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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764. Additional rulemaking information and electronic versions of all administrative rule publications are available at <http://www.rules.utah.gov/>.

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between January 01, 2014, 12:00 a.m., and January 15, 2014, 11:59 p.m. are included in this, the February 01, 2014, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (*example*). Deletions made to existing rules are struck out with brackets surrounding them (*[example]*). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least March 3, 2014. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through June 1, 2014, the agency may notify the Division of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF A CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by Section 63G-3-301, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5a, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Administrative Services, Facilities Construction and Management

R23-33

Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38247

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish a prioritization and scoring process for capital improvements that occurs annually before the Building Board.

SUMMARY OF THE RULE OR CHANGE: This rule establishes a new five-step process using standardized formats which require more complete explanations and justifications, and which follows an established criteria for ranking capital improvement projects. The process attempts to provide better care of state assets and more efficient use of state funds.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63A-5-103(1)(e) and Subsection 63A-5-104(9)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule will potentially offer a savings to the state because this five-step process will make the use of state funds more efficient for capital improvements.

♦ **LOCAL GOVERNMENTS:** This rule will not affect the local governments budget, since it is just establishing a prioritization and scoring process for capital improvements that occurs annually before the Building Board.

♦ **SMALL BUSINESSES:** This rule will not affect the budget of small businesses since it is just establishing a prioritization and scoring process for capital improvements that occurs annually before the Building Board.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule will not affect any other person's budget, since it is just establishing a prioritization and scoring process for capital improvements that occurs annually before the Building Board.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule does not have any compliance costs for any persons, since it is just establishing a prioritization and scoring process for capital improvements that occurs annually before the Building Board.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:
This rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
ROOM 4110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Joshua Haines, Director

R23. Administrative Services, Facilities Construction and Management.

R23-33. Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board.

R23-33-1. Purpose.

The purpose of this Rule R23-33 is to establish a prioritization and scoring process for capital improvements that occurs annually before the Building Board.

R23-33-2. Authority.

This Rule R23-33 is authorized under Subsection 63A-5-104(9) indicating that the Board may adopt a rule allocating Capital Improvements subject to terms in the statute. The Building Board has administrative rulemaking authority under Subsection 63A-5-103(1)(e).

R23-33-3. Definitions.

The following definitions shall apply to this Rule R23-33:

(1) "Board" means the Utah State Building Board established under Title 63A, Chapter 5, Utah Code.

(2) "Building Board Director" means the employee of the Department of Administrative Services that is assigned as an administrator to the Utah State Building Board and hereinafter referred to as the "BBD."

(3) Definitions provided in Utah Code Section 63A-5-104 shall apply to the terms used in this Rule R23-33.

R23-33-4. General Overview of Process.

The capital improvement prioritized scoring process consists of five steps as follows:

- (1) A Project Needs Request;
- (2) Preliminary Project Prioritization and Preliminary Scoring by the BBD;
- (3) Preliminary BBD Scored Project Review and Revisions Process involving agencies and institutions, the Division of Facilities Construction and Management, and the BBD;
- (4) Submitting the revised Scored List to Board and a Utah State Legislature subcommittee involved with State facility design and construction; and
- (5) Review and Final Approval by the Utah State Building Board of the list for submittal to the Utah Legislature.

R-23-33-5. Step One: Project Needs Request.

(1) Submission guidelines and formatting requirements shall be approved by the Board prior to submission by the BBD to the agencies and institutions.

(i) Submission guidelines include the Project Scoping Form which describes in detail the work that needs to be accomplished, statutory requirements, identification of hard and soft costs, submission deadlines and other requirements.

(ii) The guidelines shall also describe the priority classifications which are in the following ranked order of priority: 1-life safety; 2-critical; 3-necessary; and 4-programatic, as well as the scoring criteria.

(2) Prior to June of each calendar year, the BBD shall notify agencies and institutions to begin developing their Project Needs Request which includes the agency or institution's prioritized list for the next fiscal year's funding cycles as well as the prioritized scoring process submission guidelines; all to be consistent with applicable law.

(3) The BBD may provide agencies and institutions with a list of existing Facility Condition Assessment Data ("FCA"), including Risk Management property number, life cycle related to the need, unique FCA project number, and the estimated cost. To the extent the BBD does not provide such information, the agency or institution is required to obtain the information from the FCA database maintained by DFCM and any supplemental information obtained by the agency or institution.

(4) The Project Needs Request, including the prioritization, shall be submitted by the agencies and institutions to the BBD no later than August 15th immediately following the BBD's notice referred to above.

R23-33-6. Step Two: Preliminary Project Prioritization and Preliminary Scoring by the BBD.

(1) The BBD shall review the agency or institution's Project Needs Request, including the prioritization and classification.

(2) The BBD shall provide a copy of the submittal to the State Building Energy Efficiency Program Director to determine if any listed projects qualify for energy savings components, energy improvements/developments or qualification for revolving loans.

(3) The BBD then compiles all the submittals from every agency and institution into one comprehensive list. The comprehensive list includes the classification codes. The BBD applies the prioritized scoring method to each of the submittals.

The comprehensive list shall be consistent with the statutory standards set forth by the Utah Legislature and utilized throughout the process.

(4) The BBD shall notify the agency or institution of any concerns regarding the Project Needs Request.

(5) At any time, the BBD may initiate conversations and meetings with the agency or institution to obtain information, clarification or seek to reach an agreement on any concerns.

R23-33-7. Step Three: Scored Project Review and Revisions Process involving agencies and institutions, the Division of Facilities Construction and Management, BBD and the Board.

(1) The BBD shall distribute the BBD's preliminary master capital improvement list including categorization, prioritization and scoring, to the Division of Facilities Construction and Management as well as the agencies and institutions for review and comment.

(2) A Construction Budget Estimate (CBE) shall be prepared by the appropriate State employee responsible for preparing a CBE for the particular project using the CBE form provided by the BBD. The CBE shall be based on the Project Scoping Form provided by the BBD.

(3) Each completed CBE form and Project Scoping Form shall be submitted promptly to the BBD and no later than October 15th of the particular year.

(4) The BBD will review each CBE and Project Scoping Form. The BBD will prepare the preliminary scoring along with packet of prioritized capital improvement projects intended for the Board meeting in December. This preliminary scoring and packet shall be submitted by the BBD to the affected agencies or institutions. If there is any disagreement between the BBD and any particular agency or institution, the BBD and the particular agency or institution may endeavor to resolve this matter prior to the packet being sent to the Board. During any such resolution process between the BBD and an agency or institution, the BBD's preliminary scoring and packet may be modified.

(5) The resulting packet and scoring prepared by the BBD under subsection (4) of this Rule, shall be distributed to the Board members as well as the agencies and institutions at least seven days in advance of the December Board meeting.

(6) The Board meeting to review the BBD's capital improvement submittal shall be on or about December 15th of each year.

(7) At the December Board meeting, the Board shall consider input from the BBD, an affected agency or institution as well as interested persons as appropriate.

R23-33-8. Step Four: Submitting the Scored List to the Appropriate Subcommittee of the Utah State Legislature.

(1) At the January Board meeting, the Board shall make a final prioritization recommendation for submission to the appropriate subcommittee of the Utah Legislature. The recommendation must be consistent with the statutory standards set forth by the Utah Legislature and utilized throughout the process.

(2) The Board's list is submitted to the appropriate subcommittee of the Utah Legislature as required by law, no later than the January 15th following the January Board meeting.

R23-33-9. Step Five: Review and Final Approval by the Utah State Building Board.

After the consideration by the Utah Legislature, the Board will make its final approval of the capital improvements lists consistent with any direction from the Legislature.

KEY: building board, capital improvements, prioritization, scoring

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 63A-5-103(1)(e); 63A-5-104(9)

Education, Administration
R277-503
 Licensing Routes

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38240

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to modify the Alternative Routes to Licensure (ARL) eligibility and licensing route requirements, and to clarify the ARL testing requirements.

SUMMARY OF THE RULE OR CHANGE: The amended rule provides new and changed definitions, provides for changes to licensing eligibility and licensing routes, and clarifies testing requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The amendments to this rule modify ARL eligibility, licensing route requirements, and provide clarification of ARL testing requirements which likely will not result in a cost or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The amendments to this rule modify ARL eligibility, licensing route requirements, and provide clarification of ARL testing requirements which likely will not result in a cost or savings to local government.
- ◆ **SMALL BUSINESSES:** The amendments to this rule modify ARL eligibility, licensing route requirements, and provide clarification of ARL testing requirements which likely will not result in a cost or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule modify ARL eligibility, licensing route requirements, and provide clarification of ARL testing requirements which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule modify ARL eligibility, licensing route requirements, and provide clarification of ARL testing requirements which likely will not result in any compliance costs. Although ARL requires fees from participants, fees are not set or changed by this amended rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and there is likely no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY, UT 84111-3272
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-503. Licensing Routes.

R277-503-1. Definitions.

A. "Alternative Routes to Licensure (ARL) advisors" mean a USOE specialist with specific professional development and educator licensing expertise, and a USOE-designated curriculum specialist.

B. "Board" means the Utah State Board of Education.

C. "Career and technical education (CTE)" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements do not generally require a baccalaureate or advanced degree. CTE programs provide all students a continuous education system, driven by a SEOP/plan for college and career readiness, through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment. Categories include agriculture; business; family and consumer sciences; health science; information technology; marketing; skilled and technical sciences; technology and engineering; and work-based learning, consistent with R277-916.

[E]D. "Competency-based" means a teacher training approach structured for an individual to master and demonstrate content and teaching skills and knowledge at the individual's own pace and sometimes in alternative settings.

E. "Council for Accreditation of Educator Preparation (CAEP)" is a nationally recognized organization which provides accreditation of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K-12 teachers.

~~[D]E.~~ "Educational Testing Service (ETS)" is a worldwide educational testing and measurement organization.

[E]G. "Endorsement" means a qualification based on content area mastery obtained through a higher education major or minor or through a state-approved endorsement program.

[F]H. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[G]I. "Letter of authorization" means a formal approval given to an individual such as an out-of-state candidate or a first year ARL candidate who is employed by an LEA in a position requiring a professional educator license who has not completed the requirements for an ARL license or a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements.

[H]J. "Level 1 license" means a Utah professional educator license issued by the Board upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to applicants who have also met all ancillary requirements established by law or rule.

[I]K. "Level 2 license" means a Utah professional educator license issued by the Board after satisfaction of all requirements for a Level 1 license and:

- ~~— (1) requirements established by law or rule;~~
- ~~— (2) three years of successful education experience within a five-year period; and~~
- ~~— (3) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public or accredited private school.~~

] (1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

[J]L. "Level 3 license" means a Utah professional educator license issued by the Board to an educator who holds a current Utah Level 2 license and has also received National Board Certification or a doctorate in education or in a field related to a content area in a unit of the public education system or an accredited private school, or holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language Hearing Association (ASHA) certification.

[K]M. "National Association of State Directors of Teacher Education and Certification (NASDTEC)" is an educator information clearinghouse that maintains an interstate reciprocity agreement and database for its members regarding educators whose licenses have been suspended or revoked.

[L]N. "National Council for Accreditation of Teacher Education (NCATE)" is a nationally recognized organization which accredits the education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools.

[M]O. "NCLB core academic subject" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

[N]P. "Pedagogical knowledge" means practices and strategies of teaching, classroom management, preparation and planning that are in addition to an educator's content knowledge of an academic discipline.

[O]Q. "Regional accreditation" means formal approval of a school that has met standards considered to be essential for the operation of a quality school program by the following organizations:

- (1) Middle States Commission on Higher Education;
- (2) New England Association of Schools and Colleges;
- (3) North Central Association Commission on Accreditation and School Improvement;
- (4) Northwest Accreditation Commission;
- (5) Southern Association of Colleges and Schools; and
- (6) Western Association of Schools and colleges: Senior College Commission.

[P]R. "Restricted endorsement" means a qualification based on content area knowledge obtained through a USOE-approved program of study or test and shall be available only to teachers in necessarily existent small school settings.

[Q]S. "State-approved Endorsement Plan (SAEP)" means a plan in place developed between the USOE and a licensed educator to direct the completion of endorsement requirements by the educator.

[R]T. "Teacher Education Accreditation Council (TEAC)" is a nationally recognized organization which provides accreditation of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K-12 teachers.

[S]U. "USOE" means the Utah State Office of Education.

R277-503-2. Authority and Purpose.

A. This rule is authorized by Article X, Section 3 of the Utah Constitution, which places general control and supervision of the public schools under the Board, Section 53A-1-402(1)(a) which directs the Board to establish rules and minimum standards for the qualification and licensing of educators and ancillary personnel who provide direct student services, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide minimum eligibility requirements for applicants for teacher licenses and to provide explanation and criteria of various teacher licensing routes. The rule also provides criteria and procedures for licensed teachers to earn endorsements and the requirement for all applicants for licenses to have and pass criminal background checks.

R277-503-3. USOE Licensing Eligibility.

A. Traditional college/university license - A license applicant shall:

(1) have completed an approved college/university teacher preparation program,

(2) have been recommended for licensing, and

(3) have satisfied all other requirements for educator licensing required by law; or

B. Alternative Licensing Route

(1) A license applicant shall:

~~(a) have a bachelors degree or higher from an accredited higher education institution in an area related to the position he seeks; [and] or~~

(2) ~~[A license applicant shall] have skills, talents or abilities, as evaluated by the employing entity, making the applicant appropriate for a licensed teaching position and eligible to participate in an ARL program.~~

(3) ~~[W]hile [beginning] participating in an alternative licensing program, [an applicant shall] be approved for employment under [a letter of authorization for a maximum of one school year and may be employed under] an ARL license [for an additional two years]. An ARL program may not exceed three school years.~~

C. All license applicants seeking a Level 1 Utah educator license or an area of concentration or an endorsement in an NCLB core academic subject area shall submit passing score(s) on a rigorous Board-designated content test, where tests are available, prior to the issuance of a renewable license or endorsement.

D. For each endorsement in an NCLB core academic area to be posted on the license, ~~[secondary]~~ teachers are required to submit passing scores on a rigorous Board-designated content test(s), where test(s) are available.

E. An applicant shall submit electronic or original documentation of passing score(s) on a rigorous Board-designated content test to the USOE.

~~[F. A licensure candidate that has completed a Utah university/college teacher preparation program prior to January 1, 2011 who submits a score below the final Utah state passing score on the test designated in R277-503-3C shall be issued a nonrenewable conditional Level 1 license. If the educator fails to submit a passing score on a rigorous Board-designated content test during the three-year duration of the conditional Level 1 license, the educator's license or endorsement shall lapse on the educator's designated renewal date.]~~

~~[G]E. Any licensure candidate [except those described in R277-503-3F.] recommended for a Utah Level 1 license who does not submit a passing score on the test designated in R277-503-3C shall not be eligible for licensure until achieving a passing score.~~

R277-503-4. Licensing Routes.

Applicants who seek Utah educator licenses shall successfully complete accredited programs or legislatively mandated programs consistent with this rule.

A. Institution of higher education teacher preparation programs shall be:

(1) Nationally accredited by:

~~(a) CAEP; or~~

~~([a]b) NCATE; or~~

~~([b]c) TEAC; and~~

(2) As of January 1, 2012, approved by USOE to recommend for licensure in the license area or endorsements or both in designated areas.

B. An applicant that meets the eligibility requirements in R277-503-3B and is assigned to teach exclusively in an online setting shall be eligible to begin the ARL program but upon completion of the ARL program shall earn a license area of concentration that is restricted to providing instruction in an online setting.

C. USOE Alternative Routes to Licensure (ARL)

(1) To be eligible to begin the ARL program, an applicant for a ~~[n elementary or early childhood]~~ school position requiring an elementary license area of concentration shall have a bachelors degree and at least 27 semester hours of applicable content courses distributed among elementary curriculum areas. Elementary curriculum areas are provided under R277-700-4. ~~[To proceed from temporary license status, an ARL applicant shall submit a score on a Board-designated content test to be used as a diagnostic tool and as part of the development of a professional plan and the issuance of the ARL license.]~~

(2) To be eligible to begin the ARL program, applicants for ~~[secondary]~~ school positions requiring a secondary license area of concentration shall hold at least a bachelors degree and:

~~(a) a degree major or major equivalent directly related to the assignment; or [To proceed from temporary license status, an ARL license applicant shall submit a score on a Board-designated content test, where available, to be used as a diagnostic tool and as part of the development of a professional plan and the issuance of the ARL license.]~~

~~(b) have completed all Board-designated content coursework required for the relevant endorsement.~~

(3) To be eligible to begin the ARL program, applicants for CTE school positions that do not meet the requirements in R277-503-4C(2) shall meet the requirements for a CTE license area of concentration as provided in R277-518.

~~([3]4) Licensing by Agreement~~

(a) An individual employed by an LEA shall satisfy the minimum requirements of R277-503-3 as a teacher with appropriate skills, training or ability for an identified licensed teaching position in the district.

(b) An applicant shall obtain an ARL application for licensing from the USOE or USOE web site.

(c) After evaluation of candidate transcript(s) and rigorous Board-designated content test score, the USOE ARL advisors and the candidate shall determine the specific content knowledge and pedagogical knowledge required of the license applicant to satisfy the requirements for licensing.

(d) The USOE ARL advisors may identify institution of higher education courses, district sponsored coursework, Board-approved professional development, or Board-approved competency tests to prepare or indicate content, content-specific, and developmentally-appropriate pedagogical knowledge required for licensing.

(e) An applicant who has been employed as an educator under a competency-based license or as a full-time instructional paraeducator may offer that experience in lieu of one or more pedagogy courses as follows:

(i) The applicant has had at least three years of experience as an educator or paraeducator;

(ii) The applicant's experience has been successful based on documentation from the LEA; and

(iii) The USOE and employing LEA has approved the applicant's experience in lieu of pedagogy course(s).

(f) The employing LEA shall assign a trained mentor to work with the applicant for licensing by agreement.

(g) The LEA shall supervise and assess the license applicant's classroom performance during a minimum one school year full-time employment experience. The LEA may request assistance from an institution of higher education or the USOE in the monitoring and assessment.

(h) The LEA shall assess the license applicant's disposition as a teacher following a minimum one school year full-time teaching experience. The LEA may request assistance in this assessment; and

(i) The USOE ARL advisors shall annually review and evaluate the license applicant following training, assessments or course work, and the full-time teaching experience and evaluation by the LEA.

(j) Consistent with evidence and documentation received, the USOE ARL advisor may recommend the license applicant to the Board for a Level 1 educator license.

~~(4)5~~ USOE Licensing by Competency

(a) An LEA employs an individual as a teacher with appropriate skills, training or ability for an identified licensed teaching position in the LEA who satisfies the minimum requirements of R277-503-3.

(b) An employing LEA, in consultation with the applicant and the USOE, shall identify Board-approved content knowledge and pedagogical knowledge examinations. The applicant shall pass designated examinations demonstrating the applicant's adequate preparation and readiness for licensing.

(c) The employing LEA shall assign a trained mentor to work with the applicant for licensing by competency.

(d) The LEA shall monitor and assess the license applicant's classroom performance during a minimum one-year full-time teaching experience.

(e) The LEA shall assess the license applicant's disposition for teaching following a minimum one-year full-time teaching experience.

(f) The LEA may request assistance in the monitoring or assessment of a license applicant's classroom performance or disposition for teaching.

(g) Following the one-year training period, the LEA and USOE shall verify all aspects of preparation (content knowledge, pedagogical knowledge, classroom performance skills, and disposition for teaching) to the USOE.

(h) If all evidence/documentation is complete and satisfactory, the USOE shall recommend the applicant for a Level 1 educator license.

~~(5)6~~ USOE ARL candidates under R277-503-4C(4)(~~3~~) and (4) may teach under a letter of authorization for a maximum of one year. The letter of authorization shall expire after the first year on June 30 when the ARL candidate submits documentation of progress in the program, and the candidate] shall be issued an ARL license or license area as appropriate that is presumed to expire at the end of the school year.

(~~6~~7) The ARL license may be extended annually for two subsequent school years with documentation of progress in the ARL program.

(~~7~~8) Documentation shall include, specifically, a copy of the supervisor's successful end-of-year evaluation, copies of transcripts and test results or both showing completion of required coursework, verification of working with a trained mentor, and satisfaction of the full-time full year experience.

D. LEA specific competency-based licenses:

(1) An LEA may apply to the Board for a Level 1 competency-based license to fill a position in the LEA. The application shall demonstrate that other licensing routes for the applicant are untenable or unreasonable.

(2) The employing LEA shall request a Level 1 competency-based license no later than 60 days after the date of the individual's first day of employment.

(3) The application for the Level 1 competency-based license from the LEA for an individual to teach one or more core academic subjects shall provide documentation of:

(a) the individual's bachelors degree; and

(b) for a K-6 grade teacher, the satisfactory results of the rigorous state test including subject knowledge and teaching skills in the required core academic subjects under Section 53A-6-104.5(3)(ii) as approved by the Board; or

(c) for the teacher in grades 7-12, demonstration of a high level of competency in each of the core academic subjects in which the teacher teaches by ~~[completion of an academic major, a graduate degree, course work equivalent to an undergraduate academic major, advanced certification or credentialing, or results or scores of a]~~ passing the rigorous state core academic subject test ~~[similar to the test]~~ required under R277-503-3E, in each of the core academic subjects in which the teacher teaches at the USOE established passing score.

(4) The application for the Level 1 competency-based license from the LEA for non-core teachers in grades K-12 shall provide documentation of:

(a) a bachelors degree, associates degree or skill certification; and

(b) skills, talents or abilities specific to the teaching assignment, as determined by the LEA.

(5) Following receipt of documentation and consistent with Section 53A-6-104.5(2), the USOE shall approve a Level 1 competency-based license.

(6) If an individual with a Level 1 competency-based license leaves the LEA before the end of the employment period, the LEA shall notify the USOE Licensing Section regarding the end-of-employment date.

(7) The individual's Level 1 competency-based license shall be valid only in the LEA that originally requested the competency-based license.

(8) The written copy of the Level 1 competency-based license shall prominently state the name of the LEA followed by LEVEL 1 - LEA SPECIFIC - COMPETENCY-BASED LICENSE.

(9) An LEA may change the assignment of a competency-based license holder; notice to USOE shall be required and additional competency-based documentation may be required for the teacher to remain qualified.

(10) A Level 1 competency-based license is equivalent to the Level 1 license as described in R277-500 and R277-502 as to length and professional development expectations and subject to the same renewal procedures except that an individual may renew a

Level 1 competency-based license despite the limitations of R277-504-3D.

(11) A Level 2 competency-based license may be issued to a Level 1 competency-based license holder if that individual successfully completes the Entry years Enhancement program as detailed in R277-522.

(12) A Level 2 competency-based license is equivalent to the Level 2 license as described in R277-500 and R277-502 as to length and professional development expectations.

(13) A Level 3 competency-based license may be issued to a Level 2 competency-based license holder if that individual holds a doctorate in education or in a field related to a content unit of the public education system from an accredited institution.

(14) A Level 3 competency-based license is equivalent to the Level 3 license as described in R277-500 and R277-502 as to length and professional development expectations.

(15) If an individual holds a Utah license, the application shall be subject to additional USOE review based upon the following criteria:

- (a) license level;
- (b) current license status;
- (c) area of concentration and endorsements on Utah license; and
- (d) circumstances justifying the LEA specific license.

(16) If the application is not approved based on a USOE review of the criteria provided in R277-503-4C(11), appropriate licensure procedures shall be recommended to the requesting LEA. The applicant may be required to renew an expired license, apply for an endorsement, pass appropriate Board approved tests consistent with R277-503-3C, obtain an additional area of concentration, apply to Alternative Route to Licensure, or satisfy other reasonable standards.

R277-503-5. Endorsement Routes.

A. An applicant shall successfully complete one of the following for endorsement:

- (1) a USOE-approved institution of higher education educator preparation program with endorsement(s); or
- (2) assessment, approval and recommendation by a designated and subject-appropriate USOE specialist. The USOE shall be responsible for final recommendation and approval; or
- (3) a USOE-approved Utah institution of higher education or Utah LEA-sponsored endorsement program which includes content knowledge and content-specific pedagogical knowledge approved by the USOE.

(a) The university or LEA shall be responsible for final review and recommendation.

(b) The USOE shall be responsible for final approval.

B. A restricted endorsement shall be available and limited to teachers in necessarily existent small schools as determined under R277-445. Teacher qualifications shall include at least nine semester hours of USOE-approved university-level courses in each course taught by the teacher holding a restricted endorsement.

C. All provisions that directly affect the health and safety of students required for endorsements, such as prerequisites for drivers education teachers or coaches, shall apply to applicants seeking endorsements through all routes under this rule.

D. Prior to an individual taking courses, exams or seeking a recommendation in the ARL licensing program, the individual shall have LEA and USOE authorization.

R277-503-6. Additional Provisions.

A. All programs or assessments used in applicant preparation shall meet national professional educator standards such as those developed by NCATE, ~~and~~ JTEAC, and CAEP.

B. All educators licensed under this rule shall also:

(1) complete the background check required under Section 53A-6-401;

(2) satisfy the professional development requirements of R277-502; and

(3) be subject to all Utah licensing requirements and professional standards.

C. An applicant may satisfy the student teaching/clinical experience requirement for licensing through successful completion of either the licensing by agreement or by competency route.

KEY: teachers, alternative licensing

Date of Enactment or Last Substantive Amendment: ~~June 7, 2012~~ 2014

Notice of Continuation: March 15, 2012

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a); 53A-1-401(3)

Education, Administration **R277-518** Career and Technical Education Licenses

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38241

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide revisions to the Career and Technical Education (CTE) license and to modify CTE licensing eligibility and specialty license area requirements.

SUMMARY OF THE RULE OR CHANGE: The amended rule provides new and changed definitions, provides for changes to licensing eligibility, and specialty license area requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The amendments to this rule modify CTE license requirements which likely will not result in a cost or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** The amendments to this rule modify CTE license requirements which likely will not result in a cost or savings to local government.
- ◆ **SMALL BUSINESSES:** The amendments to this rule apply to public education which likely will not result in a cost or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to this rule modify CTE license requirements which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to this rule modify CTE license requirements which likely will not result in any compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and there is likely no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

**R277. Education, Administration.
R277-518. Career and Technical Education Licenses.
R277-518-1. Definitions.**

A. "Adult education" means organized and structured programs or competencies which directly or indirectly prepare students for post-secondary or training opportunities, and/or entering and retaining employment opportunities. Adult education programs provide qualifying out-of-school youth and adult students with literacy skills below the collegiate/post-secondary level with a continuous education system, driven by a student education occupational plan (SEOP), through competency-based instruction,

with opportunities to improve their basic literacy levels, English as a second language skills, or high school level of education consistent with R277-733.

B. "ARL Program" means the alternative licensing route as provided in R277-503-4, administered by USOE.

~~[B]C.~~ "Board" means the Utah State Board of Education.

~~[C]D.~~ "Career and technical education (CTE)" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements do not generally require a baccalaureate or advanced degree. CTE programs provide all students a continuous education system, driven by a student education occupational plan (SEOP), through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment. Categories include agriculture; business; family and consumer sciences; health science; information technology; marketing; skilled and technical sciences; technology and engineering education; and work-based learning, consistent with R277-916.

~~[D]E.~~ "CTE Alternative Preparation Program (APP) license area of concentration (license area)" means the provisional license area of concentration issued prior to March 1, 2014 by the Board for a three year period which enables the holder to teach only in a specific CTE or technical field, or adult education in the public school system and may require educational coursework.

~~[E]E.~~ "Level 1 license" means ~~[the initial provisional license issued by the Board to an individual who is recommended by a Board approved educator preparation program or approved alternative preparation program. A complete Utah educator license requires both a level and a specified license area]~~ a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to applicants who have also met all ancillary requirements established by law or rule.

~~[F]G.~~ "Level 2 license" means a ~~[license issued by the Board to a Level 1 license holder upon completion of the Entry-Years Enhancement (EYE) Program consistent with R277-522. A complete Utah educator license requires both a level and a specified license area.]~~ Utah professional educator license issued by the Board after satisfaction of all requirements for a Level 1 license and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

~~[G]H.~~ "Level 3 license" means a ~~[license issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification or who holds a doctorate in the educator's field of practice. A complete Utah educator license requires both a level and a specified license area.]~~ Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received National

Board Certification or a doctorate in education or in a field related to a content area in a unit of the public education system or an accredited private school, or holds a Speech-Language Pathology area of concentration and has obtained American Speech-Language Hearing Association (ASHA) certification.

[H]I. "A license area of concentration (license area)" is obtained by completing an approved preparation program or an alternative preparation program in a specific area of educational studies such as Early Childhood (K-3), Elementary 1-8, Middle (5-9) (still valid, but not issued after 1988), Secondary (6-12), Administrative/Supervisory, CTE, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders. License areas of concentration may also bear endorsements relating to subjects or specific assignments.

[I]J. "USOE" means the Utah State Office of Education.

R277-518-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-6-104 which permits the Board to issue licenses for educators, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify standards for a CTE license area and endorsements. An appropriate CTE or secondary license area and appropriate endorsement(s) are required for all persons teaching CTE programs at the secondary and adult level where high school credit is earned. Specific to adult education, an appropriate CTE, elementary or secondary license area is required for all persons awarding adult education high school completion credits in multiple subjects consistent with R277-733-4L.

R277-518-3. CTE License Required.

A CTE or secondary license area with appropriate endorsements is required for all persons teaching CTE programs at the secondary and adult level where high school credit is earned.

R277-518-4. [Level 1 CTE (APP) License]Career and Technical Education License Area Eligibility.

A. ~~[A Level 1 CTE (APP) license area may be issued to]~~To be eligible to earn a CTE license area through the ARL Program, an applicant [who] shall:

(1) ~~[has]have~~ six years of documented related occupational experience ~~[or documented evidence of a bachelor's degree in a related area and two years of full-time related work experience or documented evidence of an associate's degree in a related area and four years of full-time related work experience with an appropriate endorsement]~~ within the 10 years prior to the Program application in any of the following [program]CTE license areas:

- ~~(a) [agriculture;~~
- ~~(b) business;~~
- ~~(c) marketing;~~
- ~~(d) skilled and technical sciences;~~
- ~~(e) technology and engineering;~~
- ~~(f) family and consumer sciences;~~
- ~~(g) health sciences;~~

~~(h) information technology;~~

~~(d) skilled and technical sciences; or~~

~~(i) work-based learning; [or~~

~~(j) adult education.]and~~

(2) ~~[has been offered]~~have documentation:

~~(a) of an offer of a teaching assignment in a Utah public or accredited private school;~~

~~(b) that is directly related to the applicant's occupational experience; and~~

~~(c) of experience which is in an approved CTE license area[or endorsement].~~

~~[B. A Level 1 CTE (APP) license area for the Disabled, which is restricted to teaching in workshop centers for the handicapped, may be issued to an applicant who has 18 months of related occupational experience in business or industry related to the teaching assignment offered the applicant.~~

~~C. Verification of related occupational experience shall accompany an application for a Level 1 CTE (APP) license area.~~

~~[H]B. Periods of employment lasting less than one month and periods of employment prior to 18 years of age are not accepted for purposes of calculating the occupational experience requirement.~~

~~C. An associate's degree in a related area may be counted for up to two years of occupational experience to satisfy the requirement in R277-518-4A(1).~~

~~(2) All related work experience shall be within 10 years of application for this license.~~

~~D. An applicant for a CTE license area is not required to have a bachelor's degree.~~

~~[D]E. State-approved testing:~~

The occupational experience requirement may be waived by the appropriate USOE Program Specialist or Coordinator if the applicant has passed a state-approved competency examination in the respective field at or above the USOE established cut-off scores. Individual applicant scores may be used for licensing purposes up to five years after completion of the respective examination(s).

~~[E]E. In addition to meeting the requirements of [Subsection 4(A)(1)]R277-518-4A(1), an ARL Program applicant for a [Level 1]CTE [(APP)]license area [to instruct in the following areas shall satisfy identified standards]shall:~~

~~(1) an applicant for barbering, cosmetology, or building trades/courses shall also hold a valid license in the respective area issued by the Utah State Department of Commerce, Division of Occupational and Professional Licensing;~~

~~(2) an applicant for nurse assistant course(s) shall also be a licensed practical nurse or a registered nurse;~~

~~(3) an applicant for licensed practical nurse course(s) shall also be a registered nurse;~~

~~(4) an applicant for health science medical anatomy and physiology course(s) shall also have a minimum of an associate's degree in a health care related area.~~

~~(1) meet all endorsement specific standards established by the USOE; and~~

~~(2) hold the applicable license issued by the Utah State Department of Commerce, Division of Occupational and Professional Licensing in any area where such licensure or certification exists.~~

~~[F]G. An [CTE (APP) license area]applicant for a CTE license area shall complete pedagogical coursework or satisfy~~

pedagogical standards consistent with R277-503-4. An ARL Program applicant for a [Level 1] CTE [(APP)] license area [applicant] shall provide evidence of mastery of the following areas of pedagogy:

- (1) [concepts, principles, and methods of teaching] instruction, technology, assessment, and planning;
- (2) [human relations or educational psychology] creation of a learning environment;
- (3) [curriculum development related to the program area] basic special education/IDEA requirements;
- (4) [development and use of instructional materials and aids] teaching diverse populations; and
- (5) [facility management and safety] literacy strategies in content areas.[:]

H. An applicant for a CTE license area shall provide documentation of participation in [(6) measurement and evaluation] transition to teaching orientation[:]

(7) Career and Technical Student Organizations (CTSO); equity education, work-based learning, and comprehensive guidance] and participation in the CTE New Teacher Academy.

[G]. An ARL Program applicant for a [Level 1] CTE license [e] area with an adult education endorsement is restricted to employment in an accredited adult education program.

[H. In addition to satisfaction of the pedagogical areas of R277-518-4F, a CTE (APP) license area applicant is strongly encouraged to and may be required by an employing school district to complete a USOE-approved program or assessment that demonstrates mastery of beginning teaching skills and competency.

I. A person may be employed under a CTE (APP) license area for one three year period. It is expected that a CTE (APP) license area holder shall complete requirements for a Level 1 CTE license area within three years or satisfy the employing district's/charter school's requirement for a district-specific license under Section 53A-6-104.5 in subsequent years.

J. A person teaching in a CTE or adult education program less than one-half day in relation to the respective school schedule, whose regular employment is or has been in any CTE or adult education program area, may, in lieu of the requirements of R277-518-4(F), have the Level 1 CTE (APP) license area renewed for subsequent three year periods upon the recommendation of the employing agency and with the approval of the appropriate USOE Program Specialist or Coordinator.

K. Secondary License: A Level 1 CTE (APP) license area holder with a bachelor's degree may obtain a Level 2 CTE license area and secondary license area by successfully completing the following requirements within a three-year period:

- (1) if the applicant's bachelor's degree is not related to the subject area he would like to teach, he shall document at least six years of work experience in the desired teaching area;
- (2) has satisfied the requirements of R277-518-4F;
- (3) may be required by an employing school district and is strongly encouraged to complete a USOE-approved program or assessment that demonstrates mastery of beginning teaching skills and competency;
- (4) provide documentation of any additional content area coursework as advised by the appropriate USOE Program Specialist or Coordinator; and
- (5) has completed the Entry Years Enhancement (EYE) Program consistent with R277-522.

R277-518-5. [Level 1 CTE License] Career and Technical Education Specialty License Area.

[An applicant for a Level 1 CTE license area with endorsement(s) shall have:

A. a baccalaureate degree in an approved teacher educational program, including 16 semester hours of course work in the endorsement area in which the applicant desires to teach, and at least two years of successful related occupational experience; or,

B. a baccalaureate degree with a major in the related occupational field in which the applicant desires to teach, including satisfaction of 15 semester hours or competency in USOE-approved education course work and two years of related occupational experience.

C. An applicant without public school teaching experience may be required by an employing school district and is strongly encouraged to complete a USOE-approved program or assessment that enhances or demonstrates mastery of beginning teaching skills and competencies.

] A. If an ARL Program applicant is teaching one CTE course and is employed for less than 0.37 FTE in relation to the respective school schedule, the ARL Program applicant may earn a CTE Specialist license area with one year of teaching experience and the recommendation of the employing LEA, in lieu of the CTE license area provided in R277-518-4, in the following endorsement areas:

- (1) Adult Education;
- (2) Exercise Science/Sports Medicine;
- (3) Pharmacy Technician;
- (4) Fire Science;
- (5) Law Enforcement;
- (6) Nurse Assistant; and
- (7) Additional areas as approved by USOE in which professionals are required to meet licensure requirements outside of educator licensure.

B. The ARL Program applicant shall:

- (1) have had regular employment in the CTE license area in which he is assigned to teach;
- (2) have had one year of public school teaching experience; and
- (3) have the recommendation of the employing LEA.

C. A CTE specialty license area ARL applicant is not required to pay the ARL professional growth plan fee. These applicants shall not receive ongoing monitoring or program completion support from the USOE ARL office beyond the request for licensure recommendation at the completion of one year of teaching.

D. A CTE specialty license area is only valid for employment in the areas listed in R277-518-5A as long as the holder is teaching one CTE course and is employed for less than 0.37 FTE.

E. An individual holding a CTE Specialist license area may be upgraded to a regular CTE license area or Secondary (6-12) license area upon payment of the additional license area recommendation fee, the completion of the requirements of R277-518-4F, and the recommendation of the employing LEA.

F. An individual with a CTE specialist Level 1 license area shall continue as a Level 1 license holder indefinitely despite the Level 1 limitations in R277-502-4A(6), but shall satisfy the requirements of Section 53A-3-410 and a subsequent review prior

~~to classroom employment, consistent with LEA employment policies.~~

~~**[R277-518-6. Level 2 CTE License.**~~

~~An applicant for the Level 2 CTE license area with endorsements shall have:~~

~~A. completed at least three years of successful teaching experience under a Level 1 CTE (APP) license area or Level 1 CTE license area; and~~

~~B. completed the Entry Years Enhancement (EYE) Program consistent with R277-522.~~

~~**R277-518-7. Level 3 CTE License.**~~

~~A. An applicant for the Level 3 CTE license area with endorsements shall have a Level 2 CTE license area and have achieved National Board Professional Teaching Standards Certification or hold a doctorate in the educator's field of practice.~~

~~B. The Level 3 CTE license area may be renewed for successive seven year periods consistent with R277-501, Educator Licensing Renewal.~~

]KEY: educator licensing, professional education, career and technical education

Date of Enactment or Last Substantive Amendment: ~~[October 11, 2010]~~2014

Notice of Continuation: March 12, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)

Education, Administration

R277-528

Use of Public Education Job Enhancement Program (PEJEP) Funds

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38242

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 28, Boards and Commissions Amendments, from the 2013 General Legislative Session, moved the Public Education Job Enhancement Program (PEJEP) Committee's rulemaking authority from the PEJEP Committee (which was repealed) to the Utah State Board of Education. The new rule provides procedures and criteria for remaining PEJEP funds, consistent with the intent of the Program. (DAR NOTE: The proposed repeal of Rule R690-100 is under DAR No. 38243 in this issue, February 1, 2014, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The rule provides definitions, procedures, and criteria for the use of existing PEJEP funds.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1a-601(3)(c)(2) and Subsection 53A-1a-601(5)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This new rule provides procedures and criteria for remaining PEJEP funds which likely will not result in a cost or savings to the state budget.

◆ LOCAL GOVERNMENTS: This new rule provides procedures and criteria for remaining PEJEP funds which likely will not result in a cost or savings to local government.

◆ SMALL BUSINESSES: This new rule provides procedures and criteria for remaining PEJEP funds which likely will not result in a cost or savings to small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This new rule provides procedures and criteria for remaining PEJEP funds which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This new rule provides procedures and criteria for remaining PEJEP funds which likely will not result in any compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and there is likely no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY, UT 84111-3272
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-528. Use of Public Education Job Enhancement Program (PEJEP) Funds.

R277-528-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Council for Accreditation of Educator Preparation (CAEP)" is a nationally recognized organization which provides accreditation of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K-12 teachers.

C. "National Council for Accreditation of Teacher Education (NCATE)" is a nationally recognized organization which accredits the education units providing baccalaureate and graduate degree programs for the preparation of teachers and other professional personnel for elementary and secondary schools.

D. "PEJEP awards" means awards granted to eligible PEJEP participants that satisfy the purposes of the original PEJEP funding and USOE documentation requirements.

E. "Public Education Job Enhancement Program (PEJEP)" means a program authorized under Section 53A-1a-601(2).

F. "Teacher Education Accreditation Council (TEAC)" is a nationally recognized organization which provides accreditation of professional teacher education programs in institutions offering baccalaureate and graduate degrees for the preparation of K-12 teachers.

G. "USOE" means the Utah State Office of Education.

R277-528-2. Authority and Purpose.

A. The rule is authorized by Article X, Section 3 of the Utah Constitution, which places general control and supervision of the public schools under the Board; Section 53A-1a-601(3)(c)(2) which requires the Board to make a rule that provides for repayment of a portion of the initial payment by the teacher if the teacher fails to complete the Program with exceptions; Section 53A-1a-601(5)(b) which directs the Board to develop criteria for PEJEP awards; and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide standards and procedures for ongoing participation in PEJEP.

R277-528-3. PEJEP Participants.

A. PEJEP participants shall commit to required courses for advanced degrees and endorsements consistent with Section 53A-1a-601(2).

B. Qualified Utah institutions of higher education shall be reimbursed for the tuition for eligible PEJEP participants.

C. PEJEP participants shall receive textbook reimbursements directly.

D. PEJEP participants shall provide documentation annually, by October 1, to the USOE, demonstrating full-time employment as educators during the previous school year.

E. If a PEJEP participant changes employers, leaves public education, or moves from the state, he shall notify the USOE immediately. The USOE may require repayment or partial repayment, consistent with Section 53A-1a-601(3)(c)(ii).

F. PEJEP participants shall notify the USOE of the participants' satisfaction of their teaching commitment at the conclusion of their Program.

R277-528-4. University Program Eligibility.

A. A Utah higher education institution (university) program that provides licensure and endorsements in areas outlined

in Section 53A-1a-601(2) shall be eligible to receive tuition reimbursement for eligible PEJEP participants.

B. University endorsement or education programs that desire to enroll PEJEP participants shall meet the following minimum requirements:

(1) provide documentation to the USOE of university program accreditation by NCATE/TEAC/CAEP;

(2) provide to the USOE an overview of the university endorsement program including:

(a) program requirements and eligibility standards for participants;

(b) a screening process for prospective participants;

(c) course syllabi; and

(d) a yearly evaluation of the program.

C. The USOE may determine the eligibility of university programs on an annual basis.

D. The USOE shall reimburse tuition directly to university programs for PEJEP participants.

R277-528-5. Evaluation.

A. The USOE shall maintain records of PEJEP award participants.

B. The USOE shall prepare an annual report for the Board that demonstrates use of PEJEP funding consistent with the intent of original PEJEP legislation.

KEY: educators, awards

Date of Enactment or Last Substantive Amendment: 2014

Authorizing, and Implemented or Interpreted Law: 53A-1a-601; 53A-1-401(3)

Environmental Quality, Water Quality R317-1-7 TMDLs

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38235

FILED: 01/13/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to incorporate by reference into the rule the completed and recently approved Colorado River Watershed TMDL (total maximum daily load) for Selenium as approved by the Water Quality Board.

SUMMARY OF THE RULE OR CHANGE: This section incorporates by reference the completed and approved Colorado River Watershed TMDL for Selenium into the rule. This TMDL document has gone through an individual public review process and has been approved by the Water Quality Board.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104 and Section 19-5-105

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Colorado River Watershed TMDL for Selenium, published by Utah Division of Water Quality, 12/05/2013

AUTHORIZED BY: Walter Baker, Director

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated impacts to the state budget. The proposed amendment will be addressed using existing resources.
- ◆ **LOCAL GOVERNMENTS:** No cost impacts to local governments are anticipated. No activities that would result in costs or savings to local governments are mandated by the approved TMDL.
- ◆ **SMALL BUSINESSES:** No cost impacts to small businesses are anticipated. The TMDL explains that the required actions are not within the boundaries of the state. Potential strategies and management options for reducing sources of pollutants are identified.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No cost impacts to other persons are anticipated. Potential strategies and management options for reducing sources of pollution are identified as needing to occur upstream of the identified TMDL reach.

**R317. Environmental Quality, Water Quality.
R317-1. Definitions and General Requirements.
R317-1-7. TMDLs.**

The following TMDLs are approved by the Board and hereby incorporated by reference into these rules:

- 7.1 Middle Bear River -- February 23, 2010
- 7.2 Chalk Creek -- December 23, 1997
- 7.3 Otter Creek -- December 23, 1997
- 7.4 Little Bear River -- May 23, 2000
- 7.5 Mantua Reservoir -- May 23, 2000
- 7.6 East Canyon Creek -- September 14, 2010
- 7.7 East Canyon Reservoir -- September 14, 2010
- 7.8 Kents Lake -- September 1, 2000
- 7.9 LaBaron Reservoir -- September 1, 2000
- 7.10 Minersville Reservoir -- September 1, 2000
- 7.11 Puffer Lake -- September 1, 2000
- 7.12 Scofield Reservoir -- September 1, 2000
- 7.13 Onion Creek (near Moab) -- July 25, 2002
- 7.14 Cottonwood Wash -- September 9, 2002
- 7.15 Deer Creek Reservoir -- September 9, 2002
- 7.16 Hyrum Reservoir -- September 9, 2002
- 7.17 Little Cottonwood Creek -- September 9, 2002
- 7.18 Lower Bear River -- September 9, 2002
- 7.19 Malad River -- September 9, 2002
- 7.20 Mill Creek (near Moab) -- September 9, 2002
- 7.21 Spring Creek -- September 9, 2002
- 7.22 Forsyth Reservoir -- September 27, 2002
- 7.23 Johnson Valley Reservoir -- September 27, 2002
- 7.24 Lower Fremont River -- September 27, 2002
- 7.25 Mill Meadow Reservoir -- September 27, 2002
- 7.26 UM Creek -- September 27, 2002
- 7.27 Upper Fremont River -- September 27, 2002
- 7.28 Deep Creek -- October 9, 2002
- 7.29 Uinta River -- October 9, 2002
- 7.30 Pineview Reservoir -- December 9, 2002
- 7.31 Browne Lake -- February 19, 2003
- 7.32 San Pitch River -- November 18, 2003
- 7.33 Newton Creek -- June 24, 2004
- 7.34 Panguitch Lake -- June 24, 2004
- 7.35 West Colorado -- August 4, 2004
- 7.36 Silver Creek -- August 4, 2004
- 7.37 Upper Sevier River -- August 4, 2004
- 7.38 Lower and Middle Sevier River -- August 17, 2004
- 7.39 Lower Colorado River -- September 20, 2004
- 7.40 Upper Bear River -- August 4, 2006
- 7.41 Echo Creek -- August 4, 2006
- 7.42 Soldier Creek -- August 4, 2006
- 7.43 East Fork Sevier River -- August 4, 2006
- 7.44 Koosharem Reservoir -- August 4, 2006
- 7.45 Lower Box Creek Reservoir -- August 4, 2006
- 7.46 Otter Creek Reservoir -- August 4, 2006
- 7.47 Thistle Creek -- July 9, 2007
- 7.48 Strawberry Reservoir -- July 9, 2007

COMPLIANCE COSTS FOR AFFECTED PERSONS: No direct compliance costs are anticipated for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impacts to businesses are anticipated as a result of the approved TMDL. Potential strategies and management options for reducing sources of pollutants are identified, but are not specifically mandated. There is a compliance requirement for Moab City wastewater treatment plant, however, it is not anticipated that Moab's wastestream will exceed the TMDL endpoint over the course of the next 50 years.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
WATER QUALITY
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Judy Etherington by phone at 801-536-4344, by FAX at 801-536-4301, or by Internet E-mail at jetherington@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

- 7.49 Matt Warner Reservoir -- July 9, 2007
- 7.50 Calder Reservoir -- July 9, 2007
- 7.51 Lower Duchesne River -- July 9, 2007
- 7.52 Lake Fork River -- July 9, 2007
- 7.53 Brough Reservoir -- August 22, 2008
- 7.54 Steinaker Reservoir -- August 22, 2008
- 7.55 Red Fleet Reservoir -- August 22, 2008
- 7.56 Newcastle Reservoir -- August 22, 2008
- 7.57 Cutler Reservoir -- February 23, 2010
- 7.58 Pariette Draw -- September 28, 2010
- 7.59 Emigration Creek -- September 1, 2011
- 7.60 Jordan River -- June 27, 2012
- 7.61 Colorado River -- December 5, 2013

KEY: water pollution, waste disposal, industrial waste, effluent standards

Date of Enactment or Last Substantive Amendment: [September 24, 2013]2014

Notice of Continuation: October 2, 2012

Authorizing, and Implemented or Interpreted Law: 19-5

Human Services, Child and Family
Services
R512-43
Adoption Assistance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 38217
FILED: 01/02/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is intended to promote the adoption of children who linger in foster care because of financial barriers to adoption.

SUMMARY OF THE RULE OR CHANGE: Results of Legislative Audit number 2011-02 recommended that Child and Family Services address adoption assistance barriers for children who linger in foster care because of age, disability, and sibling group status. This rule change allows for Child and Family Services to provide a higher subsidy for a child when the subsidy is a barrier to the adoption, if a child meets any of the following criteria: 1) child has been in care for 24 months or longer; 2) child is 9 years of age or older; and 3) child is part of a sibling group of 3 or more.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-102 and Section 62A-4a-105 and Section 62A-4a-205.6

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Adds Title 45, Chapter XIII, PART 1356.41, published by Government Printing Office Online via GPO Access, 01/03/2007
- ◆ Adds Title 45, Chapter XIII, PART 1356.40, published by Government Printing Office Online via GPO Access, 10/01/2009
- ◆ Adds Pub. Law No. 110-351, published by Government Printing Office, 10/07/2008
- ◆ Adds Title 42, Chapter 7, Section 673, published by U.S. Code Online via GPO Access, 10/03/2007

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Adoption subsidy level increase for older children, sibling groups, or those who have been in care 24 months or more would raise payments made by Child and Family Services approximately \$72,000 per year total and would increase the Division's permanency numbers for these groups. DCFS estimates that 54 children would move from foster care to adoption and would reduce the need for 3.6 DCFS caseworkers. The average cost per DCFS caseworker is approximately \$54,500 which includes salary, benefits, and insurance. Reducing 3.6 DCFS caseworkers would provide a savings of \$196,000. The net savings to the DCFS budget would be \$124,000.

◆ **LOCAL GOVERNMENTS:** Local governments have no responsibility for adoption assistance and are therefore not affected by this rule and will have no fiscal impact.

◆ **SMALL BUSINESSES:** Small businesses have no responsibility for adoption assistance and are therefore not affected by this rule and will have no fiscal impact.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** May be a positive impact on adoptive families who want to adopt older children and sibling groups, but could not because of financial barriers. It was determined that 48 children could have been placed for adoption if the subsidy could have been increased by \$100 per month per child and 6 could have been placed for adoption if the subsidy could have been increased by \$200 per year per child for a total of \$72,000 per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost to affected persons because they will only need to follow the existing guidelines which have no fiscal impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov
- ◆ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhones@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/3014

AUTHORIZED BY: Brent Platt, Director

R512. Human Services, Child and Family Services.**R512-43. Adoption Assistance.****R512-43-1. Purpose and Authority.**

(1) The purpose of the adoption assistance program is to aid an adoptive family to establish and maintain a permanent adoptive living arrangement for a child who qualifies for the program under state and federal law.

(2) The adoption assistance program is intended to provide a permanent family for a child in public foster care or who receives Supplemental Security Income (SSI) by providing financial and medical assistance for the child's benefit and best interest to the family who adopts the child.

(3) Section 62A-4a-901, et seq. authorizes the state to provide adoption assistance and supplemental adoption assistance and Section 473, Social Security Act, authorizes federal adoption assistance. Section 473, Social Security Act (42 USC 673) as amended by Public Law 110-351 (October 7, 2008), 45 CFR 1356.40 (October 1, 2009), and 45 CFR 1356.41 (October 1, 2009) are incorporated by reference.

(4) This rule is authorized by Section 62A-4a-102.

R512-43-2. Definitions.

In addition to terms defined in Section 62A-4a-902, the following terms are defined for purposes of this rule:

(1) Initiation of adoption proceedings means the earlier of (a) the date an Adoption Agreement is signed with Child and Family Services for placement of a child in the home, or (b) the date an adoption petition is filed.

(2) Child in public foster care means a judicially removed child whose placement resulting in adoption was immediately preceded by protective, temporary, or legal custody with a State IV-E agency, or a child who was placed with a State IV-E agency through a Voluntary Placement Agreement, or the child of a minor parent in foster care.

(3) A child or youth who was taken into protective custody and, as a result of the protective episode, was placed with a relative who was given legal custody meets the definition of a child in public foster care.

(a) If the court orders Child and Family Services to continue to provide Protective Supervision Services for the family in making safety and permanency decisions for the child, including placement decisions and permanency goals, the child is eligible for adoption assistance if the child's permanency goal becomes adoption, if all other criteria in R512-43-3(1-4) are met.

(i) This may include a change in placement to another relative while the Protective Supervision Services continue to be court ordered.

(4) State IV-E agency means Child and Family Services or a public agency or tribal organization with whom Child and Family Services has an agreement in effect for foster care maintenance payments in accordance with Title IV-E, Section 42 USC 672.

(5) AFDC means the Aid to Families with Dependent Children program that was in effect on July 16, 1996.

(6) Child with a previous IV-E agreement means a child who was Title IV-E eligible in a previous adoption with a fully executed adoption assistance agreement originating in any state, and the previous adoption was legally dissolved or ended due to the death of both of the adoptive parents.

R512-43-3. General Requirements for Adoption Assistance.

(1) Qualification for adoption assistance is based upon the child meeting qualifying factors, not the adoptive family.

(2) A child qualifies for adoption assistance if all of the following are met:

(a) The state has determined that the child cannot or should not be returned home.

(b) The state can document that reasonable efforts were made to place the child for adoption without providing adoption assistance. An exception applies if the child has significant emotional ties with the adoptive family and it is not in the child's best interest to consider a different adoptive placement.

(c) The state determines the child meets the definition of a child with a special need in accordance with Section 62A-4a-901, et seq.

(i) A child under age five in public foster care meets the special need definition of "a child with a physical, emotional or mental disability" when the child is at risk to develop such a condition due to specific factors identified in the child's or birth parents' health and social histories.

(3) In determining eligibility for adoption assistance, there is no income eligibility requirement or means test for the adoptive parents.

(4) A child must be a U.S. citizen or qualified alien to receive adoption assistance.

(5) An application for adoption assistance is submitted to the regional adoption assistance committee on a form provided by Child and Family Services.

(6) Application for adoption assistance, approval, and completion of the adoption assistance agreement, including signatures of an adoptive parent and a representative from Child and Family Services, are to be completed prior to finalization of the adoption.

(7) Adoptive parents may request adoption assistance after an adoption is finalized by requesting a fair hearing through the Office of Administrative Hearings. Adoption assistance may only be granted after finalization when the conditions stated in R512-43-11-2(a) are met.

(8) Adoption assistance usually begins after finalization of an adoption. However, adoption assistance may be initiated at the time of placement if the child is legally free for adoption, the adoptive home is approved, adoption proceedings are initiated, an adoption assistance agreement is fully executed prior to placement, and foster care maintenance payments are not being provided for the child.

(9) An adoption assistance agreement shall be approved and have all required signatures before any payments may be made to an adoptive family or before state medical assistance may be initiated.

(10) A qualified child shall continue to be eligible to receive adoption assistance until a child reaches age 18 unless causes for termination apply as stated in R512-43-10. Assistance may be extended until a child reaches age 21 when the regional adoption assistance committee has determined that the child has a mental or physical disability that warrants continuing assistance.

(a) An extension of adoption assistance beyond age 18 is warranted if the child meets the criteria for services in the Department of Human Services, Division of Services for People with Disabilities.

(11) Child and Family Services is responsible for notifying a prospective adoptive family of the availability of adoption assistance when the family begins an adoptive placement of a qualified child in public foster care.

(12) The adoptive parents are responsible to notify Child and Family Services of any circumstances that may affect the child's eligibility for adoption assistance or eligibility for adoption assistance in a different amount.

R512-43-4. Reimbursement of Non-Recurring Adoption Expenses.

(1) A parent who adopts a child meeting all of the qualifying factors for adoption assistance listed in R512-43-3(2) may be reimbursed for non-recurring adoption expenses on behalf of the child.

(2) A parent may be reimbursed up to \$2,000 per child for allowable non-recurring expenses directly related to the legal adoption of a child with a special need. Reimbursement shall be limited to costs approved by the regional adoption assistance committee.

(3) Expenses may include reasonable and necessary adoption fees, court costs, adoption-related attorney fees, pre-placement adoptive evaluation, health and psychological examinations of adoptive parents, post-placement adoptive evaluation prior to adoption, and transportation and reasonable costs of lodging and food for the child and/or adoptive parents during the placement or adoption process.

(4) Adoptive parents are responsible to provide necessary receipts for reimbursement.

(5) Only costs that are incurred in accordance with State and Federal law and that have not been reimbursed from other sources or funds may be included.

(6) Non-recurring adoption expenses are reimbursable through Title IV-E Adoption Assistance. The child does not have to be determined Title IV-E eligible for the parents to receive this reimbursement.

R512-43-5. Monthly Subsidy.

(1) Qualifying for a Monthly Subsidy.

A child qualifies for a monthly subsidy when the following requirements are met:

(a) The child meets all of the qualifying factors for adoption assistance listed in R512-43-3(2), and

(b) The child meets the definition of child in public foster care, qualifies for SSI, or the child had a previous IV-E agreement or Utah state adoption assistance agreement.

(c) The child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated.

(2) Guiding Principles for Monthly Subsidies.

(a) The amount of monthly subsidy to be paid for a child is based on the child's present and long-term treatment and care needs and available resources, including the family's ability to meet the needs of the child. A combination of the parents' resources and subsidy should cover the ordinary and special needs expenses of the child projected over an extended period of time.

(b) The amount of the monthly subsidy may not exceed the payment that would be made if the child was placed in a foster family home at the point in time when the agreement is being initiated or revised.

(c) The amount of monthly subsidy may increase or decrease when the child's level of need or the family's ability to meet those needs changes. The family or the caseworker may initiate a change in the amount of subsidy at any time when needs or resources change.

(d) For a child in public foster care, the requested amount of monthly subsidy is negotiated between the adoptive parent and caseworker. The Adoptive Parent Statement of Disclosure items must be reviewed in depth by the caseworker and adoptive parent prior to subsidy negotiation.

(e) The amount of the monthly subsidy is subject to the approval of the regional adoption assistance committee. If the requested amount is not granted, the adoptive parent has a right to appeal as stated in R512-43-11.

(3) Process for Determining Monthly Subsidy Amount.

(a) Utilizing the level of need criteria specified in R512-43-5(4), the caseworker and adoptive family identify the child's level of need.

(b) The caseworker and adoptive family identify the applicable monthly subsidy payment range, according to the child's specified level of need, as specified in R512-43-5(5).

(c) The caseworker and adoptive family negotiate the amount of monthly subsidy to be requested from the regional adoption assistance committee. The requested monthly subsidy amount may not exceed the maximum amount for the specific level of need identified for the child nor the maximum amount that the child would receive if placed in a foster family home.

(d) The identified need level for the child and requested amount of monthly subsidy is presented to the regional adoption assistance committee for approval. If the requested amount is not approved or is reduced by the committee, Child and Family Services must send a written notice to the adoptive parents within 30 days informing them of the process to request a fair hearing.

(4) Determining Child's Level of Need.

(a) The level of need is determined by considering the child's age, history, physical, mental, emotional, and social functioning and needs, and any other relevant factors. Frequency of occurrence, duration, severity, and number of needs or problem areas are also considered.

(b) The presence of a particular issue listed within a designated level does not mandate that the child be categorized at that level. The child's needs, taken as a whole, determine the level selected for the child.

(c) Level of need is classified into three categories.

(i) Level One applies to a child with a minimal number and severity of needs. It is expected that most of these issues will improve with time, and significant improvement may be anticipated over the course of the adoption. For children ages five and under issues may include, but are not limited to: feeding problems, aggressive or self

destructive behavior, victimization from sexual abuse, victimization from physical abuse; or no more than one developmental delay in fine motor, gross motor, cognitive or social/emotional domains. For children ages 6-18, issues may include but are not limited to: social conflict, physical aggression, minor sexual reactivity, need for education resource classes or tutoring, some minor medical problems requiring ongoing monitoring, or mental health issues requiring time limited counseling.

(ii) Level Two applies to a child with a moderate number and severity of needs. It is expected that a number of these issues are long-term in nature and the adoptive family and child will be working with them over the course of the adoption, and some may intensify or worsen if not managed carefully. Outside provider support will probably continue to be needed during the course of the adoption. For children ages five and under, issues may include, but are not limited to: developmental delays in two or more areas of fine motor, gross motor, cognitive or social/emotional domains; diagnosis of failure to thrive; moderate genetic disease or physical handicapping condition; or physical aggression expressed several times a week, including superficial injury to self or others. For children ages 6-18, issues may include, but are not limited to: daily social conflict or serious withdrawn behavior; moderate risk of harm to self or others due to physically aggressive behavior; emotional or psychological issues with a DSM-IV diagnosis requiring ongoing counseling sessions over an extended period of time; moderate sexual reactivity or perpetration; chronic patterns of being destructive to items or property; cruelty to animals; mild mental retardation or autism, with ongoing need for special education services; and physical disabilities requiring ongoing attendant care or other caretaker support.

(iii) Level Three applies to a child with a significant number or high severity of needs. It is expected that these issues will not moderate and may become more severe over time. The child's level of need may at some time require personal attendant care or specialized care outside of the home, when prescribed by a professional. For children ages five and under issues may include, but are not limited to: severe life threatening medical issues; moderate or severe retardation or autism; serious developmental delays in three or more areas of fine or gross motor, cognitive or social/emotional domains; anticipated need for ongoing support for activities of daily living, such as feeding, dressing and self care; or high levels of threat for harm to self or others due to aggressive behaviors. For children ages 6-18 issues may include, but are not limited to: moderate or severe retardation or autism; life threatening medical issues; severe physical disabilities not expected to improve over time; predatory sexual perpetration; high risk of serious injury to self or others due to aggressive behavior; serious attempts or threats of suicide; severely inhibiting DSM-IV diagnosed mental health disorders diagnosed within the past year that limit normal social and emotional development, such as an Axis 5 GAF score under 50; or need for ongoing self contained or special education services.

(d) The regional adoption assistance committee must approve the level of need identified for the child.

(e) A child's need level may be increased in severity by one level if the adoption assistance committee determines that the child's permanency may be compromised due to financial barriers to the child's adoption and if at least one of the following circumstances apply:

(i) The child has been in state custody for longer than 24 months.

(ii) The child is nine years of age or older.

(iii) The child is part of a sibling group of three or more children being placed together for the purposes of adoption.

(5) Identifying Amount for Monthly Subsidy Based Upon the Child's Level of Need.

(a) Each level of need corresponds to a dollar range in the amount of monthly subsidy that may be paid for a child, with the specific amount based upon the individual child's needs and the family's ability to meet those needs.

(b) The monthly subsidy amount for an individual child may not exceed the maximum amount for the payment range applicable to the child's level of need. A family may choose to defer receipt of a monthly subsidy for which a child qualifies, with the option to initiate a monthly subsidy at a later date, or to receive a lesser amount than would be allowable for the level of need at a given point in time.

(c) Monthly subsidy payments for a child's needs categorized as Level One range from zero to 40 percent of the maximum maintenance payment that may be paid for a child in a foster family home.

(d) A family may choose to receive a lesser amount than would be allowable for the child's level of need at a given point in time.

(e)[(d)] Monthly subsidy payments for a child's needs categorized as Level Two range from 20[41] to 70 percent of the maximum maintenance payment that may be paid for a child in a foster family home.

(f)[(e)] Monthly subsidy payments for a child's needs categorized as Level Three range from 50[71] to 100 percent of the maximum maintenance payment that may be paid for a child in a foster family home.

(g)[(f)] For extraordinary, infrequent, or uncommon documented needs that cannot be covered by a monthly subsidy or state medical assistance, refer to supplemental adoption assistance in R512-43-7.

(6) Funding Sources and Eligibility for Monthly Subsidy.

(a) The two funding sources for the monthly subsidy are Title IV-E Adoption Assistance and state adoption assistance funds. The child's eligibility determines which funding source is used for payment.

(b) Title IV-E Adoption Assistance shall be considered first for the monthly subsidy. To receive Title IV-E Adoption Assistance, a child with special needs shall meet at least one of the following Federal requirements:

(i) A child is determined eligible for SSI by the Social Security Administration prior to the initiation of adoption proceedings.

(ii) The removal home for the child in public foster care received, or would have been eligible to receive, AFDC prior to removal, and the child was removed from the home as a result of a judicial determination that remaining in the home would be contrary to the child's welfare.

(iii) The child was voluntarily placed for foster care with the state and:

(A) Was or would have been AFDC eligible at the time of removal if application had been made,

(B) The child lived with a specified relative within the six months prior to the voluntary placement, and

(C) Title IV-E foster care maintenance payments were made on behalf of the child.

(iv) The child's needs were met through foster care maintenance payments made to and for the child's minor parents as provided by Subsection 475(4)(B) of the Social Security Act.

(v) The child had a previous IV-E adoption assistance agreement.

(c) State adoption assistance funds may be used for the monthly subsidy if the qualified child is not eligible for Title IV-E Adoption Assistance.

(7) Use of the monthly subsidy. The monthly subsidy may be used according to the parents' discretion. Some examples of the uses of the monthly subsidy payment are medical, dental, or mental health services not paid for by the state medical assistance or family insurance, special equipment for physically or mentally challenged children, respite care, child care, therapeutic equipment, minor renovation of the home to meet special needs of the child, damage and repairs, speech therapy, tutoring, specialized preschool based on needs of the child, private school, exceptional basic needs such as special food, clothing, and/or shelter, visitations with biological relatives, cultural and heritage activities and information.

R512-43-6. State Medical Assistance.

(1) A child qualifies for state medical assistance as a component of adoption assistance when all of the following requirements are met:

(a) The child meets all of the qualifying factors for adoption assistance listed in R512-43-3(2), and

(b) The child meets the definition of child in public foster care, qualifies for SSI, or the child had a previous IV-E adoption assistance agreement or Utah state adoption assistance agreement.

(i) The child's eligibility for SSI benefits is established no later than the time adoption proceedings are initiated.

(c) The child meets state medical assistance citizenship requirements.

(2) A qualified child may receive state medical assistance through an adoption assistance agreement without also receiving a monthly subsidy payment.

(3) The adoptive family must meet all Medicaid requirements, including application, citizenship verification, and annual review requirements in order for Medicaid to be initiated and continue throughout the period of the adoption assistance agreement.

R512-43-7. Supplemental Adoption Assistance.

(1) A child meeting all qualifying criteria for a monthly subsidy and for whom an adoption assistance agreement for a monthly subsidy or state medical assistance is in effect may qualify for supplemental adoption assistance.

(2) Supplemental adoption assistance may only be used for extraordinary, infrequent, or uncommon documented needs not otherwise covered by a monthly subsidy, state medical assistance, or other public benefits for which a child who has a special need is eligible.

(3) Supplemental adoption assistance is not an entitlement, and will be granted only when justified by unique needs of the child and when all other resources for which a child is eligible have been exhausted.

(4) Supplemental adoption assistance requests up to \$3,000 will be considered and are subject to the approval of the regional adoption assistance committee.

(5) Supplemental adoption assistance requests from \$3,001 to \$10,000 shall be considered by the appropriate regional advisory committee established under Subsection 62A-4a-905(2).

(6) Supplemental adoption assistance requests exceeding \$10,001 shall be considered by a state level advisory committee with the same membership composition as the regional advisory committees.

(7) Recommendations from the advisory committee are subject to the approval of the Region Director or designee.

(8) Any obligation made or expense incurred by a family prior to approval shall not be reimbursed with supplemental adoption assistance funds unless approval is granted by the Region Director.

(9) A request for an amendment or extension of an existing supplemental adoption assistance agreement will be reviewed by the same committee that reviewed the initial request. If the total amount of multiple requests in a year is \$3,000 to \$10,000, the request shall be submitted to the appropriate regional advisory committee. If the request exceeds \$10,000, the request shall be submitted to the state level advisory committee.

(10) Supplemental adoption assistance is subject to the availability of state funds appropriated for adoption assistance.

R512-43-8. Regional Adoption Assistance Committee.

(1) Each region shall establish at least one regional adoption assistance committee.

(2) The regional adoption assistance committee shall be comprised of at least five members, and a minimum of three members must be present for making decisions regarding adoption assistance. Decisions shall be made by consensus.

(3) Members of the committee may include the following:

(a) Chairperson;

(b) Clinical consultant or casework supervisor;

(c) Regional budget officer or fiscal representative;

(d) Allied agency representative from agencies such as a community mental health center, private adoption agency, or other agencies within the department;

(e) Regional administrator or other staff with relevant responsibilities;

(f) Adoptive or foster parent.

(4) Responsibilities of the regional adoption assistance committee include:

(a) Verification that a child qualifies for adoption assistance,

(b) Approval for reimbursement of allowable, reasonable non-recurring costs,

(c) Approval of level of need and amount of monthly subsidy for initial requests, changes, and renewals,

(d) Approval of supplemental adoption assistance up to \$3,000,

(e) Extension of adoption assistance up to age 21 for a qualifying child,

(f) Renewal of adoption assistance, and

(g) Documentation of committee decisions.

R512-43-9. Adoption Assistance Review.

(1) The adoption assistance agreement for a monthly subsidy or state medical assistance shall continue until the month of the adopted child's 18th birthday.

(2) An agreement for supplemental adoption assistance exceeding \$3,000 shall be reviewed according to a time frame determined on a case by case basis by the appropriate regional advisory committee.

R512-43-10. Termination of Adoption Assistance.

(1) An adoption assistance agreement for a monthly subsidy or state medical assistance shall be terminated if any of the following occur:

(a) The terms of the adoption assistance agreement are concluded.

(b) The adoptive parents request termination.

(c) The month following the child's 18th birthday, unless approval has been given by the adoption assistance committee to continue until the month following the child's 21st birthday due to mental or physical disability.

(d) The child dies.

(e) The adoptive parents die.

(f) The adoptive parents' legal responsibility for the child ceases.

(g) The state determines that the child is no longer receiving financial support from the adoptive parents.

(h) The child enters the military.

(i) The child marries.

(2) Termination of state medical assistance is subject to the policies of the Division of Health Care Financing.

(3) Supplemental adoption assistance shall terminate when an adoption assistance agreement for a monthly subsidy or state medical assistance is terminated, the terms of the agreement are concluded, the authorizing committee determines that the services funded with supplemental funds are no longer effective or appropriate based upon an independent review by a qualified provider, or if lack of availability of state funding prevents continuation. Written notice as described in R512-43-10(4) shall be provided at least 30 days before funding is discontinued due to lack of availability of state funding appropriated for adoption assistance or due to determination that services are no longer effective or appropriate.

R512-43-11. Fair Hearings.

(1) Fair Hearing Request.

A written request for a fair hearing may be submitted within 10 working days after receiving a Department of Human Services/Child and Family Services decision to the Department of Human Services if:

(a) The adoption assistance application is denied;

(b) The adoption assistance application is not acted upon with reasonable promptness;

(c) Adoption assistance or supplemental adoption assistance is reduced, terminated, or changed without the concurrence of the adoptive parents;

(d) The amount of adoption assistance or supplemental adoption assistance approved was less than the amount requested by adoptive parents;

(e) Adoption assistance was not requested prior to finalization of the adoption and one of the criteria in R512-43-11(2)(a) applies.

(2) Post Finalization Request Fair Hearing.

(a) The fair hearing officer may approve appropriate state or federal adoption assistance for post finalization requests if one of the following is met:

(i) Relevant facts regarding the child, the biological family, or child's background were known but not presented to adoptive parents prior to finalization.

(ii) A denial of assistance was based upon a means test of the adoptive family.

(iii) An erroneous state determination was utilized to find a child ineligible for assistance.

(iv) The state or adoption agency failed to advise adoptive parents of the availability of assistance.

(b) The adoptive parents bear the burden of documenting that the child meets the definition of a child with a special need and that one of the criteria in R512-43-11(2)(a) applies. The state may provide corroborating facts to the family or the fair hearing officer.

R512-43-12. Interstate Adoption Assistance.

(1) Child and Family Services is responsible to determine if a child in Utah public foster care qualifies for adoption assistance when the child is placed in an adoptive home in another state. If the child qualifies, Child and Family Services provides adoption assistance regardless of the state of residence of the adoptive family and child.

(2) If a child with a previous IV-E adoption assistance agreement enters public foster care because the adoption was dissolved or ended due to the result of the death of the parents, the state in which the child is taken into custody in public foster care is responsible to provide adoption assistance in a subsequent adoption.

(3) If a child with a previous IV-E adoption assistance agreement does not enter public foster care when the adoption dissolved or ended due to the death of both parents, the new adoptive parent is responsible to apply for adoption assistance in the new adoptive parent's state of residence.

(4) A parent desiring to adopt an out-of-state child who is not in public foster care but is receiving SSI shall apply for adoption assistance in the parent's state of residence.

(5) An adoption assistance agreement remains in effect regardless of the state of residence of the adoptive parents as long as the child continues to qualify for adoption assistance.

(6) If a needed service specified in the agreement is not funded by the new state of residence, the state making the original adoption assistance payment remains financially responsible for paying for the specific service.

KEY: adoption, child welfare, foster care

Date of Enactment or Last Substantive Amendment: [September 15, 2010]2014

Notice of Continuation: September 19, 2011

Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-106; 62A-4a-901 through 62-4a-907

**Insurance, Title and Escrow
Commission
R592-8-5
Request for Exemption Process**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38246

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Title and Escrow Commission wanted to correct in the wording to clarify applicant's right to a hearing before an agency review, and clarify the process when the Department and the Commission do not concur in the exemption process.

SUMMARY OF THE RULE OR CHANGE: Subsection R592-8-5(6)(b) corrects language to show that the hearing comes before an agency review. Subsection R592-8-5(8) adds language to state what happens when the Commission and commissioner do not concur in the exemption process.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-404 and Section 31A-23a-204

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The changes to this rule are for clarification purposes and to show what is happening already in the case of the agency review, and to clarify procedure when there is non-concurrence between the Commission and commissioner in the case of an attorney exemption application. These changes will have no fiscal impact on the department or state's budget. They are procedural clarifications only.

◆ **LOCAL GOVERNMENTS:** This rule and its changes will have no impact on local government. It simply clarifies procedures when an attorney files with the department for an exemption from the three-year experience requirement to license an agency title insurance producer. It will have no fiscal impact on local governments.

◆ **SMALL BUSINESSES:** Changes in this rule clarify the exemption procedure. They will have no fiscal impact on small businesses like insurance agencies. Setting up the procedure for non-concurrence will eliminate the question of what happens if the commissioner and Commission do not concur. There will be no fiscal impact.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Changes in this rule clarify the exemption procedure. They will have no fiscal impact on large businesses, like insurance companies, or individuals. Setting up the procedure for non-concurrence will eliminate the question of what happens if the commissioner and Commission do not concur.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule will have no fiscal impact on attorneys applying for an exemption from the experience requirement for an agency title insurance license. They just clarify procedures in the process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on Utah businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

INSURANCE
TITLE AND ESCROW COMMISSION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Todd Kiser, Commissioner

R592. Insurance, Title and Escrow Commission.

R592-8. Application Process for an Attorney Exemption for Agency Title Insurance Producer Licensing.

R592-8-5. Request for Exemption Process.

(1) An individual title licensee, who is an attorney as defined in this rule desiring to obtain an agency title insurance producer license under the exemption provided in 31A-23A-204(1)(c), shall make a request for exemption to the Commissioner in accordance with the requirements of this subsection.

(2) The applicant will submit a letter addressed to the Commission:

(a) requesting exemption from the licensing time period requirements in 31A-23a-204(1)(a)(i); and

(b) providing the following information:

(i) the applicant's name, mailing address and email, telephone number, and title license number;

(ii) a description of the applicant's real estate experience; and

(iii) why the applicant feels that experience qualifies the applicant for the exemption.

(3) The Commissioner will review the request for exemption within five business days of its receipt and

(a) request additional information from the applicant;

(b) preliminarily approve the request for exemption; or

(c) preliminarily disapprove the request for exemption.

(4) The Commissioner will report monthly to the Commission all preliminarily approved or denied requests for exemption received and reviewed since the previous Commission meeting.

(5) The Commission will concur or non-concur with the Commissioner's preliminary approval or denial of a request for exemption.

(6) If the Commissioner's preliminary denial of a request for exemption is concurred with by the Commission, the Commissioner will:

(a) notify the applicant of the denial; and

(b) inform the applicant of ~~his~~ the applicant's right to ~~agency review pursuant to R590-160~~ a hearing.

(7) If the Commissioner's preliminary approval of a request for exemption is concurred with by the Commission, the Commissioner will expeditiously notify the applicant to submit an electronic license application and pay the required fees and assessments.

(8) If the Commission does not concur with the commissioner's preliminary approval or preliminary denial, the applicant shall be informed of the applicant's right to a hearing.

KEY: attorney exemption application process

Date of Enactment or Last Substantive Amendment: ~~June 25, 2009~~ **2014**

Authorizing, and Implemented or Interpreted Law: 31A-1-301; 31A-2-308; 31A-2-402; 31A-2-404; 31A-23a-102; 31A-23a-204

Labor Commission, Boiler and Elevator Safety **R616-2-3** Safety Codes and Rules for Boilers and Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38226

FILED: 01/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to adopt the 2013 edition of the American Society of Mechanical Engineers (ASME) Sections I, IV and VIII; the 2013 edition of the National Board Inspection Code (NBIC) Part 3 2013 edition; and the 2012 edition of the Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1. The Utah Labor Commission's intent is to maintain uniformity between Utah and national standards for the design, installation and inspection of boilers and pressure vessels.

SUMMARY OF THE RULE OR CHANGE: This rule change adopts the updated ASME CSD-1:2012, which was issued on January 31, 2012, for boilers with a heat input greater than 400,000 BTUs but less than 12,500,000 BTUs. This adoption does not include Part CG-130(c) (see attached ASME documents). The updated code provides for a small number of editorial and clerical changes and a single substantive change. The substantive change requires that, pursuant to

CF-190(b)(2), all bleed lines must run separately to outdoor areas. Multiple boilers may no longer be joined on vents and bleed lines for fuel trains. This rule adopts the updated ASME Section I, IV, and VIII 2013 edition, and the NBIC Part 3 2013 edition. The updated code provides for a small number of editorial and clerical changes and three minor substantive changes. The first substantive change is found in ASME Section I, Part PR, which relates to the construction of riveted boilers. Under the previous Part PR, the 1971 edition of the rule was merely referenced. The updated Part PR incorporates the entire 1971 edition as it pertains to riveted boiler fabrication and has been updated to include current terminology. The second substantive change is also found in ASME Section I, Part PEB, Paragraph 8.3, which now requires electric element supports to be manufactured by and purchased from a stamp holder and may not purchased from a non-stamp holder. A stamp holder is a company that fabricates completed or field assembly units and is ASME certified. The final substantive change is found in ASME Section IV, Part HG0307.5, which now requires electric element supports to be manufactured by and purchased from a stamp holder and may not purchased from a non-stamp holder. A stamp holder is a company that fabricates completed or field assembly units and is ASME certified.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101 et seq.

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Boiler and Pressure Vessel Code, Section VIII, published by ASME, 07/01/2013
- ◆ Updates Boiler and Pressure Vessel Code, Section IV, published by ASME, 07/01/2013
- ◆ Updates Boiler and Pressure Vessel Code, Section I, published by ASME, 07/01/2013
- ◆ Updates National Board Inspection Code, Part 3, published by National Board of Boiler and Pressure Vessel Inspectors, 07/31/2013
- ◆ Updates Controls and Safety Devices for Automatically Fired Boilers, published by ASME, 05/10/2012

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The updated ASME CSD-1:2012 provides for a small number of editorial and clerical changes and a single substantive change regarding bleed lines under CF-190(b)(2) that may result in a minimal impact on state budget if such equipment is installed in government buildings. The 2013 editions of the ASME and NBIC codes provide for a small number of editorial and clerical changes and certain substantive changes regarding the purchase of electric element supports that should not impact the state budget.
- ◆ **LOCAL GOVERNMENTS:** The updated ASME CSD-1:2012 provides for a small number of editorial and clerical changes and a single substantive change regarding bleed lines under CF-190(b)(2) that may result in a minimal cost to local governments if such equipment is installed in government buildings. The 2013 editions of the ASME and NBIC codes provide for a small number of editorial and

clerical changes and certain substantive changes regarding the purchase of electric element supports that should not impact the budgets of local governments.

♦ **SMALL BUSINESSES:** The updated ASME CSD-1:2012 provides for a small number of editorial and clerical changes and a single substantive change regarding bleed lines under CF-190(b)(2) that may result in a minimal cost to small businesses if such equipment is installed commercial buildings. The 2013 editions of the ASME and NBIC codes provide for a small number of editorial and clerical changes and certain substantive changes regarding the purchase of electric element supports that should not impact the budgets of small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The updated ASME CSD-1:2012 provides for a small number of editorial and clerical changes and a single substantive change regarding bleed lines under CF-190(b)(2) that may result in a minimal impact on these persons' budgets if such equipment is installed in their buildings. The 2013 editions of the ASME and NBIC codes provide for a small number of editorial and clerical changes and certain substantive changes regarding the purchase of electric element supports that should not result in a cost or savings for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The updated code provides for a number of clerical changes and a single substantive change that may result in a minimal cost to affected persons. The 2013 editions of the ASME and NBIC codes provide for a small number of editorial and clerical changes and certain substantive changes regarding the purchase of electric element supports that should not result in a cost for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The updated code provides for a number of clerical changes and a single substantive change that may result in a minimal cost to affected persons. The 2013 editions of the ASME and NBIC codes provide for a small number of editorial and clerical changes and certain substantive changes regarding the purchase of electric element supports that should not result in a cost for affected persons.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

LABOR COMMISSION
BOILER AND ELEVATOR SAFETY
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
♦ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Sherrie Hayashi, Commissioner

R616. Labor Commission, Boiler and Elevator Safety.

R616-2. Boiler and Pressure Vessel Rules.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

A. ASME Boiler and Pressure Vessel Code (201[0]3).

1. Section I Rules for Construction of Power Boilers published July 1, 201[0], and the 2011a Addenda issued July 1, 2011[3].

2. Section IV Rules for Construction of Heating Boilers published July 1, 201[0], and the 2011a Addenda issued July 1, 2011[3].

3. Section VIII Rules for Construction of Pressure Vessels published July 1, 201[0], and the 2011a Addenda issued July 1, 2011[3].

B. Power Piping ASME B31.1 (2004), issued August 16, 2004.

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-[1998]2012[; the ASME CSD-1a-1999 addenda, issued March 10, 2000; and the ASME CSD-1b (2001)-addenda, issued November 30, 2001]. Except:

1. Part CG-130(c).

D. National Board Inspection Code [ANSI/NB-23 (2011)-Parts 1, 2, and 3, issued July 31, 2011] Part 3, Repairs and Alterations, issued July 31, 2013.

E. NFPA 85 Boiler and Combustion Systems Hazard Code 2007 Edition.

F. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.

G. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 Ninth Edition, June 2006. Except:

1. Section-8, and

2. Appendix-A.

KEY: boilers, certification, safety

Date of Enactment or Last Substantive Amendment: [~~May 22, 2012~~]2014

Notice of Continuation: October 5, 2011

Authorizing, and Implemented or Interpreted Law: 34A-7-101 et seq.

Natural Resources, Wildlife Resources
R657-10
Taking Cougar

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38231

FILED: 01/13/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division's cougar program.

SUMMARY OF THE RULE OR CHANGE: The proposed revision: 1) defines "Immediate Family" as it pertains to this rule; 2) revises firearms language to be consistent with other rules; and 3) allows the Division to issue depredation cougar permits to landowners to help with chronic depredation problems.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment clarifies a definition, as well as revises firearms language to be consistent with other rules. The addition of depredation cougar permits can be handled with current staff and programs, therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment only clarifies an already existing stipulation this should have no effect on the local government. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--The amendments do not impose any additional requirements on small businesses, nor generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments will not create additional costs for sportsmen wishing to hunt cougar in Utah. Therefore, the rule amendments do not create a cost or savings impact to individuals who participate in hunting cougar.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.**R657-10. Taking Cougar.****R657-10-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule for taking and pursuing cougar.

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking cougar.

R657-10-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.

(b) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted, given, donated, or transferred to a dog handler for or in consideration of pursuing cougar for any purpose.

(c) "Cougar" means Puma concolor, commonly known as mountain lion, lion, puma, panther or catamount.

(d) "Cougar pursuit permit" means a permit that authorizes a person to pursue cougar during designated seasons.

(e) "Cougar Management Area" means a group of units under the same cougar harvest quota.

(f) "Dog handler" means the person in the field that is responsible for transporting, releasing, tracking, controlling, managing, training, commanding and retrieving the dogs involved in the pursuit. The owner of the dogs is presumed the dog handler when the owner is in the field during pursuit.

(g) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.

(h) "Green pelt" means the untanned hide or skin of any cougar.

(i) "Harvest-objective hunt" means any hunt that is identified as harvest-objective in the hunt table of the guidebook for taking cougar.

(j) "Harvest-objective permit" means any permit valid on harvest-objective units, including limited-entry permits for split units after the split-unit transition date.

(k) "Immediate family member" means a livestock owner's spouse, child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchild and grandchild.

(l) "Kitten" means a cougar less than one year of age.

(~~m~~) "Kitten with spots" means a cougar that has obvious spots on its sides or its back.

(~~n~~) "Limited entry hunt" means any hunt listed in the hunt tables of the guidebook of the Wildlife Board for taking cougar, which is identified as limited entry and does not include harvest objective hunts.

(~~o~~) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.

(~~p~~) "Private lands" means any lands that are not public lands, excluding Indian trust lands.

(~~q~~) "Public lands" means any lands owned by the state, a political subdivision or independent entity of the state, or the United States, excluding Indian trust lands, that are open to the public for purposes of engaging in pursuit.

(~~r~~) "Pursue" means to chase, tree, corner or hold a cougar at bay.

(~~s~~) "Split unit" means a cougar hunting unit that begins as a limited entry unit then transitions into a harvest objective unit.

(~~t~~) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

(~~u~~) "Written permission" means written authorization from the owner or person in charge to enter upon private lands and must include:

(i) the name and signature of the owner or person in charge;

(ii) the address and phone number of the owner or person in charge;

(iii) the name of the dog handler given permission to enter the private lands;

(iv) a brief description of the pursuit activity authorized;

(v) the appropriate dates; and

(vi) a general description of the property.

R657-10-21. Livestock Depredation and Human Health and Safety.

(1) If a cougar is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

(a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take cougar, may kill the cougar;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who shall authorize a local hunter to take the offending cougar or notify a USDA, Wildlife Services specialist; or

(c) the livestock owner may notify a USDA, Wildlife Services specialist of the depredation who may take the depredating cougar.

(2) Depredating cougar may be taken at any time by a USDA, Wildlife Services specialist, supervised by the Wildlife Services program, while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating cougar may be taken by those persons authorized in Subsection (1)(a) with:

(a) any weapon authorized for taking cougar; or

(b) with the use of snares only with written authorization from the director of the division and subject to all the conditions and restrictions set out in the written authorization.

(i) The option in Subsection (3)(b) may only be authorized in the case of a chronic depredation situation where numerous livestock have been killed by a depredating cougar and must be verified by Wildlife Services or division personnel.

(4)(a) The Division may issue depredation permits to take cougar on specified private lands and public land grazing allotments with a chronic depredation situation where numerous livestock have been killed by cougar.

(b) The Division may:

(i) issue one or more depredation permits to the affected livestock owner or a designee, provided the livestock owner does not receive monetary consideration from the designee for the opportunity to use the depredation permit;

(ii) determine the legal weapons and methods of take allowed; and

(iii) specify the area and season that the permit is valid.

(5)(a) Any cougar taken [pursuant to this section] under Subsection (1)(a) or (4)(a) shall remain the property of the state and must be delivered to a division office or employee within 72 hours.

(b) [In accordance with Subsection (1)(a) the cougar shall remain the property of the state, except the] The division may issue a cougar damage permit to a person who has killed a depredating cougar [in accordance with this section, if that person wishes to maintain possession of] under Subsection (1)(a) that authorizes the person to keep the [cougar.]carcass.

(c) A person [may acquire only] that takes a cougar under Subsection (1)(a) or (4)(a) may acquire and use a limited entry or harvest objective cougar permit in the same year.

(d) Notwithstanding Subsections (5)(b) and (5)(c), a person may retain no more than one cougar annually.

([5]6)(a) Hunters interested in taking depredating cougar as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating cougar as needed.

KEY: wildlife, cougar, game laws

Date of Enactment or Last Substantive Amendment:
[November 7, 2013]2014

Notice of Continuation: August 16, 2011

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19

Natural Resources, Wildlife Resources

R657-27

License Agent Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38230

FILED: 01/13/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division's license agent program.

SUMMARY OF THE RULE OR CHANGE: Rule R657-27 is being amended to: 1) allow the Division to utilize Automated Clearing House payments; 2) require license agents to have access to the Division webpage for customer use; 3) remove the requirement for the Division to provide equipment to the license agent; 4) remove the requirement for license agents to maintain audit copies of licenses and permits; and 5) make minor language corrections to make the rule consistent with other rules in the Division.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-19-15

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendment gives the division greater flexibility in collecting money owed from license agents, as well as a cost savings on the equipment that will no longer be purchased for the agents. The Division of Wildlife Resources (DWR) determines that there may be a savings impact to the state budget or DWR's budget associated with this amendment.

◆ **LOCAL GOVERNMENTS:** The amendment only allows for greater flexibility in dealing with the agents and therefore does not have direct impact on local governments. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted.

◆ **SMALL BUSINESSES:** The amendment allows the division greater flexibility in dealing with license agents. This amendment may impose a cost on those wishing to participate as license agents and having to purchase a computer and printer to do so.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendment allows the Division greater flexibility in dealing with license agents. This amendment may impose a cost on those wishing to participate as license agents and having to purchase a computer and printer to do so.

COMPLIANCE COSTS FOR AFFECTED PERSONS: New license agents would be required to supply their own computer and printer. This requirement may add an additional cost to the license agent.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule may create an impact on businesses wishing become license agents. The business would be required to provide a computer and printer.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.

R657-27. License Agent Procedures.

R657-27-1. Purpose and Authority.

Under Section 23-19-15, this rule provides the application procedures, standards, and requirements for wildlife license agents.

R657-27-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Automated Clearing House or ACH" means a division approved method of payment of monies owed the division through an automatic electronic process.

(b) "Agent hunting and fishing licenses online" means the web application that allows an license agent to [print]sell wildlife documents[on license paper].

([b]c) "Bond" means a surety bond to remain in full force and effect continuously and indefinitely, until canceled.

([e]d) "Computer hardware" means electronic equipment the division deems necessary to perform the minimum required functions of the division's online license sales application system[~~that may include a central processing unit, cables, or router~~].

([d]e) "Deactivated license agent or deactivated" means a license agent that holds license agent status but is temporarily precluded from selling wildlife documents for failure to comply with this rule or any other laws or agreements regulating license agent activity.

([e]f) "License agent" means a person authorized by the division to sell wildlife documents.

([f]g) "License Agent Application" means a written request to be authorized by the division to sell wildlife documents.

([g]h) "License Agent Authorization" means an agreement between the division and a license agent, allowing a license agent to sell wildlife documents.

([h]i) "License paper" means paper designated by the division for the sole purpose of printing specified licenses or permits through the agent hunting and fishing licenses online sales system.

([i]j) "Location" means the building or structure from which a license agent is authorized to sell wildlife documents.

([j]k) "Presiding officer" means the hearing officer designated by the director of the division.

([k]l) "Remuneration" means money that a license agent receives for each wildlife document sold as provided in Section 23-19-15.

([l]m) "Wildlife documents" means licenses, permits and tags [preprinted]issued by the division or [printed]by [the]a license agent[on license paper].

R657-27-3. License Agent Application.

(1) License agent applications may be obtained from the Licensing Section in the Salt Lake Office or downloaded from the division's website.

(2) License agent applications shall be considered from any person located within Utah or in close proximity to Utah.

(3) Applications shall be processed within a reasonable timeframe.

(4) The applicant must:

(a) complete and return the application to the Licensing Section in the Salt Lake Office; and

(b) pay a non refundable application fee.

(5) A separate application and application fee must be submitted for each location where wildlife documents will be sold.

(6) The division may provide assistance to new and existing license agents as provided in Subsection R657-27-4(1)(b), (1)(c) or (1)(d).

R657-27-4. License Agent Eligibility - Reasons for Application Denial - Term of Authorization.

(1) A new license agent must meet the criteria provided in Subsection (a), except as provided in Subsection (b)[or (e)].

(a) A license agent must:

(i) successfully complete a division-sponsored training session;

(ii) provide and maintain approved computer hardware capable of processing and printing licenses and permits in a permanent, clear, and a legible manner[; and].

(b) The division may provide a printer as required in Subsection (a)(ii) provided the license agent's projected sales is estimated to be at least one-thousand dollars per year or a satisfactory volume per year as determined by the division.

~~(e) The division may provide assistance up to one-thousand dollars for computer hardware required in Subsection (a)(ii) provided.~~

~~(i) there is not a current, eligible license agent within 45 miles, or a convenient distance as determined by the division, of the proposed license agent location; and~~

~~(ii) the estimated sales revenue from the proposed location will recover the cost of the computer hardware within six months of providing the computer hardware.~~

~~(d) The division may provide assistance for a data line connection and the associated ongoing expense of the data line connection provided:~~

~~(i) there is not a current, eligible license agent within 45 miles, or a convenient distance as determined by the division, of the proposed license agent location; and~~

~~(ii) the division anticipates the monthly cost for the data line connection to be less than 20 percent of the estimated monthly collection from the license agent.~~

~~(e) The division shall annually review the ongoing expenses for a data line connection to ensure the license agent is eligible for the assistance allowed in Subsection (d).~~

~~(f)j) A license agent must remain a license agent for the division for at least six months to retain the [computer hardware or] printer as provided in Subsections (b)[or (e)].~~

(2) Use of the agent hunting and fishing licenses online system must be used in compliance with the [users]agent manual provided by the division.

(3) The division shall send the applicant a written notice stating the reason for denial.

(4) If the division approves the license agent application, a license agent authorization shall be sent to the applicant.

(5) The license agent authorization is not effective until:

(a) it is signed by the applicant; and

(b) signed by the director or designee.

(6)(a) The license agent authorization must be received by the Licensing Section in the Salt Lake Office within a reasonable timeframe of being mailed to the applicant.

(b) A separate application, application fee, and license agent authorization is required for each location where wildlife documents will be sold.

(7) Each license agent authorization shall be established for a term of ten years.

(8) The division may deny a license agent application for any of the following reasons:

(a) A sufficient number of license agents already exist in the area;

(b) The applicant does not have adequate security including a safe or locking cabinet in which to store wildlife documents or license paper;

(c) The applicant has previously been authorized to sell wildlife documents or possess license paper and the applicant:

(i) failed to comply with the license agent authorization or any provision of statute or rule governing license agents; or

(ii) was deactivated or revoked by the division as a license agent;

(d) The applicant provided false information on the license agent application; or

(e) The applicant has been convicted, pleaded guilty, pleaded no contest, or entered into a plea in abeyance to a criminal offense that bears a reasonable relationship to the license agent's ability to competently and responsibly perform the functions of a license agent.

R657-27-5. Bond Requirement.

(1) After approval, but before the license agent authorization is executed, the division may require the applicant to post a reasonable bond payable to the division in an amount determined by the division.

(2) The division may require any existing license agent to obtain a reasonable bond in an amount determined by the division after providing the license agent 30 business days written notice.

(3) The division may require a reasonable increase in the amount of the bond after providing the license agent 30 business days written notice.

R657-27-6. Automated Clearing House (ACH) Payments.

(1) The division may require license agents to establish and maintain an account capable of utilizing an Automated Clearing House payment method in order to transfer monies due to the division.

R657-27-7. License Agent Obligations.

(1) Each license agent must:

(a) comply with the requirement and provisions provided in Section 23-19-15;

(b) keep wildlife documents or license paper secure and out of the public view during business hours;

(c) keep wildlife documents or license paper in a safe or locked cabinet after business hours;

(d) display all signs and distribute ~~[proclamations]~~ guidebooks provided by the division;

(e) have all sales clerks and management staff available for sales training;

(f) maintain a License Agent Manual provided by the division and make it available to the license agent's staff, including supplemental manuals and addendums; and

(g) retain agent copies of ~~[licenses and permits for 12 months following the month of sale]~~ wildlife documents issued for as long as is necessary for the purposes of the license agent account reconciliation, at which time agent copies of licenses and permits must be destroyed by burning, shredding or submitting to the division.

(h) allow agent employees access to the Utah.gov internet domain from a place wildlife documents are sold in order to provide access to online resources pertinent to issuing wildlife documents and assisting customers with wildlife document related questions.

(2) If a license agent becomes delinquent on reporting or remission of proceeds Subsection (2)(a), (2)(b) or (2)(c) shall apply.

(a) The license agent must immediately submit all reports when due along with the remission of required proceeds.

(b) If the license sales report is submitted in accordance with Subsection (1)(a) but funds are not submitted with the report then the following applies:

(i) A repayment plan may be structured in an agreement that will allow repayment in equal monthly installments for up to six months at a payment level that will provide repayment of the principal along with an annual percentage interest rate (APR) of 12 percent. This APR shall be calculated back to the date that the payment should have been received in accordance with Subsection (1)(a);

(ii) If the ongoing monthly report and proceed submissions are not received for the future months, from the month of the agreement in accordance with Subsection (1)(a), then any agreement made in Subsection (2)(b)(i) may be terminated and all outstanding balances and accrued interest shall become due immediately, along with a penalty of 20 percent of the unpaid balance. Interest shall continue to accumulate on any unpaid balance, including the penalty, at the APR;

(iii) Activate the bond and collect all remaining funds in accordance with Section R657-27-5 and hold any remaining unpaid balances of penalty, ongoing interest, and principle amounts as a receivable from the license agent; or

(iv) If the license agent enters into an agreement with the division as provided in Subsection (2)(b)(i), and then violates the terms of that agreement, the division may begin the revocation process in accordance with Section R657-27-~~[4]~~12.

(c) Nothing in this rule shall be construed as requiring the division to offer a repayment agreement to a license agent delinquent on report submissions or proceeds remissions before taking action to revoke license agent status.

(d) If the license agent does not submit a monthly report as provided in Subsection (1)(a), or if the license agent does not immediately pay the delinquent funds or fails to execute and abide by the terms of a repayment agreement as provided in Subsection (2)(b), the division may:

(i) change the license agent's status to deactivated;

(ii) withhold issuing additional wildlife document inventory;

(iii) withhold access to the agent hunting and fishing licenses online sales system;

(iv) collect the license agent's inventory of wildlife documents and license paper, and determine unaccounted inventory of wildlife documents and license paper;

(v) assess a monetary penalty for each wildlife document and piece of license paper unaccounted for as provided in Subsection R657-27-~~[7]~~8(2);

(vi) take action to revoke license agent status;

(vii) create a receivable from the license agent that equals the amount due as determined in Subsection (1)(a) and charge a 20 percent late penalty on the entire balance, and accumulate the unpaid balance, included penalties, at a 12 percent APR from the due date of the earliest date in which a license agent failed to submit a report in accordance with Subsection (1)(a); or

(viii) activate the bond and collect all available funds remaining in accordance with Section R657-27-5 and hold any remaining unpaid balances of penalty, ongoing interest, and principle amounts as a receivable from the license agent.

(e) A deactivated license agent that has not been revoked may regain active status by paying all due balances in full, and providing a bond, provided the license agent is otherwise in compliance with this rule or any other laws or agreements regulating license agent activity.

(f)(i) The division reserves the right to unilaterally and immediately modify monthly reporting or payment requirements when any License Agent is:

(A) in bankruptcy;

(B) insolvent;

(C) financially distressed;
 (D) unable to meet reporting or payment obligations; or
 (E) otherwise experiencing events or conditions that may compromise their ability to comply with reporting and payment obligations.

(ii) The division may require license funds to be transferred to the division more frequently than monthly, and may require the use of Automated Clearing House payments, Electronic Funds Transfer payments, or other expedited methods of payment.

R657-27-~~7-~~8. Lost or Stolen Wildlife Documents or License Paper.

(1) The license agent must act as bailee for purposes of safeguarding all wildlife documents or license paper issued to the license agent by the division.

(2)(a) The license agent must remit full payment, less remuneration, to the division for any wildlife documents lost, stolen, or unaccounted for unless otherwise relieved for good cause by the director.

(b) The license agent must remit full payment for lost, stolen, or unaccounted license paper in the amount of \$10 per sheet of license paper.

(c) Payments made to the division for any wildlife documents or license paper that are lost or unaccounted may be refunded if the wildlife documents or license paper are:

(i) Approved by the division and

(ii) returned to the Licensing Section in the Salt Lake office by ~~[June 30 of the current state fiscal year]~~ within 12 months from the date of payment in subsection (c).

R657-27-~~8-~~9. Audits.

(1) License agents are subject to an audit without prior notification anytime during normal business hours to assess financial and procedural compliance with statute, rule, and the terms of the license agent authorization.

(2) The division shall provide a written report to the license agent of any finding of noncompliance within five days of the completion of the audit.

R657-27-~~9-~~10. Checks Returned for Non-sufficient Funds.

If a check from a license agent is returned to the division for non-sufficient funds, the division may:

(1) require a license agent to remit payment for wildlife documents in the form of a cashiers check, an automated clearing house payment or money order;

(2) change the license agent status to deactivated;

(3) activate the bond;~~[-or]~~

(4) submit the license agent's account to the Utah Office of Debt Collection for collection activity~~[-]; or~~

(5) Assess a Non Sufficient Funds (NSF) handling fee of \$20.00.

R657-27-~~10-~~11. Change of Business Ownership.

(1) License agent authorizations are nontransferable.

(2) The license agent must notify the division of any anticipated change of ownership of the license agent's business at least 30 business days prior to the change of ownership.

(3) Prior to change of ownership, unless otherwise directed by the division in writing, the license agent must:

(a) remit payment for all wildlife documents sold minus remuneration; and

(b) return all unsold wildlife documents or license paper to the division.

R657-27-~~11-~~12. Revocation of License Agent Authorization.

(1) The presiding officer may revoke a license agent authorization pursuant to Chapter 4, Title 63G, Utah Administrative Procedures Act, if the presiding officer determines that the license agent:

(a) violated the terms of the license agent authorization;

(b) fails to comply with reporting or payments obligations, becomes insolvent, declares bankruptcy, or shows indication of financial instability or any other sign that public funds are in jeopardy or potentially unrecoverable by the division.

(c) fails to maintain a bond in accordance with Section R657-27-5;

(d) is found to have committed fraud regarding wildlife documents or license paper;

(e) violated any provision of Title 23, Wildlife Resources Code;

(f) violated any rule promulgated under Title 23, Wildlife Resources Code; or

(g) has been convicted, pleaded guilty, pleaded no contest, or entered into a plea in abeyance to a criminal offense that bears a reasonable relationship to the license agent's ability to competently and responsibly perform the functions of a license agent.

(2) The presiding officer may hold a hearing to determine matters relating to the license agent revocation if the license agent makes a written request for a hearing within 20 days after the notice of agency action is issued.

R657-27-~~12-~~13. Termination of License Agent Authorization by the License Agent.

(1) A license agent may terminate a license agent authorization by submitting a written request to the Licensing Section in the Salt Lake Office.

(2) Any request for termination must state the requested date of termination.

(3) On or before the effective date of termination the license agent must:

(a) discontinue selling wildlife documents;

(b) return all unsold wildlife documents or license paper to the division; and

(c) return to the division any signs, ~~[proclamations]~~ guidebooks or other information provided by the division.

(4) On or before the 10th day of the month following the date of termination the license agent must remit payment for all wildlife documents minus remuneration to the division.

R657-27-~~13-~~14. Renewal Application of a License Agent Authorization.

(1) At the end of the ~~[five]~~ ten-year term of authorization to sell wildlife documents, the division shall provide a renewal notice and renewal application to the license agent.

(2)(a) The license agent must complete and return the renewal application to the Licensing Section in the Salt Lake Office within 30 business days of being mailed to the license agent.

(b) The division will not charge a renewal application fee.

(3) If the license agent fails to return the renewal application within 30 business days of being mailed, the division may:

(a) confiscate wildlife document inventories;

(b) not provide new wildlife document inventories; or

(c) interrupt use of the agent hunting and fishing licenses online system.

(2) The division may deny a license agent renewal application for any of the reasons provided in Section R657-27-4(1).

R657-27-~~14~~15. Violation.

(1) It is unlawful for a license agent to sell wildlife documents in violation of the License Agent Authorization.

R657-27-~~14~~16. License Agent Authorization Subject to Change.

(1) A license agent authorization issued or renewed by the division under this rule is a privilege and not a right. The license agent authorization authorizes the license agent to sell wildlife documents subject to all present and future conditions, restrictions, and regulations imposed on such activities by the division, the Wildlife Board, or the State of Utah.

(2) A license agent authorization does not guarantee or otherwise legally entitle the license agent to any of the following:

(a) a minimum number of wildlife documents;

(b) a particular type or types of wildlife documents;

(c) access to any particular wildlife document distribution system; or

(d) any other right or opportunity advantageous to the license agent.

(3) The procedures, processes and opportunities outlined in this rule regulating license agents and the distribution of wildlife documents are all subject to future change, including discontinuation, by the division and the Wildlife Board.

KEY: licensing, wildlife, wildlife law, rules and procedures

Date of Enactment or Last Substantive Amendment: [~~August 10, 2009~~2014

Notice of Continuation: April 2, 2012

Authorizing, and Implemented or Interpreted Law: 23-19-15

**Natural Resources, Wildlife Resources
R657-43
Landowner Permits**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38232

FILED: 01/13/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to landowner permits.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to the above listed rule are to make it consistent with other rules to have applications, Certificates of Registrations for Landowner Associations' and associated variances valid for a three-year period instead of the current annual application process.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment makes only technical changes therefore, DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment only makes technical changes, this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment only makes technical wording changes, therefore, the amendments do not have the potential to generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment only makes technical wording changes, therefore, the amendments do not have the potential to generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments will not create additional costs for landowners wishing to purchase a landowner permit in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES

WILDLIFE RESOURCES

1594 W NORTH TEMPLE

SALT LAKE CITY, UT 84116-3154

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.**R657-43. Landowner Permits.****R657-43-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, this rule provides the standards and procedures for private landowners to obtain landowner permits for:

(a) taking buck deer within the general unit hunt boundary area where the landowner's property is located during the general deer hunt only; and

(b) taking bull elk, buck deer or buck pronghorn within a limited entry unit.

(2) In addition to this rule, any person who receives a landowner permit must abide by Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(3) The intent of the general landowner buck deer permit is to provide an opportunity for landowners, lessees, or their immediate family, whose property provides habitat for deer, to purchase a general deer permit for the general unit hunt boundary area where the landowner's property is located.

(4) The intent of the limited entry landowner permit is to provide an opportunity for landowners, whose property provides habitat for deer, elk, or pronghorn, to be allocated a restricted number of permits for a limited entry bull elk, buck deer, or buck pronghorn unit, where the landowner's property is located. Allowing landowners a restricted number of permits:

(a) encourages landowners to manage their land for wildlife;

(b) compensates the landowner for providing private land as habitat for wildlife; and

(c) allows the division to increase big game numbers on specific units.

R657-43-6. Application for Limited Entry Permits.

(1) Applications for limited entry landowner permits are available from division offices and from division wildlife biologists.

(2) Applications to receive limited entry landowner permits must be submitted by a landowner association for lands within the limited entry hunt unit where the private lands are located.

(3) Applications must include:

(a) total acres owned by the association within the limited entry hunting unit and a map indicating the privately owned big game habitat;

(b) signature of each of the landowners within the association including acres owned, with said signature serving as an affidavit certifying ownership;

(c) a distribution plan for the allocation of limited entry permits by the association;

(d) a copy of the association by-laws; and

(e) a non-refundable handling fee.

(4) The division shall, upon request of the applicant, provide assistance in preparing the application.

(5) Applications must be completed and returned to the appropriate division office by September 1 [~~annually~~] st of the year prior to when hunting is to occur.

(6) The division shall forward the application, its recommendation, and other related documentation to the Regional Wildlife Advisory Councils for public review and consideration.

(7) Recommendations by the Councils will then be forwarded to the Wildlife Board for review and action.

(8) Upon ~~[approval by]~~ receiving the application, and recommendations from the Regional Advisory Councils and the division, the Wildlife Board ~~[a Certificate of Registration will be issued to the landowner association.]~~ may:

(a) authorize the issuance of a three year certificate of registration allowing the landowner association to operate; or

(b) deny or partially deny the application and provide the landowner association with reasons for the decision.

(9)(a) A landowner association certificate of registration, including any variance granted under R657-43-8(6), must be renewed every three years.

(b)(i) Notwithstanding Subsection (9)(a), the Wildlife Board may annually modify permit types, numbers, and associated seasons authorized in a certificate of registration when necessary to achieve unit management objectives or otherwise comply with applicable law.

(ii) The division shall annually review the permit types, numbers, and seasons authorized by a certificate of registration issued under this Section and recommend modifications when necessary to achieve unit management objectives or otherwise comply with applicable law.

(iii) The division's recommendation and accompanying justification will be forwarded to the affected landowner association and the Regional Advisory Councils for review and recommendation.

(iv) The Wildlife Board shall consider the recommendations made by the division, Regional Advisory Councils, and landowner association and make a final decision on the proposed modifications consistent with the requirements in Subsection (9)(b).

(10)(a) A landowner association may petition to amend a certificate of registration upon submitting a written request to the regional division office where the landowner association is located.

(b) Amendment of the certificate of registration is required for changes in:

(i) permit numbers;

(ii) landowner association's:

(A) by-laws; or

(B) distribution plan for the allocation of limited entry permits among its members;

(iii) acreage;

(iv) land ownership; or

(v) any other matter related to the management and operation of the landowner association not originally included in the certificate of registration.

(c) Requests for amendments dealing with permit numbers or permit allocation among association members:

(i) may be initiated by the landowner association or the division;

(ii) are due on September 1st of the year prior to when hunting is to occur; and

(iii) shall be forwarded to the Regional Advisory Councils and Wildlife Board for consideration and approval.

(A) Upon approval by the Wildlife Board, an amendment to the original certificate of registration shall be issued in writing.

(d) All other requests for amendments shall be reviewed by the region and Wildlife Section and, upon approval by the division director, an amendment to the original certificate of registration shall be issued in writing.

KEY: wildlife, landowner permits, big game seasons

Date of Enactment or Last Substantive Change: [~~January 10, 2012~~]2014

Notice of Continuation: March 5, 2012

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19

Natural Resources, Wildlife Resources R657-60 Aquatic Invasive Species Interdiction

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 38236
FILED: 01/14/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is purposed to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within the State of Utah.

SUMMARY OF THE RULE OR CHANGE: The Western Regional Panel (WRP) of the Aquatic Nuisance Species Task Force (ANSTF) recently completed work to achieve consensus among western states' aquatic invasive species programs. Among the first of the tasks was to arrive at common definitions for classification and declassification of aquatic invasive species affected waters. As such, changes to Rule R657-60 are needed to achieve commonality among western states regarding the aforementioned task. The WRP proposes another level of administrative classification to facilitate commonality among western states and to create a workable declassification system. The Division proposes that this three tiered classification system be adopted and incorporated into its Aquatic Invasive Species Interdiction Rule, R657-60. The classifications that require administrative action are proposed as follows: "suspected", "detected", and "infested". The Division recommends these changes to Rule R657-60, as they will significantly aid in the management of Dreissena mussels on infested water bodies. Furthermore it

will aid in the communication with western states and further the work of the WRP to try to reach program reciprocity among states.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19 and Section 23-27-401

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division of Wildlife Resources (DWR) determines that these amendments do not create a cost impact to the state budget or DWR's budget. However, the 2008 Utah Legislative Session appropriated \$2,500,000 to aid in the implementation costs associated with this rule.

◆ **LOCAL GOVERNMENTS:** This rule does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This rule may create a cost impact to boat owners and other water enthusiasts in Utah in that if Dreissena Mussels are found in Utah the cost to decontaminate boats and other conveyances will be at the expense of the owner but will not have an impact on small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule may create a cost impact to boat owners and other water enthusiasts in Utah in that if Dreissena Mussels are found in Utah the cost to decontaminate boats and other conveyances will be at the expense of the owner.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this rule may create a cost impact to individuals who own water vessels and boat in infested waters, because they would be required to decontaminate the conveyance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Gregory Sheehan, Director

**R657. Natural Resources, Wildlife Resources.
R657-60. Aquatic Invasive Species Interdiction.
R657-60-1. Purpose and Authority.**

(1) The purpose of this rule is to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within the State of Utah.

(2) This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 23-27-401, 23-14-18, and 23-14-19.

R657-60-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and 23-27-101.

(2) In addition:

(a) "Conveyance" means a terrestrial or aquatic vehicle, including a vessel, or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Decontaminate" means to:

(i) Self-decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) removing all plants, fish, mussels and mud from the equipment or conveyance;

(B) draining all water from the equipment or conveyance, including water held in ballast tanks, bilges, livewells, and motors; and

(C) drying the equipment or conveyance for no less than 7 days in June, July and August; 18 days in September, October, November, March, April and May; 30 days in December, January and February; or expose the equipment or conveyance to sub-freezing temperatures for 72 consecutive hours; or

(ii) Professionally decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) Using a professional decontamination service approved by the division to apply scalding water (140 degrees Fahrenheit) to completely wash the equipment or conveyance and flush any areas where water is held, including ballast tanks, bilges, livewells, and motors.

(c) "~~[Detects]~~Detected Water" or ~~[suspects]~~"Detected" means ~~[visually identifying]~~

~~_____ (i) a veliger] a water body, facility, or water supply system where the presence of a Dreissena mussel [through] is indicated in two consecutive sampling events using visual identification or microscopy and [confirming the identity of the organism as a Dreissena mussel through two independent] the results of each sampling event is confirmed in two polymerase chain reaction [(PCR) tests; or] tests, each conducted at independent laboratories.~~

~~_____ (ii) a juvenile or adult Dreissena mussel.~~

(d) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel and a Conrad's false mussel.

(e) "Controlling entity" means the owner, operator, or manager of a water body, facility, or a water supply system.

(f) "Equipment" means an article, tool, implement, or device capable of carrying or containing water or Dreissena mussel.

(g) "Facility" means a structure that is located within or adjacent to a water body.

~~(h) "Infested [water] includes all the following:]Water" or "Infested" means a water body, facility, water supply system, or geographic region where the presence of multiple age classes of attached Dreissena mussels is indicated in two or more consecutive sampling events using visual detection or microscopy and the result of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.~~

~~[_____ (i) all coastal and inland waters in:~~

~~_____ (A) Colorado;~~

~~_____ (B) California;~~

~~_____ (C) Nevada;~~

~~_____ (D) Arizona;~~

~~_____ (E) all states east of Montana, Wyoming, Colorado, and New Mexico;~~

~~_____ (F) the provinces of Ontario and Quebec Canada; and~~

~~_____ (G) Mexico;~~

~~_____ (ii) Sand Hollow Reservoir in Washington County, Utah;~~

~~_____ (iii) Lake Powell and that portion of the:~~

~~_____ (A) Colorado River between Lake Powell and Spanish Bottom in Canyonlands National Park;~~

~~_____ (B) Escalante River between Lake Powell and the Coyote Creek confluence;~~

~~_____ (C) Dirty Devil River between Lake Powell and the Highway 95 bridge; and~~

~~_____ (D) San Juan River between Lake Powell and Clay Hills Crossing.~~

~~_____ (iv) other waters established by the Wildlife Board and published on the DWR website.~~

(i) "Juvenile or adult Dreissena mussel" means a macroscopic Dreissena mussel that is not a veliger.

(j) "Suspected Water" or "Suspected" means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated through a single sampling event using visual identification or microscopy and the result of that sampling event is confirmed in two independent polymerase chain reaction tests, each conducted at independent laboratories.

(k) "Veliger" means a microscopic, planktonic larva of Dreissena mussel.

~~[(k)]~~ "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water.

~~[(h)m]~~ "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

~~[(m)n]~~ "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, wastewater treatment, or culinary use, including a pump, canal, ditch or pipeline.

~~[(m)o]~~ "Water supply system" does not ~~[included]~~include a water body.

R657-60-3. Possession of Dreissena Mussels.

(1) Except as provided in Subsections R657-60-3(2) and R657-60-5(2), a person may not possess, import, ship, or transport any Dreissena mussel.

(2) Dreissena mussels may be imported into and possessed within the state of Utah with prior written approval of the Director of the Division of Wildlife Resources or a designee.

R657-60-4. Reporting of Invasive Species Required.

(1) A person who discovers a Dreissena mussel within this state or has reason to believe a Dreissena mussel may exist at a specific location shall immediately report the discovery to the division.

(2) The report shall include the following information:

(a) location of the ~~[Dreissena]~~Dreissena mussels;

(b) date of discovery;

(c) identification of any conveyance or equipment in which mussels may be held or attached; and

(d) identification of the reporting party with their contact information.

(3) The report shall be made in person or in writing:

~~[(a)]~~(a) at any division regional or headquarters office or;

~~[(b)]~~(b) to the division's toll free hotline at 1-800-662-3337; or

~~[(c)]~~(c) on the division's website at www.wildlife.utah.gov/law/hsp/pf.php.

R657-60-5. Transportation of Equipment and Conveyances That Have Been in~~[-Infested]~~ Waters Containing Dreissena Mussels.

(1) The owner, operator, or possessor of any equipment or conveyance that has been in an infested water or in any other water subject to a closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water shall:

(a) immediately drain all water from the equipment or conveyance at the take out site, including water held in ballast tanks, bilges, livewells, motors, and other areas of containment; and

(b) immediately inspect the interior and exterior of the equipment or conveyance at the take out site for the presence of Dreissena mussels.

(2) If all water in the equipment or conveyance is drained and the inspection undertaken pursuant to Subsection (1)(b) reveals the equipment and conveyance are free from mussels or shelled organisms, fish, plants and mud, the equipment and conveyance may be transported in or through the state directly from the take out site to the location where it will be:

(a)(i) professionally decontaminated; or

(ii) stored and self-decontaminated; or

(b) temporarily stored and subsequently returned to the same water body and take out site as provided in Subsection (5).

(3) If all the water in the equipment or conveyance is not drained or the inspection undertaken pursuant to Subsection (1)(b) reveals the equipment or conveyance has attached mussels or shelled organisms, fish, plants, or mud, the equipment and conveyance shall not be moved from the take out site until the division is contacted and written or electronic authorization received to move the equipment or conveyance to a designated location for professional decontamination.

(4) Except as provided in Subsection (5), a person shall not place any equipment or conveyance into a water body or water supply system in the state without first decontaminating the

equipment and conveyance when the equipment or conveyance in the previous 30 days has been in:

(a) an infested water; or

(b) other water body or water supply system subject to a closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water.

(5) Decontamination is not required when a conveyance or equipment is removed from an infested water or other water body subject to decontamination requirements, provided the conveyance and equipment is~~is~~:

(a) inspected and drained at the take out site, and is free from attached mussels, shelled organisms, fish, plants, and mud as required in Subsections (1) and (2);

(b) returned to the same water body and launched at the same take out site; and

(c) not placed in or on any other Utah water body in the interim without first being decontaminated.

R657-60-6. Certification of Decontamination.

(1) The owner, operator or possessor of a vessel desiring to launch on a water body in Utah must:

(a) verify the vessel and any launching device, in the previous 30 days, have not been in an infested water or in any other water subject to closure order under R657-60-8 or control plan under R656-60-9 that requires decontamination of conveyances and equipment upon leaving the water; or

(b) certify the vessel and launching device have been decontaminated.

(2) Certification of decontamination is satisfied by:

(a) previously completing self-decontamination since the vessel and launching device were last in a water described in Subsection (1)(a) and completely filling out and dating a decontamination certification form which can be obtained from the division; or

(b) providing a signed and dated certificate by a division approved professional decontamination service verifying the vessel and launching device were professionally decontaminated since the vessel and launching device were last in a water described in Subsection (1)(a).

(3) Both the decontamination certification form and the professional decontamination certificate, where applicable, must be signed and placed in open view in the window of the launching vehicle prior to launching or placing the vessel in a body of water.

(4) It is unlawful under Section 76-8-504 to knowingly falsify a decontamination certification form.

R657-60-7. Wildlife Board Designations of Infested Waters.

(1) The Wildlife Board may designate a geographic area, water body, facility, or water supply system as ~~[infested]~~Infested with Dreissena mussels pursuant to Section 23-27-102 and 23-27-401 without taking the proposal to or receiving recommendations from the regional advisory councils.

~~[(a)]~~2) The Wildlife Board may designate a particular water body, facility, or water supply system within the state as ~~[infested]~~Infested with Dreissena mussels when ~~[a juvenile or adult mussel from the subject water is visually identified as a Dreissena mussel and that identity is confirmed by two independent positive~~

~~polymerase chain reaction (PCR) tests~~ sampling indicates the water body, facility, or water supply system meets the minimum criteria for an Infested Water as defined in this rule.

~~(b)3~~ The Wildlife Board may designate a particular water body, facility, or water supply system outside the state as ~~[infested]~~ Infested with Dreissena mussels when [a veliger, juvenile or adult Dreissena mussel is detected by the state having jurisdiction over the water or when the Wildlife Board] it has credible evidence suggesting the presence of a [Dreissena musssel.] Dreissena mussel in that water body, facility, or water supply system.

~~(e)4~~ Where the number of ~~[infested waters]~~ Infested Waters in a particular area is numerous or growing, or where surveillance activities or infestation containment actions are deficient, the Wildlife Board may designate geographic areas as ~~[infested]~~ Infested with Dreissena mussels.

(5) The following water bodies and geographic areas are classified as infested:

- (a) all coastal and inland waters in:
 - (i) Colorado;
 - (ii) California;
 - (iii) Nevada;
 - (iv) Arizona;
 - (v) all states east of Montana, Wyoming, Colorado, and New Mexico;

- (vi) the provinces of Ontario and Quebec Canada; and
- (vii) Mexico;

(b) Lake Powell and that portion of the:

- (i) Colorado River between Lake Powell and Spanish Bottoms in Canyonlands National Park;
- (ii) Escalante River between Lake Powell and the Coyote Creek confluence;
- (iii) Dirty Devil River between Lake Powell and the Highway 95 bridge; and
- (iv) San Juan River between Lake Powell and Clay Hills Crossing; and

(c) other waters established by the Wildlife Board and published on the DWR website.

(6) The Wildlife Board may remove an infested classification if:

(a) the division samples the affected water body for seven (7) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies in writing that Dreissena mussels are no longer present.

R657-60-8. Closure Order for a Water Body, Facility, or Water Supply System.

(1)(a) The division may classify a water body, facility, or water supply system as suspected or detected if it meets the minimum criteria for suspected or detected, as defined in this rule.

(b) If the division [detects or suspects a Dreissena mussel is present in] classifies a water body, facility, or water supply system [in the state] as either suspected or detected, the division director or designee may, with the concurrence of the executive director, issue an order closing the water body, facility, or water supply system to the introduction or removal of conveyances or equipment.

~~(b)c~~ The director shall consult with the controlling entity of the water body, facility, or water supply system when determining the scope, duration, level and type of closure that will be imposed in order to avoid or minimize disruption of economic and recreational activities.

~~(d) A closure order may:~~

~~(e) A closure order may:~~

(i) close the water entirely to conveyances and equipment;

(ii) authorize the introduction and removal of conveyances and equipment subject to the decontamination requirements in R657-60-2(2)(b) and R657-60-5; or

(iii) impose any other condition or restriction necessary to prevent the movement of Dreissena mussels into or out of the subject water.

(iv) a closure order may not restrict the flow of water without the approval of the controlling entity.

(2)(a) A closure order issued pursuant to Subsection (1) shall be in writing and identify the:

(i) water body, facility, or water supply system subject to the closure order;

(ii) nature and scope of the closure or restrictions;

(iii) reasons for the closure or restrictions;

(iv) conditions upon which the order may be terminated or modified; and

(v) sources for receiving updated information on the [status of infestation] presence of Dreissena mussels and closure order.

(b) The closure order shall be mailed, electronically transmitted, or hand delivered to:

(i) the controlling entity of the water body, facility, or water supply system;

and

(ii) any governmental agency or private entity known to have economic, political, or recreational interests significantly impacted by the closure order; and

(iii) any person or entity requesting a copy of the order.

(c) The closure order or its substance shall further be:

(i) posted on the division's web page; and

(ii) published in a newspaper of general circulation in the state of Utah or the affected area.

(3)(a) If a closure order lasts longer than seven days, the division shall provide the controlling entity and post on its web page a written update every 10 days on its efforts to address the Dreissena mussel infestation.

(a)b The 10 day update notice cycle will continue for the duration of the closure order.

(4)(a) Notwithstanding the closure authority in Subsection (1), the division may not unilaterally close or restrict a suspected or detected water supply system [infested with Dreissena mussels] where the controlling entity has prepared and implemented a control plan in cooperation with the division that effectively [eradicates or] controls the spread of Dreissena mussels from the water supply system.

(b) The control plan shall comply with the requirements in R657-60-9.

(5) Except as authorized by the Division in writing, a person may not violate any provision of a closure order.

(6) A closure order or control plan shall remain effective so long as the water body, water supply system, or facility remains classified as suspected or detected.

(7) The director or his designee may remove a Suspected classification if:

(a) the division samples the affected water body for three (3) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present; or

(8) The director or his designee may remove a detected classification if:

(a) the division samples the affected water body for five (5) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.

R657-60-9. Control Plan Required.

(1) The controlling entity of a water body, facility, or water supply system may develop and implement a control plan in cooperation with the division prior to infestation designed to:

~~(a)~~ (a) avoid the infestation of Dreissena mussels; and

(b) control or eradicate an infestation of Dreissena mussels that might occur in the future.

(2) A pre-infestation control plan developed consistent with the requirements in Subsection (3) and approved by the division will eliminate or minimize the duration and impact of a closure order issued pursuant to Section 23-27-303 and R657-60-8.

(3) If ~~the division detects or suspects a Dreissena mussel is present in~~ a water body, facility, or water supply system ~~within~~ the state ~~that~~ is classified as infested, detected, or suspected, and it does not have an approved control plan ~~and issues a closure order~~, the controlling entity shall cooperate with the division in developing and implementing a control plan to address the:

(a) scope and extent of the ~~infestation~~ presence of Dreissena mussels;

(b) actions proposed to control the pathways of spread of ~~the infestation;~~ Dreissena mussels;

(c) actions proposed to control the spread or eradicate the ~~infestation~~ presence of Dreissena mussels;

(d) methods to decontaminate the water body, facility, or water supply system, if possible;

(e) actions required to systematically monitor the ~~level and extent of the infestation~~ presence of Dreissena mussels; and

(f) requirements and methods to update and revise the plan with scientific advances.

(4) ~~Any post-infestation~~ All control ~~plan~~ plans prepared pursuant to Subsection (3) shall be approved by the Division before implementation.

(5) A control plan prepared pursuant to this Section may require that all conveyances and equipment entering or leaving the

subject water to comply with the decontamination requirements in R657-60-2(2)(b) and R657-60-5.

(6) Except as authorized by the Division and the controlling entity in writing, a person may not violate any provision of a control plan.

R657-60-10. Procedure for Establishing a Memorandum of Understanding with the Utah Department of Transportation.

(1) The division director or designee shall negotiate an agreement with the Utah Department of Transportation for use of ports of entry for detection and interdiction of Dreissena Mussels illegally transported into and within the state. Both the Division of Wildlife Resources and the Department of Transportation must agree upon all aspects of Dreissena Mussel interdiction at ports of entry.

(2) The Memorandum shall include the following:

(a) methods and protocols for reimbursing the department for costs associated with Dreissena Mussel interdiction;

~~(b)~~ (b) identification of ports of entry suitable for interdiction operations;

(c) identification of locations at a specific port of entry suitable for interdiction operations;

(d) methods and protocols for disposing of wastewater associated with decontamination of equipment and conveyances;

(e) dates and time periods suitable for interdiction efforts at specific ports of entry;

(f) signage notifying motorists of the vehicles that must stop at the port of entry for inspection;

(g) priorities of use during congested periods between the department's port responsibilities and the division's interdiction activities;

(h) methods for determining the length, location and dates of interdiction;

(i) training responsibilities for personnel involved in interdiction activities; and

(j) methods for division regional personnel to establish interdiction efforts at ports within each region.

R657-60-11. Conveyance or Equipment Detainment.

(1) To eradicate and prevent the infestation of a Dreissena mussel, the division may:

(a) temporary stop, detain, inspect, and impound a conveyance or equipment that the division reasonably believes is in violation of Section 23-27-201 or R657-60-5;

(b) order a person to decontaminate a conveyance or equipment that the division reasonably believes is in violation of Section 23-27-201 or R657-60-5.

(2) The division, a port-of-entry agent or a peace officer may detain or impound a conveyance or equipment if~~;~~:

(a) the division, agent, or peace officer reasonably believes that the person transporting the conveyance or equipment is in violation of Section 23-27-201 or R657-60-5.

(3) The detainment or impoundment authorized by Subsection (2) may continue for~~;~~:

(a) up to five days; or

(b) the period of time necessary to:

(i) decontaminate the conveyance or equipment; and

(ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

R657-60-12. Penalty for Violation.

(1) A violation of any provision of this rule is punishable as provided in Section 23-13-11.

(2) A violation of any provision of a closure order issued under R657-60-8 or a control plan created under R657-60-9 is punishable as a criminal infraction as provided in Section 23-13-11.

KEY: fish, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: [November 7, 2013]2014

Notice of Continuation: August 5, 2013

Authorizing, and Implemented or Interpreted Law: 23-27-401; 23-14-18; 23-14-19

Public Education Job Enhancement Program, Job Enhancement Committee

R690-100

Public Education Job Enhancement Program Participant Eligibility and Requirements

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 38243

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R690-100, Public Education Job Enhancement Program Participant Eligibility and Requirements, is being repealed because the statute authorizing the Public Education Job Enhancement Program (PEJEP) Committee was repealed and rulemaking authority was moved from the PEJEP Committee to the Utah State Board of Education (Board). (DAR NOTE: The proposed new rule under Education is Rule R277-528 that is under DAR No. 38242 in this issue, February 1, 2014, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Rule R690-100 is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1a-601(3)(c) and Subsection 53A-1a-601(5)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: Repealing this rule in its entirety likely will not result in a costs or savings to the state budget. The Board has created a new rule providing for PEJEP eligibility and requirements.

◆ LOCAL GOVERNMENTS: Repealing this rule in its entirety likely will not result in a costs or savings to local government.

The Board has created a new rule providing for PEJEP eligibility and requirements.

◆ SMALL BUSINESSES: Repealing this rule in its entirety likely will not result in a costs or savings to small businesses. The Board has created a new rule providing for PEJEP eligibility and requirements.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Repealing this rule in its entirety likely will not result in a costs or savings to persons other than small businesses, businesses, or local government entities. The Board has created a new rule providing for PEJEP eligibility and requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Repealing this rule in its entirety likely will not result in any compliance costs. The Board has created a new rule providing for PEJEP eligibility and requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and there is likely no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM
JOB ENHANCEMENT COMMITTEE
250 E 500 S
SALT LAKE CITY, UT 84414
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

~~[R690. Public Education Job Enhancement Program, Job Enhancement Committee.~~

~~R690-100. Public Education Job Enhancement Program Participant Eligibility and Requirements.~~

~~R690-100-1. Definitions.~~

~~A. "Advancement Award/scholarship recipient" means a scholarship to an educator qualified under Sections 53A-1a-601(1) and (2)(a) and (b). The scholarship may be used for:~~

~~(1) training in subject areas designated in Section 53A-1a-601(1); and~~

_____ (2) tuition costs only as designated in Section 53A-1a-601(2)(b) for a master's degree, teaching endorsement, or approved graduate program including National Board Certification.

_____ B. "Contract" means a binding agreement signed and agreed to by the recipient, the PEJEP Committee and USOE under 53A-1a-602(3)(c); applications are available through the USOE and online through the USOE website at www.schools.utah.gov.

_____ C. "Critical areas of educator need" means secondary school teachers with expertise in mathematics, physics, chemistry, physical science, learning technology, or information technology PreK-12 special education teachers, educators seeking math endorsements in fourth, fifth, and sixth grade with a Level 1 or Level 2 license with an elementary or secondary area of concentration, and occupational therapists.

_____ D. "Information technology" for purposes of this rule means courses in information support and services, interactive media, network systems and programming, and software development as listed under information technology education in career and technical education (CTE) on the USOE website.

_____ E. "Learning technology" for the purpose of this rule means a degree/endorsement earned to implement use of technology in classrooms by secondary school teachers in the critical areas of educator need identified under R690-100-1C.

_____ F. "Letter of authorization" under Section 53A-1a-601(3) means a designation given to an individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements for the course(s) he teaches, who is employed by a school district, who has an educator license under R277-502.

_____ G. "National Board Certification" means the successful completion of the National Board for Professional Teaching Standards (NBPTS) process, a three-year process, that may include national content-area assessment, an extensive portfolio, and assessment of video-taped classroom teaching experience.

_____ H. "Opportunity Award/signing bonus/cash award recipient" means a cash award paid in two installments to qualified educators under 53A-1a-601(2)(e) and (3)(a) and (b).

_____ I. "Public Education Job Enhancement Program Committee (PEJEP Committee)" means the committee designated under Section 53A-1a-602.

_____ J. "Public Education Job Enhancement Program (PEJEP)" means a program authorized under Section 53A-1a-601.

_____ K. "Public Education Job Enhancement Program Executive Committee (PEJEP Executive Committee)" means a subcommittee of approximately five members of the PEJEP Committee including the PEJEP Chair and others as selected by the PEJEP Committee provided for in Section 53A-1a-602.

_____ L. "Special education teacher" means an educator who teaches at least three classes (or fifty percent of the school day) of primarily PreK-12 special education students or whose contract assignment is designated by the district as SPECIAL EDUCATION. Special education teacher may also mean speech and language pathologists and psychologists and special education educators teaching grade 12+ in a high school.

_____ M. "Technology training" for the purpose of this rule means professional development training to public school superintendents, administrators, and principals in the effective use of technology in public schools.

_____ N. "USOE" means the Utah State Office of Education.

~~R690-100-2. Authority and Purpose for Opportunity and Advancement Awards:~~

_____ A. The rule is authorized under Section 53A-1a-602(5) which requires the PEJEP Committee to make a rule establishing policies and procedures for:

_____ (1) designating the recipients and offering scholarships and cash awards from PEJEP funding;

_____ (2) timelines for the submission and approval of applications;

_____ (3) the distribution of the awards and scholarships; and

_____ (4) monitoring educator progress and compliance with the law and this rule.

_____ B. The purpose of this rule is to provide policies and procedures for participation in the Public Education Job Enhancement Program.

~~R690-100-3. PEJEP Committee and Committee Expansion:~~

_____ A. The PEJEP Committee identified in Section 53A-1a-602 may create subcommittees, including a PEJEP Executive Committee to increase the PEJEP Committee's effectiveness.

_____ (1) The PEJEP Executive Committee shall be designated by the PEJEP Committee.

_____ (2) All subcommittee recommendations shall be affirmed by the PEJEP Committee.

_____ (3) Subcommittee membership and terms shall be determined by the PEJEP Committee.

_____ B. The PEJEP Committee may add advisory committee members to inform the PEJEP Committee's decisions. Advisory committee members may meet regularly with the PEJEP Committee but may not vote or approve applicants for awards.

_____ C.(1) The Committee may hold electronic meetings consistent with Section 52-4-207.

_____ (2) Committee members may participate through electronic means if at least three Committee members are present at an established anchor location for the meeting.

_____ (3) A quorum may be established that includes members participating electronically.

_____ (4) Committee members participating through electronic means may officially vote on motions.

~~R690-100-4. Opportunity Awards:~~

_____ A. Timelines for Opportunity Awards

_____ (1) The PEJEP Committee shall provide to all public school district superintendents and charter schools, by May 14 of each year, teacher information forms and funds available for Opportunity Awards consistent with critical areas of educator need identified under R690-100-1C.

_____ (2) Information forms for awards shall also be available from the USOE and on-line through the USOE website.

_____ (3) Completed information forms for Opportunity Awards, including required documentation, shall be due to the USOE from applying school districts and charter schools by November 1 annually.

_____ (4) Recipients of Opportunity Awards shall receive the cash award in two installments, with the first initial payment at the beginning of the four year teaching commitment and the second installment at the conclusion of four consecutive years of teaching.

_____ (a) The recipient shall repay a portion of the initial payment if the recipient fails to complete two years of the

~~consecutive four year teaching commitment unless waived for good cause by the PEJEP Committee, designated in Section 53A-1a-602; and~~

~~(b) The recipient shall not receive the second installment if the recipient fails to complete the consecutive four year teaching commitment.~~

~~(5) The USOE shall receive documentation annually by October 1 from recipients of Opportunity Awards documenting a full-time schedule as educators during the previous school year.~~

~~(6) If the recipient desires to decrease his teaching employment to less than full-time, teach less than 50 percent of the teacher's course load in the area of the award, or take a leave of absence at any time, the recipient shall submit a formal written request to the PEJEP Committee. The PEJEP Committee may grant or deny permission for the employment change within 30 days of the request; if permission is denied by the PEJEP Committee, provisions under 53A-1a-601(1)(c)(ii) shall apply immediately.~~

~~(7) The USOE shall be immediately notified by the Opportunity Award recipient if the recipient changes employers, leaves public education, or moves from the state; provisions of 53A-1a-601(1)(c)(ii) shall apply immediately if the recipient leaves public education or leaves the state.~~

~~(8) Opportunity Award recipients shall notify the USOE at the conclusion of the recipient's consecutive four year teaching commitment.~~

~~(9) The USOE shall make the final Opportunity Award payment in a timely manner upon notification by the recipient and documentation of full-time employment during the required four year period.~~

~~B. Award and Funding Requirements for Opportunity Awards~~

~~(1) To be eligible to receive an award under this rule, an educator shall:~~

~~(a) have signed an employment contract with a public school district or charter school;~~

~~(b) be recommended by secondary school principal, school district superintendent or designee or charter school director;~~

~~(c) be a fully licensed educator in Utah or enrolled in an alternative educator licensing program in:~~

~~(i) pre-K-12+ special education; or~~

~~(ii) a secondary education endorsement program (grades 7-12) in critical areas of educator need identified under R690-100-1C; and~~

~~(d) have taught under a letter of authorization for at least one year in the areas referred to under Section 53A-1a-601(1) and received a superior evaluation as a classroom teacher.~~

~~(2) Licensed teachers newly hired in a school district or charter school providing instruction to students in any public classroom setting shall be eligible for an Opportunity Award.~~

~~C. School district/charter school responsibilities:~~

~~(1) An employing school district/charter school shall notify the USOE if a recipient of an Opportunity Award ends school district employment.~~

~~(2) An employing school district/award recipient shall notify the USOE if an Opportunity Award recipient has his teaching assignment changed to less than 50 percent of his assignment in the area that qualified the teacher for the award.~~

~~(3) An employing school district shall notify the USOE of any other award or scholarship or special compensation that an award recipient is receiving, to the best of the employer's information, from another source.~~

~~**R690-100-5. Advancement Awards:**~~

~~A. Timelines for Advancement Awards~~

~~(1) Applications for Advancement Awards shall be available from the USOE and online through the USOE website.~~

~~(2) Educators may apply at any time throughout the year and may receive an award subject to funds available.~~

~~(3) Beginning in June 2008, upon receipt of the Advancement Award and each semester that recipient receives the Advancement Award, recipient shall provide documentation to the USOE that the recipient is enrolled in approved higher education course(s).~~

~~(4) Recipients have four years to complete course work for a master's degree, teaching endorsement, or approved graduate program.~~

~~(5) Upon completion of the master's degree, teaching endorsement, or approved graduate program, a recipient shall notify the USOE and provide an official higher education transcript or appropriate documentation.~~

~~(6) Recipients of the Advancement Awards shall notify the USOE immediately if they change public education employers, drop their class loads below 3 credit hours or move from the state.~~

~~(7) If the recipient interrupts employment for any reason, the recipient shall submit a formal written letter to the PEJEP Committee explaining the reason for the interruption and requesting a continuance of the contract.~~

~~B. Award and Funding Requirements for Advancement Awards~~

~~To be eligible to receive an award under this rule, an educator shall:~~

~~(1) be approved by the employing principal and the school district superintendent or designee or a charter school director and charter school board chair;~~

~~(2) be a fully licensed Utah educator or enrolled in a Utah alternative educator licensing program.~~

~~(3) agree to enroll in eligible schools or programs at the first possible enrollment opportunity following the award;~~

~~(4) use the award only at a Utah public or private accredited higher education institution; exceptions may be made by the PEJEP Committee on a case by case basis for compelling circumstances;~~

~~(5) provide documentation to the PEJEP Committee of acceptance into an approved graduate program, including National Board Certification, leading to a master's degree or teaching endorsement in areas identified under R690-100-1C;~~

~~(6) not use the award to pay for course work in counseling or administration.~~

~~C. Additional Recipient Requirements for Advancement Awards; a recipient shall:~~

~~(1) complete the program within four years from the date of initial enrollment.~~

~~(2) complete endorsement classes in a timely manner as approved in the contract with the PEJEP Committee.~~

~~_____ (3) successfully complete (2.0 average or better) all classes for which recipient is reimbursed.~~

~~_____ (4) enroll and seek reimbursement only for courses leading directly to a master's degree, teaching endorsement, or approved graduate program, for which the award was made.~~

~~_____ (5) show evidence of progress toward master's degree, teaching endorsement, or approved graduate program, every semester for which the award is used.~~

~~_____ (6) commit to teach in Utah public schools in an area identified in 53A-1a-601(1) for a period of four consecutive school years following the completion of the endorsement or degree for which the award was made.~~

~~_____ (7) notify the USOE if a recipient of an Advancement Award ends school district employment.~~

~~_____ (8) notify the USOE if an Advancement Award recipient has his teaching assignment changed to less than 50 percent of his assignment in the area that qualified the teacher for the award.~~

~~_____ (9) notify the USOE of any other award or scholarship or special compensation that an award recipient is receiving, to the best of the employer's information, from another source.~~

~~_____ (10) be eligible for an Advancement Award if the recipient provides instruction to students in any public school setting, including secure facilities with education components under the control and supervision of the public school system.~~

~~_____ D. Award Priorities for Advancement Awards~~

~~_____ (1) Superintendent/principal recommendations~~

~~_____ (2) Existing formal qualifications, evaluations, degrees, certificates, endorsements, licenses of educators in district/school.~~

~~_____ (3) Applicants' discussions of career plans, educational objectives, and estimated time periods for completion of course work.~~

~~_____ (4) Alignment of applicant career/educational objectives with intent and express purposes of Section 53A-1a-601.~~

R690-100-6. Enforcement and Penalty Provisions for Breach of PEJEP Contract for Opportunity and Advancement Awards.

~~_____ A. It is the responsibility of award recipients to notify in writing both the USOE and employing school district, during the period of the award, of changes in recipient's name, mailing address, telephone number, or licensing status.~~

~~_____ B. If an Opportunity Award or Advancement Award recipient fails to satisfy the teaching commitment, earn the master's degree, or teaching endorsement, or complete the approved graduate program, the recipient may be responsible to repay, as determined by the PEJEP Committee, the full or a prorated amount of the cash award or scholarship fund received.~~

~~_____ C. The entire amount of the cash award or scholarship may become due and payable immediately, including interest following review by the PEJEP Committee for violations of Section 53A-1a-601 or this rule.~~

~~_____ D. The recipient may be responsible for any and all necessary collection costs.~~

~~_____ E. Legal action may be taken against recipient as recommended by the PEJEP Committee and approved by the USOE and the Utah Attorney General's Office.~~

~~_____ F. A recipient may be referred to the Utah Professional Practices Advisory Committee for possible action against the recipient's license for willful violations of law or this rule.~~

~~_____ G. Should recipient's license be suspended or revoked by the Utah State Board of Education, consistent with due process provided for in state law, the award or scholarship shall be canceled at the time of license revocation and subject to the conditions stated in R690-100-5.~~

~~_____ H. Exceptions to any provision of the Opportunity or Advancement Award contracts shall be approved in writing by the PEJEP Committee.~~

R690-100-7. Miscellaneous Provisions or Requirements for the Opportunity and Advancement Awards.

~~_____ A. In any given school year, a teacher shall not receive both an Opportunity Award and an Advancement Award and shall not receive two Opportunity awards concurrently.~~

~~_____ B. Recipients of the Opportunity Award and Advancement Award may not apply for a second award until the consecutive four year teaching commitment has been fulfilled.~~

~~_____ C. Opportunity and Advancement award educators may take less than a full-time course load in the areas identified in 53A-1a-601(1), if student demand is not sufficient for a full-time assignment in those subject areas.~~

~~_____ D. If the Opportunity or Advancement Award recipient should die before the conditions or repayment of the award is satisfied, the entire commitment or balance shall be waived.~~

~~_____ E. The educator shall be teaching in the critical areas of educator need identified under R690-100-1C,D,and E, to apply for a PEJEP scholarship toward any learning technology degree, endorsement, or advanced degree.~~

~~_____ F. Advancement Award Recipients taking 9 credit hours during summer months (forgoing employment during that time) may receive a \$6,000 summer stipend, at the discretion of the PEJEP Committee; summer stipends shall be prorated for educators in regulated programs and those recipients may receive \$2,000 per 3 credit hours, up to \$6,000.~~

~~_____ G. Endorsement program recipients may receive only one summer stipend of \$6,000 per 9 credit hours at the discretion of the PEJEP Committee.~~

~~_____ H. Endorsement caps shall be commensurate with increased tuition costs for the specific endorsement; and~~

~~_____ I. Teachers who have their assignment changed which takes them out of their classroom teaching in the PEJEP content areas, must submit a petition to the PEJEP Committee for potential waiver of penalties associated with the change.~~

~~_____ J. The consecutive four year teaching commitment may be met by educators who are promoted, assigned, or advised to change their teaching assignment and work within the district or state in a similar role for which the Opportunity Award or Advancement Award was made, following PEJEP Committee approval.~~

~~_____ K. Applicants are not eligible for Advancement Awards if the individuals are in their last semester of their degree or endorsement programs or if they have completed their degree, endorsement, or advanced degree program.~~

~~_____ L. The PEJEP Committee has the discretion to accept and fund applications received after established deadlines provided that timely applications shall be considered first and all funding shall be approved and distributed only to the extent of funds available.~~

~~**R690-100-8. Provisions or Requirements for the Technology Training Component of 53A-1a-601(4)(a).**~~

~~Technology training courses, programs or conferences that provide professional development for public school superintendents, administrators and principals in the effective use of technology in public schools shall be submitted to the PEJEP Committee by applicants for consideration and approval under 53a-1a-601(4).~~

~~**KEY: scholarships, awards, educators**~~

~~**Date of Enactment or Last Substantive Amendment: November 23, 2009**~~

~~**Notice of Continuation: December 14, 2011**~~

~~**Authorizing, and Implemented or Interpreted Law: 53A-1a-602(5)**~~

**Workforce Services, Unemployment Insurance
R994-312-102
Examination of Employer Records:
Scope and Authority**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38248

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to correct language.

SUMMARY OF THE RULE OR CHANGE: The current rule applies to employing units following the language in Subsection 35A-4-312(2). Inadvertently, some of parts of this rule use the term "employer" instead of "employment unit". An employer is an entity subject to the Employment Security Act. An employing unit may or may not be subject to the act. The statute gives the Department the authority to determine that status.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4) and Subsection 35A-4-312(2) and Subsection 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This is a federally-funded program so there are no costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This is a federally-funded program so there are no costs of savings to local government.
- ◆ **SMALL BUSINESSES:** There are no costs or savings to any small businesses as there are no fees associated with this program and it is federally funded.

- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings to any persons other than small businesses, businesses, or local government entities as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact the contribution rate of any employer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employers contribution tax rate.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Jon Pierpont, Executive Director

**R994. Workforce Services, Unemployment Insurance.
R994-312. Employing Units Records.
R994-312-102. Examination of [Employer]Employing Unit Records: Scope and Authority.**

(1) The Department is authorized to examine any and all records necessary for the administration of the Act. These records include payroll records, disbursement records, accounting records, tax returns, magnetic and electronic media, personnel records, minutes of meetings, loan documentation, articles of organization, operating agreements, and any other records which might be necessary to determine claimant eligibility and employer liability.

(2) The Department may initiate legal action to compel an [employer]employing unit to provide access to records if the [employer]employing unit fails to provide full access to records.

(3) If an [employer]employing unit maintains its records outside of this state, the [employer]employing unit may be required to submit copies of records for review within this state. The

[~~employer~~]employing unit is responsible for any costs associated with providing such copies of records.

KEY: unemployment compensation, confidentiality of information

Date of Enactment or Last Substantive Amendment: [~~July 1, 2007~~]2014

Notice of Continuation: July 8, 2009

Authorizing, and Implemented or Interpreted Law: 35A-4-312

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends March 3, 2014.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

From the end of the 30-day waiting period through June 1, 2014, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

Insurance, Administration
R590-229
Annuity Disclosure

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38090
 FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes are a result of comments received during the comment period for the amendment.

SUMMARY OF THE RULE OR CHANGE: In Sections R590-229-5 and R590-229-6, the word "fixed" has been removed to eliminate duplication. In Section R590-229-6, wording is added to clarify that a buyer's guide is optional for variable annuity products, which is the way it is already handled in the marketplace. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the November 15, 2013, issue of the Utah State Bulletin, on page 139. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-201 and Section 31A-22-425

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** These changes will not affect the workload of department personnel or affect the department or state's costs and revenues.
- ◆ **LOCAL GOVERNMENTS:** These changes will have no impact on local government since they deal solely with the relationship between the department and their licensees, in this case life insurers and producers.
- ◆ **SMALL BUSINESSES:** The changes to this rule correct grammar and are for clarification purposes only. They will have no fiscal impact on small businesses, including insurance agencies.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The changes to this rule correct grammar and are for clarification purposes only. They will have no fiscal impact on insurance companies, agencies or producers, and their consumers or any other related businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes to this rule correct grammar and are for clarification purposes only. They will have no fiscal impact on anyone.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on businesses in or outside of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

INSURANCE
 ADMINISTRATION
 ROOM 3110 STATE OFFICE BLDG
 450 N MAIN ST
 SALT LAKE CITY, UT 84114-1201
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Todd Kiser, Commissioner

R590. Insurance, Administration.
R590-229. Annuity Disclosure.

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R590-229-5. Definitions.

In addition to the definitions in Section 31A-1-301, the following definitions shall apply for the purpose of this rule:

(1) "Buyer's Guide" means a document which contains, and is limited to, the language contained in the "Buyer's Guide for [~~Fixed~~] Deferred Annuities," dated 2013, the Buyer's Guide for [~~Fixed~~] Deferred Annuities - Fixed" dated 2013, and the "Buyer's Guide for [~~Fixed~~]Deferred Annuities - Variable" dated 2013.

(2) "Contract owner" means the owner named in the annuity contract or certificate holder in the case of a group annuity contract.

(3) "Determinable elements" means elements that are derived from processes or methods that are guaranteed at issue and not subject to company discretion, but where the values or amounts cannot be determined until some point after issue. These elements include the premiums, credited interest rates with any applicable bonus, benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these. These elements may be described as guaranteed but not determined at issue. An element is considered determinable if all of the underlying elements that go into its calculation are either guaranteed or determinable.

(4) "Disclosure document" means the document described in Subsection 6(2) of this rule.

(5) "Funding agreement" means an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies.

(6) "Generic name" means a short title descriptive of the annuity contract being applied for such as "single premium deferred annuity".

(7) "Guaranteed elements" means premiums, credited interest rates with any applicable bonus, benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are guaranteed and determined at issue. An element is considered guaranteed if all of the underlying elements that go into its calculation are guaranteed.

(8) "Non-guaranteed elements" means the premiums, credited interest rates with any applicable bonus, benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these that are subject to company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying elements that go into its calculation are non-guaranteed.

(9) "Structured settlement annuity" means a "qualified funding asset" as defined in IRC Section 130(d) or an annuity that would be a qualified funding asset under IRC Section 130(d) but for the fact that it is not owned by an assignee under a qualified assignment.

R590-229-6. Appropriate Buyer's Guide.

(1) The "Buyer's Guide for ~~[Fixed-]Deferred Annuities~~" shall be considered the appropriate Buyer's Guide for an annuity product.

(2) Notwithstanding Subsection (1):-

~~_____ (a)] for a ~~[fixed-]non-variable annuity product, the "Buyer's Guide to ~~[Fixed-]Deferred Annuities - Fixed~~" may be used as the appropriate Buyer's Guide~~[-and]~~.~~~~

~~[(b)](3) If an insurer elects to provide a Buyer's Guide for a variable annuity product, the insurer may use either the "Buyer's Guide for Deferred Annuities" or the "Buyer's Guide for ~~[Fixed-]Deferred Annuities - Variable,~~"~~[-may be used as the appropriate Buyer's Guide.]~~~~

.....

KEY: insurance, annuity disclosure

Date of Enactment or Last Substantive Amendment: ~~[2013]2014~~

Notice of Continuation: September 22, 2009

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-22-425

Insurance, Administration

R590-268

Small Employer Stop-Loss Insurance

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38087

FILED: 01/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes to the incorporated attachments to the rule were suggested during the latest comment period.

SUMMARY OF THE RULE OR CHANGE: Changes to the Disclosure form include: added a box for insurer's phone number; enrollment for the form and for the liability exposure section was changed to be requested based on enrollment expected at the coverage effective date. In the "Total Employer Outlay" section, the "Monthly Rate" was changed to "Monthly Cost." Added a third page of guidance language to help insurers fill out the Disclosure form. Changes made to the Application form include: removed "annual" from the "Annual Aggregate Attachment Point" to reflect that some contracts may be more than 12 months; removed the line "The Employer agrees to abide by the insurer's enrollment provisions;" added a version control date; and added brief guidance page to help small employers fill out the application. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the November 15, 2013, issue of the Utah State Bulletin, on page 142. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-43-304

MATERIALS INCORPORATED BY REFERENCES:

- ◆ Updates Utah Stop-loss Disclosure, published by Utah Insurance Department, 01/15/2014
- ◆ Updates Utah Small Employer Stop-Loss Universal Application, published by Utah Insurance Department, 01/15/2014

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: Changes to the rule are to provide clarification and instruction for the filling out the application and disclosure forms that are incorporated by reference in the rule. These forms are not filed with the department so they will not impact our workload or costs and revenues of the department or state.
- ◆ LOCAL GOVERNMENTS: This rule has no impact on local governments since the rule deals with the relationship between the department, their licensees, and consumers of these licensees.
- ◆ SMALL BUSINESSES: The changes to this rule are for clarification and instruction to help the small employer fill out the forms. There will be no fiscal impact to the small employer.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The changes to this rule are for clarification and instruction purposes. The forms being changed will be completed by small employer groups only so should not affect large groups or individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs to the changes made to these forms. They are strictly for clarification and instruction to assist in the completion of the forms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on businesses in or outside of the State of Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

INSURANCE
ADMINISTRATION
ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 03/03/2014

THIS RULE MAY BECOME EFFECTIVE ON: 03/10/2014

AUTHORIZED BY: Todd Kiser, Commissioner

R590. Insurance Administration.
R590-268. Small Employer Stop-Loss Insurance.

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R590-268-5. Standard Application.

(1) Stop-loss insurers marketing to small employers shall use the Utah Small Employer Stop-loss Universal Application.

(2) The Small Employer Stop-loss Universal Application shall not display the insurer's name, identifying logo or address.

(3) The Utah Small Employer Stop-loss Universal Application, published [~~November 15, 2013~~January 15, 2014], is hereby incorporated by reference and is available on the Department's website at <https://insurance.utah.gov/legal-resources/rules/current-rules.php>.

(4) The Utah Small Employer Stop-loss Universal Application may be altered for:

(a) purposes of electronic application and submission, including electronic signature disclaimers;

(b) languages other than English; and

(c) reasons specifically approved by the commissioner.

R590-268-6. Stop-Loss Insurance Disclosure.

(1) Stop-loss insurers marketing to small employers shall use the Utah Small Employer Stop-loss Disclosure.

(2) The stop-loss insurer may display the insurer's name, identifying logo, and address on the disclosure.

(3) The Utah Small Employer Stop-loss Disclosure, published [~~November 15, 2013~~January 15, 2014], is hereby incorporated by reference and is available on the Department's website at <https://insurance.utah.gov/legal-resources/rules/current-rules.php>.

(4) The disclosure may be altered for reasons specifically approved by the commissioner.

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KEY: small employer stop-loss
Date of Enactment or Last Substantive Amendment: [2013]2014
Authorizing, and Implemented or Interpreted Law: 31A-43-304;
Title 31A, Chapter 43

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Division of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

Crime Victim Reparations, Administration **R270-1-13** Awards

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 38221
FILED: 01/03/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The agency provides benefits to eligible victims of crime. Benefits are paid from a restricted revenue account known as the Crime Victims Trust Fund. Currently, there are not adequate funds in the Trust to cover projected expenses to the end of the fiscal year. The change implements a 20% reduction to all payments made from the Trust for the purpose of averting complete depletion of the Fund.

SUMMARY OF THE RULE OR CHANGE: The rule immediately reduces all payments made from the Fund by 20% in an attempt to stretch funding to the start of FY15.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63M-7-506(1)(c) and Subsection 63M-7-511(2) and Subsection 63M-7-525(1)(2)

EMERGENCY RULE REASON AND JUSTIFICATION:

REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare; and cause an imminent budget reduction because of budget restraints or federal requirements.

JUSTIFICATION: The Trust is intended to benefit eligible victims of crime by paying the crime-related expenses for which victims have no other resource. If the Fund were to be entirely depleted, crime victims would have no resource to pay for services such as funeral and burial, forensic exams, and medications to prevent HIV, medical, dental, mental health, and other services critical to recovering from victimization. Those services would either no longer be provided or paid for.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The agency will not incur additional administrative expenses. The agency anticipates a 20% savings taking the projected \$8,000,000 in benefit payments down to \$6,400,000, or a savings of \$1,600,000.

- ◆ **LOCAL GOVERNMENTS:** Local governments are likely to see an increase in the number of applications for any social service type benefits they may offer. Local governments will notice a reduction in benefits offered from the agency.
- ◆ **SMALL BUSINESSES:** Small businesses such as medical, dental, mental health, funeral, and other service providers that assist crime victims will receive reduced payment for the services they provide. Those payments will be reduced by 20%.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Eligible crime victims submitting expenses for reimbursement for crime related expenses they have incurred will have those eligible reimbursements reduced by 20%.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be compliance costs in addition to the cost of the reduced payments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated above: Small businesses such as medical, dental, mental health, funeral, and other service providers that assist crime victims will receive reduced payment for the services they provide. Those payments will be reduced by 20%.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

CRIME VICTIM REPARATIONS
ADMINISTRATION
ROOM 200
350 E 500 S
SALT LAKE CITY, UT 84111-3347
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Gary Scheller by phone at 801-238-2362, by FAX at 801-533-4127, or by Internet E-mail at garys@utah.gov

EFFECTIVE: 01/04/2014

AUTHORIZED BY: Gary Scheller, Director

R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-13. Awards.

A. Pursuant to Section 63M-7-521, when billing from the providers exceeds the maximum allowed, the Reparation Officer shall pay the bills by the date of service. The Reparation Officer shall solicit input from the victim when making this determination. When the services and the billings have occurred at the same time, the Reparation Officer shall determine payment on a percentage basis.

B. All final award determinations made by the office, regardless of the administrative rule under which the award determination is made, shall be reduced prior to final payment authorization by 20 percent. The 20 percent reduction shall be made in addition to any other reductions made under current statute or administrative rule. Acceptance of payments by medical providers as calculated under this rule, constitutes payment in full pursuant to Section 63M-7-521.5.

KEY: victim compensation, victims of crimes

Date of Enactment or Last Substantive Amendment: January 4, 2014

Authorizing, and Implemented or Interpreted Law: 63M-7-501 et seq.

Notice of Continuation: June 29, 2011

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Commerce, Occupational and Professional Licensing

R156-61

Psychologist Licensing Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38233
FILED: 01/13/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 61, provides for the licensure of psychologists and certified psychology residents. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-61-201(3) provides that the Psychologist Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) (a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 61, with respect to psychologists and certified psychology residents.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in February 2009, it has been amended three times. However, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 61, with respect to psychologists and certified psychology residents. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 01/13/2014

Health, Disease Control and Prevention, Environmental Services **R392-101** Food Safety Manager Certification

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38229
FILED: 01/10/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-1-30(2) and Title 26, Chapter 15a. Subsection 26-1-30(2)(u) authorizes the Department to adopt rules and enforce minimum sanitary standards for the operation and maintenance of restaurants and all other places where food is handled for commercial purposes, sold, or served to the public. Title 26, Chapter 15a, outlines the Food Safety Manager Certification Act, authorizing the department to establish and enforce, or provide for the enforcement of the minimum rules regarding the definitions, duties, requirements, and exemptions of Food Safety Manager Certification.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Disease Control and Prevention has not received comments opposing the rule, or asking for a revision of the rule. The Division has received comments from Local Health Departments and the food code advisory committee in support of continuation of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is the statewide rule for the Food Safety Manager Certification, and is enforced by the local health departments. This rule is the basis for consistent enforcement of the Food Safety Manager Certification Act (Title 26, Chapter 15a) across all areas of the state. The purpose of the rule is to prevent food-borne illness, and ensure that there are supervisory persons working in food establishments in the state that are uniformly trained in food safety. The Food and Drug Administration (FDA) has concluded that food-borne illness in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. An estimated 48,000,000 illnesses, 128,000 hospitalizations, and 3,000 deaths are a direct result of food-borne illness. There are approximately 1,000 reportable disease outbreaks in the US each year. The annual cost of food-borne illness in terms of pain and suffering, reduced productivity, and medical costs are estimated to be \$10,000,000,000 to \$83,000,000,000. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
DISEASE CONTROL AND PREVENTION,
ENVIRONMENTAL SERVICES

CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Ronald Marsden by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at rmarsden@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 01/10/2014

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-54
Speech-Language Pathology Services**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38227
FILED: 01/07/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-5 grants the Department the authority to adopt, amend or rescind rules as necessary to implement the Medicaid program. In addition, Section 26-18-3 requires the Department to implement the Medicaid program through administrative rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department did not receive any written or oral comments regarding this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department will continue this rule because it determines the provision of speech-language pathology services while safeguarding against unnecessary, unreasonable, or inappropriate use.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W

SALT LAKE CITY, UT 84116-3231
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 01/07/2014

**Natural Resources, Parks and
Recreation
R651-411**

OHV Use in State Parks

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38216
FILED: 01/02/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 79-4-301 authorizes the Board of Parks and Recreation to be the policy-making body of the Division. This rule was authorized in order to protect persons, property, and natural resources associated within state park boundaries. The rule identifies specific designated areas, within state parks, and defines specific off-highway vehicle (OHV) operations upon ice and places the responsibility upon the operator of each OHV.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Parks and Recreation has not received any written comments associated with this rule, either in support or opposition, since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to continue in order to protect person, property, and natural resources from negligent operation. This rule defines and provides the Division a clear operational direction of off-highway vehicles, within our state park system.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 01/02/2014

**Natural Resources, Parks and
Recreation
R651-636**

**Procedures for Application to Receive
Funds From the Zion National Park
Restricted Account**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38225
FILED: 01/06/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by Section 79-4-404. The Division of Parks and Recreation may make rules providing procedures and requirements for an organization to apply to the Division to receive a distribution.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments regarding this rule have been received by the Division of Parks and Recreation

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since the disbursement of funds in this account is delegated by statute to the Board of State Parks

and Recreation, this rule specifying the manner in which those funds are disbursed must remain. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 01/06/2014

**Natural Resources, Parks and
 Recreation
 R651-700
 Administrative Procedures for Real
 Property Management**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 38224
 FILED: 01/06/2014**

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 79-4-301 authorizes the Board of Parks and Recreation to be the policy making body of the Division. The rule identifies specific requirements and processes before land may be acquired, sold, or leased. This rule was authorized in order to protect persons, property, and natural resources within state park boundaries utilizing a transparent set of policies and procedures for real property issues.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Parks and Recreation has not received any comments on this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Utah Division of Parks and Recreation will continue this rule which protects persons and properties of the state through a transparent set of policies and procedures for real property issues affecting division land.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Fred Hayes, Director

EFFECTIVE: 01/06/2014

**Public Service Commission,
 Administration
 R746-350
 Application to Discontinue
 Telecommunications Service**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 38234
 FILED: 01/13/2014**

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 provides that the Public Service Commission (PSC) shall have the power to regulate utilities and to supervise their business operations. Section 54-3-1 requires that the terms and conditions of the provision of service be just and reasonable. Section 54-8b-18 enables the PSC to use the proceedings on an exiting provider's application to resolve disputes between the exiting provider and a possible replacement provider to facilitate the migration of the exiting provider's customers to alternative telecommunication services that may be available or any other requirements associated with a change of service.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary so that the PSC may require companies to provide notice of their intent to curtail services or exit the market. The rule outlines the steps companies must take to inform the PSC, customers, other telecommunications carriers, and the public in general, of the change in their operations in Utah's telecommunications and services markets. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Jordan White, Legal Counsel

EFFECTIVE: 01/13/2014

Tax Commission, Auditing **R865-7H** Environmental Assurance Fee

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 38223
FILED: 01/06/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-6-410.5 imposes an environmental assurance fee on owners or operators of tanks that participate in the Environmental Assurance Program, and

provides the commission rulemaking authority to establish the method of payment of the fee, the procedure for reimbursement or exemption of persons who do not participate in the program, and the procedure for confirming with the Dept. of Environmental Quality those persons who qualify for reimbursement or exemption.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section R865-7H-1 indicates when owners or operators of tanks that are not participants in the program qualify for an exemption from the environmental assurance fee, provides refund procedures for owners or operators of tanks that are not participants in the program but do not meet the requirements for exemption from the fee; requires the Department of Environmental Quality to provide the commission with a list of program participants on a monthly basis. Section R865-7H-2 provides an exemption from the fee for petroleum products brought into the state and packaged in barrels, drums, and cans; provides for a refund for persons who purchase petroleum products in bulk and repackaged those petroleum products in barrels, drums, or cans, if prior to repackaging, the products were not stored in a tank covered by the program; provides that individuals who qualify for a refund may apply for that refund no more often than on a monthly basis. Section R865-7H-3 provides that petroleum products exported from a refinery directly out of state are exempt from the fee; provides refund procedures for persons who store petroleum products in the state and export those products from the state if, prior to the export, the products were not stored in a tank covered by the program; provides that individuals who qualify for a refund may apply for that refund no more often than on a monthly basis. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY, UT 84134
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

AUTHORIZED BY: Robert Pero, Commissioner

EFFECTIVE: 01/06/2014

Tax Commission, Auditing
R865-16R
Severance Tax

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38222
FILED: 01/06/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 59-5-203 indicates how taxable value shall be determined for purposes of imposing the mining severance tax of 2.6% of taxable value. The section requires the Tax Commission to establish a rule setting forth: an established authority for market prices of metals; and a process for determining the value of metals sold between affiliated companies where a bona fide sale has not taken place.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes authority and promulgates processes both required by statute and necessary in the determination of fair market value. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY, UT 84134
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

AUTHORIZED BY: Robert Pero, Commissioner

EFFECTIVE: 01/06/2014

Technology Services, Administration
R895-4
**Sub-Domain Naming Conventions for
Executive Branch Agencies**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38238
FILED: 01/14/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is issued by the Chief Information Officer under the authority of Section 63F-1-206 of the Technology Governance Act, and in accordance with Section 63G-3-201 of the Utah Rulemaking Act. The Division may issue a rule to provide for standards related to websites operated by or on behalf of an executive branch agency.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule provides the following features to the State of Utah and its agencies: 1) the ".gov" sub-domain identifier is controlled by the Federal .gov domain registrar, thereby protecting state interests; 2) the State of Utah, Chief Information Officer's (CIO) office is responsible for issuance of all "utah.gov" sub-domains, further protecting the integrity of the identifier; 3) the "utah.gov" identifier offers immediate recognition to constituents for developing credibility and confidence through a consistent interface; and 4) the "utah.gov" sub-domain simplifies constituent access to state agency services.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TECHNOLOGY SERVICES
ADMINISTRATION
ROOM 6000 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Stephanie Weiss by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stweiss@utah.gov

AUTHORIZED BY: Mark VanOrden, Executive Director and CIO

EFFECTIVE: 01/14/2014

**Transportation, Motor Carrier
R909-3
Standards for Utah School Buses**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38215
FILED: 01/02/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 41-6a-1304 permits the Department of Transportation to adopt and enforce rules to govern the design and operation of all school buses that are owned and operated by any school district; privately owned and operated under contract with a school district; or privately owned for use by a private school. Section 41-6a-1309 governs the placement and size of an advertisement on a school bus.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Public comments were received when a repeal and reenactment of Rule R909-3 was published on 07/15/2011. The change incorporated portions of the 2010 edition of the Standards for Utah School Buses and Operations and Appendix, and added provision required by Section 41-6a-1309 regulating the placement and size of advertisements on school buses. At a public hearing held on 08/18/2011, approximately 30 people attended. Six

individuals presented their views regarding advertising on School Buses, and the placement of advertisements. The written comments included three agreeing with advertising, and three against advertising on school buses. Written and verbal comments received pertaining to Section R909-3-3, Advertisement on school buses, at a public hearing on 08/18/2011: 1) advertising on the exterior of school buses is a potential source of driver distraction, and it is reasonable to assume that such advertising will potentially result in accidents that would not have otherwise occurred; 2) the right side, loading side of the bus should not be used for any advertisements; 3) bus windows should not be covered or their visibility partially obscured by advertising; 4) Subsection R909-3-2(2) should be amended to include private commercial carriers in service to public school students; and 5) in order to cut rising transportation costs, advertisements on buses could provide public safety by increasing hazardous bus routes with increased funding. Since 08/18/2011, no additional public comments in a written form have been received by the Department of Transportation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provide rules for the safe design and operation of school buses and outlines the placement and size of advertisements on a school bus. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

TRANSPORTATION
MOTOR CARRIER
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Mark Burns by phone at 801-366-0198, by FAX at 801-366-0352, or by Internet E-mail at markburns@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 01/02/2014

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Division of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

Administrative Services, Purchasing and General Services

R33-6

Modification and Termination of Contracts for Supplies, Services, Construction, and Technology

FIVE-YEAR REVIEW EXTENSION

DAR FILE NO.: 38218

FILED: 01/02/2014

EXTENSION REASON AND NEW DEADLINE: The Division is in the middle of doing a repeal and reenactment of this rule and requests an extension to get it filed first. New deadline: 05/29/2014.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 01/02/2014

Administrative Services, Purchasing and General Services

R33-7

Cost Principles

FIVE-YEAR REVIEW EXTENSION

DAR FILE NO.: 38219

FILED: 01/02/2014

EXTENSION REASON AND NEW DEADLINE: The Division is in the middle of doing a repeal and reenactment of this rule and requests an extension to get it filed first. New deadline: 05/29/2014.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 01/02/2014

Administrative Services, Purchasing and General Services

R33-9

Insurance Procurement

FIVE-YEAR REVIEW EXTENSION

DAR FILE NO.: 38220

FILED: 01/02/2014

EXTENSION REASON AND NEW DEADLINE: The Division is in the middle of doing a repeal and reenactment of this rule and requests an extension to get it filed first. New deadline: 05/29/2014.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Chiarina Bautista by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at cgleed@utah.gov

AUTHORIZED BY: Kent Beers, Director

EFFECTIVE: 01/02/2014

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

No. 38116 (AMD): R277-709. Education Programs Serving Youth in Custody

Published: 12/01/2013

Effective: 01/14/2014

Commerce

Consumer Protection

No. 38125 (AMD): R152-26. Telephone Fraud Prevention Act

Published: 12/01/2013

Effective: 01/07/2014

Environmental Quality

Air Quality

No. 38061 (AMD): R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits

Published: 11/01/2013

Effective: 01/09/2014

Occupational and Professional Licensing

No. 38106 (AMD): R156-67. Utah Medical Practice Act Rule

Published: 12/01/2013

Effective: 01/07/2014

No. 37833 (AMD): R307-401-19. General Approval Order

Published: 08/01/2013

Effective: 01/06/2014

No. 38107 (AMD): R156-68. Utah Osteopathic Medical Practice Act Rule

Published: 12/01/2013

Effective: 01/07/2014

No. 37833 (CPR): R307-401-19. General Approval Order

Published: 12/01/2013

Effective: 01/06/2014

Education

Administration

No. 38111 (AMD): R277-497. School Grading System

Published: 12/01/2013

Effective: 01/08/2014

Health

Children's Health Insurance Program

No. 38102 (NEW): R382-3. Accountable Care Organization Incentives to Appropriately Use Emergency Room Services in the Children's Health Insurance Program

Published: 12/01/2013

Effective: 01/13/2014

No. 38114 (AMD): R277-525. Special Educator Stipends

Published: 12/01/2013

Effective: 01/08/2014

Health Care Financing, Coverage and Reimbursement Policy

No. 38130 (AMD): R414-14. Home Health Services

Published: 12/01/2013

Effective: 01/10/2014

No. 38113 (AMD): R277-704. Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports

Published: 12/01/2013

Effective: 01/08/2014

NOTICES OF RULE EFFECTIVE DATES

No. 38132 (AMD): R414-21. Physical and Occupational Therapy
Published: 12/01/2013
Effective: 01/10/2014

No. 38133 (AMD): R414-49. Dental Services
Published: 12/01/2013
Effective: 01/10/2014

No. 38134 (REP): R414-50. Dental, Oral and Maxillofacial Surgeons
Published: 12/01/2013
Effective: 01/10/2014

No. 38135 (REP): R414-51. Dental, Orthodontia
Published: 12/01/2013
Effective: 01/10/2014

No. 38129 (AMD): R414-306-5. Medical Transportation
Published: 12/01/2013
Effective: 01/10/2014

No. 38141 (R&R): R414-503. Preadmission Screening and Resident Review
Published: 12/01/2013
Effective: 01/07/2014

No. 38103 (NEW): R414-511. Medicaid Accountable Care Organization Incentives to Appropriately Use Emergency Room Services
Published: 12/01/2013
Effective: 01/13/2014

Family Health and Preparedness, Emergency Medical Services
No. 38079 (REP): R426-100. Air Medical Service Rules
Published: 11/15/2013
Effective: 01/06/2014

Center for Health Data, Health Care Statistics
No. 38144 (AMD): R428-15. Health Data Authority Health Insurance Claims Reporting
Published: 12/01/2013
Effective: 01/07/2014

Human Resource Management Administration

No. 38077 (AMD): R477-4-4. Recruitment and Selection for Career Service Positions
Published: 11/15/2013
Effective: 01/14/2014

No. 38092 (AMD): R477-6-9. Severance Benefit
Published: 11/15/2013
Effective: 01/14/2014

No. 38084 (AMD): R477-7. Leave
Published: 11/15/2013
Effective: 01/14/2014

No. 38091 (NEW): R477-101. Administrative Law Judge Conduct Committee
Published: 11/15/2013
Effective: 01/14/2014

Insurance

Administration

No. 38088 (NEW): R590-269. Individual Open Enrollment Period
Published: 11/15/2013
Effective: 01/13/2014

Workforce Services

Employment Development

No. 38140 (AMD): R986-200-204. Eligibility Requirements
Published: 12/01/2013
Effective: 01/14/2014

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2014 through January 15, 2014. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to the Division of Administrative Rules (801-538-3764).

A copy of the **RULES INDEX** is available for public inspection at the Division of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Purchasing and General Services</u>					
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38218	EXT	01/02/2014	Not Printed
R33-7	Cost Principles	38219	EXT	01/02/2014	Not Printed
R33-9	Insurance Procurement	38220	EXT	01/02/2014	Not Printed
COMMERCE					
<u>Consumer Protection</u>					
R152-26	Telephone Fraud Prevention Act	38125	AMD	01/07/2014	2013-23/4
<u>Occupational and Professional Licensing</u>					
R156-61	Psychologist Licensing Act Rule	38233	5YR	01/13/2014	Not Printed
R156-67	Utah Medical Practice Act Rule	38106	AMD	01/07/2014	2013-23/5
R156-68	Utah Osteopathic Medical Practice Act Rule	38107	AMD	01/07/2014	2013-23/6
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1-13	Awards	38221	EMR	01/04/2014	Not Printed
EDUCATION					
<u>Administration</u>					
R277-497	School Grading System	38111	AMD	01/08/2014	2013-23/8
R277-525	Special Educator Stipends	38114	AMD	01/08/2014	2013-23/9
R277-704	Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports	38113	AMD	01/08/2014	2013-23/11
R277-709	Education Programs Serving Youth in Custody	38116	AMD	01/14/2014	2013-23/13
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits	38061	AMD	01/09/2014	2013-21/8
R307-401-19	General Approval Order	37833	AMD	01/06/2014	2013-15/29
R307-401-19	General Approval Order	37833	CPR	01/06/2014	2013-23/55

HEALTH

Center for Health Data, Health Care Statistics

R428-15 Health Data Authority Health Insurance Claims Reporting 38144 AMD 01/07/2014 2013-23/43

Children's Health Insurance Program

R382-3 Accountable Care Organization Incentives to Appropriately Use Emergency Room Services in the Children's Health Insurance Program 38102 NEW 01/13/2014 2013-23/23

Disease Control and Prevention, Environmental Services

R392-101 Food Safety Manager Certification 38229 5YR 01/10/2014 Not Printed

Family Health and Preparedness, Emergency Medical Services

R426-100 Air Medical Service Rules 38079 REP 01/06/2014 2013-22/119

Health Care Financing, Coverage and Reimbursement Policy

R414-14 Home Health Services 38130 AMD 01/10/2014 2013-23/26
 R414-21 Physical and Occupational Therapy 38132 AMD 01/10/2014 2013-23/28
 R414-49 Dental Services 38133 AMD 01/10/2014 2013-23/30
 R414-50 Dental, Oral and Maxillofacial Surgeons 38134 REP 01/10/2014 2013-23/32
 R414-51 Dental, Orthodontia 38135 REP 01/10/2014 2013-23/33
 R414-54 Speech-Language Pathology Services 38227 5YR 01/07/2014 Not Printed
 R414-306-5 Medical Transportation 38129 AMD 01/10/2014 2013-23/35
 R414-503 Preadmission Screening and Resident Review 38141 R&R 01/07/2014 2013-23/37
 R414-511 Medicaid Accountable Care Organization Incentives to Appropriately Use Emergency Room Services 38103 NEW 01/13/2014 2013-23/42

HUMAN RESOURCE MANAGEMENT

Administration

R477-4-4 Recruitment and Selection for Career Service Positions 38077 AMD 01/14/2014 2013-22/124
 R477-6-9 Severance Benefit 38092 AMD 01/14/2014 2013-22/125
 R477-7 Leave 38084 AMD 01/14/2014 2013-22/126
 R477-101 Administrative Law Judge Conduct Committee 38091 NEW 01/14/2014 2013-22/129

INSURANCE

Administration

R590-269 Individual Open Enrollment Period 38088 NEW 01/13/2014 2013-22/144

NATURAL RESOURCES

Parks and Recreation

R651-411 OHV Use in State Parks 38216 5YR 01/02/2014 Not Printed
 R651-636 Procedures for Application to Receive Funds From the Zion National Park Restricted Account 38225 5YR 01/06/2014 Not Printed
 R651-700 Administrative Procedures for Real Property Management 38224 5YR 01/06/2014 Not Printed

PUBLIC SERVICE COMMISSION

Administration

R746-350 Application to Discontinue Telecommunications Service 38234 5YR 01/13/2014 Not Printed

TAX COMMISSION

Auditing

R865-7H Environmental Assurance Fee 38223 5YR 01/06/2014 Not Printed
 R865-16R Severance Tax 38222 5YR 01/06/2014 Not Printed

RULES INDEX

TECHNOLOGY SERVICES

Administration

R895-4	Sub-Domain Naming Conventions for Executive Branch Agencies	38238	5YR	01/14/2014	Not Printed
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TRANSPORTATION

Motor Carrier

R909-3	Standards for Utah School Buses	38215	5YR	01/02/2014	Not Printed
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WORKFORCE SERVICES

Employment Development

R986-200-204	Eligibility Requirements	38140	AMD	01/14/2014	2013-23/50
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RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
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GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>administrative law judges</u> Human Resource Management, Administration	38091	R477-101	NEW	01/14/2014	2013-22/129
<u>air medical services</u> Health, Family Health and Preparedness, Emergency Medical Services	38079	R426-100	REP	01/06/2014	2013-22/119
<u>air pollution</u> Environmental Quality, Air Quality	38061 37833 37833	R307-110-17 R307-401-19 R307-401-19	AMD AMD CPR	01/09/2014 01/06/2014 01/06/2014	2013-21/8 2013-15/29 2013-23/55
<u>APCD</u> Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43
<u>approval orders</u> Environmental Quality, Air Quality	37833 37833	R307-401-19 R307-401-19	AMD CPR	01/06/2014 01/06/2014	2013-15/29 2013-23/55
<u>children's health benefits</u> Health, Children's Health Insurance Program	38102	R382-3	NEW	01/13/2014	2013-23/23
<u>claims</u> Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43
<u>conduct committee</u> Human Resource Management, Administration	38091	R477-101	NEW	01/14/2014	2013-22/129

<u>consumers</u>						
Commerce, Consumer Protection	38125	R152-26	AMD	01/07/2014	2013-23/4	
<u>dental</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38135	R414-51	REP	01/10/2014	2013-23/33	
<u>economics</u>						
Education, Administration	38113	R277-704	AMD	01/08/2014	2013-23/11	
<u>education</u>						
Education, Administration	38116	R277-709	AMD	01/14/2014	2013-23/13	
<u>effective date</u>						
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<u>emergency medical services</u>						
Health, Family Health and Preparedness, Emergency Medical Services	38079	R426-100	REP	01/06/2014	2013-22/119	
<u>employee benefit plans</u>						
Human Resource Management, Administration	38092	R477-6-9	AMD	01/14/2014	2013-22/125	
<u>employment</u>						
Human Resource Management, Administration	38077	R477-4-4	AMD	01/14/2014	2013-22/124	
<u>environment</u>						
Tax Commission, Auditing	38223	R865-7H	5YR	01/06/2014	Not Printed	
<u>exiting provider</u>						
Public Service Commission, Administration	38234	R746-350	5YR	01/13/2014	Not Printed	
<u>fair employment practices</u>						
Human Resource Management, Administration	38077	R477-4-4	AMD	01/14/2014	2013-22/124	
<u>family employment program</u>						
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Education, Administration	38113	R277-704	AMD	01/08/2014	2013-23/11	
<u>food services</u>						
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<u>government purchasing</u>						
Administrative Services, Purchasing and General Services	38218	R33-6	EXT	01/02/2014	Not Printed	
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