

HB0469S03 compared with HB0469S01

~~{deleted text}~~ shows text that was in HB0469S01 but was deleted in HB0469S03.

inserted text shows text that was not in HB0469S01 but was inserted into HB0469S03.

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~~{Representative Casey Snider}~~Senator Scott D. Sandall proposes the following substitute bill:

WILDLIFE RELATED AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: ~~{~~Scott D. Sandall

LONG TITLE

General Description:

This bill addresses issues related to wildlife hunting, fishing, 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 or fish;
- ▶ addresses hunting with an air rifle;
- ▶ addresses the taking of cougars;
- ▶ modifies provisions related to use of trail cameras;
- ▶ creates the Wildlife Land and Water Acquisition Program;
- ▶ modifies provisions related to cooperative wildlife management units;

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- ▶ 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}~~ registration related to hunting guides and outfitters;
 - ▶ provides for certain fees; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in ~~{Fiscal Year}~~ fiscal year 2024:

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

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

23-13-18, as last amended by Laws of Utah 2021, Chapter 177

23-19-9, as last amended by Laws of Utah 2021, Chapter 57

23-19-17, as last amended by Laws of Utah 2007, Chapter 187

23-19-22.5, as last amended by Laws of Utah 2007, Chapter 187

23-19-24, as last amended by Laws of Utah 2007, Chapter 187

23-19-26, as last amended by Laws of Utah 2007, Chapter 187

23-19-47, as last amended by Laws of Utah 2007, Chapter 187

23-19-49, as enacted by Laws of Utah 2022, Chapter 102

~~{23-20-33}~~ 23-23-2, as ~~{enacted}~~ last amended by Laws of Utah ~~{2022}~~ 2005, Chapter ~~{45}~~ 112

23-23-3, as last amended by Laws of Utah 2005, Chapter 112

23-23-6, as repealed and reenacted by Laws of Utah 1997, Chapter 258

23-23-7, as last amended by Laws of Utah 2005, Chapter 112

23-23-10, as last amended by Laws of Utah 2000, Chapter 44

~~{~~ ~~58-79-101, as last amended by Laws of Utah 2020, Chapters 316, 376~~

~~58-79-102, as last amended by Laws of Utah 2020, Chapters 316, 376~~

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- ~~58-79-301~~, as last amended by Laws of Utah 2020, Chapters 316, 376
- ~~58-79-302~~, as last amended by Laws of Utah 2020, Chapters 316, 339 and 376
- ~~58-79-303~~, as last amended by Laws of Utah 2020, Chapters 316, 376
- ~~58-79-304~~, as last amended by Laws of Utah 2020, Chapters 316, 376
- ‡ 58-79-401, as last amended by Laws of Utah 2020, Chapters 316, 376
- { ~~58-79-501~~, as last amended by Laws of Utah 2020, Chapters 316, 376
- ~~58-79-502~~, as last amended by Laws of Utah 2020, Chapters 316, 376
- ‡ 63J-1-602.2, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236, 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022, Chapter 154

ENACTS:

23-21-8, Utah Code Annotated 1953

58-79-103, Utah Code Annotated 1953

{ ~~58-79-201.5, Utah Code Annotated 1953~~; **Uncodified Material Affected:**

ENACTS UNCODIFIED MATERIAL

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

Section 1. Section 23-13-18 is amended to read:

23-13-18. Use of a computer or other device to remotely hunt wildlife prohibited -- Trail cameras.

(1) A person may not use a computer or other device to remotely control the aiming and discharge of a firearm or other weapon for hunting an animal.

(2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

(3) (a) As used in this Subsection (3), "trail camera" means a device that is not held or manually operated by a person and is ~~used to capture~~ **capable of capturing** images, video, or location data of wildlife using heat or motion to trigger the device.

(b) A trail camera using internal data storage and not capable of transmitting data is permitted for use on private lands for the purposes of taking protected wildlife.

(c) A trail camera may not be used to take wildlife on public land during the period beginning on July 31 and ending on December 31.

(d) A trail camera is prohibited on public land during the period beginning on July 31

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and ending on December 31, except for use by:

(i) the division for monitoring or research;

(ii) a land management agency in the course of the land management agency's regular

duties;

(iii) any of the following conducting research in conjunction with the division:

(A) a non-governmental organization;

(B) an educational institution; or

(C) other person;

(iv) monitoring active agricultural operations including the take of a bear or cougar that is causing livestock depredation; or

(v) a municipality participating in a program addressing urban deer.

~~[(b)]~~ (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board ~~[shall]~~ may make rules regulating the use of trail cameras.

~~[(c)]~~ The division shall provide an annual report to the Natural Resources, Agriculture, and Environment Interim Committee regarding rules made or changed in accordance with this Subsection ~~(3)~~:1

Section ~~11~~2. Section **23-19-9** is amended to read:

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

(1) As used in this section:

(a) "License or permit privileges" means the privilege of applying for, purchasing, and exercising the benefits conferred by a license or permit issued by the division.

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

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

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

(i) is convicted of:

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

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

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

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

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

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

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

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

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

(ii) the duration of the suspension.

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

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

(a) seven years for:

(i) a felony conviction;

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

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

(b) five years for:

(i) a class A misdemeanor conviction;

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

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

(c) three years for:

(i) a class B misdemeanor conviction;

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

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

(d) one year for:

(i) a class C misdemeanor conviction;

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

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

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

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

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

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

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

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

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

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

(A) this title;

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The hearing officer shall consider any recommendation made by a sentencing court

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concerning suspension before issuing a suspension order.

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

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

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

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

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

(b) provided with an opportunity for a hearing.

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

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

(c) The Wildlife Board may:

(i) take no action;

(ii) vacate or remand the decision; or

(iii) amend the period or type of suspension.

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

(14) Within 30 days after the day on which an individual's privilege to hunt or fish is suspended under this title, the division shall report to the Division of Professional Licensing the:

(a) identifying information for the individual; and

(b) time period of the suspension.

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

Section 3. Section 23-19-17 is amended to read:

23-19-17. Resident fishing and hunting license -- Use of fee.

(1) A resident, after paying the fee established by the Wildlife Board, may obtain, as provided by the Wildlife Board's rules, a combination license to:

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- (a) fish;
- (b) hunt for small game; ~~and~~

~~(c)~~ and

(c) hunt or trap cougar during a period beginning on January 1 and ending on December 31; and

~~(c)~~ (d) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(2) Up to \$1 of the combination license fee may be used for the hunter education program for any of the following:

- (a) instructor and student training;
- (b) assisting local organizations with development;
- (c) maintenance of existing facilities; or
- (d) operation and maintenance of the hunter education program.

(3) (a) Up to 50 cents of the combination license fee may be used for the upland game program to:

- (i) acquire pen-raised birds; or
- (ii) capture and transplant upland game species.

(b) The combination license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 4. Section 23-19-22.5 is amended to read:

23-19-22.5. ~~Cougar or bear~~ Bear hunting permit.

(1) A person 12 years of age or older, upon paying the cougar or bear hunting permit fee established by the Wildlife Board and possessing a valid hunting or combination license, may apply for or obtain a permit to take cougar or bear as provided by rules and proclamations of the Wildlife Board.

(2) A person 11 years of age may apply for or obtain a cougar or bear hunting permit consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the calendar year in which the permit is issued.

(3) One dollar of each cougar or bear permit fee collected from a resident shall be used for the hunter education program.

Section 5. Section 23-19-24 is amended to read:

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23-19-24. Resident hunting license -- Use of fee.

(1) A resident, after paying the fee established by the Wildlife Board, may obtain a hunting license.

(2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:

(a) take small game; ~~and~~

~~(b)}~~ and

(b) hunt or trap cougar during a period beginning on January 1 and ending on December 31; and

(b) (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(3) Up to \$1 of the hunting license fee may be used for the hunter education program.

(4) (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:

(i) acquire pen-raised birds; or

(ii) capture and transplant upland game species.

(b) The hunting license fee revenue designated for the upland game program by Subsection (4)(a) is in addition to any hunting license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 6. Section 23-19-26 is amended to read:

23-19-26. Nonresident hunting license -- Use of fee.

(1) A nonresident, after paying the fee established by the Wildlife Board, may obtain a hunting license.

(2) A hunting license authorizes the licensee to, according to this title and the Wildlife Board's rules and proclamations:

(a) take small game; ~~and~~

~~(b)}~~ and

(b) hunt or trap cougar during a period beginning on January 1 and ending on December 31; and

(b) (c) apply for or obtain a big game, cougar, bear, or turkey hunting permit.

(3) (a) Up to 50 cents of the hunting license fee may be used for the upland game program to:

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- (i) acquire pen-raised birds; or
- (ii) capture and transplant upland game species.

(b) The hunting license fee revenue designated for the upland game program by Subsection (3)(a) is in addition to any hunting license fee revenue that may be used for the upland game program as provided by Sections 23-19-43 and 23-19-47.

Section 7. Section 23-19-47 is amended to read:

23-19-47. Portion of revenue from license, permit, stamp, certificate of registration, and Wildlife Heritage certificate fees deposited in Wildlife Habitat Account.

(1) Fifty cents of the fee charged for any of the following licenses or stamps shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

- (a) a one-day fishing license; or
- (b) a one-day fishing stamp.

(2) Three dollars and fifty cents of the fee charged for any of the following licenses or permits shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

- (a) a fishing license, except any one-day fishing license;
- (b) a hunting license;
- (c) a combination license;
- (d) a furbearer license; or
- (e) a fishing permit, except any fish stamp.

(3) Four dollars and seventy-five cents of the fee charged for any of the following certificates of registration, permits, or Wildlife Heritage certificates shall be deposited in the Wildlife Habitat Account created in Section 23-19-43:

(a) a certificate of registration for the dedicated hunter program, except a certificate of registration issued to a lifetime licensee;

- (b) a big game permit;
- (c) a bear permit;

~~[(d)] a cougar permit;~~

~~[(e)]~~ [(d)] a turkey permit;

~~[(f)]~~ [(e)] a muskrat permit; or

~~[(g)]~~ [(f)] a Wildlife Heritage certificate.

Section ~~{2}~~8. Section **23-19-49** is amended to read:

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23-19-49. Air rifle hunting.

(1) As used in this section:

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

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

(i) built into the rifle; and

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

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

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

(b) a cottontail rabbit;

(c) a snowshoe hare; or

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

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

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

Section {3}9. Section {23-20-33}~~23-21-8~~ is {amended to read:

~~23-20-33. Limitation on compensating people to locate big game animals:~~

~~(1) As used in this section:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (d) the outfitter or hunting guide compensates not more than one other individual to locate or monitor the location of big game animals in connection with assisting the recipient take a big game animal on public land.~~

~~—— (5) A violation of:~~

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

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

~~—— Section 4. Section **23-21-8** is enacted to read:~~

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enacted to read:

23-21-8. Wildlife Land and Water Acquisition Program.

(1) As used in this section, "program" means the Wildlife Land and Water Acquisition Program created in Subsection (2).

(2) There is created a program known as the "Wildlife Land and Water Acquisition Program" under which the division ~~shall~~ may lease or acquire land or water assets that achieve one or more of the following:

- (a) protect and enhance wildlife populations;
- (b) provide the public the opportunity to hunt, trap, or fish; and
- (c) conserve, protect, and enhance wildlife habitat.

(3) In making a decision as to whether to lease or acquire land or water assets, the division shall:

(a) consult the relevant state or county resource management plan;

(b) prioritize leases or acquisitions that involve land that:

(i) is adjacent to land already owned by the division; or

(ii) provides access to other public land;

(c) develop a management plan for the land or water asset in a manner consistent with

Section 23-21-2.1; and

(d) facilitate grazing as a management tool if consistent with the management plan described in Subsection (3)(c).

(~~3~~4) The division shall annually report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee regarding how the division ~~expended~~ expends money in the program.

Section 10. Section 23-23-2 is amended to read:

23-23-2. Definitions.

As used in this chapter:

(1) "Cooperative wildlife management unit" or "unit" means a generally contiguous area of land open for hunting small game, waterfowl, ~~cougar,~~ turkey, or big game which is registered in accordance with this chapter and rules of the Wildlife Board.

(2) (a) "Cooperative wildlife management unit agent" means a person appointed by a landowner, landowner association, or landowner association operator to perform the functions

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described in Section 23-23-9.

(b) For purposes of this chapter, a cooperative wildlife management unit agent may not:

- (i) be appointed by the division or the state;
- (ii) be an employee or agent of the division;
- (iii) receive compensation from the division or the state to act as a cooperative wildlife management unit agent; or
- (iv) act as a peace officer or perform any duties of a peace officer without qualifying as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

(3) "Cooperative wildlife management unit authorization" means a card, label, ticket, or other identifying document authorizing the possessor to hunt small game or waterfowl in a cooperative wildlife management unit.

(4) "Cooperative wildlife management unit permit" means a permit authorizing the possessor to hunt ~~cougar,~~ turkey~~;~~ or big game in a cooperative wildlife management unit.

(5) "Division" means the Division of Wildlife Resources.

(6) "Landowner association" means a landowner or an organization of owners of private lands who operates a cooperative wildlife management unit.

(7) (a) "Landowner association operator" means a person designated by a landowner association to operate the cooperative wildlife management unit.

(b) For purposes of this chapter, a landowner association operator may not:

- (i) be appointed by the division; or
- (ii) be an employee or agent of the division.

Section 11. Section 23-23-3 is amended to read:

23-23-3. Rulemaking authority of Wildlife Board.

The Wildlife Board is authorized to make and enforce rules applicable to cooperative wildlife management units organized for the hunting of small game, waterfowl, ~~cougar,~~ turkey, or big game that in its judgment are necessary to administer and enforce the provisions of this chapter.

Section ~~5~~12. Section 23-23-6 is amended to read:

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

(1) The Wildlife Board shall establish season dates and boundaries for each

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cooperative wildlife management unit except as provided in Subsection (2).

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

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

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

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

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

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

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

Section ~~{6}~~ 13. Section 23-23-7 is amended to read:

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

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

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

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

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

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

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

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

- (i) qualifying through a public drawing; or
- (ii) named by the cooperative wildlife management unit operator.

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

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

- (i) the public land is completely surrounded by private land or is otherwise inaccessible to the general public;
- (ii) including public land is necessary to establish a readily identifiable boundary; or
- (iii) including public land is necessary to achieve ~~[cougar,]~~ turkey~~[-]~~ or big game management objectives.

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

- (i) the landowner association shall meet applicable federal or state land use requirements on the public land; and
- (ii) the Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportion of public lands to private lands within the cooperative wildlife management unit.

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

- (a) clearly post all boundaries of the unit by displaying signs containing information prescribed by rule of the Wildlife Board at the locations specified in Subsection 23-20-14(1)(d); and
- (b) provide a written copy of its guidelines to each holder of an authorization or permit.

Section ~~{7}~~14. Section **23-23-10** is amended to read:

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

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

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

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

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

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

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

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

Section ~~{8}~~15. Section ~~{58-79-101}~~58-79-103 is ~~{amended to read:~~

~~CHAPTER 79. HUNTING GUIDES AND OUTFITTERS LICENSING ACT~~

~~Part 1. General Provisions~~

~~———— 58-79-101. Title:~~

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

~~———— Section 9. Section 58-79-102 is amended to read:~~

~~———— 58-79-102. Definitions:~~

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

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

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

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

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

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

~~———— (b) is retained for compensation by an outfitter.~~

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

~~———— [(5)] (6) "Outfitter" means an individual who offers or provides outfitting or hunting~~

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~~guide services for compensation to another individual for hunting wildlife on public lands:~~

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

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

~~—— (ii) packing, protecting, or supervising services; or~~

~~—— (iii) hunting guide services.~~

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

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

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

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

~~—— Section 10. Section 58-79-103 is enacted to read:~~

~~enacted to read:~~

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

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

~~{ —— Section 11. Section 58-79-201.5 is enacted to read:~~

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

~~—— **58-79-201.5. Board:**~~

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

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

~~— (b) one member of the Wildlife Board, created in Section 23-14-2, selected by the Wildlife Board; and~~

~~— (c) one person appointed by the Wildlife Board.~~

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

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

~~— (4) (a) The duties of the board shall be in accordance with Sections 58-1-202 and 58-1-203.~~

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

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

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

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

~~— Section 12. Section 58-79-301 is amended to read:~~

Part 3. Licensing

~~— 58-79-301. Licensure required:~~

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

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

~~— (a) hunting guide; or~~

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~~_____ (b) outfitter.~~

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

~~_____ Section 13. Section 58-79-302 is amended to read:~~

~~_____ 58-79-302. Qualifications for a license.~~

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

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

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

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

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

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

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

~~_____ (2) [To register] An applicant for licensure as an outfitter [an individual] shall:~~

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

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

~~_____ (c) possess a high degree of skill and ability as an outfitter;~~

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

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

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

~~_____ Section 14. Section 58-79-303 is amended to read:~~

~~_____ 58-79-303. Term of license -- Expiration -- Renewal.~~

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~~———— (1) (a) The division shall issue each [registration] license under this chapter in accordance with a two-year renewal cycle established by rule.~~

~~———— (b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycle the division administers.~~

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

~~———— Section 15. Section 58-79-304 is amended to read:~~

~~———— **58-79-304. Exemptions from license.**~~

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

~~———— (1) those set forth for a licensee in Section 58-1-307; and~~

~~———— (2) an employee or subordinate of a hunting guide or outfitter if:~~

~~———— (a) the employee or subordinate does not use the title of hunting guide or outfitter or is not directly represented to the public to be legally qualified to engage in the practice of being a hunting guide or outfitter before the public in this state[.]; and~~

~~———— (b) the employee's or subordinate's duties do not include responsible charge.~~

‡ Section 16. Section **58-79-401** is amended to read:

~~{Part 4. Licensing Denial and Discipline~~

‡ **58-79-401. Grounds for denial of {licensure}registration -- Disciplinary proceedings.**

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

(2) (a) The division shall refuse to issue a {licensure}registration to an applicant and shall refuse to renew or shall revoke the {licensure}registration of a {licensee}registrant during the time period the Division of Wildlife Resources suspends the applicant's or {licensee's}registrant's privilege to hunt or fish under Title 23, Wildlife Resources Code of

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Utah.

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

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

~~Section 17. Section 58-79-501 is amended to read:~~

~~Part 5. Unlawful and Unprofessional Conduct~~

~~58-79-501. Unlawful conduct.~~

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

~~Section 18. Section 58-79-502 is amended to read:~~

~~58-79-502. Unprofessional conduct.~~

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

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

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

~~(3) misrepresenting services, outcomes, facilities, equipment, or fees to a client or~~

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~~prospective client, and~~

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

~~Section 19}~~registration of the registrant.

Section 17. Section **63J-1-602.2** is amended to read:

63J-1-602.2. List of nonlapsing appropriations to programs.

Appropriations made to the following programs are nonlapsing:

- (1) The Legislature and the Legislature's committees.
- (2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.
- (3) The Percent-for-Art Program created in Section 9-6-404.
- (4) The LeRay McAllister Critical Land Conservation Program created in Section ~~{4-46-301}~~4-46-301.
- (5) The Utah Lake Authority created in Section 11-65-201.
- (6) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).
- (7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.
- ~~(8)~~ (9) The Wildlife Land and Water Acquisition Program created in Section 23-21-8.
- ~~(9)~~ (10) The Emergency Medical Services Grant Program in Section 26-8a-207.
- ~~(10)~~ (11) The primary care grant program created in Section 26-10b-102.
- ~~(11)~~ (12) Sanctions collected as dedicated credits from Medicaid providers under Subsection 26-18-3(7).
- ~~(12)~~ (13) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.
- ~~(13)~~ (14) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- ~~(14)~~ (15) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.

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~~[(14)]~~ (15) The Utah Medical Education Council for the:

(a) administration of the Utah Medical Education Program created in Section 26-69-403;

(b) provision of medical residency grants described in Section 26-69-407; and

(c) provision of the forensic psychiatric fellowship grant described in Section 26-69-408.

~~[(15)]~~ (16) Funds that the Department of Alcoholic Beverage Services retains in accordance with Subsection 32B-2-301(8)(a) or (b).

~~[(16)]~~ (17) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.

~~[(17)]~~ (18) The Utah National Guard, created in Title 39, Militia and Armories.

~~[(18)]~~ (19) The State Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

~~[(19)]~~ (20) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

~~[(20)]~~ (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

~~[(21)]~~ (22) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53B-6-104.

~~[(22)]~~ (23) Innovation grants under Section 53G-10-608, except as provided in Subsection 53G-10-608(6).

~~[(23)]~~ (24) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

~~[(24)]~~ (25) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

~~[(25)]~~ (26) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

~~[(26)]~~ (27) The Division of Technology Services for technology innovation as provided under Section 63A-16-903.

~~[(27)]~~ (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~[(28)]~~ (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,

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Colorado River Authority of Utah Act.

~~[(29)]~~ (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

~~[(30)]~~ (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

~~[(31)]~~ (32) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.

~~[(32)]~~ (33) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.

~~[(33)]~~ (34) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

~~[(34)]~~ (35) The Traffic Noise Abatement Program created in Section 72-6-112.

~~[(35)]~~ (36) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.

~~[(36)]~~ (37) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

~~[(37)]~~ (38) A state rehabilitative employment program, as provided in Section 78A-6-210.

~~[(38)]~~ (39) The Utah Geological Survey, as provided in Section 79-3-401.

~~[(39)]~~ (40) The Bonneville Shoreline Trail Program created under Section 79-5-503.

~~[(40)]~~ (41) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(41)]~~ (42) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(42)]~~ (43) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

~~[(43)]~~ (44) The State Tax Commission for reimbursing counties for deferred property

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taxes in accordance with Section 59-2-1802.

Section 18. Division of Wildlife Resources fees.

The Legislature intends that the Department of Natural Resources, Division of Wildlife Resources is authorized to charge the following two fees in the amounts shown:

(1) instead of a variable fee for resident or nonresident dedicated hunter hourly labor buyout, a fee of \$40 per hour; and

(2) a nonresident draw application fee of \$16.

Section ~~{20}~~19. **Appropriation.**

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

ITEM 1

To Department of Natural Resources -- Wildlife Land and Water Acquisition Program

<u>From General Fund</u>	<u>1,000,000</u>
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Schedule of Programs:

<u>Wildlife Land and Water Acquisition Program</u>	<u>1,000,000</u>
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The Legislature intends that the ongoing appropriation to the Wildlife Land and Water Acquisition Program, created in this bill, be nonlapsing and that it be expended only for the purposes of the Wildlife Land and Water Acquisition Program.

Section ~~{21}~~20. **Effective date.**

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

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

(a) Section 23-23-6;

(b) Section 23-23-7; and

(c) Section 23-23-10.