the complaints described in  
430 Subsection (4)(b)(i).

431 (5) A board member who has, under Subsection (4)(b), reviewed a complaint or  
 432 advised in the division's investigation may be disqualified from participating with the board  
 433 when the board serves as a presiding officer in an adjudicative proceeding concerning the  
 434 complaint.

435 Section 13. Section **58-79-301** is amended to read:

436 **Part 3. Licensing**

437 **58-79-301. Licensure required.**

438 (1) Beginning July 1, ~~[2021]~~ 2023, and except as provided in Sections ~~58-1-307~~ and  
 439 ~~58-79-304~~, ~~[in order]~~ a license is required to provide the services of a hunting guide or  
 440 outfitter~~[, an individual is required to register with the division under the provisions of this~~  
 441 ~~chapter].~~

442 (2) The division shall issue to an individual who qualifies under ~~[the provisions of]~~ this  
 443 chapter a ~~[registration]~~ license in the classification of:

444 (a) hunting guide; or

445 (b) outfitter.

446 (3) The division shall maintain a record of each individual who is ~~[registered]~~ licensed  
 447 with the division as a hunting guide or outfitter.

448 Section 14. Section **58-79-302** is amended to read:

449 **58-79-302. Qualifications for a license.**

450 (1) ~~[To register]~~ An applicant for licensure as a hunting guide ~~[an individual]~~ shall:

451 (a) submit an application in a form prescribed by the division;

452 (b) pay a fee determined by the department under Section ~~63J-1-504~~; ~~[and]~~

453 (c) possess a high degree of skill and ability as a hunting guide;

454 (d) successfully complete basic education and training requirements established by rule  
 455 by the division in collaboration with the board;

456 (e) meet with the division and board if requested by the division or board; and

457 ~~[(e)]~~ (f) in a form prescribed by the division, submit proof that the individual is  
 458 covered by liability insurance when providing services as a hunting guide that is issued by an  
 459 insurance company or association authorized to transact business in the state in an amount  
 460 determined by division rule made in accordance with Title 63G, Chapter 3, Utah  
 461 Administrative Rulemaking Act.

462 (2) ~~[To register]~~ An applicant for licensure as an outfitter ~~[an individual]~~ shall:  
 463 (a) submit an application in a form prescribed by the division;  
 464 (b) pay a fee determined by the department under Section [63J-1-504](#); ~~[and]~~  
 465 (c) possess a high degree of skill and ability as an outfitter;  
 466 (d) successfully complete basic education and training requirements established by rule  
 467 by the division in collaboration with the board;  
 468 (e) meet with the division and board if requested by the division or board; and  
 469 ~~[(c)]~~ (f) in a form prescribed by the division, submit proof that the individual is  
 470 covered by liability insurance when providing services as an outfitter that is issued by an  
 471 insurance company or association authorized to transact business in the state in an amount  
 472 determined by division rule made in accordance with Title 63G, Chapter 3, Utah  
 473 Administrative Rulemaking Act.

474 Section 15. Section **58-79-303** is amended to read:

475 **58-79-303. Term of license -- Expiration -- Renewal.**

476 (1) (a) The division shall issue each ~~[registration]~~ license under this chapter in  
 477 accordance with a two-year renewal cycle established by rule.  
 478 (b) The division may by rule extend or shorten a renewal cycle by as much as one year  
 479 to stagger the renewal cycle the division administers.

480 (2) Each ~~[registration]~~ license automatically expires on the expiration date shown on  
 481 the ~~[registration unless the registrant renews the registration in the same manner as a licensee~~  
 482 renews a license under] license unless the licensee renews the license in accordance with  
 483 Section [58-1-308](#).

484 Section 16. Section **58-79-304** is amended to read:

485 **58-79-304. Exemptions from license.**

486 The exemptions from ~~[registration]~~ licensure under this chapter are limited to:

487 (1) those set forth for a licensee in Section [58-1-307](#); and  
 488 (2) an employee or subordinate of a hunting guide or outfitter if:  
 489 (a) the employee or subordinate does not use the title of hunting guide or outfitter or is  
 490 not directly represented to the public to be legally qualified to engage in the practice of being a  
 491 hunting guide or outfitter before the public in this state[-]; and  
 492 (b) the employee's or subordinate's duties do not include responsible charge.



493 Section 17. Section **58-79-401** is amended to read:

494 **Part 4. Licensing Denial and Discipline**

495 **58-79-401. Grounds for denial of licensure -- Disciplinary proceedings.**

496 (1) Grounds for refusing to issue a [registration] license to an applicant, for  
497 refusing to renew the [registration of a registrant] license of a licensee, for revoking,  
498 suspending, restricting, or placing on probation the [registration of a registrant] license of a  
499 licensee, for issuing a public or private reprimand to a [registrant] licensee, and for issuing a  
500 cease and desist order under this chapter shall be in accordance with [the provisions applicable  
501 to a licensee under] Section **58-1-401**.

502 (2) (a) The division shall refuse to issue a license to an applicant and shall refuse to  
503 renew or shall revoke the license of a licensee during the time period the Division of Wildlife  
504 Resources suspends the applicant's or licensee's privilege to hunt under Title 23, Wildlife  
505 Resources Code of Utah.

506 (b) If the Division of Wildlife Resources suspends the privilege to hunt under Title 23,  
507 Wildlife Resources Code of Utah, of the chief executive officer of an entity under which an  
508 applicant or licensee provides hunting guide services or outfitting services, during the time  
509 period that the chief executive officer's privilege to hunt is suspended, the division shall refuse  
510 to issue a license to the applicant and shall refuse to renew or shall revoke the license of the  
511 licensee.

512 (c) If the Division of Wildlife Resources suspends the privilege to hunt under Title 23,  
513 Wildlife Resources Code of Utah, of a licensee under which an applicant or licensee provides  
514 hunting guide services or outfitting services, during the time period that the licensee's privilege  
515 to hunt is suspended, the division shall refuse to issue a license to the applicant and shall refuse  
516 to renew or shall revoke the license of the licensee.

517 Section 18. Section **58-79-501** is amended to read:

518 **Part 5. Unlawful and Unprofessional Conduct**

519 **58-79-501. Unlawful conduct.**

520 "Unlawful conduct" includes, in addition to the definition in Section **58-1-501**, using  
521 the title "hunting guide" or "outfitter" or any other title or designation to indicate that the  
522 individual is a hunting guide or outfitter or acting as a hunting guide or outfitter, unless the  
523 individual [is currently registered] has a current license as a hunting guide or outfitter under

524 this chapter.

525 Section 19. Section **58-79-502** is amended to read:

526 **58-79-502. Unprofessional conduct.**

527 "Unprofessional conduct" includes, in addition to the definition in Section **58-1-501**,  
528 and as may be further defined by division rule:

529 (1) engaging in an activity that would place a [~~registrant's~~] licensee's client, prospective  
530 client, or third party's safety at risk, recognizing the inherent risks associated with hunting  
531 wildlife and the activity engaged in being above and beyond those inherent risks;

532 (2) using false, deceptive, or misleading advertising related to providing services as a  
533 hunting guide or outfitter;

534 (3) misrepresenting services, outcomes, facilities, equipment, or fees to a client or  
535 prospective client; and

536 (4) failing to provide the division with active and current contact information within 30  
537 days of any changes to the [~~registrant's~~] licensee's contact information that was provided to the  
538 division during [~~registration~~] licensure or the renewal of [~~registration~~] a license as a hunting  
539 guide or outfitter.

540 Section 20. **Appropriation.**

541 The following sums of money are appropriated for the fiscal year beginning July 1,  
542 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for  
543 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
544 Act, the Legislature appropriates the following sums of money from the funds or accounts  
545 indicated for the use and support of the government of the state of Utah.

546 ITEM 1

547 To Department of Natural Resources -- Wildlife Land and Water Acquisition Fund

548 From General Fund 1,000,000

549 Schedule of Programs:

550 Wildlife Land and Water Acquisition Fund 1,000,000

551 Section 21. **Effective date.**

552 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

553 (2) The actions affecting the following sections take effect on August 1, 2024:

554 (a) Section **23-23-6**;

- 555            (b) Section 23-23-7;
- 556            (c) Section 23-23-10; and
- 557            (d) Section 23-23-15.