

Representative Casey Snider proposes the following substitute bill:

WILDLIFE RELATED AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses issues related to wildlife hunting and habitat.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

This bill appropriates in Fiscal Year 2024:

- ▶ to the Department of Natural Resources - Wildlife Land and Water Acquisition Program, as an ongoing appropriation:



26 • from the General Fund, \$1,000,000.

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **23-19-9**, as last amended by Laws of Utah 2021, Chapter 57

32 **23-19-49**, as enacted by Laws of Utah 2022, Chapter 102

33 **23-20-33**, as enacted by Laws of Utah 2022, Chapter 45

34 **23-23-6**, as repealed and reenacted by Laws of Utah 1997, Chapter 258

35 **23-23-7**, as last amended by Laws of Utah 2005, Chapter 112

36 **23-23-10**, as last amended by Laws of Utah 2000, Chapter 44

37 **58-79-101**, as last amended by Laws of Utah 2020, Chapters 316, 376

38 **58-79-102**, as last amended by Laws of Utah 2020, Chapters 316, 376

39 **58-79-301**, as last amended by Laws of Utah 2020, Chapters 316, 376

40 **58-79-302**, as last amended by Laws of Utah 2020, Chapters 316, 339 and 376

41 **58-79-303**, as last amended by Laws of Utah 2020, Chapters 316, 376

42 **58-79-304**, as last amended by Laws of Utah 2020, Chapters 316, 376

43 **58-79-401**, as last amended by Laws of Utah 2020, Chapters 316, 376

44 **58-79-501**, as last amended by Laws of Utah 2020, Chapters 316, 376

45 **58-79-502**, as last amended by Laws of Utah 2020, Chapters 316, 376

46 **63J-1-602.2**, as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,

47 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,

48 Chapter 154

49 ENACTS:

50 **23-21-8**, Utah Code Annotated 1953

51 **58-79-103**, Utah Code Annotated 1953

52 **58-79-201.5**, Utah Code Annotated 1953



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

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

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

57 **registration.**

58 (1) As used in this section:

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

61 (b) "Livestock guardian dog" means the same as that term is defined in Section
62 76-6-111.

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

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

66 (i) is convicted of:

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

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

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

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

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

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

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

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

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

81 (ii) the duration of the suspension.

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

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

87 (a) seven years for:

88 (i) a felony conviction;
89 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is
90 held in abeyance pursuant to a plea in abeyance agreement; or
91 (iii) being charged with an offense punishable as a felony, the prosecution of which is
92 suspended pursuant to a diversion agreement;
93 (b) five years for:
94 (i) a class A misdemeanor conviction;
95 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,
96 which plea is held in abeyance pursuant to a plea in abeyance agreement; or
97 (iii) being charged with an offense punishable as a class A misdemeanor, the
98 prosecution of which is suspended pursuant to a diversion agreement;
99 (c) three years for:
100 (i) a class B misdemeanor conviction;
101 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor
102 when the plea is held in abeyance according to a plea in abeyance agreement; or
103 (iii) being charged with an offense punishable as a class B misdemeanor, the
104 prosecution of which is suspended pursuant to a diversion agreement; and
105 (d) one year for:
106 (i) a class C misdemeanor conviction;
107 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,
108 when the plea is held in abeyance according to a plea in abeyance agreement; or
109 (iii) being charged with an offense punishable as a class C misdemeanor, the
110 prosecution of which is suspended according to a diversion agreement.
111 (5) The hearing officer may double a suspension period established in Subsection (4)
112 for offenses:
113 (a) committed in violation of an existing suspension or revocation order issued by the
114 courts, division, or Wildlife Board; or
115 (b) involving the unlawful taking of a trophy animal, as defined in Section 23-13-2.
116 (6) (a) A hearing officer may suspend, according to Subsection (2), a person's license
117 or permit privileges for a particular license or permit only once for each single criminal
118 episode, as defined in Section 76-1-401.

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

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

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

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

130 (A) this title;

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

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

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

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

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

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

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

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

149 (8) (a) The director shall appoint a qualified person as a hearing officer to perform the

150 adjudicative functions provided in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

177 (c) The Wildlife Board may:

178 (i) take no action;

179 (ii) vacate or remand the decision; or

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

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

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

186 (a) identifying information for the individual; and

187 (b) time period of the suspension.

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

190 Section 2. Section ~~23-19-49~~ is amended to read:

191 **23-19-49. Air rifle hunting.**

192 (1) As used in this section:

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

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

196 (i) built into the rifle; and

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

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

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

202 (b) a cottontail rabbit;

203 (c) a snowshoe hare; or

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

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

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

212 committee meeting.

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

214 **23-20-33. Limitation on compensating people to locate big game animals.**

215 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

248 (5) A violation of:

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

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

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

253 **23-21-8. Wildlife Land and Water Acquisition Program.**

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

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

259 (a) protect and enhance wildlife populations;

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

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

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

265 Section 5. Section 23-23-6 is amended to read:

266 **23-23-6. Season dates -- Boundaries -- Review by councils and board.**

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

269 (2) (a) A season date for a cooperative wildlife management unit that provides one
270 buck deer permit or more per every 640 acres shall begin on September 1 and end on October
271 31.

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

274 (i) beginning on September 1 and ending on October 31; or
275 (ii) beginning on September 11 and ending on November 10.
276 (c) In accordance with Subsection 23-14-18(3), if the season dates specified in this
277 Subsection (2) start on a Sunday, the season date shall begin on the Saturday before.

278 [~~2~~] (3) Season dates may differ from general statewide season dates.

279 [~~3~~] (4) At least every five years, cooperative wildlife management units containing
280 public land will be reviewed by the regional advisory councils and the Wildlife Board.

281 Section 6. Section 23-23-7 is amended to read:

282 **23-23-7. Permits -- Acreage and lands that may be included -- Posting of**
283 **boundaries.**

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

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

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

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

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

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

299 [~~4~~] (5) (a) The division may issue cooperative wildlife management unit permits for
300 hunting cougar, turkey, or big game to permittees:

301 (i) qualifying through a public drawing; or

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

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

305 ~~[(5)]~~ (6) (a) Cooperative wildlife management units organized for hunting cougar,
306 turkey, or big game shall consist of private land to the extent practicable. Public land may be
307 included within a cooperative wildlife management unit if:

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

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

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

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

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

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

319 ~~[(6)]~~ (7) Each landowner association shall:

320 (a) clearly post all boundaries of the unit by displaying signs containing information
321 prescribed by rule of the Wildlife Board at the locations specified in Subsection
322 [23-20-14\(1\)\(d\)](#); and

323 (b) provide a written copy of its guidelines to each holder of an authorization or permit.
324 Section 7. Section **23-23-10** is amended to read:

325 **23-23-10. Possession of permits and licenses by hunter -- Restrictions.**

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

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

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

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

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

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

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

340 Section 8. Section **58-79-101** is amended to read:

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

342 **Part 1. General Provisions**

343 **58-79-101. Title.**

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

346 Section 9. Section **58-79-102** is amended to read:

347 **58-79-102. Definitions.**

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

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

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

354 [~~(2)~~] (3) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill wildlife.

355 [~~(3)~~] (4) "Hunting guide" means an individual who:

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

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

358 [~~(4)~~] (5) "Hunting guide services" means to guide, lead, or assist an individual in
359 hunting wildlife.

360 [~~(5)~~] (6) "Outfitter" means an individual who offers or provides outfitting or hunting
361 guide services for compensation to another individual for hunting wildlife on public lands.

362 [~~(6)~~] (7) (a) "Outfitting services" means providing, for hunting wildlife on public lands:

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

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

365 (iii) hunting guide services.

366 (b) "Outfitting services" does not include activities undertaken by the Division of

367 Wildlife Resources or its employees, associates, volunteers, contractors, or agents under
368 authority granted in Title 23, Wildlife Resources Code of Utah.

369 ~~[(7)]~~ (8) (a) "Public lands" means any lands owned by the United States, the state, or a
370 political subdivision or independent entity of the state that are open to the public for purposes
371 of engaging in a wildlife related activity.

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

378 ~~[(8)]~~ (9) "Wildlife" means cougar, bear, and big game animals as defined in Subsection
379 23-13-2(6).

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

381 **58-79-103. Hunting guide and outfitter rules.**

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

386 Section 11. Section 58-79-201.5 is enacted to read:

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

388 **58-79-201.5. Board.**

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

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

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

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

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

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

400 (4) (a) The duties of the board shall be in accordance with Sections [58-1-202](#) and
401 [58-1-203](#).

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

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

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

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

412 Section 12. Section **58-79-301** is amended to read:

413 **Part 3. Licensing**

414 **58-79-301. Licensure required.**

415 (1) Beginning July 1, ~~[2021]~~ 2023, and except as provided in Sections [58-1-307](#) and
416 [58-79-304](#), ~~[in order]~~ a license is required to provide the services of a hunting guide or
417 outfitter~~[, an individual is required to register with the division under the provisions of this~~
418 ~~chapter]~~.

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

421 (a) hunting guide; or

422 (b) outfitter.

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

425 Section 13. Section **58-79-302** is amended to read:

426 **58-79-302. Qualifications for a license.**

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

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

429 (b) pay a fee determined by the department under Section 63J-1-504; ~~and~~
430 (c) possess a high degree of skill and ability as a hunting guide;
431 (d) successfully complete basic education and training requirements established by rule
432 by the division in collaboration with the board;
433 (e) meet with the division and board if requested by the division or board; and
434 ~~(e)~~ (f) in a form prescribed by the division, submit proof that the individual is
435 covered by liability insurance when providing services as a hunting guide that is issued by an
436 insurance company or association authorized to transact business in the state in an amount
437 determined by division rule made in accordance with Title 63G, Chapter 3, Utah
438 Administrative Rulemaking Act.

439 (2) ~~[To register]~~ An applicant for licensure as an outfitter ~~[an individual]~~ shall:
440 (a) submit an application in a form prescribed by the division;
441 (b) pay a fee determined by the department under Section 63J-1-504; ~~and~~
442 (c) possess a high degree of skill and ability as an outfitter;
443 (d) successfully complete basic education and training requirements established by rule
444 by the division in collaboration with the board;
445 (e) meet with the division and board if requested by the division or board; and
446 ~~(e)~~ (f) in a form prescribed by the division, submit proof that the individual is
447 covered by liability insurance when providing services as an outfitter that is issued by an
448 insurance company or association authorized to transact business in the state in an amount
449 determined by division rule made in accordance with Title 63G, Chapter 3, Utah
450 Administrative Rulemaking Act.

451 Section 14. Section **58-79-303** is amended to read:

452 **58-79-303. Term of license -- Expiration -- Renewal.**

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

457 (2) Each ~~[registration]~~ license automatically expires on the expiration date shown on
458 the ~~[registration unless the registrant renews the registration in the same manner as a licensee~~
459 ~~renews a license under]~~ license unless the licensee renews the license in accordance with

460 Section 58-1-308.

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

462 **58-79-304. Exemptions from license.**

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

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

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

466 (a) the employee or subordinate does not use the title of hunting guide or outfitter or is

467 not directly represented to the public to be legally qualified to engage in the practice of being a

468 hunting guide or outfitter before the public in this state[-]; and

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

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

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

472 **58-79-401. Grounds for denial of licensure -- Disciplinary proceedings.**

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

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

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

489 (c) If the Division of Wildlife Resources suspends the privilege to hunt under Title 23,
490 Wildlife Resources Code of Utah, of a licensee under which an applicant or licensee provides

491 hunting guide services or outfitting services, during the time period that the licensee's privilege
492 to hunt is suspended, the division shall refuse to issue a license to the applicant and shall refuse
493 to renew or shall revoke the license of the licensee.

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

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

496 **58-79-501. Unlawful conduct.**

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

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

503 **58-79-502. Unprofessional conduct.**

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

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

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

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

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

517 Section 19. Section **63J-1-602.2** is amended to read:

518 **63J-1-602.2. List of nonlapsing appropriations to programs.**

519 Appropriations made to the following programs are nonlapsing:

520 (1) The Legislature and the Legislature's committees.

521 (2) The State Board of Education, including all appropriations to agencies, line items,

522 and programs under the jurisdiction of the State Board of Education, in accordance with
523 Section [53F-9-103](#).

524 (3) The Percent-for-Art Program created in Section [9-6-404](#).

525 (4) The LeRay McAllister Critical Land Conservation Program created in Section
526 [4-46-301](#).

527 (5) The Utah Lake Authority created in Section [11-65-201](#).

528 (6) Dedicated credits accrued to the Utah Marriage Commission as provided under
529 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).

530 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under
531 the Pelican Management Act, as provided in Section [23-21a-6](#).

532 (8) The Wildlife Land and Water Acquisition Program created in Section [23-21-8](#).

533 [~~8~~] (9) The Emergency Medical Services Grant Program in Section [26-8a-207](#).

534 [~~9~~] (10) The primary care grant program created in Section [26-10b-102](#).

535 [~~10~~] (11) Sanctions collected as dedicated credits from Medicaid providers under
536 Subsection [26-18-3\(7\)](#).

537 [~~11~~] (12) The Utah Health Care Workforce Financial Assistance Program created in
538 Section [26-46-102](#).

539 [~~12~~] (13) The Rural Physician Loan Repayment Program created in Section
540 [26-46a-103](#).

541 [~~13~~] (14) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

542 [~~14~~] (15) The Utah Medical Education Council for the:

543 (a) administration of the Utah Medical Education Program created in Section
544 [26-69-403](#);

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

546 (c) provision of the forensic psychiatric fellowship grant described in Section
547 [26-69-408](#).

548 [~~15~~] (16) Funds that the Department of Alcoholic Beverage Services retains in
549 accordance with Subsection [32B-2-301\(8\)\(a\)](#) or (b).

550 [~~16~~] (17) The General Assistance program administered by the Department of
551 Workforce Services, as provided in Section [35A-3-401](#).

552 [~~17~~] (18) The Utah National Guard, created in Title 39, Militia and Armories.

- 553 [~~(18)~~] (19) The State Tax Commission under Section 41-1a-1201 for the:
- 554 (a) purchase and distribution of license plates and decals; and
- 555 (b) administration and enforcement of motor vehicle registration requirements.
- 556 [~~(19)~~] (20) The Search and Rescue Financial Assistance Program, as provided in
- 557 Section 53-2a-1102.
- 558 [~~(20)~~] (21) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 559 [~~(21)~~] (22) The Utah Board of Higher Education for teacher preparation programs, as
- 560 provided in Section 53B-6-104.
- 561 [~~(22)~~] (23) Innovation grants under Section 53G-10-608, except as provided in
- 562 Subsection 53G-10-608(6).
- 563 [~~(23)~~] (24) The Division of Services for People with Disabilities, as provided in
- 564 Section 62A-5-102.
- 565 [~~(24)~~] (25) The Division of Fleet Operations for the purpose of upgrading underground
- 566 storage tanks under Section 63A-9-401.
- 567 [~~(25)~~] (26) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 568 [~~(26)~~] (27) The Division of Technology Services for technology innovation as provided
- 569 under Section 63A-16-903.
- 570 [~~(27)~~] (28) The Office of Administrative Rules for publishing, as provided in Section
- 571 63G-3-402.
- 572 [~~(28)~~] (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
- 573 Colorado River Authority of Utah Act.
- 574 [~~(29)~~] (30) The Governor's Office of Economic Opportunity to fund the Enterprise
- 575 Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 576 [~~(30)~~] (31) The Governor's Office of Economic Opportunity's Rural Employment
- 577 Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment
- 578 Expansion Program.
- 579 [~~(31)~~] (32) Programs for the Jordan River Recreation Area as described in Section
- 580 65A-2-8.
- 581 [~~(32)~~] (33) The Division of Human Resource Management user training program, as
- 582 provided in Section 63A-17-106.
- 583 [~~(33)~~] (34) A public safety answering point's emergency telecommunications service

584 fund, as provided in Section 69-2-301.

585 [~~34~~] (35) The Traffic Noise Abatement Program created in Section 72-6-112.

586 [~~35~~] (36) The money appropriated from the Navajo Water Rights Negotiation

587 Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of

588 participating in a settlement of federal reserved water right claims.

589 [~~36~~] (37) The Judicial Council for compensation for special prosecutors, as provided

590 in Section 77-10a-19.

591 [~~37~~] (38) A state rehabilitative employment program, as provided in Section

592 78A-6-210.

593 [~~38~~] (39) The Utah Geological Survey, as provided in Section 79-3-401.

594 [~~39~~] (40) The Bonneville Shoreline Trail Program created under Section 79-5-503.

595 [~~40~~] (41) Adoption document access as provided in Sections 78B-6-141, 78B-6-144,

596 and 78B-6-144.5.

597 [~~41~~] (42) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent

598 Defense Commission.

599 [~~42~~] (43) The program established by the Division of Facilities Construction and

600 Management under Section 63A-5b-703 under which state agencies receive an appropriation

601 and pay lease payments for the use and occupancy of buildings owned by the Division of

602 Facilities Construction and Management.

603 [~~43~~] (44) The State Tax Commission for reimbursing counties for deferred property

604 taxes in accordance with Section 59-2-1802.

605 Section 20. **Appropriation.**

606 The following sums of money are appropriated for the fiscal year beginning July 1,

607 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for

608 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

609 Act, the Legislature appropriates the following sums of money from the funds or accounts

610 indicated for the use and support of the government of the state of Utah.

611 ITEM 1

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

613 From General Fund

1,000,000

614 Schedule of Programs:

615	<u>Wildlife Land and Water Acquisition Program</u>	<u>1,000,000</u>
616	Section 21. Effective date.	
617	<u>(1) Except as provided in Subsection(2), this bill takes effect on May 3, 2023.</u>	
618	<u>(2) The actions affecting the following sections take effect on August 1, 2024:</u>	
619	<u>(a) Section 23-23-6;</u>	
620	<u>(b) Section 23-23-7; and</u>	
621	<u>(c) Section 23-23-10.</u>	