

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

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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: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3003. 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.

Office 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 April 01, 2017, 12:00 a.m., and April 14, 2017, 11:59 p.m. are included in this, the May 01, 2017, 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 Rules being repealed are completely struck out.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 Office 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 Office 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 May 31, 2017. 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 August 29, 2017, the agency may notify the Office 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 Office 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, Records
Committee
R35-1-2
Procedures for Appeal Hearings**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41478

FILED: 04/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Formerly each party was allowed five minutes to present an opening statement before the State Records Committee (Committee). The change omits the five-minute opening statement from the procedures. The opening statements were essentially introductions and summaries of the case, which the Committee has already read. In addition, due to the increased number of hearings the Committee is required to hear each month, this change will shorten the time for each hearing.

SUMMARY OF THE RULE OR CHANGE: The change removes Subsection R35-1-2(2), which also entails renumbering the other subsections.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63G-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change in no way affects the state budget. It is a procedural change only and will tend to shorten the length of a hearing so the Committee can accommodate more appeals. The Archives provides staff and a venue for the meetings and business of the Committee. This amendment is an effort to maximize the efficiency of the hearing process. No additional resources of the Archives will be necessary, and the state budget is not affected.

◆ **LOCAL GOVERNMENTS:** Local government is affected only as it responds to Government Records Access and Management Act (GRAMA) appeals or make appeals to the Committee. The local governments will experience more efficient use of their time as they appear before the Committee. The budget of local governments will not be affected.

◆ **SMALL BUSINESSES:** Small businesses will not be affected by these changes and procedures. Small businesses do not respond to government records requests and are not involved in these hearings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Any person or citizen making a records request will experience the more efficient use of time by the Committee. The amendment does away with the five-minute opening

presentation of the parties. This amendment is an attempt to shorten the length of hearings. Providing the Committee with documentation for the appeal assures the petitioner that the Committee already has seen the petitioner's appeal. The opening statement elimination will serve to maximize the Committee's time for each hearing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost related to this amendment. The Archives supports the Committee in staffing and venue. A more efficient use of time will not affect the cost of this support. The elimination of the opening statements will tend to shorten the time allotted for each hearing but will have no affect of the budget.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Small businesses will not be fiscally impacted by the amendment or changes.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
RECORDS COMMITTEE
346 S RIO GRANDE
SALT LAKE CITY, UT 84101-1106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Susan Mumford by phone at 801-531-3861, by FAX at 801-531-3867, or by Internet E-mail at smumford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/12/2017

AUTHORIZED BY: David Fleming, Chair, State Records Committee

R35. Administrative Services, Records Committee.

R35-1. State Records Committee Appeal Hearing Procedures.

R35-1-1. Scheduling Committee Meetings.

(1) The Executive Secretary shall respond in writing to the notice of appeal within seven business days.

(2) Two weeks prior to the Committee meeting or appeal hearing, the Executive Secretary shall post a notice of the meeting on the Utah Public Notice Website.

(3) One week prior to the Committee meeting or appeal hearing, the Executive Secretary shall post a notice of the meeting, indicating the agenda, date, time, and place of the meeting at the building where the meeting is to be held and at the Utah State Archives.

R35-1-2. Procedures for Appeal Hearings.

(1) The meeting shall be called to order by the Committee Chair.

~~[(2)](2) Opening statements shall be presented by the petitioner and the governmental entity. Each party shall be allowed five minutes to present their opening statements before the Committee.~~

~~[(3)](2)~~ Testimony shall be presented by the petitioner and the governmental entity. Each party shall be allowed twenty minutes to present testimony and evidence, to call witnesses, and to respond to questions from Committee members.

~~[(4)](3)~~ Witnesses providing testimony shall be sworn in by the Committee Chair.

~~[(5)](4)~~ Questioning of the witnesses and parties by Committee members is permitted.

~~[(6)](5)~~ The governmental entity must bring the disputed records to the hearing to allow the Committee to view records in camera if it deems an in camera inspection necessary. If the records withheld are voluminous or the governmental entity contends they have not been identified with reasonable specificity, the governmental entity shall notify the Committee and the adverse party at least two days before the hearing and obtain approval from the Committee Chair to bring a representative sample of the potentially responsive records to the hearing, if it is possible to do so.

~~[(7)](6)~~ Third party presentations may be permitted. Prior to the hearing, the third party shall notify the Executive Secretary of intent to present. Third party presentations shall be limited to five minutes.

~~[(8)](7)~~ Closing arguments may be presented by the petitioner and the governmental entity. Each party shall be allowed five minutes to present a closing argument and make rebuttal statements.

~~[(9)](8)~~ After presentation of the evidence, the Committee shall commence deliberations. A Committee Member shall make a motion to grant or to deny the petitioner's request in whole or in part. Following discussion of the motion, the Committee Chair shall call for the question. The motion shall serve as the basis for the Committee Decision and Order. The Committee shall vote and make public the decision of the Committee during the hearing.

~~[(10)](9)~~ The Committee may adjourn, reschedule, continue, or reopen a hearing on the motion of a member.

~~[(11)](10)~~ Except as expressly authorized by law, there shall be no communication between the parties and the members of the Committee concerning the subject matter of the appeal before the hearing or prior to the issuance of a final Decision And Order. Any other oral or written communication from the parties to the members of the Committee, or from the members of the Committee to the parties, shall be directed to the Executive Secretary for transmittal.

~~[(12)](11)~~ The following provisions govern any meeting at which one or more members of the Committee or a party appears telephonically or electronically, pursuant to Utah Code Section 52-4-207.

(a) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. The anchor location, unless otherwise designated in the notice, shall be at the offices of the Division of State Archives, Salt Lake City, Utah.

(b) If one or more Committee members or parties may be participating electronically or telephonically, public notices of the

meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Committee not participating electronically or telephonically will be meeting and where interested persons and the public may attend and monitor the open portions of the meeting.

(c) When notice is given of the possibility of a member of the Committee appearing electronically or telephonically, any member of the Committee may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Committee. At the commencement of the meeting, or at such time as any member of the Committee initially appears electronically or telephonically, the Committee Chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Committee who are not at the physical location of the meeting shall be confirmed by the Committee Chair.

~~[(13)](12)~~(a) If the petitioner wishes to postpone the hearing or withdraw the appeal, the petitioner shall notify the Committee and the governmental entity in writing no later than two days prior to the scheduled hearing date.

(b) The Committee Chair has the discretion to grant or deny a petitioner's request to postpone a hearing based upon: (i) the reasons given by the petitioner in his or her request, (ii) the timeliness of the request, (iii) whether petitioner has previously requested and received a postponement, (iv) any other factor determined to protect the equitable interests of the parties.

(c) The Committee will ordinarily deny a governmental entity's request to postpone the hearing, unless the governmental entity has obtained the petitioner's prior consent to reschedule the hearing date.

R35-1-3. Issuing the Committee Decision and Order.

(1) The Decision and Order shall be signed by the Committee Chair and distributed by the Executive Secretary within seven business days after the hearing. Copies of each Decision and Order shall be distributed to the petitioner, the governmental entity and all other interested parties. The original order shall be maintained by the Executive Secretary. A copy of the order shall be made available for public access at the Utah State Archives website.

R35-1-4. Committee Minutes.

(1) Purpose. Utah Code Section 52-4-203 requires any public body to establish and implement procedures for the public body's approval of the written minutes of each meeting. This rule establishes procedures for the State Records Committee to approve the written minutes of each meeting.

(2) Authority. This rule is enacted under the authority of Utah Code Sections 52-4-203, 63G-3-201, and 63A-12-101 et seq.

(3) All meetings of the Committee shall be recorded. The recording of the open meeting shall be made available to the public within three business days. Access to the audio recordings shall be provided by the Executive Secretary on the Utah Public Notice Website.

(4) Approved written minutes shall be the official record of the meetings and appeal hearings and shall be maintained by the Executive Secretary.

(a) Written minutes shall be read by members prior to the next scheduled meeting, including electronic meetings.

(b) Written minutes from meetings shall be made available no later than one week prior to the date of the next regularly scheduled Committee meeting.

(c) When minutes are complete but awaiting official approval, they are a public record and must be marked as "Draft."

(d) At the next meeting, at the direction of the Committee Chair, minutes shall be amended and/or approved with individual votes recorded in the minutes. The minutes shall be then marked as "Approved."

(e) When the minutes are "Approved" they will be so noted in the printed and online versions. A copy of the approved minutes shall be made available for public access on the Utah Public Notice Website.

KEY: government documents, state records committee, records appeal hearings

Date of Enactment or Last Substantive Amendment: ~~July 31, 2015~~ 2017

Notice of Continuation: June 3, 2014

Authorizing, and Implemented or Interpreted Law: 63G-2-502(2)(a)

Administrative Services, Records Committee **R35-2-2** Declining Requests for Hearings

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 41479
FILED: 04/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In Subsection 63G-2-403(2)(b), it states the notice of appeal shall be accompanied by a copy of the decision being appealed, not a copy of any denial. This change reflects a more accurate description of what is required to file a notice of appeal.

SUMMARY OF THE RULE OR CHANGE: The omission of the word denial corrects the language between the statute and the administrative rule. Substituting the word "decision" for the word "denial" is a more accurate description of what is required for an appellant to file a notice of appeal to the State Records Committee (Committee). The appellant may not have received a denial but must submit documentation of any decision to complete on appeal.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63G-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change in no way affects the state budget. It is a change in wording which clarifies the

appeal process. The Archives provides staffing and a venue for the meetings and business of the Committee. The effort to make the hearing process more efficient will not affect the commitment of time and staffing already provided. The state budget will not be affected.

◆ **LOCAL GOVERNMENTS:** Local government budget will not be affected. A response to a government records request, whether it is a denial, partial denial, or some other decision must be included in the appellant's documentation. If this is communicated to a person requesting records, it will clarify what an appellant to the Committee must include in the documentation.

◆ **SMALL BUSINESSES:** Small businesses will not be affected by this change in wording. Small businesses are not respondents to Government Records Access and Management Act (GRAMA).

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Any person or citizen filing a notice of appeal to the Committee will be affected by this and be instructed to include any decision in the appeal documentation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost related to this amendment. The amendment simply changes wording to clarify the appeal process.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Small businesses are not fiscally impacted by the amendment or changes.

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

ADMINISTRATIVE SERVICES
RECORDS COMMITTEE
346 S RIO GRANDE
SALT LAKE CITY, UT 84101-1106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Susan Mumford by phone at 801-531-3861, by FAX at 801-531-3867, or by Internet E-mail at smumford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/12/2017

AUTHORIZED BY: David Fleming, Chair, State Records Committee

R35. Administrative Services, Records Committee.

R35-2. Declining Appeal Hearings.

R35-2-2. Declining Requests for Hearings.

(1) In order to decline a request for a hearing under Subsection 63G-2-403(4), the Executive Secretary shall consult

with the Committee Chair and at least one other member of the Committee as selected by the Chair.

(2) In any appeal to the Committee of a governmental entity's denial of access to records for the reason that the record is not maintained by the governmental entity, the petitioner shall provide sufficient evidence in the petitioner's statement of facts, reasons, and legal authority in support of the appeal, that the record was maintained by the governmental entity at one time, or that the governmental entity has concealed, or not sufficiently or improperly searched for the record. The Committee Chair shall determine whether or not the petitioner has provided sufficient evidence. If the Committee Chair determines that sufficient evidence has been provided, the Chair shall direct the Executive Secretary to schedule a hearing as otherwise provided in these rules. If the Committee Chair determines that sufficient evidence has not been provided, the Chair shall direct the Executive Secretary to not schedule a hearing and to inform the petitioner of the determination. Evidence that a governmental entity has disposed of the record according to retention schedules is sufficient basis for the Chair to direct the Executive Secretary to not schedule a hearing.

(3) In order to file an appeal, the petitioner must submit a copy of his or her initial records requests or a statement of the specific records requested if a copy is unavailable to the petitioner, as well as any ~~denial~~ decision of the records request. The Executive Secretary shall notify the petitioner that a hearing cannot be scheduled until the proper information is submitted.

(4) The Committee Chair and one other member of the Committee must both agree with the Executive Secretary's recommendation to decline to schedule a hearing. Such a decision shall consider the potential for a public interest claim as may be put forward by the petitioner under the provisions of Subsection 63G-2-403(11)(b), Utah Code. A copy of each decision to deny a hearing shall be retained in the file.

(5) The Executive Secretary's notice to the petitioner indicating that the request for a hearing has been denied, as provided for in Subsection 63G-2-403(4)(b)(ii)(A), Utah Code, shall include a copy of the previous order of the Committee holding that the records at issue are appropriately classified.

(6) The Executive Secretary shall report on each of the hearings declined at each regularly scheduled meeting of the Committee in order to provide a public record of the actions taken.

(7) If a Committee member has requested a discussion to reconsider the decision to decline a hearing, the Committee may, after discussion and by a majority vote, choose to reverse the decision and hold a hearing. Any discussion of reconsideration shall be limited to those Committee members then present, and shall be based only on two questions: whether the records being requested were covered by a previous order of the Committee, and/or whether the petitioner has, or is likely to, put forth a public interest claim. Neither the petitioner nor the agency whose records are requested shall be heard at this time. If the Committee votes to hold a hearing, the Executive Secretary shall schedule it on the agenda of the next regularly scheduled Committee meeting.

(8) The Executive Secretary shall compile and include in an annual report to the Committee a complete documented list of all hearings held, withdrawn, and declined.

KEY: government documents, state records committee, records appeal hearings

Date of Enactment or Last Substantive Amendment: ~~July 31, 2015~~ 2017

Notice of Continuation: June 3, 2014

Authorizing, and Implemented or Interpreted Law: 63G-2-403(4)

Agriculture and Food, Animal Industry R58-21 Trichomoniasis

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41471

FILED: 04/12/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being changed to reflect changes made to Title 4, Chapter 31.

SUMMARY OF THE RULE OR CHANGE: The changes to the rule extend the time frame in which the testing must occur. Additionally, it changes the amount that may be charged for a violation of this rule as prescribed in the Utah Code.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-31-109

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is little impact on the state's budget. It is already required that calves be tested. The only changes to this rule are to the time frame in which testing must be accomplished and the amount of fine that may be assessed for violation. There is a potential for additional funds to come in because of the increase in the fine associated with the violation of this rule. However, this increase cannot be calculated because the Department cannot know how many people will be found in violation of this rule. It will not be consistent from year to year.

◆ **LOCAL GOVERNMENTS:** No cost or savings to local government, as this program is not regulated by anyone other than the state Department of Agriculture and Food.

◆ **SMALL BUSINESSES:** There are no additional costs or savings to small businesses. The only change made to this rule is the amount of the fine and the time frame to come into compliance. There are no changes that should affect the cost associated with compliance. The cost associated with compliance has not changed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There should be no affect on costs or savings to any other entity as there are no changes to the terms of compliance. The changes only affect the time in which individuals have to comply.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes in the rule will not increase any costs to affected persons due to the rule being in place for many years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Trichomoniasis testing is important to protect the livestock industry. It is vital the testing of these animals be done. This rule increases the penalty for violation, as well as increases the amount of time producers have to comply. These changes will not lead to an increase in cost to any entity but will lead to greater compliance among producers.

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

AGRICULTURE AND FOOD
ANIMAL INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Barry Pittman by phone at 801-538-7162, by FAX at 801-538-7169, or by Internet E-mail at bpittman@utah.gov
- ◆ Cody James by phone at 801-538-7166, by FAX at 801-538-7169, or by Internet E-mail at codyjames@utah.gov
- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: LuAnn Adams, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-21. Trichomoniasis.

R58-21-1. Authority.

- (1) Promulgated under authority of Section 4-31-109.
- (2) It is the intent of this rule to eliminate or reduce the spread of bovine trichomoniasis in Utah.

R58-21-2. Definitions.

- (1) "Acceptable media" means any Department approved media in which samples may be transferred and transported.
- (2) "Approved slaughter facility" means a slaughter establishment that is either under state or federal inspection.
- (3) "Approved test" means a test approved by the state of origination to diagnose trichomoniasis in bulls. If the state of origination has no approved test for the diagnosis of trichomoniasis it shall mean one sample tested by a method approved by the Department.
- (4) "Brand" means a minimum of a 2 X 3 hot iron single character lazy V applied to the left of the tailhead of a bull,

signifying that the bull is infected with the venereal disease, trichomoniasis.

(5) "Certified veterinarian" means a veterinarian who has been certified by the Utah Department of Agriculture and Food to collect samples for trichomoniasis testing.

(6) "Commuter bulls" means bulls traveling across state lines for grazing purposes while utilizing a Commuter Permit Agreement approved by both the respective State Veterinarians or bulls traveling on a Certificate of Veterinary Inspection where there is no change of ownership.

(7) "Confinement" means bulls held in such manner that escape is improbable. Typical barbed wire or net pasture fencing does not constitute confinement.

(8) "Department" means the Utah Department of Agriculture and Food.

(9) "Exposed to female cattle" means bulls with freedom from restraint such that breeding is a possible activity.

(10) "Feeder Bulls" means bulls not exposed to female cattle and kept in confinement for the purpose of feeding and only go to slaughter.

(11) "Negative bull" means a bull that has been tested with official test procedures and found free from infection by *Tritrichomonas foetus*.

(12) "Official tag" means a tag authorized by the Department that is placed in the right ear of a bull by a certified veterinarian after being tested for trichomoniasis. The color of the official tag shall be changed yearly.

(13) "Official test" means a test currently approved by the Department for detection of *Tritrichomonas foetus*.

(14) "Positive bull" means a bull that has been tested with official test procedures and found to be infected by *Tritrichomonas foetus*.

(15) "Positive herd" means any herd or group of cattle owned by one or more persons which shares common grazing or feeding operations and in which one or more animals has been diagnosed with trichomoniasis within the last 12 months.

(16) "Qualified feedlot" means a feedlot approved by the Utah Department of Agriculture and Food to handle heifers, cows, or bulls. These animals shall be confined to a dry lot area which is used to upgrade or finish feeding animals going only to slaughter.

(17) "Test chart" means a document which certifies that a bull has been subjected to an official test for trichomoniasis and indicates the results of the test.

(18) "Trichomoniasis" means a venereal disease of bovidea caused by the organism *Tritrichomonas foetus*.

R58-21-3. Trichomoniasis - Sampling and Testing Procedures.

(1) Sample collection - Samples are obtained from a vigorous scraping of the bull's prepuce using a sterile syringe and new pipette on each bull.

(2) Sample handling - Samples shall be transferred and transported in approved media. Media should be maintained at 65 to 90 degrees Fahrenheit (18 to 32 degrees Celsius) during sampling and transport to clinic. Samples shall be set up for incubation within 24 hours of sampling. Samples shall also be protected from direct sunlight.

(3) Polymerase Chain Reaction (PCR) testing - The inoculated media shall be incubated at 98 degrees Fahrenheit (37 degrees Celsius) for 24 hours and then frozen. Samples may remain

frozen for up to 3 weeks. The frozen sample(s) shall be sent overnight on postal approved frozen packs to the Utah Veterinary Diagnostic Laboratory (950 East 1400 North, Logan, Utah 84341) or an other approved laboratory for PCR testing.

R58-21-4. Trichomoniasis - Rules - Prevention and Control.

(1) All bulls twelve months of age and older entering Utah, must be tested with an approved test for trichomoniasis by an accredited veterinarian prior to entry into Utah. Bulls that have had contact with female cattle subsequent to testing must be retested prior to entry.

(2) The following bulls are exempted from ~~[(A)](1)~~ above:

(a) Bulls going directly to slaughter or to a qualified feedlot,

(b) Bulls kept in confinement operations,

(c) Rodeo bulls for the purpose of exhibition, and

(d) Bulls attending livestock shows for the purpose of exhibition, only to be returned to the state of origin immediately after the event.

(3) Rodeo and exhibition bulls with access to grazing, or exposed to female cattle, or being offered for sale are required to be tested prior to entry.

(4) All bulls twelve months of age and older residing in Utah, and all commuter bulls must be tested with an official test for trichomoniasis annually, between October 1 and ~~April 30~~ May 15 of the following year, or prior to exposure to female cattle according to approved sampling and testing procedures. All bulls must be classified as a negative bull prior to exposure to female cattle or offered for sale.

(5) Testing shall be performed by a certified veterinarian.

(a) All test results shall be recorded on test charts provided by the Department or electronic forms created by the certified veterinarian.

(i) Electronic forms shall have the following information:

(A) Veterinarian's name and contact information

(B) Owner's name and contact information

(C) Bull's trichomoniasis tag number, age, breed

(D) Date of collection

(E) Test results

(b) A copy of all test charts shall be submitted to the Department within ten (10) days of collecting the sample.

(6) All bulls twelve months of age and older being offered for sale for reproductive purposes in the state of Utah must be tested for trichomoniasis with an official test prior to sale. Bulls that have had contact with female cattle subsequent to testing must be re-tested prior to sale or transfer of ownership.

(7) It shall be the responsibility of the owner or his agent to declare, on the auction drive-in slip, the trichomoniasis status of a bull being offered for sale at a livestock auction.

(a) Untested bulls (i.e. bulls without a current trichomoniasis test tag), including dairy bulls, must be sold for slaughter only, for direct movement to a qualified feedlot, or confinement operation, unless untested bulls are tested prior to exposure to female cattle.

(8) Any bull which has strayed and commingles with female cattle may be required to be tested (or re-tested) for

trichomoniasis. The owner of the offending bull shall bear all costs for the official test.

(9) All Utah bulls, which are tested, shall be tagged in the right ear with an official tag by the certified veterinarian performing the test.

(10) Bulls entering the State of Utah under the provisions of this rule may be tagged upon arrival by a certified veterinarian upon receipt of the trichomoniasis test charts from the testing veterinarian.

(11) Bulls which bear a current trichomoniasis test tag from another state which has an official trichomoniasis testing program will be acceptable to the State of Utah providing that they meet all trichomoniasis testing requirements as described above.

R58-21-5. Trichomoniasis - Rules - Positive Bull.

(1) A bull is considered positive ~~if~~ if a laboratory identifies *Tritrichomonas foetus* using an official test.

(2) All bulls testing positive for trichomoniasis must be reported within 48 hours to: 1) the owner, and 2) the State Veterinarian, by the certified veterinarian performing the test.

(4) The owner shall be required to notify the administrators of the common grazing allotment and any neighboring (contiguous) cattleman within ten days following such notification by the certified veterinarian.

(5) All bulls which test positive for trichomoniasis must be sent by direct movement within 14 days, to:

(a) Slaughter at an approved slaughter facility, or

(b) To a qualified feedlot for finish feeding and slaughter, or

(c) To an approved auction market for sale to one of the above facilities.

(d) An exemption to the 14 day requirement will be given by the State Veterinarian to owners of bulls that are required to be in a drug withdrawal period prior to slaughter.

(6) Such bulls must move only when accompanied by a VS 1-27 Form issued by the testing veterinarian or other regulatory official.

(7) Positive bulls entering a qualified feedlot, or approved auction market shall be identified with a lazy V brand on the left side of the tailhead by either the livestock inspector or the contract veterinarian, indicating that the bull is infected with trichomoniasis.

(8) All bulls from positive herds are required to have one additional individual negative Polymerase Chain Reaction (PCR) test prior to exposure to female cattle, unless they are being sent to slaughter, to a qualified feedlot, or being feed for slaughter in a confinement operation.

R58-21-6. Trichomoniasis - Rules - Non-compliance.

(1) Any person who fails to satisfy the requirements of this rule or who knowingly sells animals infected with trichomoniasis, other than to slaughter, without declaring their disease status shall be subject to citation and fines as prescribed by the department or may be called to appear before an administrative proceeding by the department.

(2) After ~~April 30~~ May 15, owners of all untested bulls will be fined ~~[\$200.00]~~ \$1,000.00 per violation.

(3) Owners of untested bulls that have been exposed to female cattle will be fined ~~[200.00]~~ \$1,000.00 per violation regardless of the time of year.

KEY: disease control, trichomoniasis, bulls, cattle
Date of Enactment or Last Substantive Amendment: ~~January 4, 2013~~ 2017
Notice of Continuation: January 21, 2015
Authorizing, and Implemented or Interpreted Law: 4-31-21

**Commerce, Occupational and
Professional Licensing
R156-24b-102
Definitions**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 41474
FILED: 04/13/2017**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Physical Therapist Licensing Board are proposing amendments to clarify the definition of joint mobilization for the practice of physical therapy.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-24b-102(6), the previous definition of joint mobilization included a reference to another profession, and as a result it was difficult for professionals, Division personnel, and the public to understand. This revised definition focuses on the therapeutic actions of the licensed physical therapist, using language consistent with the American Physical Therapy Association (APTA) standards.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-24b-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The only identified cost for the state budget is approximately \$75 to republish the rule. There may be some savings to the state budget because the clarified definition may improve the efficiency and timeliness of any Division investigation, but the amount of savings cannot be estimated as it will vary depending on circumstances.

◆ **LOCAL GOVERNMENTS:** This proposed amendment does not apply to local government, so there should be no fiscal impact on local government.

◆ **SMALL BUSINESSES:** There should be no fiscal impact on small business related to this amended definition because the new language adds clarification to practices that are already taking place in the industry. Licensed physical therapists who own or operate small businesses should more readily understand the definition of joint mobilization as it is now more consistent with the language of the APTA.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There should be no fiscal impact on other persons related to

this amended definition because the new language adds clarification to practices that are already taking place in the industry. Licensed physical therapists should more readily understand the definition of joint mobilization as it is now more consistent with the language of the APTA.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no identified compliance costs for affected persons because the amended language only adds clarification to practices that are already taking place in the industry.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment merely amends the definition of "joint mobilization" for the practice of physical therapy. This revised definition focuses on the therapeutic actions of the licensed physical therapist, using language consistent with the American Physical Therapy Association standards. No fiscal impact to small business is anticipated.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Suzette Farmer by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at sfarmer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 05/10/2017 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-24b. Physical Therapy Practice Act Rule.
R156-24b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 24b, as used in Title 58, Chapters 1 and 24b or this rule:

(1) "A recognized accreditation agency", as used in Subsections 58-24b-302(1)(c) and (2)(c), means a college or university:

(a) accredited by CAPTE; or

(b) a foreign education program which is equivalent to a CAPTE accredited program as determined by the FCCPT.

(2) "Credential evaluation", as used in Subsections R156-24b-302a(2) and (3), means the appropriate Course Work Tool (CWT) adopted by the Federation of State Boards of Physical Therapy. The appropriate CWT means the CWT in place at the time the foreign educated physical therapist or physical therapist assistant graduated from the physical therapy program.

(3) "CAPTE" means Commission on Accreditation in Physical Therapy Education.

(4) "FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

(5) "FSBPT" means the Federation of State Licensing Boards of Physical Therapy.

(6) "Joint mobilization", as used in Subsection 58-24b-102(14)(d), means a manual therapy technique comprising a continuum of skilled passive movements to the joints and/or related soft tissues that are applied at varying speeds and amplitudes, including a small-amplitude/high velocity therapeutic movement [passive and active movements of the joints of a patient, including the spine, to increase the mobility of joint systems; but, does not include specific vertebral adjustment and manipulation of the articulation of the spine by those methods or techniques which are generally recognized as the classic practice of chiropractic].

(7) "Routine assistance", as used in Subsections 58-24b-102(10) and 58-24b-401(3)(b) means:

(a) engaging in assembly and disassembly, maintenance and transportation, preparation and all other operational activities relevant to equipment and accessories necessary for treatment; and

(b) providing only that type of elementary and direct patient care which the patient and family members could reasonably be expected to learn and perform.

(8) "Supportive personnel", as used in Subsection R156-24b-503(1), means a physical therapist assistant or a physical therapy aide and does not include a student in a physical therapist or physical therapist assistant program.

(9) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 24b, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-24b-502.

KEY: licensing, physical therapy, physical therapist, physical therapist assistant

Date of Enactment or Last Substantive Amendment: ~~December 29, 2016~~ 2017

Notice of Continuation: October 6, 2016

Authorizing, and Implemented or Interpreted Law: 58-24b-101; 58-1-106(1)(a); 58-1-202(1)(a)

**Commerce, Occupational and
Professional Licensing
R156-42a-304
Continuing Education**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 41473
FILED: 04/13/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Occupational Therapy Board are proposing the amendment to expand the definition of continuing education to allow for the supervision of occupational therapy students to account for some of the required continuing education. Allowing supervision of students is consistent with the national standards for maintenance of the National Board for Certification of Occupational Therapy (NBCOT) certification.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment at Subsection R156-42a-304(5) allows the supervision of Level II occupational therapy students to account for two hours of continuing education for each student supervised, with a maximum of eight hours of continuing education during each two-year renewal cycle.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-42a-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The only identified cost for the state budget is approximately \$75 to republish the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

♦ **LOCAL GOVERNMENTS:** This proposed amendment does not apply to local government, so there should be no fiscal impact on local government.

♦ **SMALL BUSINESSES:** The Division is not aware of any small businesses which would be affected by these proposed changes. Therefore, there are no identified costs or savings for small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This proposed amendment, which allows licensed occupational therapists to receive continuing education credit for supervising occupational therapy students, will save the supervising licensees the cost of attending courses for continuing education credit, up to a maximum of eight hours of credit during each two-year renewal cycle. However, this savings will likely be more than offset by the substantial time commitment required from the supervising licensees. For Level II fieldwork, the American Occupational Therapy Association's Standards require a minimum of 24 weeks full-time for occupational therapy students and 16 weeks full-time for occupational therapy assistant students. Still, this proposed amendment will remain financially beneficial for those licensees who would have volunteered their time to supervise regardless of any financial incentive. The amount of any cost or savings cannot be estimated as it will vary depending on circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no identified compliance costs for affected persons, as this proposed amendment is merely financially beneficial to licensees who will qualify for this continuing education credit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment permits the supervision of Level II occupational therapy students to account for two hours of continuing education credit for each student supervised, with a maximum of eight hours of continuing education credit during each two-year renewal cycle. No fiscal impact to small business is anticipated.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Suzette Farmer by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at sfarmer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 05/02/2017 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 402, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-42a. Occupational Therapy Practice Act Rule.

R156-42a-304. Continuing Education.

(1) Continuing education required by Subsection 58-42a-302.5(1) shall consist of 24 hours of qualified continuing professional education in each preceding two-year period of licensure or prior to reinstatement of licensure. Each hour of continuing professional education may include a 10-minute break.

(2) If a renewal period is shortened or extended to effect a change of renewal cycle, the continuing professional education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(3) The required number of contact hours of continuing professional education for an individual who first becomes licensed during the two-year renewal cycle shall be decreased by a pro-rata amount.

(4) The standards for qualified continuing professional education include:

(a) an identifiable clear statement of purposed and defined objective for the educational program directly related to the practice of occupational therapy;

(b) relevance to the licensee's professional practice;

(c) presentation in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the continuing education;

(d) preparation and presentation by individuals who are qualified by education, training, and experience;

(e) completion of a minimum of two hours related to legal and ethical principles of practice; and

(f) verification from the continuing education provider to licensee of the completed continuing education.

(5) Supervision of one Level II occupational therapy student may account for two hours of continuing education, up to a maximum of eight hours of continuing education during each renewal cycle.

(6) Records of qualified continuing education completion shall be maintained by the licensee and reported to the Division when requested.

KEY: licensing, occupational therapy

Date of Enactment or Last Substantive Amendment: ~~December 1, 2015~~ 2017

Notice of Continuation: January 21, 2014

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-42a-101

Commerce, Securities
R164-14-2b
Manual Listing Exemption

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41465

FILED: 04/10/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Standard and Poor's Financial Services, a major financial services and research provider, has recently announced that it will discontinue publication of its securities manual, a resource listing financial and other information on companies with outstanding securities. By submitting their data to such a manual, companies can obtain an exemption from state securities registration that facilitates trading in their securities. In response to this development, OTC Markets Group has requested that the Utah Division of Securities (Division) include two of its listing services, OTCQX and OTCQB, as recognized securities manuals under this rule. In addition, the Division has received feedback from companies and service providers that certain provisions governing when an exemption under this rule might expire are creating uncertainty in the markets and causing the exemption to use much of its utility.

SUMMARY OF THE RULE OR CHANGE: This amendment accomplishes the following: 1) deletion of the now-discontinued Standard and Poor's manual from the list of

approved securities manuals; 2) insertion of the OTCQX and OTCQB listing services of OTC Markets Group to the list of approved securities manuals; 3) deletion of provisions requiring the expiration of the exemption following changes in a company's board of directors or after other significant changes in the issuer; and 4) insertion of a provision clarifying the financial materials to be provided to investors in the event of a merger or reorganization.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-1-14

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: No net change to the state budget is anticipated as this amendment simply removes an expired securities manual and adds the OTCQX and OTCQB markets maintained by OTC Markets Group Inc.

◆ LOCAL GOVERNMENTS: Local governments do not act in this area of regulation.

◆ SMALL BUSINESSES: For small business entities that intend to place their securities in the two newly designated marketplaces, the fees are as follows: for QTCQX, a \$5,000 one-time application fee and an annual fee of \$20,000; and for OTCQB, a \$2,500 application fee and an annual fee of \$10,000. The source for this data is the OTC Markets Group website accessed on 04/20/2017.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Costs for other entities seeking listing will be identical to those listed under small businesses costs above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates that the only change in compliance costs will be any difference in filing costs between the discontinued securities manual and those newly included by this amendment (as disclosed under small businesses costs above).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In a world dominated by larger securities markets such as NASDAQ and NYSE, smaller listing services such as those maintained by OTC Markets Group have a key role to play in facilitating capital formation by smaller Utah businesses. By providing lower-cost trading opportunities for companies, as well as important financial information to inform and protect investors, these online resources represent a more efficient evolution from the hardcopy manuals of the past. Also, by clarifying and streamlining the expiration provisions of the rule, the Division hopes to greatly increase the usefulness of this exemption for small and medium-sized businesses throughout the state.

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

COMMERCE
SECURITIES
HEBER M WELLS BLDG

160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Benjamin Johnson by phone at 801-530-6134, by FAX at 801-530-6980, or by Internet E-mail at bnjohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Keith Woodwell, Director

R164. Commerce, Securities.

R164-14. Exemptions.

R164-14-2b. Manual Listing Exemption.

(A) Authority and purpose

(1) The Division enacts this rule under authority granted by Subsection 61-1-14(2)(b) and Section 61-1-24.

(2) The rule specifies recognized securities manuals.

(3) The rule prescribes the information upon which each listing must be based to qualify for the exemption.

(4) The rule sets forth the exclusive method of claiming the transactional exemption contained in Subsection 61-1-14(2)(b).

(4)(a) Except as provided in Paragraph (H), the exemption is not self-executing and may not be relied upon until the Division confirms the exemption as provided below.

(4)(b) A confirmation may only be requested by a broker-dealer licensed with the Division or by the issuer of the securities for which the exemption is sought.

(B) Definitions

(1) "Blank-check company" means a development stage company that:

(1)(a) has no business plan or purpose;

(1)(b) has not fully disclosed its business plan or purpose;

or

(1)(c) has only indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies.

(2) "Blind-pool company" means a development stage company that has generally disclosed its business plan or purpose, but such business plan or purpose has not identified specific properties or products to be purchased, constructed or developed.

(3) "Confirmation" means written confirmation of the exemption from registration from the Division.

(4) "Development stage company" means a company that is devoting substantially all of its efforts to acquiring or establishing a new business and either of the following conditions exists:

(4)(a) planned principal operations have not commenced;

or

(4)(b) planned principal operations have commenced, but there has been no significant revenues therefrom.

(5) "Division" means the Division of Securities, Utah Department of Commerce.

(6) "Dormant company" means a company which does not pursue nor has the financial capacity to pursue a business plan or purpose, whether or not it is a development stage company.

(7) "Exemption" means the exemption provided in Subsection 61-1-14(2)(b) of the Act.

(8) "Financial statements" means a balance sheet, an income statement or statement of operations, a statement of cash flows, a statement of stockholders' equity, if a corporation or partners' capital, if a partnership, and appropriate notes to the financial statements.

(9) "Shell company" means a company which does not pursue nor has the financial capacity to pursue a business plan or purpose, whether or not it is a development stage company.

(10) "Significant change" means any change involving a reorganization, merger, acquisition, or other change which causes the issuer to increase its issued and outstanding shares of stock by at least 40% of the issued and outstanding shares before the change.

(C) Recognized securities manuals

(1) The Division recognizes the following securities manuals:

(1)(a) ~~[Standard and Poor's Corporation Records]~~The OTCQX and OTCQB markets maintained by OTC Markets Group Inc.

(1)(b) Mergent's Industrial Manual

(1)(c) Mergent's Bank and Finance Manual

(1)(d) Mergent's Transportation Manual

(1)(e) Mergent's OTC Industrial Manual

(1)(f) Mergent's Public Utility Manual

(1)(g) Mergent's OTC Unlisted Manual

(1)(h) Mergent's International Manual

(D) Information upon which listing must be based

(1) A listing must be based upon the following information, which must be filed with the selected recognized securities manual:

(1)(a) the issuer's name, current street and mailing address and telephone number;

(1)(b) the names and titles of the executive officers and members of the board of directors of the issuer;

(1)(c) a description of the issuer's business;

(1)(d) the number of shares of each class of stock outstanding at the balance sheet date; and

(1)(e)(i) the issuer's annual financial statements as of a date within 18 months which have been prepared in accordance with generally accepted accounting principles, and audited by an independent certified public accountant who has issued an unqualified opinion; if the issuer has been organized for less than one year, the financial statements must be for the period from inception; or

(1)(e)(ii) in the case of a reorganization or merger where the parties to the reorganization or merger had an audited balance sheet and an audited income statement, a pro forma balance sheet for the combined organization and a pro forma income statement.

(E) Confirmation requirement

(1) Except as provided in Paragraph (H), confirmation must be obtained prior to relying upon the exemption.

(2) A request for confirmation must include:

(2)(a) all information filed with the selected recognized securities manual;

(2)(b) a copy of the listing with the recognized securities manual which is based upon the information filed under paragraph (D); and

(2)(c) a filing fee as specified in the Division's fee schedule.

(3) In response to a request for confirmation which complies with this rule, the Division will issue a letter confirming the exemption.

(4) The Division will issue a copy of the letter confirming the exemption to any person so requesting in writing or in person for the cost of the photocopying, and mailing if necessary.

(F) Term of exemption

(1) Except as provided in Subparagraph (F)(2), the exemption becomes effective on the date confirmed by the Division.

(2) The exemption for the securities of an issuer which qualify under Paragraph (H) becomes effective on the date a listing, based upon the information required under Paragraph (D), is published in a recognized securities manual.

(3) The exemption shall expire upon the earliest of:

(3)(a) A date 18 months from the date of the annual financial statements required under paragraph (D); or

(3)(b) The date of a new annual issue or edition of the recognized securities manual which does not contain a listing based upon the information required under paragraph (D); ~~or~~

~~[----- (3)(c) A date 45 calendar days from a change in the Chairman of the Board of Directors or a change in any two other members of the Board of Directors unless the recognized securities manual has published this information within the 45 days; or~~

~~----- (3)(d) A date 90 calendar days after a significant change in the issuer unless the recognized securities manual has published, at a minimum, an audited balance sheet and income statement reflecting the significant change within the 90 days.]~~

(G) Blank-check, blind-pool, dormant, or shell company

(1) The exemption is not available to a blank-check, blind-pool, dormant, or shell company which has not previously registered its securities with the Division.

(2) A company which has not previously registered its securities with the Division which, within the past three fiscal years of the company, has merged with or been acquired by a blank-check, blind-pool, dormant, or shell company, which has not previously registered its securities with the Division, must file:

(2)(a) with the recognized securities manual, the information required under paragraph (D), as to all parties to such transaction;

(2)(b) with the Division, the shareholders list reflecting the initial public offering of the blank-check, blind-pool, dormant or shell company; and

(2)(c) with the Division, the shareholders list of the company, current within thirty days of the request for confirmation of the exemption.

(H) Exceptions to confirmation requirement

(1) Confirmation prior to relying upon the exemption shall not be required for any security if at the time of the transaction:

(1)(a) the security is sold at a price reasonably related to the current market price of such security;

(1)(b) the security does not constitute the whole or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(1)(c) the security has been outstanding in the hands of the public for at least 90 days;

(1)(d) the issuer of the security is a going concern, actually engaged in business and is not in the development stage, in bankruptcy or receivership;

(1)(e) the issuer of the security has been in continuous operation for at least five years; and

(1)(f) the information required by Paragraph (D) is contained in a recognized securities manual listed in Paragraph (C).

KEY: securities, securities regulation

Date of Enactment or Last Substantive Amendment: [~~August 3, 2010~~2017]

Notice of Continuation: July 25, 2012

Authorizing, Implemented, or Interpreted Law: 61-1-7; 61-1-8; 61-1-9; 61-1-10; 61-1-20; 61-1-22; 61-1-24

Commerce, Securities

R164-15-4

Notice Filings for Offerings Made Under Federal Crowdfunding Provisions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41470

FILED: 04/12/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In the federal "Jumpstart Our Business Startups Act" of 2012 (JOBS Act), Congress directed the Securities and Exchange Commission (SEC) to promulgate rules supporting the creation of offering platforms for crowd-funded securities offerings. The JOBS Act and the final rules issued by the SEC (see 17 C.F.R. Sec. 227 and Sections 4(a)(6) and 18(b)(4)(C) of the Securities Act of 1933) permit state securities regulators to require the filing of notice when a crowdfunding issuer has its principal place of business in this state or when sales of its securities to residents of this state meet a certain threshold. This new section effectuates the creation of such filings.

SUMMARY OF THE RULE OR CHANGE: Pursuant to the authority granted to the Utah Division of Securities (Division) by Subsection 61-1-15.5(3), the Division adds this section to effectuate the receiving of notice filings for securities offerings made by issuing entities with their principal place of business in this state or who sell fifty percent (50%) or greater of the aggregate amount of the offering to residents of this state. This section establishes the filing requirement and enumerates the required documents and fees that constitute a complete filing.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-1-24 and Subsection 61-1-15.5(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The state will incur no additional costs to its budget. Each filing will be accompanied by a filing fee of either \$100 or \$500. The Division anticipates that additional revenue from these fees will not exceed \$5,000 during the first full fiscal year of receipt. Currently, the Division anticipates it can process the filings with existing personnel resources.

♦ **LOCAL GOVERNMENTS:** Local governments will not receive or process these filings.

♦ **SMALL BUSINESSES:** Small businesses will be required to pay a filing fee of either \$100 or \$500.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Other entities seeking to avail themselves of the federal crowdfunding provisions will pay filings fees identical to those for small businesses above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will be the payment of a filing fee of \$100 for filings made within the deadline periods specified in the rule and \$500 for filings made after the expiration of any applicable deadline.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The crowdfunding provisions of the JOBS Act have the potential to provide Utah-based startup and other small businesses with a new avenue for capital raising on a nationwide scale. As this new marketplace takes shape, the Division wishes to discharge its duty to protect investors by obtaining key information about the offering, the issuing company, and those who manage its operations. The notice filings contemplated under this rule will provide this information at a minimal regulatory cost to business. As required by law, the Utah Securities Commission has reviewed the proposed rule and has approved it by a unanimous vote.

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

COMMERCE
SECURITIES
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Benjamin Johnson by phone at 801-530-6134, by FAX at 801-530-6980, or by Internet E-mail at bnjohnson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/30/2017

AUTHORIZED BY: Keith Woodwell, Director

R164. Commerce, Securities.**R164-15. Federal Covered Securities.****R164-15-4. Notice Filings for Offerings Made Under Federal Crowdfunding Provisions.**(A) Authority and purpose.

(1) The Division enacts this rule under authority granted by Sections 61-1-15.5(3) and 61-1-24.

(2) The rule requires a notice filing for offerings made under federal Regulation Crowdfunding, 17 C.F.R. Sec. 227 and Sections 4(a)(6) and 18(b)(4)(C) of the Securities Act of 1933 and sets forth the filing procedure.

(B) Definitions

(1) "Division" means the Division of Securities, Utah Department of Commerce.

(2) "NASAA" means the North American Securities Administrators Association, Inc.

(3) "EFD" means the Electronic Filing Depository established and maintained by NASAA.

(C) Filing Requirements:

(1) An issuer that offers and sells securities in this state in an offering exempt under federal Regulation Crowdfunding, and that either has its principal place of business in this state or sells fifty percent (50%) or greater of the aggregate amount of the offering to residents of this state, shall file the following with the Division or its designee:

(1)(a) A completed Uniform Notice of Federal Crowdfunding Offering form or copies of all documents filed with the Securities and Exchange Commission;

(1)(b) A consent to service of process on Form U-2 if not filing on the Uniform Notice of Federal Crowdfunding Offering form;

(1)(c) A filing fee as specified in the Division's fee schedule.

(1)(d) The forms referenced in (C)(1)(a) and (b) above shall be manually signed by a person duly authorized by the issuer.

(2) If the issuer has its principal place of business in this state, the filing required under paragraph (A) of this section shall be filed with the Division no later than 15 days after the issuer makes its initial Form C filing concerning the offering with the Securities and Exchange Commission.

(3) If the issuer does not have its principal place of business in this state, but residents of this state have purchased fifty percent (50%) or greater of the aggregate amount of the offering, the filing required under paragraph (A) of this section shall be filed when the issuer becomes aware that such purchases have met this threshold and in no event later than 15 days from the date of the completion of the offering.

(4) An issuer may file an amendment to a previously filed notice filing at any time and must file such an amendment to correct a material mistake of fact or error in the previously filed notice of sales as soon as practicable after discovery of the mistake or error.

(5) An issuer that files an amendment to a previously filed notice filing must provide current information in response to all requirements of the notice filing form regardless of why the amendment is filed.

(D) Designation of EFD for Electronic Filings

(1) At such time as the EFD system is operationally configured to receive such filings, the Division hereby designates

EFD to receive and store notice filings made on Uniform Notice of Federal Crowdfunding Offering and to collect related filing fees on behalf of the Division.

(2) The filing of notice filings made on Uniform Notice of Federal Crowdfunding Offering and the collection of related processing fees through the EFD system is permissive and shall not be required until the Division shall amend this Rule to designate a specific date of mandatory compliance. The public notice designated for Form D filings in Section R164-15-2(C)(3) shall not constitute such an amendment.

(3) Any documents or fees required to be filed with the Division that are not permitted to be filed with, or cannot be accepted by, EFD shall be filed directly with the Division.

(4) A duly authorized person of the issuer shall affix his or her electronic signature to the notice filing on Uniform Notice of Federal Crowdfunding Offering form by typing his or her name in the appropriate fields and submitting the filing to EFD. Submission of a filing in this manner shall constitute irrefutable evidence of legal signature by any individual whose name is typed on the filing both for purposes of authorizing the disclosures in the Form as well as giving effect to any consent to service provisions found therein.

(5) Subsequent to the amendment of this Rule referenced in paragraph (D)(2) above, no filing, partial filing, or filing fee submitted to the Division by means other than EFD shall act to grant such a filing the status of being duly received by the Division for any purpose relating to the timeliness of the filing or the avoidance of the assessment of any late filing fee.

KEY: mutual funds, securities, securities regulation

Date of Enactment or Last Substantive Amendment: ~~June 29, 2016~~ 2017

Notice of Continuation: July 25, 2012

Authorizing, and Implemented or Interpreted Law: 61-1-15.5; 61-1-24

Corrections, Administration R251-305

Visiting at Community Correctional Centers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41460

FILED: 04/07/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Language is changed so policy does not require revision with attire standards.

SUMMARY OF THE RULE OR CHANGE: The change in language reduces specific examples of modest or gang affiliated attire.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-3-201 and Section 64-13-10 and Section 64-13-17

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There is no anticipated cost since this amendment slightly alters the attire requirements for visitors.

◆ LOCAL GOVERNMENTS: There is no anticipated cost since this amendment slightly alters the attire requirements for visitors.

◆ SMALL BUSINESSES: There is no anticipated cost since this amendment slightly alters the attire requirements for visitors.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost since this amendment slightly alters the attire requirements for visitors.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated cost since this amendment slightly alters the attire requirements for visitors.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No costs or comments on the impact anticipated.

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

CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Rollin Cook, Executive Director

R251. Corrections, Administration.

R251-305. Visiting at Community Correctional Centers.

R251-305-1. Authority and Purpose.

(1) This rule is authorized by Sections 63G-3-201, 64-13-10, and 64-13-17, of the Utah Code.

(2) The purpose of this rule is to provide the Department's rules governing visitation at Community Correctional Centers.

R251-305-2. Definitions.

(1) "Center" means a community corrections halfway house facility designed to facilitate an offender's readjustment to private life.

(2) "Confiscate" means to take possession or immediately seize.

(3) "Contraband" means any material, substance or other item not approved by the Department to be in the possession of residents.

(4) "Evidence" means any item which may be used in prosecution of a violation of Department policy or procedure, federal, state or local law.

(5) "Illegal contraband" means any material, substance or other item the possession of which violates criminal statutes.

(6) "Legal representatives" means court personnel, attorneys-at-law and their assistants such as paralegals and investigators.

(7) "Offender" means a probationer, parolee or inmate housed in a Community Correctional Center.

(8) "Premises" means Center's building and land, including residents' property, rooms, persons and vehicles.

(9) "Religious representative" means a priest, bishop, rabbi, religious practitioner or similar functionary of a church or legally recognized denomination or organization.

(10) "Sponsor" means an individual who is approved by Center staff members to accompany an offender while on leave time away from the Center.

(11) "Visit" means a period of time during which an offender has the opportunity to interact with family and friends on Community Correctional Center premises.

R251-305-3. Policy.

It is the policy of the Department that:

(1) Community Correctional Centers shall schedule days and times for visiting;

(2) visits at other than established visiting hours may be approved by the Center Director/designee;

(3) Community Correctional Centers shall have designated visiting areas;

(4) visitors shall not be allowed in unauthorized areas;

(5) offenders' visitors, except for non-emancipated minors, shall be approved sponsors;

(6) non-emancipated minors shall be accompanied by a parent or guardian;

(7) sponsor applicants may be subject to special conditions (i.e., visiting only, leave time only, etc.);

(8) offenders shall be advised of visiting rules during orientation;

(9) visitors will be advised of visiting rules during the sponsor application process;

(10) visiting may be prohibited for offenders in security cells and as part of restrictions ordered by the Offender Discipline Hearing Officer;

(11) visitors shall be required to sign a visitor log when entering and leaving the Center;

(12) visitors may be required to present picture identification prior to visiting;

(13) ~~visitors are to be appropriately attired per staff discretion (i.e. modest attire, no gang-affiliated attire or accessories, etc.) [shall be modestly dressed to be permitted to visit (i.e., no bare midriffs or see-through blouses or shirts, no shorts, tube tops, halters, extremely tight or revealing clothing, no dresses or skirts more than three inches above the knees, or sexually revealing attire; children under the age of twelve may wear shorts and sleeveless-shirts)];~~

(14) sexual contact between visitors and offenders (i.e., petting, prolonged kissing or bodily contact) is prohibited;

(15) visitors shall not bring animals or pets into the Center with the exception of dogs trained to aid individuals with disabilities;

(16) visitors shall visit with only one offender at a time unless approved by Center staff;

(17) offenders and visitors shall not exhibit abusive, disruptive or other inappropriate behavior;

(18) offenders and visitors shall not use loud or offensive language;

(19) visitors suspected to be under the influence of alcohol or drugs shall be denied visiting and advised by staff to arrange alternate transportation if they are operating a vehicle;

(20) if an intoxicated visitor refuses to seek alternate transportation or becomes belligerent, staff shall attempt to detain the individual and contact the local law enforcement for assistance;

(21) visitors shall be responsible for their property and the Department shall not be liable for any loss or damage to visitors' property;

(22) visitors may be subject to search of their person or property for reasonable cause;

(23) visitors attempting to bring contraband on Center premises may have visiting privileges restricted, suspended or revoked;

(24) Center staff may restrict, deny or cancel visiting privileges for the safety, security and orderly operation of the Center or program requirements;

(25) offenders may be prohibited contact with individuals as determined by the court, Board of Pardons and Parole, or Center program requirements; and

(26) an appeal process shall be available to challenge denial or restriction of visiting privileges.

KEY: corrections, visitation

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2002]~~ **2017**

Notice of Continuation: April 6, 2012

Authorizing, and Implemented or Interpreted Law: 64-13-17

**Crime Victim Reparations,
Administration
R270-1
Award and Reparation Standards**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41475

FILED: 04/13/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to include the agency's purchase of prescription medication in the discount or a similar discount currently applied to all other "non-insured" medical expenses purchased by the agency. The primary reason for the change is to create consistency and reliability in the agency program standards. The change may create a small (estimate \$10,000 to \$20,000 per year) savings to the agency.

SUMMARY OF THE RULE OR CHANGE: The changes to this rule include the addition of the definition of "PEHP", nonsubstantive relettering to accommodate the addition, changing the amount the agency will pay for prescription medications to the amount that would be paid by PEHP, clarifying that medications administered at the time of a sexual assault exam would still be fully covered, and reducing the amount paid for sexual assault exam services to 60%.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-7-5

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The state budget will not experience any impact. The expenditures made by the agency are made from the Crime Victim Reparation Fund, an expendable special revenue fund defined at Section 51-9-404. The agency does not receive a budgeted appropriation for these expenses. There could however be some savings to the Crime Victim Reparation Fund. The estimated savings is highly speculative because the annual amount the agency spends on prescription medication is included in the total amount the agency spends on all medical costs. Furthermore, the percentage of savings for individual medications, dosages, and quantity varies greatly within the fee schedule being adopted. The estimated savings is between \$10,000 to \$20,000 per year.

♦ **LOCAL GOVERNMENTS:** There are no costs or savings anticipated for local governments because the rule pertains only to the state agency, which in this particular instance is dealing with only retail pharmacies and the sale of non-taxable medications.

♦ **SMALL BUSINESSES:** Any of the savings described under state budget above would be a revenue loss shared by any small business pharmacy that chooses to do business with the agency. It is important to note that the fee schedule this rule change implements, is already in place and currently accepted by participating pharmacy retailers.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Large chain pharmacy retailer franchises who choose to participate with the fee schedule would experience the

decreased revenue to which they agree when accepting the fee schedule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will not be any compliance costs associated with the change. Only the agency is responsible for monitoring compliance and the personnel and resources to monitor compliance are currently in place.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The possible fiscal impacts on businesses have been thoroughly discussed in small businesses and persons other than small businesses above. The impacts, if any, will be negligible and voluntary. The cumulative savings would be spread across or shared with all pharmacy retailers and only among those that choose to participate in the fee schedule by accepting payment from the agency.

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 Office 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
♦ Simone Rudas by phone at 801-538-3240, or by Internet E-mail at srudas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Gary Scheller, Director

R270. Crime Victim Reparations, Administration.

R270-1. Award and Reparation Standards.

R270-1-1. Authority and Purpose.

As provided in Section 63M-7-506 the purpose of this rule is to provide interpretation and standards for the administration of crime victim reparations.

R270-1-2. Definitions.

(1) Terms used in this rule are found in Section 63M-7-502.

(2) In addition:

- (a) "APRN" means Advanced Practice Registered Nurse;
- (b) "DOPL" means Utah Department of Commerce,

Division of Professional and Occupational Licensing;

(c) "PEHP" means the Public Employees' Benefit and Insurance Program created in Section 49-20-103;

(d) "primary victim" means a victim who has been directly injured by criminal conduct;

(~~d~~e) "program" means the Victim Services Grant Program, authorized under Section 63M-7-506(l)(i), which allocates money for other victim services once a sufficient reserve has been established for reparations claims; and

(~~e~~f) "secondary victim" means a victim who is not a primary victim but who has a relationship with the victim and was traumatically affected by the criminally injurious conduct that occurred to the victim, including an immediate family member of a victim such as a spouse, father, mother, stepparents, grandparents, child, brother, sister, stepchild, stepbrother, stepsister, or legal guardian or other person who the reparations officer reasonably determines bears an equally significant relationship to the primary victim.

R270-1-3. Funeral and Burial Award.

(1) Pursuant to Subsection 63M-7-511(4)(f), total award for funeral and burial expenses is \$7,000 for any reasonable and necessary charges incurred directly relating to the funeral and burial of a victim. This amount includes transportation of the deceased. Allowable expenses in this category may include the emergency acquisition of a burial plot for victims who did not previously possess or have available to them a plot for burial.

(2) Transportation of secondary victims to attend a funeral and burial service shall be considered as an allowable expense in addition to the \$7,000.

(3) Loss of earnings for secondary victims to attend a funeral and burial service shall be allowed as follows:

- (a) Three days in-state
- (b) Five days out-of-state

(4) When a victim dies leaving no identifying information, claims made by a provider cannot be considered.

R270-1-4. Negligent Homicide and Hit and Run Claims.

(1) Negligent homicide claims shall be considered criminally injurious conduct as defined in Subsection 63M-7-502(9).

(2) Pursuant to Subsection 63M-7-502(9)(a), criminally injurious conduct shall not include victims of hit and run crimes.

R270-1-5. Counseling Awards.

(1) Pursuant to Subsections 63M-7-502(21) and 63M-7-511(4)(c), out-patient mental health counseling awards are subject to limitations as follows:

(a) The reparation officer shall approve a standardized treatment plan.

(b) The cost of initial evaluation and testing may not exceed \$300 and shall be part of the maximum allowed for counseling. For purposes herein, an evaluation shall be defined as diagnostic interview examination including history, mental status, or disposition, in order to determine a plan of mental health treatment.

(c)(i) Primary victims of a crime shall be eligible for the lesser of 25 aggregate individual and/or group counseling sessions or \$2,500 maximum mental health counseling award.

(ii) Parents, children, spouses and siblings of homicide victims shall be considered at the same rate as primary victims for inpatient and outpatient counseling.

(d) All other secondary victims of a crime shall be eligible for the lesser of 15 aggregate individual and/or group counseling sessions or \$1,250 maximum mental health counseling award.

(e) Extenuating circumstances warranting consideration of counseling beyond the maximum may be submitted by the mental health provider when it appears likely that the maximum award will be reached.

(f) Counseling costs will not be paid in advance but will be paid on an ongoing basis as victim is being billed.

(2) In-patient hospitalization shall only be considered for primary victims when the treatment has been recommended by a licensed therapist in life-threatening situations. Acute in-patient hospitalization shall not exceed \$600 per day, which includes all ancillary expenses, and will be considered payment in full to the provider. Inpatient psychiatric visits will be limited to one visit per day with payment for the visit made to the institution at the highest rate of the individuals providing therapy as set by rule. Reimbursement for testing costs may also be allowed. Parents, children, spouses and siblings of homicide victims shall be considered at the same rate as primary victims for inpatient hospitalization. All other secondary victims of other crime types are excluded.

(3) Residential and day treatment shall only be considered for primary victims when the treatment has been recommended by a licensed therapist to stabilize the victim's behavior and symptoms. Only facilities with 24 hour nursing care or 24 hour on call nursing care will be compensated for residential and day treatment. Residential and day treatment shall not be used for extended care of dysfunctional families and containment placements. Residential treatment shall not exceed \$300 per day and will be considered payment in full to the provider. Residential treatment shall be limited to 30 days, unless there are extenuating circumstances requiring extended care. All residential clients shall receive routine assessments from a psychiatrist and/or APRN at least once a week for medication management. Day treatment shall not exceed \$200 per day and will be capped at \$10,000. These charges will be considered payment in full to the provider. Parents, children, spouses and siblings of homicide victims shall be considered at the same rate as primary victims for residential and day treatment. All other secondary victims of other crime types are excluded.

(4) Wilderness programs shall not be covered as an appropriate treatment modality when considering inpatient hospitalization, residential or day treatment.

(5) The office shall not pay for treatment for an offender related to the perpetration of the criminally injurious conduct. Reparations officers shall establish a reasonable percentage regarding victimization treatment for outpatient, inpatient, residential and day treatment on a case by case basis upon review of the mental health treatment plan and treatment records.

(6) Payment for mental health counseling shall only be made to licensed therapists; or to individuals working towards a license that provide certified verification of satisfactory completion of an education and earned degree as required by the DOPL, working under the supervision of a supervisor approved by the DOPL. Student interns otherwise eligible under Subsection 58-1

-307(1)(b) Exceptions from licensure, and/or the institution/facility/agency responsible for the supervision of the student, shall not be eligible for payment under this rule for counseling services provided by the student.

(7) Payment of hypnotherapy shall only be considered when treatment is performed by a licensed mental health therapist based upon an approved Treatment Plan.

(8) The following maximum amounts shall be payable for mental health counseling:

(a) up to \$130 per hour for individual and family therapy performed by licensed psychiatrists, and up to \$65 per hour for group therapy;

(b) up to \$90 per hour for individual and family therapy performed by licensed psychologists and up to \$45 per hour for group therapy;

(c) up to \$70 per hour for individual and family therapy performed by a licensed master's level therapist or an APRN, and up to \$35 per hour for group therapy. These rates shall also apply to therapists working towards a license and supervised by a licensed therapist;

(d) The above-mentioned rates shall apply to individuals performing treatment, and not those supervising treatment.

(9) Chemical dependency specific treatment will not be compensated unless the reparations officer determines that it is directly related to the crime. The board may review extenuating circumstance cases.

R270-1-6. Attorney Fees.

Pursuant to Subsection 63M-7-524(2) attorney fees shall be made within the reparation award and not in addition to the award. If an award is paid in a lump sum, the attorney's fee shall not exceed 15% of the total award; if payments are awarded on an ongoing basis, attorney fees will be paid when warrants are generated but not to exceed 15%. When award denials are overturned, attorney fees shall be calculated only on the appealed reparation issue.

R270-1-7. Reparation Awards.

Pursuant to Section 63M-7-503, reparation awards can be made to victims of violent crime where restitution has been ordered by the court but appears unlikely the restitution can be paid within a reasonable time period. However, notification of the award will be sent to the courts, prosecuting attorneys, Board of Pardons and probation and parole counselors indicating any restitution monies collected up to the amount of the award will be forwarded to the fund.

R270-1-8. Abortion.

Expenses for an abortion that is permitted pursuant to Sections 76-7-301 through 76-7-331 shall be eligible for a reparation award as long as all the requirements of Section 63M-7-511 have been met.

R270-1-9. Emergency Awards.

Pursuant to Section 63M-7-522, emergency awards up to \$1000 can be granted. No time limit is required for filing an emergency claim. Processing of emergency claims is three to five days.

R270-1-10. Loss of Earnings.

(1) Pursuant to Subsection 63M-7-511(4)(d), the 66-2/3% of the person's weekly salary or wages is calculated on gross earnings.

(2) Loss of earnings for primary and secondary victims may be reimbursed for up to a maximum of twelve (12) weeks work loss, at an amount not to exceed the maximum allowed per week by Worker's Compensation guidelines in effect at the time of work loss. The board may review extenuating circumstances on loss of earnings claims for the purpose of consideration and authorization of extensions beyond set limits.

R270-1-11. Moving, Transportation Expenses.

(1) Pursuant to Subsection 63M-7-511(4)(a), victims of violent crime who suffer a traumatic experience or threat of bodily harm are allowed moving expenses up to \$1,000. Board approval is needed where extenuating circumstances exist.

(2) Transportation expenses up to \$1000 are allowed for crime-related travel including, but not limited to, participation in court hearings and parole hearings as well as medical or mental health visits for primary and secondary victims. The board may approve travel expenses in excess of \$1000 where extenuating circumstances exist.

R270-1-12. Collateral Source.

(1) Money from the fund shall be used before State Social Services contract monies when considering out-of-pocket expenses in child sexual abuse cases, if the individuals qualify as victims. If the victim qualifies for Medicaid, the contract monies should be used first.

(2) Money from the fund shall be used before money from the Utah Medical Assistance Program, established in Section 26-18-10, when considering allowable benefits for victims of violent crime.

R270-1-13. Record Retention.

(1) Retention of the UOVC annual report and crime victim case files shall be as follows:

(2) Annual reports and other statistical information shall be retained in office for a period of three years and then transferred to State Archives.

(3) Crime victim case files shall be retained in office as needed for administrative use. After closure or denial of a case file, case file shall be retained in office for one year and then transferred to the Utah Department of Administrative Services, Division of Archives and Records Service. Case files will be retained in the State Records Center for 99 years and then destroyed.

R270-1-14. Awards.

(1) Pursuant to Section 63M-7-521, when billing from the providers exceeds the maximum allowed, the reparations officer shall pay the bills by the date of service. The reparations officer shall solicit input from the victim when making this determination. When the services and the billings have occurred at the same time, the reparations officer shall determine payment on a percentage basis.

(2) Awards will only be granted for costs the reparations officer determines are directly related to or resulting from criminally injurious conduct.

R270-1-15. Essential Personal Property.

(1) Pursuant to Subsection 63M-7-511(4)(h), essential personal property covers all personal articles necessary and essential for the health and safety of the victim.

(2) The reparations officer may allow up to \$5000 for medically necessary items such as eyeglasses, hearing aids, and wheelchairs. The board may approve expenses for medically necessary items in excess of \$5000 where extenuating circumstances exist.

(3) The reparations officer may allow up to \$1500 for essential personal property not included in Subsection (B) such as burglar alarms, door locks, crime scene cleanup, repair of walls and broken windows, etc. The board may approve expenses for essential personal property in excess of \$1500 where extenuating circumstances exist.

R270-1-16. Subrogation.

(1) Pursuant to Section 63M-7-519, subrogation monies collected from the perpetrator, insurance, etc., will be placed in the fund and will not be credited toward a particular victim or claimant award amount.

(2) Pursuant to Subsections 63M-7-519(2), in such instances where a settlement against a third party appears imminent, the director may reduce by up to 33% the lesser of; (a) the amount paid by the state; or (b) the amount of the settlement. Reduction in excess of 33% shall be determined by the board with the concurrence of the director.

R270-1-17. Unjust Enrichment.

Pursuant to Subsection 63M-7-510(1)(d), the following criteria shall be used when considering claims involving possible unjust enrichment of an offender:

(1) Unjust enrichment determination shall not be based solely on the presence of the offender in the household at the time of the award.

(2) Awards shall not be denied on the basis that the offender would be unjustly enriched, if the victim cooperates with investigation and prosecution of the crime and does what is possible to prevent access by the offender to substantial compensation.

(3) Payment to third party providers shall be made to prevent monies intended for victim expenses be used by or on behalf of the offender.

(4) Collateral resources such as court-ordered restitution and medical insurance that are available to the victim from the offender shall be examined. However, the victim shall not be penalized for failure of an offender to meet legal obligations to pay for the cost of the victim's recovery.

(5) Factors to be considered in determining whether enrichment is substantial or inconsequential include the amount of the award and whether a substantial portion of the compensation award will be used directly by or on behalf of the offender. If the offender has direct access to a cash award and/or if a substantial portion of it will be used to pay for his living expenses, that portion of the award that will substantially benefit the offender may be reduced or denied. When enrichment is inconsequential or minimal, the award shall not be reduced or denied.

R270-1-18. Prescription or Over-the-Counter Medications.

(1) Reimbursement of prescription or over-the-counter medications and/or medication management services used in conjunction with mental health therapy shall be considered only for the duration of an approved Treatment Plan.

(2) Reimbursement of prescription or over-the-counter medications used in conjunction with medical treatment shall be considered only during the course of treatment by the physician.

(3) Medication management rates shall be limited to a maximum of \$62.50 per thirty minute session.

(4) The office shall pay the amount that would be paid by PEHP for prescription medications dispensed by a pharmacy, not including those included in R270-1-23.

R270-1-19. Peer Review Committee.

A volunteer Peer Review Committee may be established to review issues and/or provide input to office staff on out-patient mental health counseling claims. The composition, duties, and responsibilities of this Committee shall be defined by the board by written internal policy and procedure.

R270-1-20. Medical Awards.

Pursuant to Subsection 63M-7-511(4)(b), medical awards are subject to limitations as follows:

(1) All medical costs must be related directly to the victimization and all treatment must be considered usual and customary.

(2) The reparations officer reserves the right to audit any and all billings associated with medical care.

(3) The reparations officer will not pay any interest, finance, or collection fees as part of the award.

(4)(i) If the claimant has no medical insurance or other collateral source for payment of the victim's medical bill, the office shall pay 60% of billed charges for eligible medical bills.

(ii) If the claimant has medical insurance or another collateral source for payment of the victim's medical bills, the office shall pay the portion of the eligible medical bills that the claimant is obligated to pay pursuant to the insurance agreement.

(iii) This rule does not apply to expenses governed by R270-1-5 or R270-1-23.

(5) This rule supersedes any other agreements regarding payment of medical bills by the office.

(6) Child endangerment examinations for children that have been exposed to drugs shall be paid for when the health and safety of the child is at risk and no other collateral source is available. The cost of the exam needs to be an expense incurred by the victim. The writing of evidentiary reports and any form of lab testing shall not be covered as part of the examination.

R270-1-21. Misconduct.

Pursuant to Subsections 63M-7-502(22) and 63M-7-512(1)(b) misconduct shall be considered conduct which contributed to the victim's injury or death or conduct which the victim could have reasonably foreseen could lead to injury or death. In determining whether the victim engaged in misconduct, the reparations officers shall consider any behavior of the victim that may have directly or indirectly contributed to the victim's injury or death including consent, provocation, verbal utterance, gesture, incitement, prior conduct of the victim or the ability of the victim to

have reasonably avoided the incident upon which the claim is based. Reparations officers shall not consider any behavior or action of any victim that is committed by the victim while under the duress or experience of threat, exploitation, coercion or any circumstance absent the victim's own willful desire to participate or any behavior or action committed or perceived to have been committed by the victim of any sex crime when determining whether the victim engaged in misconduct.

R270-1-22. Three Year Limitation.

Pursuant to Subsections 63M-7-506(1)(c) and 63M-7-525(2) a claim for benefits expires and no further payments will be made with regard to the claim after three years have elapsed from the date of application with the office. Reparations officers may extend claims that have been closed because of the Three Year Limitation rule if extenuating circumstances exist.

R270-1-23. Sexual Assault Forensic Examinations.

Pursuant to Subsections 63M-7-502(20) and 63M-7-511(4)(i), the cost of sexual assault forensic examinations for gathering evidence and providing treatment may be paid by the office in the amount of up to \$750.00 for a full examination which must include photo documentation. Pursuant to Section 63M-7-521.5, the office may also pay for the cost of medication and/or pharmacological management and consultation provided for the purpose of obtaining free medications and [70]60% of the eligible hospital services and supplies. Payment to the hospital or other eligible facility for the rent or use of an examination room or space for the purpose of conducting a sexual assault forensic exam shall not exceed \$350.00. The following agency guidelines need to be adhered to when making payments for sexual assault forensic examinations:

(1) A sexual assault forensic examination shall be reported by the health care provider who performs the examination to law enforcement.

(2) Victims shall not be charged for sexual assault forensic examinations.

(3) Victims shall not be required to participate in the criminal justice system or cooperate with law enforcement or prosecuting attorneys as a condition of being provided a sexual assault forensic examination or as a condition of payment being made pursuant to this rule.

(4) The agency may reimburse any licensed health care facility that provides services for sexual assault forensic examinations.

(5) The agency may reimburse licensed medical personnel trained to gather evidence of sexual assaults who perform sexual assault forensic examinations.

(6) The office may pay for the collection of evidence and not attempt to prove or disprove the allegation of sexual assault.

(7) A request for reimbursement shall include the law enforcement case number or be signed by a law enforcement officer, victim/witness coordinator or medical provider.

(8) The application or billing for the sexual assault forensic examination must be submitted to the office within one year of the examination.

(9) The billing for the sexual assault forensic examination shall:

(a) identify the victim by name, address, date of birth, Social Security number, telephone number, patient number;

(b) indicate the claim is for a sexual assault forensic examination; and

(c) itemize services and fees for services.

(10) All collateral sources that are available for payment of the sexual assault forensic examination shall be considered before money in the fund is used. Pursuant to Subsection 63M-7-513(5), the director may determine that reimbursement for a sexual assault forensic examination will not be reduced even though a claim could be recouped from a collateral source.

(11) Evidence will be collected only with the permission of the victim or the legal guardian of the victim.

(12) Restitution for the cost of the sexual assault forensic examination may be pursued by the office.

(13) Payment for sexual assault forensic examinations shall be considered for the following:

(a) Fees for the collection of evidence, for forensic documentation only, to include:

(i) history;

(ii) physical; and

(iii) collection of specimens and wet mount for sperm.

(b) Emergency department services to include:

(i) emergency room, clinic room or office room fee;

(ii) cultures for gonorrhea, chlamydia, trichomonas, and tests for other sexually transmitted disease;

(iii) serum blood test for pregnancy;

(iv) medications administered to the patient at the time of services, including:

(A) the morning after pill or high dose oral contraceptives for the prevention of pregnancy; and

(B) treatment for the prevention of sexually transmitted disease up to four weeks.

(14) The victim of a sexual assault that is requesting payment by the Office for services needed or rendered beyond the sexual assault forensic examination needs to submit an application for compensation to the office.

R270-1-24. Loss of Support Awards.

(1) Pursuant to Subsection 63M-7-511(4)(g), loss of support awards shall be covered on death claims only.

(2) Except as provided in R270-1-24(3), loss of support awards are available only to minor children of the deceased victim. Payment of the award may be made to the parent or guardian of the minor child on behalf of the minor child.

(3) The board may approve loss of support awards to persons who are not minor children, but were physically and financially dependent on the deceased victim.

R270-1-25. Victim Services.

(1) Pursuant to Subsection 63M-7-506(1)(i), the board may authorize the program when there is a surplus of money in the fund in addition to what is necessary to pay reparation awards and associated administrative costs for the upcoming year.

(2) When the program is authorized, the board:

(a) shall determine the amount available for the program for that year;

(b) shall announce the availability of program funds through a request for proposals or other similar competitive process approved by the board; and

(c) may establish funding priorities and shall include any priorities in the announcement of funds.

(3) Requests for funding shall be submitted on a form approved by the board.

(4) The board shall establish a process to review requests for funding and shall make final decisions regarding the approval, modification, or denial of requests for funding. The board may award less than the amount determined in R270-1-25(C)(2)(a). The decisions of the board may not be appealed.

(5) An award by the board shall not constitute a commitment for funding in future years. The board may limit funding for ongoing projects.

(6) Award recipients shall submit quarterly reports to the board on forms established by the director. The office staff shall monitor all victim services grants and provide regular reports to the board.

R270-1-26. Nontraditional Cultural Services.

Cultural services rendered in accordance with recognized spiritual or religious methods of healing, legally available in the state of Utah, may be considered for payment. Since a reasonable and customary schedule of charges has not been established, the reparation officer may require the following: a written itemized description of each procedure, function and/or activity performed and an explanation of its benefit to the victim; the location and time involved to perform such services; and a summary of qualifications and experience which allows the service provider to perform the services. Services shall be requested in lieu of traditional treatment methods. Awards shall be deducted from the claimant's outpatient mental health award and shall remain within the allowed limits set upon that benefit. The fund will not pay for intoxicating or psychotropic substances unless prescribed by a medical practitioner licensed to do so. Claim will be denied if no healing benefit can be identified.

KEY: victim compensation, victims of crimes

Date of Enactment or Last Substantive Amendment: [March 10], 2017

Notice of Continuation: June 15, 2016

Authorizing, and Implemented or Interpreted Law: Title 63M, Chapter 7, Part 5

**Environmental Quality, Waste
Management and Radiation Control,
Waste Management
R315-302-1
Location Standards for Disposal
Facilities**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41477

FILED: 04/14/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed rule change deletes one of the siting criteria for a new solid waste landfill. Specifically, Subsection R315-302-1(2)(a)(iii) prohibits a new solid waste landfill from locating within "farmland classified or evaluated as 'prime,' 'unique,' or of 'statewide importance' by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act." The Division of Waste Management and Radiation Control has received feedback from stakeholders that this requirement is overly broad and likely outside the agency's regulatory purview since such farmland designations are overseen by the U.S. Dept. of Agriculture under the authority of the Farmland Protection Policy Act (FPPA). On 04/13/2017, the Waste Management and Radiation Control Board approved this proposed change for formal rulemaking and to receive public comment.

SUMMARY OF THE RULE OR CHANGE: The proposed rule change deletes Subsection R315-302-1(2)(a)(iii), a landfill location requirement that prohibits a new solid waste landfill from locating within "farmland classified or evaluated as 'prime,' 'unique,' or of 'statewide importance' by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act." Removing this particular location requirement does not lessen environmental or public health protection because other siting standards will continue to apply to siting new solid waste landfills.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-104 and Section 19-6-105 and Section 19-6-106

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Removing this particular location requirement for siting a new solid waste landfill does not have a financial impact on the state budget since any new solid waste landfill permit application will continue to be evaluated based on all other applicable siting, design, construction, and operation standards and requirements.

◆ **LOCAL GOVERNMENTS:** Removing this particular location requirement for siting a new solid waste landfill does not have a financial impact on local government since any new solid waste landfill permit application will continue to be evaluated based on all other applicable siting, design, construction, and operation standards and requirements.

◆ **SMALL BUSINESSES:** Removing this particular location requirement for siting a new solid waste landfill does not have a financial impact on small businesses since any new solid waste landfill permit application will continue to be evaluated based on all other applicable siting, design, construction, and operation standards and requirements.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Removing this particular location requirement for siting a new solid waste landfill does not have a financial impact on persons other than small businesses, business, or local government entities since any new solid waste landfill permit application will continue to be evaluated based on all other applicable siting, design, construction, and operation standards and requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Removing this particular location requirement for siting a new solid waste landfill does not change the costs to comply with preparing and reviewing a new solid waste landfill permit application since that application will continue to be evaluated based on all other applicable siting, design, construction, and operation standards and requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Removing this particular location requirement for siting a new solid waste landfill does not change the costs for a business to comply with preparing and submitting a new solid waste landfill permit application since that application will continue to be evaluated based on all other applicable siting, design, construction, and operation standards and requirements.

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

ENVIRONMENTAL QUALITY
WASTE MANAGEMENT AND RADIATION
CONTROL, WASTE MANAGEMENT
SECOND FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3097
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rusty Lundberg by phone at 801-536-4257, by FAX at 801-536-0222, or by Internet E-mail at rlundberg@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/30/2017

AUTHORIZED BY: Scott Anderson, Director

R315. Environmental Quality, Waste Management and Radiation Control, Waste Management.**R315-302. Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements.****R315-302-1. Location Standards for Disposal Facilities.**

(1) Applicability.

(a) These standards apply to each new solid waste disposal facility and any existing solid waste disposal facility seeking facility expansion, including:

(i) Class I, II, and V Landfills;
 (ii) Class III Landfills as specified in Rule R315-304;
 (iii) Class IV and VI Landfills as specified in Rule R315-305;

(iv) piles that are to be closed as landfills; and
 (v) Incinerators as specified in Rule R315-306.

(b) These standards, except for Subsection R315-302-1(2)(f) or unless otherwise noted, do not apply to:

(i) an existing facility;
 (ii) a transfer station or a drop box facility;
 (iii) a pile used for storage;
 (iv) composting or utilization of sludge or other solid waste on land; or
 (v) hazardous waste disposal sites regulated by Rules R315-260 through 266, 268, 270, 273 and Rule R315-101.

(2) Location Standards. Each applicable solid waste facility shall be subject to the following location standards.

(a) Land Use Compatibility. No new facility shall be located within:

(i) one thousand feet of a:
 (A) national, state, county, or city park, monument, or recreation area;
 (B) designated wilderness or wilderness study area;
 (C) wild and scenic river area; or
 (D) stream, lake, or reservoir;
 (ii) ecologically and scientifically significant natural areas, including wildlife management areas and habitat for threatened or endangered species as designated pursuant to the Endangered Species Act of 1982;
 (iii) ~~farmland classified or evaluated as "prime," "unique," or of "statewide importance" by the U.S. Department of Agriculture Soil Conservation Service under the Prime Farmland Protection Act;~~
~~(iv) one-fourth mile of:~~
 (A) existing permanent dwellings, residential areas, and other incompatible structures such as schools or churches unless otherwise allowed by local zoning or ordinance; and
 (B) historic structures or properties listed or eligible to be listed in the State or National Register of Historic Places;
 (iv) ten thousand feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft unless the owner or operator demonstrates that the facility design and operation will not increase the likelihood of bird/aircraft collisions. Every new and existing disposal facility is subject to this requirement. If a new landfill or a lateral expansion of an existing landfill is located within six miles of an airport runway end, the owner or operator must notify the affected airport and the Federal Aviation Administration; or
 (v) areas with respect to archeological sites that would violate Section 9-8-404.

(b) Geology.

(i) No new facility or lateral expansion of an existing facility shall be located in a subsidence area, a dam failure flood area, above an underground mine, above a salt dome, above a salt bed, or on or adjacent to geologic features which could compromise the structural integrity of the facility.

(ii) Holocene Fault Areas. A new facility or a lateral expansions of an existing facility shall not be located within 200 feet of a Holocene fault unless the owner or operator demonstrates

to the Director that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the unit and will be protective of human health and the environment.

(iii) Seismic Impact Zones. A new facility or a lateral expansion of an existing facility shall not be located in seismic impact zones unless the owner or operator demonstrates to the satisfaction of the Director that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

(iv) Unstable Areas. The owner or operator of an existing facility, a lateral expansion of an existing facility, or a new facility located in an unstable area must demonstrate to the satisfaction of the Director that engineering measures have been incorporated into the facility design to ensure that the integrity of the structural components of the facility will not be disrupted. The owner or operator must consider the following factors when determining whether an area is unstable:

(A) on-site or local soil conditions that may result in significant differential settling;

(B) on-site or local geologic or geomorphologic features; and

(C) on-site or local human-made features or events, both surface and subsurface.

(c) Surface Water.

(i) No new facility or lateral expansion of an existing facility shall be located on any public land that is being used by a public water system for water shed control for municipal drinking water purposes.

(ii) Floodplains. No new or existing facility shall be located in a floodplain unless the owner or operator demonstrates to the Director that the unit will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in a washout of solid waste so as to pose a hazard to human health or the environment.

(d) Wetlands. No new facility or lateral expansion of an existing facility shall be located in wetlands unless the owner or operator demonstrates to the Director that:

(i) where applicable under section 404 of the Clean Water Act or applicable State wetlands laws, the presumption that a practicable alternative to the proposed landfill is available which does not involve wetlands is clearly rebutted;

(ii) the unit will not violate any applicable state water quality standard or section 307 of the Clean Water Act;

(iii) the unit will not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of a critical habitat protected under the Endangered Species Act of 1973;

(iv) the unit will not cause or contribute to significant degradation of wetlands. The owner or operator must demonstrate the integrity of the unit and its ability to protect ecological resources by addressing the following factors:

(A) erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the unit;

(B) erosion, stability, and migration potential of dredged and fill materials used to support the unit;

(C) the volume and chemical nature of the waste managed in the unit;

(D) impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;

(E) the potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and

(F) any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected;

(v) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands, as defined by acreage and function, by first avoiding impacts to wetlands to the maximum extent practicable as required by Subsection R315-302-1(2)(d)(i), then minimizing unavoidable impacts to the maximum extent practicable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands); and

(vi) sufficient information is available to make a reasonable determination with respect to these demonstrations.

(e) Ground Water.

(i) No new facility or lateral expansion of an existing facility shall be located at a site:

(A) where the bottom of the lowest liner is less than five feet above the historical high level of ground water; or

(B) for a landfill that is not required to install a liner, the lowest level of waste must be at least ten feet above the historical high level of ground water.

(C) If the aquifer beneath a landfill contains ground water which has a Total Dissolved Solids (TDS) of 10,000 mg/l or greater and the landfill is constructed with a composite liner, the bottom of the lowest liner may be less than five feet above the historical high level of the ground water.

(ii) No new facility shall be located over a sole source aquifer as designated in 40 CFR 149.

(iii) No new facility shall be located over groundwater classed as IB under Section R317-6-3.3.

(iv) Unless all units of the proposed facility are constructed with a composite liner or other equivalent design approved by the Director:

(A) a new facility located above any aquifer containing ground water which has a TDS content below 1,000 mg/l which does not exceed applicable ground water quality standards for any contaminant is permitted only where the depth to ground water is greater than 100 feet; or

(B) a new facility located above any aquifer containing ground water which has a TDS content between 1,000 and 3,000 mg/l and does not exceed applicable ground water quality standards for any contaminant is permitted only where the depth to ground water is 50 feet or greater.

(C) The applicant for the proposed facility will make the demonstration of ground water quality necessary to determine the appropriate aquifer classification.

(v) No new facility shall be located in designated drinking water source protection areas or, if no source protection area is designated, within a distance to existing drinking water wells or springs for public water supplies of 250 days ground water travel time. This requirement does not include on-site operation wells. The applicant for the proposed facility will make the demonstration, acceptable to the Director, of hydraulic conductivity and other

information necessary to determine the 250 days ground water travel distance.

(vi) Ground Water Alternative.

(A) Subject to the ground water performance standard stated in Subsection R315-303-2(1), if a solid waste disposal facility is to be located over an area where the ground water has a TDS of 10,000 mg/l or greater, or where there is an extreme depth to ground water, or where there is a natural impermeable barrier above the ground water, or where there is no ground water, the Director may approve, on a site specific basis, an alternative ground water monitoring system at the facility or may wave the ground water monitoring requirement. If ground water monitoring is waved the owner or operator shall make the demonstration stated in Subsection R315-308-1(3).

(B) A facility that has a ground water monitoring alternative approved under Subsection R315-302-1(2)(e)(vi) is subject to the ground water quality standards specified in Subsection R315-303-2(1) and the approved alternative shall be revoked by the Director if the operation of the facility impacts ground water.

(f) Historic preservation survey requirement.

(i) Each new facility or expansion of an existing facility shall:

(A) have a notice of concurrence issued by the state historic preservation officer as provided for in Subsection 9-8-404(3)(a)(i); or

(B) show that the state historic preservation officer did not respond within 30 days to the submittal, to the officer, of an evaluation; or

(C) have received a joint analysis conducted as required by Subsection 9-8-404(2).

(ii) Each existing facility shall, for all areas of the site that have not been disturbed:

(A) have a notice of concurrence issued by the state historic preservation officer as provided for in Subsection 9-8-404(3)(a)(i); or

(B) show that the state historic preservation officer did not respond within 30 days to the submittal, to the officer, of an evaluation; or

(C) have received a joint analysis conducted as required by Subsection 9-8-404(2).

(3) Exemptions. Exemptions from the location standards with respect to airports, floodplains, wetlands, fault areas, seismic impact zones, and unstable areas cannot be granted. Exemptions from other location standards of Section R315-302-1 may be granted by the Director on a site specific basis if it is determined that the exemption will cause no adverse impacts to human health or the environment.

(a) No exemption may be granted without application to the Director.

(b) If an exemption is granted, a facility may be required to have a more stringent design, construction, monitoring program, or operational practice to protect human health or the environment.

(c) All applications for exemptions shall meet the conditions of Section R315-311-3 pertaining to public notice and comment period.

KEY: solid waste management, waste disposal, solid waste permit

Date of Enactment or Last Substantive Amendment: [~~April 25, 2013~~2017]

Notice of Continuation: February 13, 2013

Authorizing, and Implemented or Interpreted Law: 19-6-104; 19-6-105; 19-6-108; 19-6-109; 40 CFR 258

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-1-5

Incorporations by Reference

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41446

FILED: 04/05/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to implement by rule Medicaid policy through incorporating the 04/01/2017 versions of the Medicaid State Plan and Medicaid provider manuals by reference.

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates the Utah Medicaid State Plan, any approved amendments, and the following Medicaid provider manuals by reference to 04/01/2017: Medical Supplies and Durable Medical Equipment Utah Medicaid Provider Manual and the manual's attachment for Donor Human Milk Request Form; Hospital Services Utah Medicaid Provider Manual with its attachments; Home Health Agencies Utah Medicaid Provider Manual and the manual's attachment for the Private Duty Nursing Acuity Grid; Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual; Hospice Care Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual; Personal Care Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual; Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual; Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual; Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual; Office of Inspector General (OIG) Administrative Hearings Procedures Manual; Pharmacy Services Utah Medicaid Provider Manual with its attachments; Coverage

and Reimbursement Code Look-up Tool; CHEC Services Utah Medicaid Provider Manual with its attachments; Chiropractic Medicine Utah Medicaid Provider Manual; Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual; General Attachments (All Providers) for the Utah Medicaid Provider Manual; Indian Health Utah Medicaid Provider Manual; Laboratory Services Utah Medicaid Provider Manual with its attachments; Medical Transportation Utah Medicaid Provider Manual; Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with attachment; Licensed Nurse Practitioner Utah Medicaid Provider Manual; Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables; Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments; Podiatric Services Utah Medicaid Provider Manual; Primary Care Network Utah Medicaid Provider Manual with its attachments; Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual; Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual; School-Based Skills Development Services Utah Medicaid Provider Manual; Section I: General Information Utah Medicaid Provider Manual; Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual; Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual; Vision Care Services Utah Medicaid Provider Manual; Women's Services Utah Medicaid Provider Manual; Medically Complex Children's Waiver Utah Medicaid Provider Manual; and Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-1-5 and Section 26-18-3

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Indian Health Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Office of Inspector General Administrative Hearings Procedures Manual, published by Office of Inspector General and Medicaid Services, 04/01/2017

- ◆ Updates Chiropractic Medicine Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Pharmacy Services Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual, with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Licensed Nurse Practitioner Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Hospice Care Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Vision Care Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Women's Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Section I: General Information Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Laboratory Services Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates General Attachments (All Providers) for the Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Primary Care Network Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Podiatric Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Home Health Agencies Utah Medicaid Provider Manual, and Private Duty Nursing Acuity Grid, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Hospital Services Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates CHEC Services Utah Medicaid Provider Manual with attachments, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Medically Complex Children's Waiver Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Medical Supplies and Durable Medical Equipment Utah Medicaid Provider Manual, and Donor Human Milk Request Form, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Coverage and Reimbursement Code Look-up Tool, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Medicaid State Plan, published by Centers for Medicare and Medicaid Services, 04/01/2017
- ◆ Updates Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017

- ◆ Updates Medical Transportation Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with attachment, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates Personal Care Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017
- ◆ Updates School-Based Skills Development Services Utah Medicaid Provider Manual, published by Division of Medicaid and Health Financing, 04/01/2017

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to the Department or other state agencies.
- ◆ **LOCAL GOVERNMENTS:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no budget impact because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to Medicaid recipients and to Medicaid providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this change only fulfills the requirement to incorporate the State Plan by reference. Implementation of the State Plan is within legislative budget allotments. Further, the rule's incorporation of ongoing Medicaid policy described in the provider manuals and Look-up Tool, and hearings procedures described in the OIG manual do not create costs or savings to a single Medicaid recipient or to a Medicaid provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business because all changes are already in the State Plan.

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 Office 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 or by mail at PO Box 143102, Salt Lake City, UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-1. Utah Medicaid Program.

R414-1-5. Incorporations by Reference.

The Department incorporates the ~~January~~ April 1, 2017, versions of the following by reference:

- (1) Utah Medicaid State Plan, including any approved amendments, under Title XIX of the Social Security Act Medical Assistance Program;
- (2) Medical Supplies and Durable Medical Equipment Utah Medicaid Provider Manual, as applied in Rule R414-70, and the manual's attachment for Donor Human Milk Request Form;
- (3) Hospital Services Utah Medicaid Provider Manual with its attachments;
- (4) Home Health Agencies Utah Medicaid Provider Manual, and the manual's attachment for the Private Duty Nursing Acuity Grid;

(5) Speech-Language Pathology and Audiology Services Utah Medicaid Provider Manual;

(6) Hospice Care Utah Medicaid Provider Manual~~], and the manual's attachment for the Utah Medicaid Prior Authorization Request for Hospice Services];~~

(7) Long Term Care Services in Nursing Facilities Utah Medicaid Provider Manual with its attachments;

(8) Personal Care Utah Medicaid Provider Manual~~], and the manual's attachment for the Request for Prior Authorization- Personal Care and Capitated Programs];~~

(9) Utah Home and Community-Based Waiver Services for Individuals Age 65 or Older Utah Medicaid Provider Manual;

(10) Utah Home and Community-Based Waiver Services for Individuals with an Acquired Brain Injury Utah Medicaid Provider Manual;

(11) Utah Community Supports Waiver for Individuals with Intellectual Disabilities or Other Related Conditions Utah Medicaid Provider Manual;

(12) Utah Home and Community-Based Services Waiver for Individuals with Physical Disabilities Utah Medicaid Provider Manual;

(13) Utah Home and Community-Based Waiver Services New Choices Waiver Utah Medicaid Provider Manual;

(14) Utah Home and Community-Based Services Waiver for Technology Dependent, Medically Fragile Individuals Utah Medicaid Provider Manual;

(15) Utah Home and Community-Based Waiver Services Medicaid Autism Waiver Utah Medicaid Provider Manual;

(16) Office of Inspector General Administrative Hearings Procedures Manual;

(17) Pharmacy Services Utah Medicaid Provider Manual with its attachments;

(18) Coverage and Reimbursement Code Look-up Tool found at <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php> ;

(19) CHEC Services Utah Medicaid Provider Manual with its attachments;

(20) Chiropractic Medicine Utah Medicaid Provider Manual;

(21) Dental, Oral Maxillofacial, and Orthodontia Services Utah Medicaid Provider Manual;

(22) General Attachments (All Providers) for the Utah Medicaid Provider Manual;

(23) Indian Health Utah Medicaid Provider Manual;

(24) Laboratory Services Utah Medicaid Provider Manual with its attachments;

(25) Medical Transportation Utah Medicaid Provider Manual;

(26) Non-Traditional Medicaid Plan Utah Medicaid Provider Manual with attachment;

(27) Licensed Nurse Practitioner Utah Medicaid Provider Manual;

(28) Physical Therapy and Occupational Therapy Services Utah Medicaid Provider Manual, and the manual's attachment for Physical Therapy and Occupational Therapy Decision Tables;

(29) Physician Services, Anesthesiology and Laboratory Services Utah Medicaid Provider Manual with its attachments;

(30) Podiatric Services Utah Medicaid Provider Manual;

(31) Primary Care Network Utah Medicaid Provider Manual with its attachments;

(32) Rehabilitative Mental Health and Substance Use Disorder Services Utah Medicaid Provider Manual;

(33) Rural Health Clinics and Federally Qualified Health Centers Services Utah Medicaid Provider Manual;

(34) School-Based Skills Development Services Utah Medicaid Provider Manual;

(35) Section I: General Information Utah Medicaid Provider Manual;

(36) Targeted Case Management for Individuals with Serious Mental Illness Utah Medicaid Provider Manual;

(37) Targeted Case Management for Early Childhood (Ages 0-4) Utah Medicaid Provider Manual;

(38) Vision Care Services Utah Medicaid Provider Manual;

(39) Women's Services Utah Medicaid Provider Manual;

(40) Medically Complex Children's Waiver Utah Medicaid Provider Manual; and

(41) Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [February 15], 2017

Notice of Continuation: February 15, 2017

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-34-2

Tax Commission, Administration
R861-1A-16
Utah State Tax Commission
Management Plan Pursuant to Utah
Code Ann. Section 59-1-207

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41468

FILED: 04/11/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment reflects a proposed change in the delineation of duties between the tax commissioners and the executive director.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment provides that the commission retains authority for litigation and requires the executive director to advise the commission on matters under litigation, and to inform the commission of settlement offers that have been received on matters under litigation.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-207

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--The amendment indicates that the tax commissioners retain authority for matters in litigation and have not delegated this authority to the executive director.
- ◆ **LOCAL GOVERNMENTS:** None--The amendment indicates that the tax commissioners retain authority for matters in litigation and have not delegated this authority to the executive director.
- ◆ **SMALL BUSINESSES:** None--The amendment indicates that the tax commissioners retain authority for matters in litigation and have not delegated this authority to the executive director.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The amendment indicates that the tax commissioners retain authority for matters in litigation and have not delegated this authority to the executive director.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment indicates that the tax commissioners retain authority for matters in litigation and have not delegated this authority to the executive director.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact--This change only indicates that the tax commissioners retain authority for matters in litigation and has not delegated this authority to the executive director.

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

TAX COMMISSION
ADMINISTRATION
210 N 1950 W
SALT LAKE CITY, UT 84134-0002
or at the Office 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Rebecca Rockwell, Commissioner

R861. Tax Commission, Administration.
R861-1A. Administrative Procedures.
R861-1A-16. Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207.

- (1) The executive director reports to the commission.

The executive director shall meet with the commission periodically to report on the status and progress of this agreement, update the commission on the affairs of the agency and seek policy guidance. The chairman of the commission shall designate a liaison of the commission to coordinate with the executive director in the execution of this agreement.

(2) The structure of the agency is as follows:

(a) The Office of the Commission, including the commissioners and the following units that report to the commission:

- (i) Internal Audit;
- (ii) Appeals;
- (iii) Economic and Statistical; and
- (iv) Public Information.

(b) The Office of the Executive Director, including the executive director's staff and the following divisions that report to the executive director:

- (i) Administration;
- (ii) Taxpayer Services;
- (iii) Motor Vehicle;
- (iv) Auditing;
- (v) Property Tax;
- (vi) Processing; and
- (vii) Motor Vehicle Enforcement.

(3) The Executive Director shall oversee service agreements from other departments, including the Department of Human Resources and the Department of Technology Services.

(4) The commission hereby delegates full authority for the following functions to the executive director:

(a) general supervision and management of the day to day management of the operations and business of the agency conducted through the Office of the Executive Director and through the divisions set out in Subsection (2)(b);

(b) management of the day to day relationships with the customers of the agency;

(c) all original assessments, including adjustments to audit, assessment, and collection actions, except as provided in Subsections (4)(d) and (5);

(d) in conformance with standards established by the commission, waivers of penalty and interest pursuant to Section 59-1-401 in amounts under \$10,000, or offers in compromise agreements in amounts under \$10,000;

(e) except as provided in Subsection (5)(g), voluntary disclosure agreements with companies, including multilevel marketers;

(f) determination of whether a county or taxing entity has satisfied its statutory obligations with respect to taxes and fees administered by the commission;

(g) human resource management functions, including employee relations, final agency action on employee grievances, and development of internal policies and procedures; and

(h) administration of Title 63G, Chapter 2, Government Records Access and Management Act.

(5) The executive director shall prepare and, upon approval by the commission, implement the following actions, agreements, and documents:

- (a) the agency budget;
- (b) the strategic plan of the agency;
- (c) administrative rules and bulletins;

(d) waivers of penalty and interest in amounts of \$10,000 or more pursuant to Section 59-1-401 as per the waiver of penalty and interest policy;

(e) offer in compromise agreements that abate tax, penalty and interest over \$10,000 as per the offer in compromise policy;

(f) stipulated or negotiated agreements that dispose of matters on appeal; and

(g) voluntary disclosure agreements that meet the following criteria:

(i) the company participating in the agreement is not licensed in Utah and does not collect or remit Utah sales or corporate income tax; and

(ii) the agreement forgives a known past tax liability of \$10,000 or more.

(6) The commission shall retain authority for the following functions:

(a) rulemaking;

(b) adjudicative proceedings;

(c) private letter rulings issued in response to requests from individual taxpayers for guidance on specific facts and circumstances;

(d) internal audit processes;

(e) liaison with the governor's office[;];

(i) Correspondence received from the governor's office relating to tax policy will be directed to the Office of the Commission for response. Correspondence received from the governor's office that relates to operating issues of the agency will be directed to the Office of the Executive Director for research and appropriate action. The executive director shall prepare a timely response for the governor with notice to the commission as appropriate.

(ii) The executive director and staff may have other contact with the governor's office upon appropriate notice to the commission;[~~and~~]

(f) liaison with the Legislature[-];

(i) The commission will set legislative priorities and communicate those priorities to the executive director.

(ii) Under the direction of the executive director, staff may be assigned to assist the commission and the executive director in monitoring legislative meetings and assisting legislators with policy issues relating to the agency[-]; and

(g) litigation:

(i) The executive director shall advise the commission on matters under litigation.

(ii) If a settlement offer is received, the executive director shall inform the commission of the:

(A) terms of the offer; and

(B) the division's recommendations with regards to that offer.

(7) Correspondence that has been directed to the commission or individual commissioners that relates to matters delegated to the executive director shall be forwarded to a staff member of the Office of the Executive Director for research and appropriate action. A log shall be maintained of all correspondence and periodically the executive director will review with the commission the volume, nature, and resolution of all correspondence from all sources.

(8) The executive director's staff may occasionally act as support staff to the commission for purposes of conducting research or making recommendations on tax issues.

(a) Official communications or assignments from the commission or individual commissioners to the staff reporting to the executive director shall be made through the executive director.

(b) The commissioners and the Office of the Commission staff reserve the right to contact agency staff directly to facilitate a collegial working environment and maintain communications within the agency. These contacts will exclude direct commands, specific policy implementation guidance, or human resource administration.

(9) The commission shall meet with the executive director periodically for the purpose of exchanging information and coordinating operations.

(a) The commission shall discuss with the executive director all policy decisions, appeal decisions or other commission actions that affect the day to day operations of the agency.

(b) The executive director shall keep the commission apprised of significant actions or issues arising in the course of the daily operation of the agency.

(c) When confronted with circumstances that are not covered by established policy or by instances of real or potential conflicts of interest, the executive director shall refer the matter to the commission.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: [December 8, 2016]2017

Notice of Continuation: November 10, 2016

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

Tax Commission, Property Tax R884-24P-24

Form for Notice of Property Valuation
and Tax Changes Pursuant to Utah
Code Ann. Sections 59-2-918.5 through
59-2-924

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41469

FILED: 04/11/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The section is amended to comply with H.B. 25 from the 2016 General Session.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes formulas and definitions for new growth that have been superseded by H.B. 25 (2016), and deletes language indicating how the calculation of ad valorem property tax revenues budgeted by a taxing entity shall be calculated since statutory language mandating that calculation be set forth in rule was deleted in H.B. 25 (2016).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-918.5 and Section 59-2-919 and Section 59-2-920 and Section 59-2-921 and Section 59-2-922 and Section 59-2-923 and Section 59-2-924

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--Any revenue impacts were considered in H.B. 25 (2016).
- ◆ LOCAL GOVERNMENTS: None--Any revenue impacts were considered in H.B. 25 (2016).
- ◆ SMALL BUSINESSES: None--Any revenue impacts were considered in H.B. 25 (2016).
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--Any revenue impacts were considered in H.B. 25 (2016).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment deletes language that has been superseded by H.B. 25 (2016).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact--Potential fiscal impacts were considered in H.B. 25 (2016).

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

TAX COMMISSION
PROPERTY TAX
210 N 1950 W
SALT LAKE CITY, UT 84134
or at the Office 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/07/2017

AUTHORIZED BY: Rebecca Rockwell, Commissioner

R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-24. Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918.5 through 59-2-924.**

(1) The county auditor must notify all real property owners of property valuation and tax changes on the Notice of Property Valuation and Tax Changes form.

(a) If a county desires to use a modified version of the Notice of Property Valuation and Tax Changes, a copy of the proposed modification must be submitted for approval to the Property Tax Division of the Tax Commission no later than March 1.

(i) Within 15 days of receipt, the Property Tax Division will issue a written decision, including justifications, on the use of the modified Notice of Property Valuation and Tax Changes.

(ii) If a county is not satisfied with the decision, it may petition for a hearing before the Tax Commission as provided in R861-1A-22.

(b) The Notice of Property Valuation and Tax Changes, however modified, must contain the same information as the unmodified version. A property description may be included at the option of the county.

(2) The Notice of Property Valuation and Tax Changes must be completed by the county auditor in its entirety, except in the following circumstances:

(a) New property is created by a new legal description; or

(b) The status of the improvements on the property has changed.

(c) In instances where partial completion is allowed, the term nonapplicable will be entered in the appropriate sections of the Notice of Property Valuation and Tax Changes.

(d) If the county auditor determines that conditions other than those outlined in this section merit deletion, the auditor may enter the term "nonapplicable" in appropriate sections of the Notice of Property Valuation and Tax Changes only after receiving approval from the Property Tax Division in the manner described in Subsection (1).

(3) Real estate assessed under the Farmland Assessment Act of 1969 must be reported at full market value, with the value based upon Farmland Assessment Act rates shown parenthetically.

(4)(a) All completion dates specified for the disclosure of property tax information must be strictly observed.

(b) Requests for deviation from the statutory completion dates must be submitted in writing on or before June 1, and receive the approval of the Property Tax Division in the manner described in Subsection (1).

(5) If the cost of public notice required under Section 59-2-919 is greater than one percent of the property tax revenues to be received, an entity may combine its advertisement with other entities, or use direct mail notification.

(6) Calculation of the amount and percentage increase in property tax revenues required by Section 59-2-919 shall be computed by comparing property taxes levied for the current year

with property taxes budgeted the prior year, without adjusting for revenues attributable to new growth.

(7) If a taxing district has not completed the tax rate setting process as prescribed in Sections 59-2-919 and 59-2-920 by August 17, the county auditor must seek approval from the Tax Commission to use the certified rate in calculating taxes levied.

(8) The value of property subject to the uniform fee under Sections 59-2-405 through 59-2-405.3 is excluded from taxable value for purposes of calculating new growth, the certified tax rate, and the proposed tax rate.

(9) The value and taxes of property subject to the uniform fee under Sections 59-2-405 through 59-2-405.3 are excluded when calculating the percentage of property taxes collected as provided in Section 59-2-924.

~~[(10) The following formulas and definitions shall be used in determining new growth:~~

~~(a) Actual new growth shall be computed as follows:~~

~~(i) the taxable value of property assessed by the commission and locally assessed real property for the current year adjusted for redevelopment minus year-end taxable value of property assessed by the commission and locally assessed real property for the previous year adjusted for redevelopment; then~~

~~(ii) plus or minus the difference between the taxable value of locally assessed personal property for the prior year adjusted for redevelopment and the year-end taxable value of locally assessed personal property for the year that is two years prior to the current year adjusted for redevelopment; then~~

~~(iii) plus or minus changes in value as a result of factoring; then~~

~~(iv) plus or minus changes in value as a result of reappraisal; then~~

~~(v) plus or minus any change in value resulting from a legislative mandate or court order.~~

~~(b) Net annexation value is the taxable value for the current year adjusted for redevelopment of all properties annexed into an entity during the previous calendar year minus the taxable value for the previous year adjusted for redevelopment for all properties annexed out of the entity during the previous calendar year.~~

~~(c) New growth is equal to zero for an entity with:~~

~~(i) an actual new growth value less than zero; and~~

~~(ii) a net annexation value greater than or equal to zero.~~

~~(d) New growth is equal to actual new growth for:~~

~~(i) an entity with an actual new growth value greater than or equal to zero; or~~

~~(ii) an entity with:~~

~~(A) an actual new growth value less than zero; and~~

~~(B) the actual new growth value is greater than or equal to the net annexation value.~~

~~(e) New growth is equal to the net annexation value for an entity with:~~

~~(i) a net annexation value less than zero; and~~

~~(ii) the actual new growth value is less than the net annexation value.~~

~~(f) Adjusted new growth equals new growth multiplied by the mean collection rate for the previous five years.~~

~~(11)(a) For purposes of determining the certified tax rate, ad valorem property tax revenues budgeted by a taxing entity for the prior year are calculated by:~~

~~(i) increasing or decreasing the adjustable taxable value from the prior year Report 697 by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year; and~~

~~(ii) multiplying the result obtained in Subsection (11)(a) (i) by:~~

~~(A) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and~~

~~(B) the prior year approved tax rate.~~

~~(b) If a taxing entity levied the prior year approved tax rate, the budgeted revenues determined under Subsection (11)(a) are reflected in the budgeted revenue column of the prior year Report 693.]~~

~~[(12)](10) Entities required to set levies for more than one fund must compute an aggregate certified rate. The aggregate certified rate is the sum of the certified rates for individual funds for which separate levies are required by law. The aggregate certified rate computation applies where:~~

~~(a) the valuation bases for the funds are contained within identical geographic boundaries; and~~

~~(b) the funds are under the levy and budget setting authority of the same governmental entity.~~

~~[(13)](11) For purposes of determining the certified tax rate of a municipality incorporated on or after July 1, 1996, the levy imposed for municipal-type services or general county purposes shall be the certified tax rate for municipal-type services or general county purposes, as applicable.~~

~~[(14)](12) No new entity, including a new city, may have a certified tax rate or levy a tax for any particular year unless that entity existed on the first day of that calendar year.~~

KEY: taxation, personal property, property tax, appraisals

Date of Enactment or Last Substantive Amendment: [December 8, 2016]2017

Notice of Continuation: November 10, 2016

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

**Technology Services, Administration
R895-3
Computer Software Licensing,
Copyright, Control, Retention, and
Transfer**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 41459

FILED: 04/07/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the State of Utah's position and its intent to: 1) comply with computer software licensing agreements and applicable federal laws, including copyright and patent laws; 2) define the methods by which the State of Utah (State) will control and protect computer software; and 3) establish the State's right, title and interest in state-developed computer software, including the sale and transfer of such software under certain conditions.

SUMMARY OF THE RULE OR CHANGE: The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34-39-1 et seq. and Section 63F-1-206 and Section 63G-2-101 et seq. and Section 63G-3-201

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to other persons. The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance costs for affected persons. The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact to businesses. The proposed changes to the rule eliminate duplication and revise processes in Sections R895-3-5 and R895-3-6.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stephanie@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 06/08/2017

AUTHORIZED BY: Michael Hussey, Executive Director and CIO

R895. Technology Services, Administration.**R895-3. Computer Software Licensing, Copyright, Control, Retention, and Transfer.****R895-3-1. Purpose.**

The purpose of this rule is to establish the State of Utah's position and its intent to:

(1) comply with computer software licensing agreements and applicable federal laws, including copyright and patent laws;

(2) define the methods by which the State of Utah (State) will control and protect computer software; and

(3) establish the State's right, title and interest in state-developed computer software, including the sale and transfer of such software under certain conditions.

R895-3-2. Application.

All state agencies of the executive branch of the State government shall comply with this rule, which applies to the use, acquisition and transfer of all computer software, regardless of the operating environment or source of the software.

R895-3-3. Authority.

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, Utah Code Annotated.

R895-3-4. Definitions.

As used in this rule:

(1) "Audit" means to review compliance with laws, rules and policies that apply to computer software and related documentation; and to report findings and conclusions.

(2) "Commercial computer software" means computer software that is sold, licensed, or leased in significant quantities to the general public at established market or catalog prices.

(3) "Computer program" means a set of statements or instructions used in an information processing system to provide storage, retrieval, and manipulation of data from the computer system and any associated documentation and source material that explain how to operate the program.

(4) "Computer software" means sets of instructions or programs structured in a manner designed to cause a computer to carry out a desired result.

(5) "Spot Audit" means a periodic audit described in (1) and conducted by a person or persons performing the State Software Controller function.

(6) "State agency" means any agency or administrative sub-unit of the executive branch of the State government except:

- (a) the State Board of Education; and
- (b) the Board of Regents and institutions of higher education.

(7) "State-developed computer software" means computer software and related documentation developed under contract with the State or by State employees under the conditions set forth in the Employment Inventions Act, Section 34-39-1 et seq., Utah Code Annotated.

R895-3-5. Compliance and Responsibilities: Software Licensing.

(1) Each state agency and its employees shall comply with computer software licensing agreements, state laws, federal contracts, federal funding agreements, and federal laws, including copyright and patent laws.

(2) All management personnel will discourage software piracy and take appropriate personnel action up to and including dismissal, against any employee who has been found to be in violation of software license agreements. Personnel action shall be in full accordance with the Department of Human Resource Management Rule R477-11-1 et seq., Utah Administrative Code.

(3) Each state agency shall:

- (a) establish a software coordinating function that will work with the DTS software coordinator to provide responsibility and authority to manage software licenses, software licensing agreements, software inventory;
- (b) Inform employees that are engaged in developing or controlling the distribution of software for the State, that any state-developed software is an asset owned by the State and controlled according to the terms of this rule.

(4) A state software controller function is established within the Department of Technology Services with the following responsibilities:

- (a) coordinate all centralized software purchases;
- (b) manage software licenses, software licensing agreements and software inventory for centralized software purchases;
- (c) coordinate and provide information to employees who are responsible for the software controller function within each state agency;
- (d) provide to employees notices of the state agency's software use policy at appropriate locations. Appropriate locations may include computing facilities, offices, lunchrooms or websites.
- (e) keep and maintain an inventory of all state-owned computer software and software licensing agreements tracked by agency by:
 - (i) establishing accurate software inventories and maintaining them;
 - (ii) establishing a baseline inventory of software already purchased;

(iii) ~~[maintaining this inventory through annual inventory reviews that reconcile purchases against inventory;~~

~~—(iv)—~~acquiring and using auditing tools to assist in establishing the inventory baseline and performing the ongoing reconciliation;

(f) coordinate with DTS technical personnel to:

(i) dispose of software in accordance with the software license agreement;

~~[(ii) remove from the storage media before disposing of a computer, all private, protected or controlled data as defined by the Government Records Access and Management Act, UCA 63G-2-101 et seq.]~~

(g) Understand the conditions of computer software licensing agreements before purchasing computer software, and inform State employees, whose responsibility it is to monitor the State's compliance with computer software licensing agreements, of these conditions.

(h) coordinate statewide audits or spot audits as needed.

R895-3-6. Compliance and Responsibilities: Retention and Transfer of State-Developed Computer Software.

(1) Unless otherwise prohibited by federal law, regulation, contract or funding agreement, the State of Utah may retain the right, title and interest in any state-developed computer software. To do so, the agency shall:

(a) clearly define in all contracts that it controls the ownership rights for computer software development and related documentation; and

(b) mark all computer software and related documentation developed by employees of the State with the copyright symbol and year, and label "Utah State Government" on all media on which the computer software or documentation is stored and at the beginning of the computer software execution.

(2) The State of Utah may sell or otherwise transfer the right, title and interest in any state-developed computer software. In order to carry this out, state agency must do the following:

(a) ~~[Submit a request to the state software controller and e]Obtain approval from the Chief Information Officer prior to the sale or transfer of state-developed computer software. The agency's request shall include a copy of the transfer agreement and any other contractual information. [A summary report of these requests will be provided to the Information Technology Policy and Strategy Committee. An example of a model]The required form to complete a transfer or sale of state-developed software agreement may be obtained from the [Chief Information Officer]department.~~

(b) Clearly specify within the transfer documents whether the costs of development will be recovered from the receiver.

(c) Clearly specify within the transfer documents whether the costs associated with copying and sending the state-developed computer software will be recovered from the receiver.

(d) Clearly specify within the transfer documents that the receiver is responsible for acquiring any commercial computer software upon which the state-developed computer software may be dependent.

(e) Clearly specify within the transfer documents that no additional services, such as installation, training, or maintenance, will be provided unless the parties have agreed otherwise.

(f) Clearly specify within the transfer documents that the state-developed computer software is being transferred in "as is" condition, and that the State will not be held liable for any incidental or consequential damages under any circumstances.

(g) Retain a record of the transfer, and process it in accordance with the Government Records Access and Management Act, Section 63G-2-101 et seq., Utah Code Annotated.

(3) In accordance with the requirements of (2), the state may initiate an agreement to transfer state-developed computer software when reasons exist to share such software with another state or entity.

(4) The Chief Information Officer may measure compliance of a state agency and its employees with this rule by conducting periodic audits in accordance with Section 63F-1-206,

Utah Code Annotated. In performing audits, the Chief Information Officer may utilize external auditors and an agency's internal auditor(s) when such resources are available and the use of such resources is appropriate.

KEY: computer software, licensing, copyright, transfer

Date of Enactment or Last Substantive Amendment: ~~October 22, 2012~~ 2017

Notice of Continuation: August 31, 2012

Authorizing, and Implemented or Interpreted Law: 63F-1-206; 63G-3-201; 34-39-1 et seq.; 63G-2-101 et seq.

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 May 31, 2017.

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 Office 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 Office of Administrative Rules.

From the end of the 30-day waiting period through August 29, 2017, an agency may notify the Office 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 Office 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

Commerce, Real Estate
R162-2e
Appraisal Management Company
Administrative Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 41024
 FILED: 04/07/2017

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After considering the public comment received during the public comment period and at a public hearing for the proposed rule amendment, the Real Estate Appraiser Licensing and Certification Board (Board), with the concurrence of the Director of the Division of Real Estate (Director) made changes to the proposed rule as follows: in Section R162-2e-102, the Utah Code reference in Subsections R162-2e-102(1)(a)(i) and (1)(a)(ii) were corrected; in Section R162-2e-304, the change clarifies that the presumption of compliance provided in Subsection R162-2e-304(3) is in addition to the presumptions of compliance referenced in Utah Code Subsection 61-2e-304(2)(b); in Section R162-2e-306, the change clarifies that the restrictions to an appraisal management company (AMC) in offering an appraisal assignment to an appraiser are for residential appraisal assignments only.

SUMMARY OF THE RULE OR CHANGE: In Section R162-2e-102, the Utah Code reference in Subsections R162-2e-102(1)(a)(i) and (1)(a)(ii) were corrected; in Section R162-2e-304, the change clarifies that the presumption of compliance provided in Subsection R162-2e-304(3) is in addition to the presumptions of compliance referenced in Utah Code Subsection 61-2e-304(2)(b); in Section R162-2e-306, the change clarifies that the restrictions to an AMC in offering an appraisal assignment to an appraiser are for residential mortgage appraisal assignments only. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the December 15, 2016, issue of the Utah State Bulletin, on page 5. 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 CPR 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 61-2e-103 and Section 61-2e-301 and Section 61-2e-304 and Section 61-2e-306

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The division has the staff and budget in place to administer this proposed amendment,

including the changes to the proposed amendment. It is not expected that the proposed amendment as changed will affect those resources or result in any additional cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the AMC rules. No fiscal impact to local government is expected from the proposed amendment as changed.

◆ **SMALL BUSINESSES:** The proposed amendment as changed does not create new obligations for small businesses nor does it increase the cost associated with any existing obligation. No fiscal impact to small business is expected from the proposed amendment as changed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed changes to the amendment do not create new obligations for persons other than small businesses, businesses, or local government entities nor do they increase the cost associated with any existing obligation. No fiscal impact to persons other than small businesses, businesses, or local government entities is expected from the proposed changes to the proposed amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule does create new obligations and sets new limitations for AMCs subject to the administrative rules. Some AMCs will likely incur compliance costs but these costs will vary among the AMCs and there is no way to determine with specificity the amount of these costs. Some of the public comments made regarding the proposed rule amendment indicated that these costs could be lessened if a transition period were provided for compliance with the proposed rule. In consideration of these comments, the Board with the concurrence of the Director approved changes to the proposed amendment and has delayed the effective date of the proposed amendment as changed which would not become effective until sometime in August 2017.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: A minor amendment is made to the definition of "business day" in Section R162-2e-102. The amendment to Section R162-2e-304 changes and adds to the disclosures an AMC makes to an appraiser and provides a presumption of payment of an appraiser at a customary and reasonable rate, if the compensation is consistent with the fee schedule published by the United States Department of Veterans Affairs Denver Regional Loan Center. Section R162-2e-306 is a new section that specifies the manner in which an AMC may offer an appraisal assignment to an appraiser and the manner in which the time of completion of an appraisal report is to be computed. The changes to Section R162-2e-304 and the new Section R162-2e-306 do create new obligations for AMCs, resulting in some additional costs of implementation. However, these changes are minor and there is no way to determine with precision the amount of these costs. The fiscal impact to businesses is negligible.

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

COMMERCE
 REAL ESTATE
 HEBER M WELLS BLDG
 160 E 300 S
 SALT LAKE CITY, UT 84111-2316
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 05/31/2017

THIS RULE MAY BECOME EFFECTIVE ON: 08/14/2017

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.

R162-2e. Appraisal Management Company Administrative Rules.

R162-2e-102. Definitions.

- (1) "Affiliation" means a business association:
 - (a) between:
 - (i) two individuals registered, licensed, or certified under Section ~~61-2b~~61-2g; or
 - (ii) an individual registered, licensed, or certified under Section ~~61-2b~~61-2g and:
 - (A) an appraisal entity; or
 - (B) a government agency;
 - (b) for the purpose of providing an appraisal service; and
 - (c) regardless of whether an employment relationship exists between the parties.
- (2) The acronym "AMC" stands for appraisal management company.
- (3) "Business day" means a day other than:
 - (a) a Saturday;
 - (b) a Sunday; or
 - (c) a state or federal holiday.
- (4) "Client" is defined in Section 61-2e-102(10).
- (5) "Competency statement" means a statement provided by the AMC to the appraiser that, at a minimum, requires the appraiser to attest that the appraiser:
 - (a) is competent according to USPAP standards;
 - (b) recognizes and agrees to comply with:
 - (i) laws and regulations that apply to the appraiser and to the assignment;
 - (ii) assignment conditions; and
 - (iii) the scope of work outlined by the client; and
 - (c) has access, either independently or through an affiliation pursuant to Subsection (1), to the records necessary to complete a credible appraisal, including:
 - (i) multiple listing service data; and
 - (ii) county records.
- (6)(a) "Employee" means an individual:

- (i) whose manner and means of work performance are subject to the right of control of, or are controlled by, another person; and

- (ii) whose compensation for federal income tax purposes is reported, or is required to be reported, on a W-2 form issued by the controlling person.

- (b) "Employee" does not include an independent contractor who performs duties other than at the discretion of, and subject to the supervision and instruction of, another person.

- (c) For purposes of applying Subsection R162-2e-401(1)(g), an appraiser who completes an assignment is considered to be an employee of the AMC that offers the assignment if:

- (i) this subsection (a) describes the employment relationship between the appraiser and the AMC; or

- (ii) pursuant to this subsection (a), the appraiser is an employee of a company:

- (A) that is wholly owned by the AMC; or
- (B) in which the AMC owns a controlling interest.

- (7) "Select" means:

- (a) for purposes of composing the AMC appraiser panel, to review and evaluate the qualifications of an appraiser who applies to be included on the AMC's appraiser panel; and

- (b) for purposes of assigning an appraisal activity to an appraiser:

- (i) to choose from the AMC's appraiser panel an individual appraiser or appraisal entity to complete an assignment; or

- (ii) to compile, from among the appraisers included in the AMC's appraiser panel, an electronic distribution list of appraisers to whom an assignment will be offered through e-mail.

- (8) The acronym "USPAP" stands for Uniform Standards of Professional Appraisal Practice.

R162-2e-304. Required Disclosure -- Customary and Reasonable Compensation.

(1) In addition to the disclosures required by Section 61-2e-304, an AMC shall:

- (a) at the time an appraiser is first added to an appraiser panel ~~the AMC shall~~:

- (i) notify the appraiser in writing:

- (A) of the criteria the AMC uses to rank an appraiser on the panel; and,

- (B) if the AMC uses a tiered panel model, the criteria the AMC uses to distinguish the various tiers.

- (b) ~~[F]~~if the criteria used by an AMC to rank an appraiser changes while an appraiser is on the appraiser panel of an AMC, or if the AMC makes any changes to a tiered panel model, ~~the AMC shall~~ provide written notice of the changes to all appraisers affected by the changes.

- (c) at the time an assignment is offered, disclose to the appraiser:

- (i) the total fee that will be collected by the AMC for the assignment;

- (ii) the total amount that the AMC will retain from the fee charged, disclosed as a dollar amount;

- (iii) the total amount that the appraiser may expect to earn from the assignment:

- (A) disclosed as a dollar amount; and

(B) delineating any fees or costs that will be charged by the AMC to the appraiser;

(iv)(A) the property address;

(B) the legal description; or

(C) equivalent information that would allow the appraiser to determine whether the appraiser has been involved with any service regarding the subject property within the three years preceding the date on which the assignment is offered;

(v) the assignment conditions and scope of work requirements in sufficient detail to allow the appraiser to determine whether the appraiser is competent to complete the assignment; and

(vi) any known deadlines within which the assignment must be completed;

(d) at or before the time the appraiser accepts an assignment, obtain the appraiser's acknowledgment as to the AMC's competency statement; and

(e) direct the appraiser who performs the real estate appraisal activity to disclose in the body of the appraisal report:

(i) the total compensation, stated as a dollar amount, paid to the appraiser or, if the appraiser is employed by an appraisal company, to the appraiser's employer; and

(ii) the total compensation retained by the AMC in connection with the real estate appraisal activity, stated as a dollar amount.

(2) Within 10 business days of receiving a written request from an appraiser as to why the AMC has decreased the number of assignments offered to the appraiser or has ceased offering the appraiser assignments, an AMC shall notify the appraiser in writing as follows:

(a) if the AMC has determined to decrease the number of assignments it will offer to the appraiser, the reason why the AMC has made this decision;

(b) if the AMC has determined to cease offering assignments to the appraiser, the reason why the AMC has made this decision; and

(c) if the AMC has determined to remove the appraiser from an appraiser panel, ~~the AMC shall~~ provide the appraiser notice as required by Utah Code Section 61-2e-306.

(3) In addition to the presumptions of compliance referenced in Utah Code Subsection 61-2e-304(2)(b), an [A#] AMC is presumed to be in compliance with the requirement that the AMC compensate an appraiser at a rate that is customary and reasonable for an appraisal assignment in Utah, if the AMC pays compensation

consistent with the fee schedule for the state of Utah as published by the United States Department of Veterans Affairs Denver Regional Loan Center Appraisal Fee Schedule, as the fee schedule is updated from time-to-time.

R162-2e-306. Offering an Appraisal Assignment.

(1) An AMC shall not offer a[~~n~~] residential mortgage appraisal assignment to a group of two or more appraisers by broadcasting a simultaneous electronic communication by:

(a) email;

(b) text;

(c) placing the assignment on a web page;

(d) recorded telephone message; or

(e) using any other electronic means of communication.

(2) When offering a[~~n~~] residential mortgage appraisal assignment to an individual appraiser by means of any electronic communication;

(a) if the residential mortgage appraisal assignment is offered to the appraiser on a business day, an AMC shall allow the appraiser a minimum of 60 minutes to respond to the communication and accept the assignment before offering the appraisal assignment to another appraiser;

(b) if the residential mortgage appraisal assignment is offered on a day other than a business day, an AMC shall allow the appraiser until 9:00 A.M. Mountain Time on the next business day to respond to the communication and accept the assignment before offering the appraisal assignment to another appraiser.

(3) If the appraiser declines an assignment or does not respond within the time allotted in Subsection (2) for response, the AMC may offer the assignment to another appraiser.

(4) If an AMC uses delivery time of the completed appraisal report to the AMC in ranking an appraiser or in a tiered panel model, the AMC shall use only business days in the time calculation.

KEY: administrative proceedings, appraisal management company, conduct, registration

Date of Enactment or Last Substantive Amendment: 2017

Notice of Continuation: April 17, 2015

Authorizing, and Implemented or Interpreted Law: 61-2e-102(4); 61-2e-103; 61-2e-307; 61-2e-305; 61-2e-402(1)

End of the Notices of Changes in Proposed 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 Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Attorney General, Administration

R105-1

Attorney General's Selection of Outside
Counsel, Expert Witnesses and Other
Litigation Support Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41466

FILED: 04/10/2017

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 67-5-32 requires the attorney general to make rules in relation to the procurement of outside counsel, expert witnesses, and other litigation support services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received since enactment 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 required by Section 67-5-32. Therefore, this rule should be continued.

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

ADMINISTRATION
ROOM 230 UTAH STATE CAPITOL
350 N STATE ST
SALT LAKE CITY, UT 84114
or at the Office 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
- ◆ Paul Tonks by phone at 801-538-9501, or by Internet E-mail at ptonks@utah.gov
- ◆ Simone Rudas by phone at 801-538-3240, or by Internet E-mail at srudas@utah.gov

AUTHORIZED BY: Bridget Romano, Deputy Attorney General

EFFECTIVE: 04/10/2017

Commerce, Occupational and
Professional Licensing

R156-47b

Massage Therapy Practice Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41436

FILED: 04/04/2017

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 47b, provides for the licensure and regulation of massage therapists and

massage apprentices. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-47b-201(3) provides that the Board of Massage Therapy'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 47b, with respect to massage therapists and massage apprentices.

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 this rule was last reviewed in May 2012, it has been amended three times. The Division received one written comment, dated 10/29/2014, from Utah Chiropractic Physician Association Executive Director Tim Appgood in which the association opposed proposed amendments regarding the definition of "ortho-bionomy". As a result of the written comment and additional public comments offered during a 11/18/2014 rule hearing, the Division and Chiropractic Physician Licensing Board recommended additional changes, and a change in proposed rule (CPR) filing was filed on 02/23/2015 and made effective on 04/21/2015. The CPR filing deleted the definition of "ortho-bionomy" from 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 47b, with respect to massage therapists and massage apprentices. 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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Allyson Pettley by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at apettley@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 04/04/2017

**Corrections, Administration
 R251-107
 Executions**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41456
FILED: 04/06/2017

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 Sections 63G-3-201, 64-13-10, 77-19-10, and 77-19-11, in which the Utah Department of Corrections shall adopt and enforce rules governing procedures for the execution of judgments of death and attendance of persons at the execution.

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.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to address public safety and security within prison facilities prior to, during, and immediately following an execution. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Stephen Gehrke by phone at 801-545-5617, or by Internet E-mail at sgehrke@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/06/2017

Corrections, Administration
R251-305
 Visiting at Community Correctional
 Centers

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 41447
 FILED: 04/05/2017

**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 Sections 63G-3-201, 64-13-10, and 64-13-17. The purpose of this rule is to provide the Department of Corrections rules governing visitation at Community Correctional Centers.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is still to provide the Department of Corrections rules governing visitation at Community Correctional Centers. Therefore, this rule should be continued.

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

CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/05/2017

Corrections, Administration
R251-306
 Sponsors in Community Correctional
 Centers

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 41451
 FILED: 04/05/2017

**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 Sections 63G-3-201, 64-13-10, and 64-13-17. The purpose of this rule is to provide the Utah Department of Corrections' (UDC) policy for sponsors accompanying offenders of Community Correctional Centers into the community and to explain the process of applying to be a sponsor.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is still to provide the UDC's policy for sponsors accompanying offenders of Community Correctional Centers into the community and to explain the process of applying to be a sponsor. Therefore, this rule should be continued.

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

CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/05/2017

Corrections, Administration
R251-703
 Vehicle Direction Station

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 41450
 FILED: 04/05/2017

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 under Sections 63G-3-201, 64-13-14, and 64-13-10. The purpose of this rule is to define the Utah Department of Corrections' (UDC) policy, procedure, and requirements for the operation of the Vehicle Direction Stations located at the South Point and Central Utah Correctional Facilities.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is still to define the UDC's policy, procedure, and requirements for the operation of the Vehicle Direction Stations located at the South Point and Central Utah Correctional Facilities. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/05/2017

Corrections, Administration
R251-704
North Gate

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41449
FILED: 04/05/2017

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 Sections 63G-3-201, 64-13-10, and 64-13-14, which allows the Utah Department of Corrections to adopt standards and rules in accordance with its responsibilities.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to provide the Department's policy, procedures, and requirements for the North Gate of the South Point Complex of the Prison. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/05/2017

Corrections, Administration
R251-705
Inmate Mail Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41448
FILED: 04/05/2017

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 Sections 63G-3-201 and 64-13-10 and Subsection 64-13-17(4), which allows the Utah Department of Corrections (UDC) to adopt standards and rules in accordance with its responsibilities.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to establish the UDC's policies for processing mail received in the Division of Institutional Operations Mail Unit. Therefore, this rule should be continued.

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

CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/05/2017

Corrections, Administration
R251-706
Inmate Visiting

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 41457
FILED: 04/06/2017

**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 Sections 63G-3-201, 64-13-10, and 64-13-17. The purpose of this rule is to provide the Utah Department of Corrections' (UDC) policies, procedures, and requirements for inmate visitation at the Division of Prison Operations.

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.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to still provide the UDC's policies, procedures, and requirements for inmate visitation at the Division of Prison Operations. Therefore, this rule should be continued.

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

CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Stephen Gehrke by phone at 801-545-5617, or by Internet E-mail at sgehrke@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/06/2017

Corrections, Administration
R251-707
Legal Access

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 41463
FILED: 04/07/2017

**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 Sections 63G-3-201, 64-13-7, 64-13-10 and 64-13-17, which allow the Utah Department of Corrections (UDC) to adopt procedures in accordance with its responsibilities.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to provide the policy and procedures for inmates under the control of the Division of Institutional Operations regarding access to courts and counsel. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/07/2017

Corrections, Administration
R251-710
Search

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 41453
 FILED: 04/05/2017

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 under Sections 63G-3-201 and 64-13-10, and Subsections 64-13-14(1) and 64-13-17(2). The purpose of this rule is to provide the Utah Department of Corrections' (UDC) policy, procedures, and requirements for conducting searches.

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 were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to still provide the UDC's policy, procedures, and requirements for conducting searches. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Lucy Ramirez by phone at 801-545-5616, or by Internet E-mail at lramirez@utah.gov

AUTHORIZED BY: Rollin Cook, Executive Director

EFFECTIVE: 04/05/2017

Health, Administration
R380-1
Petitions for Department Declaratory Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 41434
 FILED: 04/03/2017

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 under Section 63G-4-503, Subsection 26-1-5 (3), and Section 26-1-17. Utah Code allows any person to file a request for agency action requesting that the agency issue a declaratory order determining the applicability of a statute, rule, or order.

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 have been received within the Utah Department of Health, Executive Director's Office, since 04/26/2012.

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 provides the procedures for the submission, review, and disposition of petitions for agency declaratory orders. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 ADMINISTRATION
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tamara Hampton by phone at 801-538-6622, by FAX at 801-538-6306, or by Internet E-mail at thampton@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 04/03/2017

EFFECTIVE: 04/03/2017

**Health, Administration
R380-5
Petitions for Declaratory Orders on
Orders Issued by Committees**

**Health, Administration
R380-20
Government Records and Access
Management**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 41435
FILED: 04/03/2017

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 41433
FILED: 04/03/2017

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

**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 under Section 63G-4-503, Subsection 26-1-5(3), and Section 26-1-17. An agency may issue a declaratory order determining the applicability of a statute, rule, or order within the primary jurisdiction of the agency to specified circumstances. The agency shall issue rules that facilitate and encourage agency issuance of reliable advice.

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 under Subsection 63G-2-202(8) and Sections 63G-2-204, 63G-12-104, 26-1-5, and 26-1-17. Utah Code recognizes the public's right to access information. Under Subsection 63G-12-104(2), the Utah Department of Health is authorized to enact a rule to meet this requirement.

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 have been received within the Utah Department of Health, Executive Director's Office, since 04/26/2012.

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 have been received within the Utah Department of Health, Executive Director's Office, since 04/03/2012.

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 provides the procedures for the submission, review, and disposition of petitions for agency declaratory orders concerning orders issued by committees. Therefore, this rule should be continued.

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 procedures that implement the Government Records Access and Management Act. Therefore, this rule should be continued.

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

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

HEALTH
ADMINISTRATION
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

HEALTH
ADMINISTRATION
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY, UT 84116-3231
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tamara Hampton by phone at 801-538-6622, by FAX at 801-538-6306, or by Internet E-mail at thampton@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tamara Hampton by phone at 801-538-6622, by FAX at 801-538-6306, or by Internet E-mail at thampton@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 04/03/2017

**Insurance, Administration
R590-68**

**Insider Trading of Equity Securities of
Domestic Stock Insurance Companies**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 41438
FILED: 04/04/2017

**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: Subsection 31A-2-201(3) authorizes the commissioner to make rules to implement Title 31A, the Utah Insurance Code. Subsection 31A-5-303(3)(a) authorizes the commissioner to adopt a rule to "define terms and prescribe conditions regarding securities held in an investment account and transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market."

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 has received no written comments regarding this rule during 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: This rule gives substantial, additional guidance regarding Section 31A-5-303, Insider Trading of Securities. Without this additional and much more detailed guidance, several forms of exemption from the requirements of the statute would not be apparent or effectively available to entities to whom the described situations apply. This lack of guidance would be confusing at best and at worst could lead to costly decisions being made in error regarding the form of any insider trading transaction or the absence thereof. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 04/04/2017

**Insurance, Administration
R590-85**

**Individual Accident and Health
Insurance and Individual and Group
Medicare Supplement Rates**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 41439
FILED: 04/04/2017

**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: Subsection 31A-2-201(3)(a) authorizes the commissioner to write rules to implement the provisions of Title 31A, the Utah Insurance Code. Section 31A-2-201.1 authorizes the commissioner to write rules to provide specific requirements for the filing of rates. Subsections 31A-22-605(4)(e) and 31A-22-620(3)(e) establish minimum loss ratios and implement procedures for filing of all individual accident and health insurance rates and of all Medicare supplement premium rates, including the initial filing of rates and any subsequent rate changes.

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 has received no written comments regarding this rule during 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: This rule provides standards for rating certain policies. It allows insurers to request increases as necessary to maintain a viable block of businesses and to protect consumers against unfair pricing of policies. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 04/04/2017

**Insurance, Administration
 R590-108**

**Interest Rate During Grace Period or
 Upon Reinstatement of Policy**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 41443
 FILED: 04/04/2017

**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: Subsection 31A-2-201(3) allows the commissioner to adopt rules to implement the provisions of the Utah Insurance Code. Section 31A-22-402 and Subsection 31A-22-407(1) authorize the commissioner to establish by rule the rate of interest an insurer may charge in a life insurance or annuity contract upon premiums due or overdue during a grace period or upon subsequent reinstatement of the contract.

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 has received no written comments regarding this rule during 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: This rule provides limits for the maximum interest rate that an insurer can charge on premiums due under a life insurance or annuity contract during a grace period or upon subsequent reinstatement of the contract. It protects consumers against their insurer charging them an unreasonably high interest rate. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 04/04/2017

**Insurance, Administration
 R590-120**

Surety Bond Forms

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 41437
 FILED: 04/04/2017

**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: Subsection 31A-2-201(3) authorizes the commissioner to write rules to implement Title 31A, the Utah Insurance Code. Subsection 31A-21-101(5) authorizes rules that exempt classes of insurance contracts from any or all provisions of Title 31A, Chapter 21, of the Utah Code.

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 has received no written comments regarding this rule during 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: This rule exempts surety insurers from filing forms. Therefore, this rule should be continued.

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 Office of Administrative Rules.

ROOM 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 04/04/2017

EFFECTIVE: 04/04/2017

Insurance, Administration
R590-146
Medicare Supplement Insurance Standards

Insurance, Administration
R590-203
Health Grievance Review Process

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41441
FILED: 04/04/2017

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 41440
FILED: 04/04/2017

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

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 31A-22-620 requires the commissioner to adopt rules to establish minimum standards for individual and group Medicare supplement insurance.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(1) authorizes the commissioner to administer and enforce Title 31A. Subsection 31A-2-201(3)(a) authorizes the commissioner to make rules to implement the provisions of Title 31A. Section 31A-2-203 authorizes the commissioner to examine carrier records, files, and documentation. Section 31A-4-116 and Subsection 31A-22-629(4) require the commissioner to establish minimum standards for grievance review procedures.

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 has received no written comments regarding this rule during the past five years.

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 has received no written comments regarding this rule during 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: This rule provides consumer protection and

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 clarifies statute and explains the difference between federal law and state statutes. The rule ensures that a carrier's grievance review procedures for individual and group health insurance and disability income insurance plans comply with federal law. Removing this rule would confuse insurers as to what is required of them in regards to their grievance procedures. This rule provides consumer protections. Therefore, this rule should be continued.

guidelines for Medicare Supplement plans sold in Utah. It ensures that the various plans are the same from company to company. This allows consumers to decide on the type of plan they want and then base their purchase on price and service. Therefore, this rule should be continued.

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

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 04/04/2017

**Insurance, Administration
R590-239**

**Exemption of Student Health Centers
from Insurance Code**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 41442

FILED: 04/04/2017

**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 31A-2-201 authorizes the commissioner to implement by rule the provisions of Title 31A. Subsection 31A-1-103(3)(d) allows the commissioner to exempt from regulation under Title 31A businesses specified by findings that the transaction of business in this state does not require regulation for the protection of its residents or that would be impracticable to require compliance.

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 has received no written comments regarding this rule during 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: The purpose of this rule is to exempt student health centers established by institutions of higher education from regulation under the Utah Insurance Code. The rule clarifies what is and is not insurance so as to not impose a greater burden on an organization that does not sell

insurance. It states that student health centers are not insurance and therefore are not regulated by the Utah Insurance Department. Health insurance from an insurer sold or provided through an institution to its students is not exempt from state insurance regulations. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 04/04/2017

**Public Lands Policy Coordinating
Office, Administration
R694-1
Archaeology Permits**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 41444

FILED: 04/04/2017

**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 9-8-305 requires any archaeologist who wishes to survey or excavate on land owned or controlled by the state of Utah to obtain a permit to do so from the Public Lands Policy Coordination Office (PLPCO). Section 9-8-305 provides a basic outline of the qualifications required to be granted a permit, the conditions under which PLPCO may delegate this authority, and the process for PLPCO to investigate and revoke permits as necessary, among other things. While Section 9-8-305 is relatively straightforward, it lacks specificity in regards to parts of the permitting process such as what information should be required in a "permit application," what constitutes one year of "equivalent specialized training," what type of experience is "equivalent to a graduate degree," etc. Rule R694-1 is needed to operationalize and clarify some of the

language in the statute, and to help PLPCO consistently and objectively implement the mandate given in Section 9-8-305.

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 have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R694-1 provides clarification to Utah Code that allows for the practical application of Section 9-8-305. The rule helps to define several ambiguous terms, outlines what information may be required in a permit application (as allowed in the associated statute), establishes a time line for permit application review and how long survey permits may last, and clarifies permit provisions and the suspension/revocation and reinstatement process (as stipulated in Section 9-8-305). Therefore, this rule should be continued.

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

PUBLIC LANDS POLICY COORDINATING OFFICE
ADMINISTRATION
ROOM 5110 STATE OFFICE BUILDING
SALT LAKE CITY, UT 84114
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ David Yoder by phone at 801-863-6261, or by Internet E-mail at davidyoder@utah.gov
- ◆ Kathleen Clarke by phone at 801-537-9803, or by Internet E-mail at kathleenclarke@utah.gov

AUTHORIZED BY: Kathleen Clarke, Executive Director

EFFECTIVE: 04/04/2017

Technology Services, Administration
R895-3
Computer Software Licensing,
Copyright, Control, Retention, and
Transfer

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 41454
FILED: 04/06/2017

End of the Five-Year Notices of Review and Statements of Continuation Section

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 purpose of this rule is to establish the State of Utah's position and its intent to: 1) comply with computer software licensing agreements and applicable federal laws, including copyright and patent laws; 2) define the methods by which the State of Utah (State) will control and protect computer software; and 3) establish the State's right, title and interest in state-developed computer software, including the sale and transfer of such software under certain conditions.

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 were received during and since the last five-year review of 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: The statutes, Section 63F-1-206 and 63G-3-201, still require this rule. Therefore, this rule should be continued.

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 Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Stephanie Weteling by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stephanie@utah.gov

AUTHORIZED BY: Michael Hussey, Executive Director and CIO

EFFECTIVE: 04/06/2017

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 Office 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).

Environmental Quality, Air Quality **R307-424** Permits: Mercury Requirements for Electric Generating Units

FIVE-YEAR REVIEW EXTENSION
DAR FILE NO.: 41432
FILED: 04/03/2017

EXTENSION REASON AND NEW DEADLINE: This rule was scheduled to be reviewed by the Utah Air Quality Board on 04/05/2017. The Division of Air Quality is not holding a Board meeting in April, and the rule will be reviewed on 05/03/2017. The new deadline is 08/03/2017.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Ryan Stephens by phone at 801-536-4419, by FAX at 801-536-0085, or by Internet E-mail at rstephens@utah.gov

AUTHORIZED BY: Bryce Bird, Director

EFFECTIVE: 04/03/2017

Health, Family Health And Preparedness, Child Care Licensing **R430-1**

General Licensing, Certificate, and Enforcement Provisions, Child Care Facilities

FIVE-YEAR REVIEW EXTENSION
DAR FILE NO.: 41472
FILED: 04/12/2017

EXTENSION REASON AND NEW DEADLINE: The agency is planning on repealing this rule but is not ready to do it yet, and there will not be enough time to file before the required date. The new deadline is 08/29/2017.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Simon Bolivar by phone at 801-803-4618, by FAX at 801-237-0786, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: Joseph Miner, Executive Director

EFFECTIVE: 04/12/2017

Transportation, Operations, Traffic And Safety **R920-50** Ropeway Operation Safety

FIVE-YEAR REVIEW EXTENSION
DAR FILE NO.: 41476
FILED: 04/13/2017

EXTENSION REASON AND NEW DEADLINE: The agency has identified a couple of definitions that need to be reworked and need the 120 days to coordinate the modifications with the Transportation Commission. The new deadline is 08/14/2017.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov
♦ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 04/13/2017

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 Office 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

Commerce

Occupational and Professional Licensing

No. 41299 (AMD): R156-1. General Rule of the Division of Occupational and Professional Licensing

Published: 03/01/2017

Effective: 04/11/2017

No. 41298 (AMD): R156-55c. Plumber Licensing Act Rule

Published: 03/01/2017

Effective: 04/10/2017

Education

Administration

No. 41318 (AMD): R277-519. Educator Inservice

Procedures and Credit

Published: 03/01/2017

Effective: 04/10/2017

No. 41319 (AMD): R277-916. Career and Technical

Education Introduction and Work-Based Learning Programs

Published: 03/01/2017

Effective: 04/10/2017

Human Services

Recovery Services

No. 41170 (AMD): R527-250. Emancipation

Published: 02/01/2017

Effective: 04/14/2017

Insurance

Administration

No. 41322 (AMD): R590-248-4. Mandatory Fraud Reporting Process

Published: 03/01/2017

Effective: 04/07/2017

No. 40953 (NEW): R590-273. Continuing Care Provider Rule

Published: 12/01/2016

Effective: 04/07/2017

No. 40953 (CPR): R590-273. Continuing Care Provider Rule

Published: 03/01/2017

Effective: 04/07/2017

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, 2017 through April 14, 2017. 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 Office of Administrative Rules (801-538-3003).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office'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>Debt Collection</u>					
R21-1	Transfer of Collection Responsibility of State Agencies	41374	NSC	04/10/2017	Not Printed
R21-2	Office of State Debt Collection Administrative Procedures	41376	5YR	03/17/2017	2017-8/59
R21-3	Debt Collection Through Administrative Offset	41377	5YR	03/17/2017	2017-8/59
<u>Facilities Construction and Management</u>					
R23-1	Procurement Rules with Numbering Related to the Procurement Code	41266	5YR	02/01/2017	2017-4/57
R23-3	Planning, Programming, Request for Capital Development Projects and Operation and Maintenance Reporting	40947	AMD	01/20/2017	2016-23/6
R23-19	Facility Use Rules	41267	5YR	02/01/2017	2017-4/57
R23-20	Free Speech Activities	41268	5YR	02/01/2017	2017-4/58
R23-30	State Facility Energy Efficiency Fund	40946	AMD	01/20/2017	2016-23/11
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	41127	EMR	01/06/2017	2017-3/71
R25-7	Travel-Related Reimbursements for State Employees	41147	AMD	03/10/2017	2017-3/2
R25-14	Payment of Attorney's Fees in Death Penalty Cases	41124	5YR	01/06/2017	2017-3/79
R25-20	Indigent Defense Funds Board, Procedures for Electronic Meetings	41327	5YR	02/21/2017	2017-6/29
<u>Fleet Operations</u>					
R27-1	Definitions	41105	AMD	02/21/2017	2017-2/4
R27-3	Vehicle Use Standards	41106	AMD	02/21/2017	2017-2/6
R27-4	Vehicle Replacement and Expansion of State Fleet	41107	AMD	02/21/2017	2017-2/12
<u>Purchasing and General Services</u>					
R33-4-101b	Vendors with Exclusive Authorization to Bid	41292	NSC	03/06/2017	Not Printed
R33-8-102	Adding Additional Funds to a Contract	41023	AMD	02/02/2017	2016-24/4
R33-16	Protests	40898	AMD	01/20/2017	2016-22/10
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-2	Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	41120	5YR	01/03/2017	2017-2/45

Animal Industry

R58-1	Admission, Identification, and Inspection of Livestock, Poultry, and Other Animals	41168	5YR	01/12/2017	2017-3/79
R58-3	Brucellosis Vaccination Requirements	41164	5YR	01/12/2017	2017-3/80
R58-6	Poultry	41165	5YR	01/12/2017	2017-3/80
R58-11	Slaughter of Livestock and Poultry	40951	AMD	01/12/2017	2016-23/16
R58-11	Slaughter of Livestock and Poultry	41372	NSC	04/05/2017	Not Printed
R58-18	Elk Farming	41162	5YR	01/12/2017	2017-3/81
R58-19	Compliance Procedures	41194	5YR	01/18/2017	2017-4/58
R58-22	Equine Infectious Anemia (EIA)	41163	5YR	01/12/2017	2017-3/81
R58-23	Equine Viral Arteritis (EVA)	41167	5YR	01/12/2017	2017-3/82

Horse Racing Commission (Utah)

R52-7	Horse Racing	41102	AMD	03/06/2017	2017-1/4
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Plant Industry

R68-19	Compliance Procedures	41195	5YR	01/18/2017	2017-4/59
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Regulatory Services

R70-101	Bedding, Upholstered Furniture and Quilted Clothing	40918	AMD	01/26/2017	2016-22/12
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	41371	NSC	04/05/2017	Not Printed
R70-201	Compliance Procedures	41160	5YR	01/12/2017	2017-3/82
R70-320	Minimum Standards for Milk for Manufacturing Purposes, Its Production and Processing	41166	5YR	01/12/2017	2017-3/83
R70-350	Ice Cream and Frozen Dairy Food Standards	41159	5YR	01/12/2017	2017-3/83
R70-360	Procedure for Obtaining a License to Test Milk for Payment	41161	5YR	01/12/2017	2017-3/84
R70-530	Food Protection	41344	5YR	03/06/2017	2017-7/81
R70-530	Food Protection	41370	NSC	04/05/2017	Not Printed
R70-550	Utah Inland Shellfish Safety Program	41158	5YR	01/12/2017	2017-3/84
R70-560	Inspection and Regulation of Cottage Food Production Operations	41157	5YR	01/12/2017	2017-3/85

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-3-14	Type 5 Package Agencies	40922	AMD	01/03/2017	2016-22/16
R81-4	Retail Licenses	40924	NEW	01/03/2017	2016-22/17
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R590-142	Continuing Education Rule	41137	5YR	01/09/2017	2017-3/96
R590-143	Life and Health Reinsurance Agreements	41138	5YR	01/09/2017	2017-3/97
R590-146	Medicare Supplement Insurance Standards	41441	5YR	04/04/2017	Not Printed
R590-147	Annual and Quarterly Statement Filing Instructions	41139	5YR	01/09/2017	2017-3/98
R590-150	Commissioner's Acceptance of Examination Reports	41140	5YR	01/09/2017	2017-3/98
R590-173	Credit for Reinsurance	40955	AMD	01/10/2017	2016-23/83
R590-203	Health Grievance Review Process	41440	5YR	04/04/2017	Not Printed
R590-239	Exemption of Student Health Centers from Insurance Code	41442	5YR	04/04/2017	Not Printed
R590-248-4	Mandatory Fraud Reporting Process	41322	AMD	04/07/2017	2017-5/55
R590-262	Health Data Authority Health Insurance Claims Reporting	41345	5YR	03/06/2017	2017-7/86
R590-262	Health Data Authority Health Insurance Claims Reporting	41172	AMD	03/10/2017	2017-3/36
R590-262-2	Purpose and Scope	41378	NSC	04/10/2017	Not Printed
R590-273	Continuing Care Provider Rule	40953	NEW	04/07/2017	2016-23/94
R590-273	Continuing Care Provider Rule	40953	CPR	04/07/2017	2017-5/58

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R592-14	Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices	41141	5YR	01/09/2017	2017-3/99
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JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

R597-3-8	Judicial Written Statements	41026	AMD	02/17/2017	2016-24/35
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R597-3-9	Judicial Discipline	41027	AMD	02/17/2017	2016-24/35
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R628-17	Limitations on Commercial Paper and Corporate Notes	41424	5YR	03/30/2017	2017-8/75
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R652-1	Definition of Terms	41012	AMD	01/10/2017	2016-23/97
R652-1	Definition of Terms	41407	5YR	03/28/2017	2017-8/76
R652-3	Applicant Qualifications and Application Forms	41408	5YR	03/28/2017	2017-8/77
R652-4	Application Fees and Assessments	41409	5YR	03/28/2017	2017-8/77
R652-5	Payments, Royalties, Audits, and Reinstatements	41411	5YR	03/29/2017	2017-8/78
R652-6	Government Records Access and Management	41412	5YR	03/29/2017	2017-8/78
R652-20	Mineral Resources	41413	5YR	03/29/2017	2017-8/79
R652-30	Special Use Leases	41414	5YR	03/29/2017	2017-8/79
R652-40	Easements	41415	5YR	03/29/2017	2017-8/80
R652-50	Range Management	41416	5YR	03/29/2017	2017-8/80
R652-60	Cultural Resources	41417	5YR	03/29/2017	2017-8/81
R652-70	Sovereign Lands	41418	5YR	03/29/2017	2017-8/81
R652-90	Sovereign Land Management Planning	41419	5YR	03/29/2017	2017-8/82
R652-100	Materials Permits	41420	5YR	03/29/2017	2017-8/82
R652-120	Wildland Fire	41011	AMD	01/10/2017	2016-23/99
R652-121	Wildland Fire Suppression Fund	41013	AMD	01/10/2017	2016-23/102
R652-122	County Cooperative Agreements with State for Fire Protection	41014	AMD	01/10/2017	2016-23/105
R652-123	Exemptions to Wildland Fire Suppression Fund	41015	REP	01/10/2017	2016-23/111
R652-140	Utah Forest Practices Act	41143	5YR	01/10/2017	2017-3/99
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R651-102	Government Records Access Management Act	41382	5YR	03/23/2017	2017-8/75
R651-215-8	River Throw Bag in Lieu of Type IV PFD	41154	AMD	03/10/2017	2017-3/38
R651-301	State Recreation Fiscal Assistance Programs	41383	5YR	03/23/2017	2017-8/76
R651-410	Off-Highway Vehicle Safety Equipment	41347	5YR	03/07/2017	2017-7/87
R651-411	OHV Use in State Parks	41043	AMD	02/16/2017	2016-24/36
R651-614-5	Hunting with Firearms	41042	AMD	02/16/2017	2016-24/37
R651-633	Special Closures or Restrictions	41044	AMD	02/16/2017	2016-24/38
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R657-16	Aquaculture and Fish Stocking	41149	REP	03/13/2017	2017-3/40
R657-27	License Agent Procedures	41353	5YR	03/13/2017	2017-7/87
R657-38	Dedicated Hunter Program	41148	AMD	03/13/2017	2017-3/44
R657-43	Landowner Permits	41330	5YR	02/27/2017	2017-6/30
R657-50	Error Remedy	41352	5YR	03/13/2017	2017-7/88
R657-59	Private Fish Ponds	41150	AMD	03/13/2017	2017-3/49
R657-60	Aquatic Invasive Species Interdiction	41151	AMD	03/13/2017	2017-3/61
R657-62	Drawing Application Procedures	41098	AMD	02/07/2017	2017-1/82
R657-62	Drawing Application Procedures	41152	AMD	03/13/2017	2017-3/67
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R661-6	Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program	40893	AMD	03/14/2017	2016-22/92
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R671-202	Notification of Hearings	41241	5YR	01/30/2017	2017-4/78
R671-203	Victim Input and Notification	41242	5YR	01/30/2017	2017-4/78

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R671-205	Credit for Time Served	41243	5YR	01/30/2017	2017-4/79
R671-206	Competency of Offenders	41269	EXD	02/02/2017	2017-5/79
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R671-301	Personal Appearance	41245	5YR	01/30/2017	2017-4/80
R671-302	News Media and Public Access to Hearings	41246	5YR	01/30/2017	2017-4/80
R671-303	Information Received, Maintained or Used by the Board	41240	5YR	01/30/2017	2017-4/81
R671-304	Hearing Record	41247	5YR	01/30/2017	2017-4/81
R671-305	Board Decisions and Orders	41239	5YR	01/30/2017	2017-4/82
R671-308	Offender Hearing Assistance	41248	5YR	01/30/2017	2017-4/82
R671-310	Rescission Hearings	41249	5YR	01/30/2017	2017-4/83
R671-311	Special Attention Reviews, Hearings, and Decisions	41250	5YR	01/30/2017	2017-4/83
R671-311-3	Earned Time Adjustments	41081	AMD	02/15/2017	2017-1/83
R671-315	Pardons	41251	5YR	01/30/2017	2017-4/84
R671-316	Redetermination	41238	5YR	01/30/2017	2017-4/84
R671-402	Special Conditions of Parole	41176	5YR	01/17/2017	2017-3/100
R671-402	Special Conditions of Parole	41252	5YR	01/30/2017	2017-4/85
R671-403	Restitution	41121	5YR	01/05/2017	2017-3/101
R671-405	Parole Termination	41253	5YR	01/30/2017	2017-4/85

PUBLIC LANDS POLICY COORDINATING OFFICE

Administration

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PUBLIC SAFETY

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R708-3	Driver License Point System Administration	41128	5YR	01/08/2017	2017-3/101
R708-7	Functional Ability in Driving: Guidelines for Physicians	41133	5YR	01/08/2017	2017-3/102
R708-8	Review Process: Driver License Medical Review Section	41129	5YR	01/08/2017	2017-3/102
R708-14	Adjudicative Proceedings for Driver License Actions Involving Alcohol and Drugs	41130	5YR	01/08/2017	2017-3/103
R708-21	Third-Party Testing	41204	5YR	01/20/2017	2017-4/86
R708-25	Commercial Driver License Applicant Fitness Certification	41200	REP	03/27/2017	2017-4/41
R708-27	Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests	41202	5YR	01/20/2017	2017-4/87
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	41132	5YR	01/08/2017	2017-3/104
R708-35	Adjudicative Proceedings for Driver License Offenses Not Involving Alcohol or Drug Actions	41131	5YR	01/08/2017	2017-3/104
R708-39	Physical and Mental Fitness Testing	41205	5YR	01/20/2017	2017-4/87

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R704-3	Local Government Emergency Response Loan Program	40956	NEW	01/12/2017	2016-23/112
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Fire Marshal

R710-8	Day Care Rules	41343	5YR	03/06/2017	2017-7/88
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PUBLIC SERVICE COMMISSION

Administration

R746-1	Public Service Commission Administrative Procedures Act Rule	41116	NEW	03/06/2017	2017-2/27
R746-100	Practice and Procedures Governing Formal Hearings	41115	REP	03/06/2017	2017-2/33
R746-341	Lifeline Rule	41031	AMD	03/24/2017	2016-24/40
R746-341	Lifeline Rule	41031	CPR	03/24/2017	2017-4/54
R746-349	Competitive Entry and Reporting Requirements	41262	5YR	01/31/2017	2017-4/88

R746-351	Pricing Flexibility	41263	5YR	01/31/2017	2017-4/89
R746-420	Requests for Approval of a Solicitation Process	41393	5YR	03/27/2017	2017-8/83
R746-430	Procedural and Informational Requirements for Action Plans, for an Approval of a Significant Energy Resource, for Determination of Whether to Proceed, and for Waivers of a Solicitation Process or of an Approval of a Significant Energy Resource	41392	5YR	03/27/2017	2017-8/83
R746-440	Voluntary Resource Decision	41264	5YR	01/31/2017	2017-4/89
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R810-2	Parking Meters and Other Pay Parking Spaces	41302	5YR	02/13/2017	2017-5/69
R810-5	Permit Types and Eligibility	41303	5YR	02/13/2017	2017-5/70
R810-6	Permit Prices and Refunds	41304	5YR	02/13/2017	2017-5/70
R810-9	Contractors and Their Employees	41305	5YR	02/13/2017	2017-5/71
R810-9	Contractors and Their Employees	41328	NSC	03/14/2017	Not Printed
R810-10	Enforcement System	41306	5YR	02/13/2017	2017-5/71
R810-11	Appeals System	41307	5YR	02/13/2017	2017-5/72
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<u>Administration</u>					
R850-41	Rights of Entry	41291	5YR	02/07/2017	2017-5/72
R850-90	Land Exchanges	41155	5YR	01/12/2017	2017-3/105
R850-120	Beneficiary Use of Institutional Trust Land	41156	5YR	01/12/2017	2017-3/105
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<u>Administration</u>					
R856-4	USTAR Science Technology Initiation Grant	41095	NEW	03/22/2017	2017-1/85
R856-5	USTAR Energy Research Triangle Professors Grant	41096	NEW	03/22/2017	2017-1/88
R856-6	USTAR Energy Research Triangle Scholars Grant	41097	NEW	03/22/2017	2017-1/92
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R895-3	Computer Software Licensing, Copyright, Control, Retention, and Transfer	41454	5YR	04/06/2017	Not Printed
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R914-3	Aircraft Registration Enforcement	40937	NEW	01/18/2017	2016-23/114
<u>Operations, Traffic and Safety</u>					
R920-50	Ropeway Operation Safety	41476	EXT	04/13/2017	Not Printed
<u>Program Development</u>					
R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	41375	5YR	03/17/2017	2017-8/84
R926-13-4	Highways Within the State That Are Designated as State Scenic Byways	41053	AMD	02/07/2017	2017-1/95
R926-15-5	Highways Within the State That Are Designated as State Scenic Backways	41329	NSC	03/14/2017	Not Printed
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<u>Unemployment Insurance</u>						
R994-405-2	Separations from a Temporary Help Company (THC)	41103	AMD	03/01/2017	2017-1/97	

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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	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>accident law</u>					
Health, Disease Control and Prevention, Laboratory Services	40868	R438-10	REP	01/11/2017	2016-21/46
<u>accounts receivable</u>					
Administrative Services, Debt Collection	41374	R21-1	NSC	04/10/2017	Not Printed
	41376	R21-2	5YR	03/17/2017	2017-8/59
	41377	R21-3	5YR	03/17/2017	2017-8/59
<u>action plan</u>					
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<u>adjudicative proceedings</u>					
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Heritage and Arts, History	41341	R455-1	5YR	03/02/2017	2017-7/85
Public Safety, Driver License	41130	R708-14	5YR	01/08/2017	2017-3/103
	41131	R708-35	5YR	01/08/2017	2017-3/104
<u>adjudicative process</u>					
Administrative Services, Debt Collection	41376	R21-2	5YR	03/17/2017	2017-8/59
<u>administrative offset</u>					
Administrative Services, Debt Collection	41377	R21-3	5YR	03/17/2017	2017-8/59
<u>administrative procedures</u>					
Commerce, Consumer Protection	40920	R152-6	AMD	01/09/2017	2016-22/21
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	41354	R156-46b-202	NSC	04/05/2017	Not Printed
Health, Administration	41434	R380-1	5YR	04/03/2017	Not Printed
	41435	R380-5	5YR	04/03/2017	Not Printed
Heritage and Arts, History	41341	R455-1	5YR	03/02/2017	2017-7/85
Human Resource Management, Administration	41272	R477-3	EXT	02/02/2017	2017-5/75
	41283	R477-12	EXT	02/02/2017	2017-5/77
	41285	R477-15	EXT	02/02/2017	2017-5/78

Human Services, Administration, Administrative Hearings	41057	R497-100	AMD	02/07/2017	2017-1/78
Natural Resources, Forestry, Fire and State Lands	41012	R652-1	AMD	01/10/2017	2016-23/97
	41407	R652-1	5YR	03/28/2017	2017-8/76
	41408	R652-3	5YR	03/28/2017	2017-8/77
	41409	R652-4	5YR	03/28/2017	2017-8/77
	41411	R652-5	5YR	03/29/2017	2017-8/78
	41413	R652-20	5YR	03/29/2017	2017-8/79
	41414	R652-30	5YR	03/29/2017	2017-8/79
	41415	R652-40	5YR	03/29/2017	2017-8/80
	41416	R652-50	5YR	03/29/2017	2017-8/80
	41418	R652-70	5YR	03/29/2017	2017-8/81
	41420	R652-100	5YR	03/29/2017	2017-8/82
	41011	R652-120	AMD	01/10/2017	2016-23/99
	41013	R652-121	AMD	01/10/2017	2016-23/102
	41015	R652-123	REP	01/10/2017	2016-23/111
Public Safety, Driver License	41133	R708-7	5YR	01/08/2017	2017-3/102
	41129	R708-8	5YR	01/08/2017	2017-3/102
School and Institutional Trust Lands, Administration	41291	R850-41	5YR	02/07/2017	2017-5/72
	41155	R850-90	5YR	01/12/2017	2017-3/105
	41156	R850-120	5YR	01/12/2017	2017-3/105
<u>administrative proceedings</u>					
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	41404	R311-210	5YR	03/27/2017	2017-8/67
Public Service Commission, Administration	41116	R746-1	NEW	03/06/2017	2017-2/27
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Human Resource Management, Administration	41271	R477-2	EXT	02/02/2017	2017-5/75
<u>administrative rules</u>					
Human Resource Management, Administration	41284	R477-13	EXT	02/02/2017	2017-5/77
<u>admission guidelines</u>					
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	41190	R277-702	AMD	03/14/2017	2017-3/15
<u>affidavit of merit</u>					
Commerce, Occupational and Professional Licensing	41146	R156-78B	5YR	01/10/2017	2017-3/87
<u>agencies</u>					
Administrative Services, Facilities Construction and Management	40946	R23-30	AMD	01/20/2017	2016-23/11
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Agriculture and Food, Plant Industry	41195	R68-19	5YR	01/18/2017	2017-4/59
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	41230	R307-120	5YR	01/27/2017	2017-4/61
	41229	R307-130	5YR	01/27/2017	2017-4/62
	41228	R307-135	5YR	01/27/2017	2017-4/62
	40773	R307-302	AMD	02/01/2017	2016-19/38
	40773	R307-302	CPR	02/01/2017	2017-1/102
	41226	R307-320	5YR	01/27/2017	2017-4/64
	41225	R307-325	5YR	01/27/2017	2017-4/64
	41223	R307-326	5YR	01/27/2017	2017-4/65
	41222	R307-327	5YR	01/27/2017	2017-4/65
	41221	R307-328	5YR	01/27/2017	2017-4/66
	41220	R307-335	5YR	01/27/2017	2017-4/66
	41219	R307-341	5YR	01/27/2017	2017-4/67

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	41432	R307-424	EXT	04/03/2017	Not Printed
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<u>air quality</u>					
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<u>air travel</u>					
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	41147	R25-7	AMD	03/10/2017	2017-3/2
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Transportation, Operations, Aeronautics	40937	R914-3	NEW	01/18/2017	2016-23/114
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	41199	R156-55d	5YR	01/19/2017	2017-4/60
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	40922	R81-3-14	AMD	01/03/2017	2016-22/16
	40924	R81-4	NEW	01/03/2017	2016-22/17
	40923	R81-8	AMD	01/03/2017	2016-22/19
<u>alternative licensing</u>					
Education, Administration	41005	R277-503	AMD	01/10/2017	2016-23/31
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<u>applications</u>					
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<u>aquaculture</u>					
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	41150	R657-59	AMD	03/13/2017	2017-3/49
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<u>art financing</u>					
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<u>art in public places</u>					
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<u>art loans</u>					
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<u>asphalt</u> Environmental Quality, Air Quality	41219	R307-341	5YR	01/27/2017	2017-4/67
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<u>assessments</u> Education, Administration	41033	R277-404	AMD	01/24/2017	2016-24/7
<u>assistance</u> Natural Resources, Parks and Recreation	41383	R651-301	5YR	03/23/2017	2017-8/76
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<u>Attorney General</u> Attorney General, Administration	41466 41295	R105-1 R105-1-6	5YR NSC	04/10/2017 03/06/2017	Not Printed Not Printed
<u>attorney's</u> Administrative Services, Finance	41124	R25-14	5YR	01/06/2017	2017-3/79
<u>audit committee</u> Education, Administration	41073	R277-113	AMD	02/07/2017	2017-1/16
<u>background</u> Human Services, Administration	41114	R495-885	AMD	02/23/2017	2017-2/23
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	41031	R746-341	CPR	03/24/2017	2017-4/54
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Attorney General, Administration	40950	R105-1	AMD	01/20/2017	2016-23/19
	41466	R105-1	5YR	04/10/2017	Not Printed
	41295	R105-1-6	NSC	03/06/2017	Not Printed
<u>livestock</u>					
Agriculture and Food, Animal Industry	40951	R58-11	AMD	01/12/2017	2016-23/16
	41372	R58-11	NSC	04/05/2017	Not Printed
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Administrative Services, Facilities Construction and Management	40946	R23-30	AMD	01/20/2017	2016-23/11
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	41419	R652-90	5YR	03/29/2017	2017-8/82
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Commerce, Occupational and Professional Licensing	41436	R156-47b	5YR	04/04/2017	Not Printed
<u>massage therapist</u>					

Commerce, Occupational and Professional Licensing	41436	R156-47b	5YR	04/04/2017	Not Printed
<u>massage therapy</u>					
Commerce, Occupational and Professional Licensing	41436	R156-47b	5YR	04/04/2017	Not Printed
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Natural Resources, Forestry, Fire and State Lands	41420	R652-100	5YR	03/29/2017	2017-8/82
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	41104	R414-1-5	AMD	02/15/2017	2017-1/68
	41423	R414-1A	5YR	03/29/2017	2017-8/70
	41125	R414-10A	5YR	01/06/2017	2017-3/94
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	41326	R414-38	5YR	02/17/2017	2017-6/30
	41174	R414-60	AMD	04/01/2017	2017-3/25
	41175	R414-60A-2	AMD	04/01/2017	2017-3/27
	41070	R414-302-6	AMD	02/15/2017	2017-1/72
	41212	R414-308-7	AMD	03/28/2017	2017-4/26
	41213	R414-310-13	AMD	03/28/2017	2017-4/28
	41054	R414-504	AMD	02/15/2017	2017-1/73
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Commerce, Occupational and Professional Licensing	41146	R156-78B	5YR	01/10/2017	2017-3/87
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<u>midwifery</u>					
Commerce, Occupational and Professional Licensing	41340	R156-44a-601	NSC	04/05/2017	Not Printed
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	41113	R156-31b-703b	NSC	01/18/2017	Not Printed
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