

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	79	-	
Changed to Admin. Code Ref. (R no.):	R		-		-	

<b>1.</b>	<b>Agency:</b>	Commerce/Division of Occupational and Professional Licensing			
	<b>Room no.:</b>				
	<b>Building:</b>	Heber M. Wells Building			
	<b>Street address 1:</b>	160 East 300 South			
	<b>Street address 2:</b>				
	<b>City, state, zip:</b>	Salt Lake City UT 84111-2316			
	<b>Mailing address 1:</b>	PO Box 146741			
	<b>Mailing address 2:</b>				
	<b>City, state, zip:</b>	Salt Lake City UT 84114-6741			
	<b>Contact person(s):</b>				
	<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>	
	Jana Johansen	801-530-6621	801-530-6511	janajohansen@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

<b>2.</b>	<b>Title of rule or section (catchline):</b>	Hunting Guides and Outfitters Licensing Act Rule			
<b>3.</b>	<b>Type of notice:</b>	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___			
<b>4.</b>	<b>Purpose of the rule or reason for the change:</b>	The Division and Hunting Guides and Outfitters Licensing Board reviewed the rule and determined the following changes need to be made. Proposed amendments delete the requirement for a high school education for hunting guide and/or outfitter applicants for licensure. Equivalent training requirements are updated for applicants for licensure.			
<b>5.</b>	<b>This change is a response to comments from the Administrative Rules Review Committee.</b>	No XXX Yes ___			
<b>6.</b>	<b>Summary of the rule or change:</b>	Section 302b is deleted in its entirety. The high school education requirement is being removed from the rule and the first aid and CPR (cardiopulmonary resuscitation) requirements are being moved to Section 302e. Section 302e: The equivalent training requirements of this section will now include first aid and CPR requirements for licensure that were previously referenced in Section 302b.			
<b>7.</b>	<b>Aggregate anticipated cost or savings to:</b>				
	<b>A) State budget:</b>				
	<b>Affected:</b>	No ___; Yes XXX			

The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

**B) Local government:**

**Affected:** No XXX Yes \_\_\_

The proposed amendments apply only to licensed hunting guides and outfitters and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

**C) Small businesses ("small business" means a business employing fewer than 50 persons):**

**Affected:** No XXX; Yes \_\_\_

The proposed amendments apply only to licensed hunting guides and outfitters and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business. An unquantifiable amount may be saved by potential employees receiving licensure more quickly due to not having to provide a high school diploma.

**D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):**

**Affected:** No XXX; Yes \_\_\_

The proposed amendments apply only to licensed hunting guides and outfitters and applicants for licensure in those classifications. The Division does not anticipate any costs or savings for other persons.

**8. Compliance costs for affected persons:**

The proposed amendments apply only to licensed hunting guides and outfitters and applicants for licensure in those classifications. An unquantifiable amount may be saved by potential employees receiving licensure more quickly due to not having to provide a high school diploma.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

As stated in the rule analysis, this filing reorganizes the rule for increased clarity and deletes existing language that requires an individual seeking licensure to submit a high school diploma as part of the application. Where this rule applies only to individuals seeking licensure, no fiscal impact to businesses is anticipated.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Giani, Executive Director

**10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required)** (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 58-79-101	Subsection 58-1-106(1)(a)
Subsection 58-1-202(1)(a)	

**11. This rule adds, updates, or removes the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; *if none, leave blank*):

	First Incorporation	Second Incorporation
<b>Official Title of Materials Incorporated (from title page)</b>		
<b>Publisher</b>		
<b>Date Issued</b>		
<b>Issue, or version</b>		
<b>ISBN Number (optional)</b>		
<b>ISSN Number (optional)</b>		
<b>Cost of Incorporated Reference</b>		
<b>Action: Adds, updates, or removes</b>		

(If this rule incorporates more than two items by reference, please attach additional pages)

<b>12.</b>	<b>The public may submit written or oral comments to the agency identified in box 1.</b> (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	<b>A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):</b>	07/01/2015	
	<b>B) A public hearing (optional) will be held:</b>		
	<b>On (mm/dd/yyyy):</b>	<b>At (hh:mm AM/PM):</b>	<b>At (place):</b>
	06/10/2015	9:30 AM	160 East 300 South, Conference Room 464, Salt Lake City, Utah
<b>13.</b>	<b>This rule change may become effective on (mm/dd/yyyy):</b>		07/08/2015
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
<b>14.</b>	<b>Indexing information -- keywords</b> (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	licensing	hunting guides	
	outfitters		
<b>15.</b>	<b>Attach an RTF document containing the text of this rule change</b> (filename):		R156-79.pro
<b>To the agency:</b> Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
<b>AGENCY AUTHORIZATION</b>			
<b>Agency head or designee, and title:</b>	Mark B. Steinagel, Director	<b>Date (mm/dd/yyyy):</b>	05/06/2015

**R156. Commerce, Occupational and Professional Licensing.**

**R156-79. Hunting Guides and Outfitters Licensing Act Rule.**

**~~R156-79-302b. Qualifications for Licensure - Education Requirements.~~**

~~\_\_\_\_\_ (1) For the purposes of this rule, to show an applicant has successfully completed the basic education, any hunting guide or outfitter applicant shall provide the following:~~

~~\_\_\_\_\_ (a) documentation of having obtained a high school diploma or its equivalent or a higher education degree; and~~

~~\_\_\_\_\_ (b) documentation showing the completion of a first aid and CPR course.]~~

**R156-79-302e. Qualifications for Licensure - Equivalent Training Requirements.**

(1) (a) ~~[For the purposes of this rule, to show an applicant meets the training requirements as a hunting guide, the applicant shall produce the following]~~An applicant for licensure as a hunting guide shall submit evidence of having successfully completed the following training:

(i) a first aid and CPR course as required under Subsection R156-79-102(2); and

~~[[a]ii(A)]~~ ~~[documentation showing certification of completion of]~~ a basic hunting guide training program pursuant to Section R156-79-601; or

~~[[b]B)]~~ ~~[documentation of]~~ 100 days of on-the job training that is substantially equivalent to the basic hunting guide training program.

(b) No more than 15 days of on-the-job training may be accepted for any single item of training listed in Section R156-79-601.

(2) (a) ~~[To show an applicant meets the training requirements as an outfitter, the applicant shall produce the following]~~An applicant for licensure as an outfitter shall submit evidence of having successfully completed the following training:

(i) a first aid and CPR course as required under Subsection R156-79-102(2); and

~~[[a]ii(A)]~~ ~~[documentation showing certification of completion of]~~ a basic outfitter training program pursuant to Section R156-79-602; or

~~[[b]B)]~~ ~~[documentation of]~~ 100 days of on-the-job training that is substantially equivalent to the basic outfitter training program.

(b) No more than 15 days of on-the-job training may be accepted for any single item of training listed in Section R156-79-602.

(3) ~~[The documentation required in Subsections (1)(b) and (2)(b) shall include]~~An applicant shall document on-the-job training through:

(a) an affidavit by [either] a licensed hunting guide or outfitter, as applicable to the license sought, attesting to the on-

the-job training [~~as a hunting guide or an outfitter~~] claimed by the applicant;

(b) for an outfitter who has been licensed in another state, self-authenticating guarantees of reliability, such as [~~include, but are not limited to~~]:

- (i) federal land agency records;
- (ii) approved training program records; or
- (iii) client affidavits or letters.

(4) Three days of on-the-job training may be waived by the Division in collaboration with the Board for every day of training completed by an applicant who has attended a hunting guide or outfitter school that, as of the date of attendance, has been approved by the Division in collaboration with the Board.

**KEY: licensing, hunting guides, outfitters**

**Date of Enactment or Last Substantive Amendment: [~~February 8, 2010~~]2015**

**Notice of Continuation: August 5, 2014**

**Authorizing, and Implemented or Interpreted Law: 58-79-101; 58-1-106(1) (a); 58-1-202(1) (a)**