

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, November 16, 2015 – 9:00 a.m. – Room 445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. J. Stuart Adams
Sen. Jim Dabakis
Sen. Gene Davis
Sen. Mark B. Madsen
Rep. LaVar Christensen

Rep. Carol Spackman Moss
Rep. R. Curt Webb
Rep. Mark A. Wheatley

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Christine R. Gilbert, Associate General Counsel
Ms. Tracey Fredman, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Oda called the meeting to order at 9:19 a.m.

MOTION: Rep. Wheatley moved to approve the minutes of the October 30, 2015, meeting. The motion passed unanimously. Sen. Davis, Sen. Madsen, and Rep. Christensen were absent for the vote.

2. Statutes, Policies, and Rules Governing Hunting Guides

Sen. Stephenson referred committee members to the Hunting Guides and Outfitters Licensing Act, which defines a "hunting guide" as an individual who offers or provides hunting guide services on public lands for compensation. He explained that the issue is whether the Division of Occupational and Professional Licensing has authority to cite individuals who do not claim to be licensed hunting guides but are hunting guides on private property.

Ms. Francine Giani, Executive Director, Utah Department of Commerce, stated that there are no rules regarding the referenced statute and that the division does not assume authority beyond what the statute allows.

Ms. Jacey Skinner, General Counsel, Governor's Office, indicated that the question implies that there is a case and therefore Ms. Giani is not able to respond in any greater detail.

Ms. Giani explained that when the division receives a complaint, the division investigates the merits of the complaint and makes a determination whether to act.

Committee discussion followed during which Ms. Giana responded to questions about the licensing requirements for hunting guides. The committee considered whether a rule is needed to address how the division investigates and cites violations of the Hunting Guides and Outfitters Licensing Act and whether a different agency would be better suited to administer and enforce the Act.

Sen. David P. Hinkins, speaking as owner of Triple H Ranches, indicated that he and his brothers advertise as Triple H Outfitters and provide hunting guide services on their ranch in southeastern Utah. He spoke against licensing requirements for hunting guides.

No action was taken on this item.

3. Draft bill, Department of Administrative Services Amendments

Ms. Gilbert reviewed the committee discussion from the September 9, 2015, meeting on the issue of changing the Division of Administrative Rules into an office within the Division of Archives and Records Service. She recounted the committee's decision to direct staff to draft legislation that would change the name of the Division of Archives and Records Service to reflect the inclusion of the Office of Administrative Rules. Ms. Gilbert reported that another proposal has been raised for the committee to consider, which is to create an Office of Administrative Rules within the Department of Administrative Services.

Discussion followed and all committee members were in agreement with the proposal to create an Office of Administrative Rules within the Department of Administrative Services. Details of the legislation are still being discussed. Staff indicated that a draft bill would be ready for consideration at the next meeting.

4. Committee Business

Future meetings were scheduled for Monday, November 30, 2015, and Monday, December 21, 2015.

6. Adjourn

MOTION: Rep. Moss moved to adjourn the meeting. The motion passed unanimously. Sen. Dabakis was absent for the vote.

Chair Oda adjourned the meeting at 10:35 a.m.