

1 **WILDLIFE RELATED AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Casey Snider**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses issues related to wildlife hunting, fishing, and habitat.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires the Division of Wildlife Resources to notify the Division of Professional
13 License of a suspension of the privilege to hunt or fish;
- 14 ▶ addresses hunting with an air rifle;
- 15 ▶ addresses the taking of cougars;
- 16 ▶ modifies provisions related to use of trail cameras;
- 17 ▶ creates the Wildlife Land and Water Acquisition Program;
- 18 ▶ modifies provisions related to cooperative wildlife management units;
- 19 ▶ addresses rulemaking by the Division of Professional Licensing;
- 20 ▶ addresses when the Division of Professional Licensing is to refuse to issue, refuse to
21 renew, or revoke a registration related to hunting guides and outfitters;
- 22 ▶ provides for certain fees; and
- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 This bill appropriates in fiscal year 2024:

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

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **23-13-18**, as last amended by Laws of Utah 2021, Chapter 177

34 **23-19-9**, as last amended by Laws of Utah 2021, Chapter 57

35 **23-19-17**, as last amended by Laws of Utah 2007, Chapter 187

36 **23-19-22.5**, as last amended by Laws of Utah 2007, Chapter 187

37 **23-19-24**, as last amended by Laws of Utah 2007, Chapter 187

38 **23-19-26**, as last amended by Laws of Utah 2007, Chapter 187

39 **23-19-47**, as last amended by Laws of Utah 2007, Chapter 187

40 **23-19-49**, as enacted by Laws of Utah 2022, Chapter 102

41 **23-23-2**, as last amended by Laws of Utah 2005, Chapter 112

42 **23-23-3**, as last amended by Laws of Utah 2005, Chapter 112

43 **23-23-6**, as repealed and reenacted by Laws of Utah 1997, Chapter 258

44 **23-23-7**, as last amended by Laws of Utah 2005, Chapter 112

45 **23-23-10**, as last amended by Laws of Utah 2000, Chapter 44

46 **58-79-401**, as last amended by Laws of Utah 2020, Chapters 316, 376

47 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,

48 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,

49 Chapter 154

50 ENACTS:

51 **23-21-8**, Utah Code Annotated 1953

52 **58-79-103**, Utah Code Annotated 1953

53 **Uncodified Material Affected:**

ENACTS UNCODIFIED MATERIAL



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

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

57 **23-13-18. Use of a computer or other device to remotely hunt wildlife prohibited**
58 **-- Trail cameras.**

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

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

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

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

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

69 (d) A trail camera is prohibited on public land during the period beginning on July 31
70 and ending on December 31, except for use by:

71 (i) the division for monitoring or research;

72 (ii) a land management agency in the course of the land management agency's regular
73 duties;

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

75 (A) a non-governmental organization;

76 (B) an educational institution; or

77 (C) other person;

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

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

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

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

85 Subsection (3).]

86 Section 2. Section 23-19-9 is amended to read:

87 **23-19-9. Suspension of license or permit privileges -- Suspension of certificates of**
88 **registration.**

89 (1) As used in this section:

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

92 (b) "Livestock guardian dog" means the same as that term is defined in Section
93 76-6-111.

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

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

97 (i) is convicted of:

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

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

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

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

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

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

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

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

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

112 (ii) the duration of the suspension.

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

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

118 (a) seven years for:

119 (i) a felony conviction;

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

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

124 (b) five years for:

125 (i) a class A misdemeanor conviction;

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

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

130 (c) three years for:

131 (i) a class B misdemeanor conviction;

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

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

136 (d) one year for:

137 (i) a class C misdemeanor conviction;

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

140 (iii) being charged with an offense punishable as a class C misdemeanor, the

141 prosecution of which is suspended according to a diversion agreement.

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

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

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

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

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

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

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

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

161 (A) this title;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

195 (10) (a) A person may not apply for, purchase, possess, or attempt to exercise the
196 benefits conferred by any permit, license, or certificate of registration specified in an order of

197 suspension while that order is in effect.

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

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

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

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

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

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

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

208 (c) The Wildlife Board may:

209 (i) take no action;

210 (ii) vacate or remand the decision; or

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

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

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

217 (a) identifying information for the individual; and

218 (b) time period of the suspension.

219 [~~14~~] (15) The Wildlife Board may make rules to implement this section in accordance
220 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

222 **23-19-17. Resident fishing and hunting license -- Use of fee.**

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

- 225 (a) fish;
- 226 (b) hunt for small game; [~~and~~]
- 227 (c) hunt or trap cougar during a period beginning on January 1 and ending on
- 228 December 31; and
- 229 [~~(c)~~] (d) apply for or obtain a big game, [~~cougar,~~] bear, or turkey hunting permit.
- 230 (2) Up to \$1 of the combination license fee may be used for the hunter education
- 231 program for any of the following:
- 232 (a) instructor and student training;
- 233 (b) assisting local organizations with development;
- 234 (c) maintenance of existing facilities; or
- 235 (d) operation and maintenance of the hunter education program.
- 236 (3) (a) Up to 50 cents of the combination license fee may be used for the upland game
- 237 program to:
- 238 (i) acquire pen-raised birds; or
- 239 (ii) capture and transplant upland game species.
- 240 (b) The combination license fee revenue designated for the upland game program by
- 241 Subsection (3)(a) is in addition to any combination license fee revenue that may be used for the
- 242 upland game program as provided by Sections [23-19-43](#) and [23-19-47](#).
- 243 Section 4. Section **23-19-22.5** is amended to read:
- 244 **23-19-22.5. Bear hunting permit.**
- 245 (1) A person 12 years of age or older, upon paying the [~~cougar or~~] bear hunting permit
- 246 fee established by the Wildlife Board and possessing a valid hunting or combination license,
- 247 may apply for or obtain a permit to take [~~cougar or~~] bear as provided by rules and
- 248 proclamations of the Wildlife Board.
- 249 (2) A person 11 years of age may apply for or obtain a [~~cougar or~~] bear hunting permit
- 250 consistent with the requirements of Subsection (1) if that person's 12th birthday falls within the
- 251 calendar year in which the permit is issued.
- 252 (3) One dollar of each [~~cougar or~~] bear permit fee collected from a resident shall be

253 used for the hunter education program.

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

255 **23-19-24. Resident hunting license -- Use of fee.**

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

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

260 (a) take small game; [~~and~~]

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

263 [~~(b)~~] (c) apply for or obtain a big game, [~~cougar;~~] bear, or turkey hunting permit.

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

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

267 (i) acquire pen-raised birds; or

268 (ii) capture and transplant upland game species.

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

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

273 **23-19-26. Nonresident hunting license -- Use of fee.**

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

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

278 (a) take small game; [~~and~~]

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

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

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

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

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

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

290 **23-19-47. Portion of revenue from license, permit, stamp, certificate of**
291 **registration, and Wildlife Heritage certificate fees deposited in Wildlife Habitat Account.**

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

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

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

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

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

- 306 (a) a certificate of registration for the dedicated hunter program, except a certificate of
307 registration issued to a lifetime licensee;
- 308 (b) a big game permit;

- 309 (c) a bear permit;
- 310 [~~(d) a cougar permit;~~]
- 311 [~~(e)~~] (d) a turkey permit;
- 312 [~~(f)~~] (e) a muskrat permit; or
- 313 [~~(g)~~] (f) a Wildlife Heritage certificate.

314 Section 8. Section ~~23-19-49~~ is amended to read:

315 **23-19-49. Air rifle hunting.**

316 (1) As used in this section:

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

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

320 (i) built into the rifle; and

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

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

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

326 (b) a cottontail rabbit;

327 (c) a snowshoe hare; or

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

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

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

337 Section 9. Section **23-21-8** is enacted to read:

338 **23-21-8. Wildlife Land and Water Acquisition Program.**

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

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

344 (a) protect and enhance wildlife populations;

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

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

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

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

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

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

352 (ii) provides access to other public land;

353 (c) develop a management plan for the land or water asset in a manner consistent with
354 Section [23-21-2.1](#); and

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

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

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

361 **23-23-2. Definitions.**

362 As used in this chapter:

363 (1) "Cooperative wildlife management unit" or "unit" means a generally contiguous
364 area of land open for hunting small game, waterfowl, ~~cougar,~~ turkey, or big game which is

365 registered in accordance with this chapter and rules of the Wildlife Board.

366 (2) (a) "Cooperative wildlife management unit agent" means a person appointed by a
367 landowner, landowner association, or landowner association operator to perform the functions
368 described in Section 23-23-9.

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

371 (i) be appointed by the division or the state;

372 (ii) be an employee or agent of the division;

373 (iii) receive compensation from the division or the state to act as a cooperative wildlife
374 management unit agent; or

375 (iv) act as a peace officer or perform any duties of a peace officer without qualifying as
376 a peace officer under Title 53, Chapter 13, Peace Officer Classifications.

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

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

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

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

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

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

388 (i) be appointed by the division; or

389 (ii) be an employee or agent of the division.

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

391 **23-23-3. Rulemaking authority of Wildlife Board.**

392 The Wildlife Board is authorized to make and enforce rules applicable to cooperative

393 wildlife management units organized for the hunting of small game, waterfowl, [~~cougar,~~
394 turkey, or big game that in its judgment are necessary to administer and enforce the provisions
395 of this chapter.

396 Section 12. Section **23-23-6** is amended to read:

397 **23-23-6. Season dates -- Boundaries -- Review by councils and board.**

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

400 (2) (a) A season date for a cooperative wildlife management unit that provides one
401 buck deer permit or more per every 640 acres shall begin on September 1 and end on October
402 31.

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

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

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

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

409 [~~2~~] (3) Season dates may differ from general statewide season dates.

410 [~~3~~] (4) At least every five years, cooperative wildlife management units containing
411 public land will be reviewed by the regional advisory councils and the Wildlife Board.

412 Section 13. Section **23-23-7** is amended to read:

413 **23-23-7. Permits -- Acreage and lands that may be included -- Posting of**
414 **boundaries.**

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

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

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

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

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

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

430 [~~4~~] (5) (a) The division may issue cooperative wildlife management unit permits for
431 hunting [~~cougar;~~] turkey[;] or big game to permittees:

432 (i) qualifying through a public drawing; or

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

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

436 [~~5~~] (6) (a) Cooperative wildlife management units organized for hunting [~~cougar;~~]
437 turkey[;] or big game shall consist of private land to the extent practicable. Public land may be
438 included within a cooperative wildlife management unit if:

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

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

442 (iii) including public land is necessary to achieve [~~cougar;~~] turkey[;] or big game
443 management objectives.

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

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

447 (ii) the Wildlife Board shall increase the number of permits or hunting opportunities
448 made available to the general public to reflect the proportion of public lands to private lands

449 within the cooperative wildlife management unit.

450 ~~[(6)]~~ (7) Each landowner association shall:

451 (a) clearly post all boundaries of the unit by displaying signs containing information
452 prescribed by rule of the Wildlife Board at the locations specified in Subsection
453 [23-20-14\(1\)\(d\)](#); and

454 (b) provide a written copy of its guidelines to each holder of an authorization or permit.
455 Section 14. Section **23-23-10** is amended to read:

456 **23-23-10. Possession of permits and licenses by hunter -- Restrictions.**

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

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

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

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

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

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

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

471 Section 15. Section **58-79-103** is enacted to read:

472 **58-79-103. Hunting guide and outfitter rules.**

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

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

478 **58-79-401. Grounds for denial of registration -- Disciplinary proceedings.**

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

484 (2) (a) The division shall refuse to issue a registration to an applicant and shall refuse
485 to renew or shall revoke the registration of a registrant during the time period the Division of
486 Wildlife Resources suspends the applicant's or registrant's privilege to hunt or fish under Title
487 23, Wildlife Resources Code of Utah.

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

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

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

500 **63J-1-602.2. List of nonlapsing appropriations to programs.**

501 Appropriations made to the following programs are nonlapsing:

- 502 (1) The Legislature and the Legislature's committees.
- 503 (2) The State Board of Education, including all appropriations to agencies, line items,
- 504 and programs under the jurisdiction of the State Board of Education, in accordance with

- 505 Section [53F-9-103](#).
- 506 (3) The Percent-for-Art Program created in Section [9-6-404](#).
- 507 (4) The LeRay McAllister Critical Land Conservation Program created in Section
- 508 [4-46-301](#).
- 509 (5) The Utah Lake Authority created in Section [11-65-201](#).
- 510 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under
- 511 Subsection [17-16-21](#)(2)(d)(ii).
- 512 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
- 513 the Pelican Management Act, as provided in Section [23-21a-6](#).
- 514 (8) The Wildlife Land and Water Acquisition Program created in Section [23-21-8](#).
- 515 [~~8~~] (9) The Emergency Medical Services Grant Program in Section [26-8a-207](#).
- 516 [~~9~~] (10) The primary care grant program created in Section [26-10b-102](#).
- 517 [~~10~~] (11) Sanctions collected as dedicated credits from Medicaid providers under
- 518 Subsection [26-18-3](#)(7).
- 519 [~~11~~] (12) The Utah Health Care Workforce Financial Assistance Program created in
- 520 Section [26-46-102](#).
- 521 [~~12~~] (13) The Rural Physician Loan Repayment Program created in Section
- 522 [26-46a-103](#).
- 523 [~~13~~] (14) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 524 [~~14~~] (15) The Utah Medical Education Council for the:
- 525 (a) administration of the Utah Medical Education Program created in Section
- 526 [26-69-403](#);
- 527 (b) provision of medical residency grants described in Section [26-69-407](#); and
- 528 (c) provision of the forensic psychiatric fellowship grant described in Section
- 529 [26-69-408](#).
- 530 [~~15~~] (16) Funds that the Department of Alcoholic Beverage Services retains in
- 531 accordance with Subsection [32B-2-301](#)(8)(a) or (b).
- 532 [~~16~~] (17) The General Assistance program administered by the Department of

533 Workforce Services, as provided in Section [35A-3-401](#).

534 ~~[(17)]~~ [\(18\)](#) The Utah National Guard, created in Title 39, Militia and Armories.

535 ~~[(18)]~~ [\(19\)](#) The State Tax Commission under Section [41-1a-1201](#) for the:

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

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

538 ~~[(19)]~~ [\(20\)](#) The Search and Rescue Financial Assistance Program, as provided in

539 Section [53-2a-1102](#).

540 ~~[(20)]~~ [\(21\)](#) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).

541 ~~[(21)]~~ [\(22\)](#) The Utah Board of Higher Education for teacher preparation programs, as

542 provided in Section [53B-6-104](#).

543 ~~[(22)]~~ [\(23\)](#) Innovation grants under Section [53G-10-608](#), except as provided in

544 Subsection [53G-10-608\(6\)](#).

545 ~~[(23)]~~ [\(24\)](#) The Division of Services for People with Disabilities, as provided in

546 Section [62A-5-102](#).

547 ~~[(24)]~~ [\(25\)](#) The Division of Fleet Operations for the purpose of upgrading underground

548 storage tanks under Section [63A-9-401](#).

549 ~~[(25)]~~ [\(26\)](#) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

550 ~~[(26)]~~ [\(27\)](#) The Division of Technology Services for technology innovation as provided

551 under Section [63A-16-903](#).

552 ~~[(27)]~~ [\(28\)](#) The Office of Administrative Rules for publishing, as provided in Section

553 [63G-3-402](#).

554 ~~[(28)]~~ [\(29\)](#) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,

555 Colorado River Authority of Utah Act.

556 ~~[(29)]~~ [\(30\)](#) The Governor's Office of Economic Opportunity to fund the Enterprise

557 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

558 ~~[(30)]~~ [\(31\)](#) The Governor's Office of Economic Opportunity's Rural Employment

559 Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment

560 Expansion Program.

561 [~~(31)~~] (32) Programs for the Jordan River Recreation Area as described in Section
562 65A-2-8.

563 [~~(32)~~] (33) The Division of Human Resource Management user training program, as
564 provided in Section 63A-17-106.

565 [~~(33)~~] (34) A public safety answering point's emergency telecommunications service
566 fund, as provided in Section 69-2-301.

567 [~~(34)~~] (35) The Traffic Noise Abatement Program created in Section 72-6-112.

568 [~~(35)~~] (36) The money appropriated from the Navajo Water Rights Negotiation
569 Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of
570 participating in a settlement of federal reserved water right claims.

571 [~~(36)~~] (37) The Judicial Council for compensation for special prosecutors, as provided
572 in Section 77-10a-19.

573 [~~(37)~~] (38) A state rehabilitative employment program, as provided in Section
574 78A-6-210.

575 [~~(38)~~] (39) The Utah Geological Survey, as provided in Section 79-3-401.

576 [~~(39)~~] (40) The Bonneville Shoreline Trail Program created under Section 79-5-503.

577 [~~(40)~~] (41) Adoption document access as provided in Sections 78B-6-141, 78B-6-144,
578 and 78B-6-144.5.

579 [~~(41)~~] (42) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
580 Defense Commission.

581 [~~(42)~~] (43) The program established by the Division of Facilities Construction and
582 Management under Section 63A-5b-703 under which state agencies receive an appropriation
583 and pay lease payments for the use and occupancy of buildings owned by the Division of
584 Facilities Construction and Management.

585 [~~(43)~~] (44) The State Tax Commission for reimbursing counties for deferred property
586 taxes in accordance with Section 59-2-1802.

587 Section 18. **Division of Wildlife Resources fees.**

588 The Legislature intends that the Department of Natural Resources, Division of Wildlife

589 Resources is authorized to charge the following two fees in the amounts shown:

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

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

593 **Section 19. Appropriation.**

594 The following sums of money are appropriated for the fiscal year beginning July 1,
595 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
596 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
597 Act, the Legislature appropriates the following sums of money from the funds or accounts
598 indicated for the use and support of the government of the state of Utah.

599 ITEM 1

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

601 From General Fund 1,000,000

602 Schedule of Programs:

603 Wildlife Land and Water Acquisition Program 1,000,000

604 The Legislature intends that the ongoing appropriation to the Wildlife Land and Water
605 Acquisition Program, created in this bill, be nonlapsing and that it be expended only for the
606 purposes of the Wildlife Land and Water Acquisition Program.

607 **Section 20. Effective date.**

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

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

610 (a) Section [23-23-6](#);

611 (b) Section [23-23-7](#); and

612 (c) Section [23-23-10](#).