

UTAH STATE BULLETIN

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

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <https://rules.utah.gov/>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

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 <https://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 <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for October 2018 Medicaid Rate Changes

Effective October 1, 2018, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. Nursing home rate changes to case mix components are consistent with adopted payment methodology. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>.

Health Health Care Financing, Coverage and Reimbursement Policy

Pediatric Dental Supplemental Payments

The Division of Medicaid and Health Financing (DMHF) will submit a change to the Medicaid State Plan through [SPA 18-0008-UT, Pediatric Dental Fee for Service Supplemental](#). The purpose of this change is to clarify the methodology used to provide supplemental payments to pediatric dental providers.

This amendment, therefore, sets a payment pool based on total funds rather than state general funds. It also clarifies the State's policy to consider only claims for children who are under 12 years of age. DMHF estimates total annual expenditures to increase by \$9,400 as a result of this change.

The SPA is pending approval from the Centers for Medicare & Medicaid Services and the proposed effective date is January 1, 2019. This amendment is pending approval from the Centers for Medicare & Medicaid Services.

A copy of the change may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, P.O. Box 143102, Salt Lake City, UT 84114-3102. Comments are welcome at the same address. Copies of the change are also available at local county health department offices.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

Under authority granted by the Utah Constitution and various federal and state statutes, the Governor periodically issues **EXECUTIVE DOCUMENTS**, which can be categorized as either Executive Orders, Proclamations, and Declarations. Executive Orders set policy for the executive branch; create boards and commissions; provide for the transfer of authority; or otherwise interpret, implement, or give administrative effect to a provision of the Constitution, state law or executive policy. Proclamations call special or extraordinary legislative sessions; designate classes of cities; publish states-of-emergency; promulgate other official formal public announcements or functions; or publicly avow or cause certain matters of state government to be made generally known. Declarations designate special days, weeks or other time periods; call attention to or recognize people, groups, organizations, functions, or similar actions having a public purpose; or invoke specific legislative purposes (such as the declaration of an agricultural disaster).

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Office of Administrative Rules for publication and distribution.

Wildland Fire Management, Utah Exec. Order No. 2018-6

EXECUTIVE ORDER

Wildland Fire Management

WHEREAS, the danger from wildland fires is high throughout the State of Utah;

WHEREAS, wildfires are currently burning in some areas of the State;

WHEREAS, fire restrictions and wildfire warnings are in place across the State;

WHEREAS, counties in the Southeastern corner of the State have made drought declarations;

WHEREAS, extreme hot temperatures are forecasted throughout the State;

WHEREAS, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended;

WHEREAS, immediate action will be required to suppress fires and mitigate post burn flash floods to protect public safety, property, natural resources and the environment should these dangerous conditions escalate to active wildfires;

WHEREAS, these conditions do create the potential for a disaster emergency within the scope of the Disaster Response and Recovery Act of 1981;

NOW THEREFORE, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment, effective for the month of September 2018, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of September 2018.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2018/006/EO

End of the Executive Documents Section

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 August 16, 2018, 12:00 a.m., and August 31, 2018, 11:59 p.m. are included in this, the September 15, 2018, 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 October 15, 2018. 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 January 13, 2019, 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

Commerce, Real Estate
R162-2e
Appraisal Management Company
Administrative Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43165

FILED: 08/24/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these proposed rule amendments is to designate and clarify the manner by which an appraisal management company (AMC) can offer appraisal assignments to appraisers, to designate and clarify required disclosures and explanations between an AMC and its appraisers, and to provide a presumption of compliance for an AMC that pays an appraiser for a completed appraisal assignment consistent with the Department of Veterans Affairs (VA) Fee Schedule.

SUMMARY OF THE RULE OR CHANGE: In Section R162-2e-102, the definition of business day is amended. Subsection R162-2e-304(1) is amended to require an AMC to notify its appraisers of the criteria the AMC uses to rank an appraiser on a panel when an appraiser is first added to a panel, and, if the AMC changes ranking criteria, to notify appraisers of the changes the AMC uses to rank the appraisers. Subsection R162-2e-304(2) is renumbered and a new subsection added that would require an AMC to reply to a written request from an appraiser within 10 days regarding the status of the appraiser on an appraiser panel and the removal of the appraiser from an appraiser panel. Subsection R162-2e-304(3) is renumbered and provides the manner by which an AMC may respond to a written request from an appraiser. Subsection R162-2e-304(4) is renumbered and clarifies the term "general criteria" as used in ranking appraisers in an appraiser panel. Subsection R162-2e-304(5) is added to prevent an AMC from having to respond to multiple requests from an appraiser which are unreasonably duplicative. Subsection R162-2e-304(6) is added to provide a safe harbor to an AMC for compliance with the requirement that the AMC pay a customary and reasonable fee for an appraisal assignment if the AMC chooses to pay consistent with the applicable VA fee schedule. Section R162-2e-306 is added to the current rule and would limit the timing for awarding an appraisal assignment which is communicated by an AMC simultaneously to two or more appraisers. The assignment could not be awarded to an appraiser for a minimum of 120 minutes following the offer or until each appraiser has affirmatively responded or, if offered on a day other than a business day, the assignment could not be awarded to an appraiser until 9:00 a.m. on the next business day. An AMC

is not restricted from contacting an appraiser or group of appraisers for reasons other than awarding an assignment.

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 of Real Estate has the staff and budget in place to administer these proposed amendments. After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact, 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 administrative rules. After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to local governments.

◆ **SMALL BUSINESSES:** These proposed amendments do create new obligations for AMCs that are small businesses. These compliance costs for small businesses are detailed below in the Compliance costs for affected persons, and in Appendix 1: Regulatory Impact Summary Table. Only small businesses that are Appraisal Management Companies will incur compliance costs from these proposed amendments. These proposed amendments do not create new obligations for small businesses that are not AMCs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These proposed amendments do create new obligations for AMCs that are non-small businesses. These compliance costs for non-small businesses are detailed below under costs for affected persons, and in Appendix 1: Regulatory Impact Summary Table. Only non-small businesses that are AMCs will incur compliance costs from these proposed amendments. Except for non-small businesses that are AMCs, the proposed amendment does not create new obligations for persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are 136 AMCs registered to do business in the state of Utah. Nine of these companies are established and operated from Utah. 127 companies are operated from outside Utah. Approximately 75% of AMCs are small businesses and 25% are non-small businesses. The fiscal impact of the proposed rule amendment may vary significantly between AMCs, depending on the current business model and business practices of each AMC and depending on the industry representative estimating the compliance cost. Initial one-time compliance cost estimates for the proposed rule amendment received from representatives of the appraisal management industry range from of \$3,750 per company to \$350,000 per company. These various assertions by industry members are combined and extrapolated in Appendix 1. The actual Fiscal Year Impact for 2019 may be somewhat higher or much lower than the table indicates, depending on the

accuracy of the assertions of industry members. Annual compliance costs for years subsequent to the initial first year costs are estimated to be \$180 per company.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are an estimated 34 large businesses in the AMC industry (NAICS 531320) operating in Utah. These businesses account for an estimated 25% of the total number of AMCs. There are 136 AMCs registered to do business in the state of Utah. Nine of these companies are established and operated from Utah. 127 companies are operated from outside Utah. Approximately 75% of AMCs are small businesses and 25% are non-small businesses. The fiscal impact of these proposed rule amendments may vary significantly between AMCs, depending on the current business model and business practices of each AMC. Industry representatives estimating the compliance costs have not agreed on the amount of these costs. In this regard, initial one-time compliance cost estimates for these proposed rule amendments received from representatives of the appraisal management industry range from of \$3,750 per company to \$350,000 per company. These various assertions by industry members are combined and extrapolated in Appendix 1. The actual Fiscal Year Impact for 2019 may be somewhat higher or much lower than the table indicates, depending on the accuracy of the assertions of industry members. Annual compliance costs for years subsequent to the initial first year costs are estimated to be \$180 per company, see Appendix 1: Regulatory Impact Summary Table.

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 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Jonathan Stewart, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0

Local Government	\$0	\$0	\$0
Small Businesses	\$752,500	\$18,360	\$18,360
Non-Small Businesses	\$820,000	\$6,120	\$6,120
Other Persons	\$0	\$0	\$0
Total Fiscal Costs:	\$1,572,500	\$24,480	\$24,480
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:			
	(\$1,572,500)	(\$24,480)	(\$24,480)

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are an estimated 34 large businesses in the AMC industry (NAICS 531320) operating in Utah. These businesses account for an estimated 25% of the total number of AMCs.

The Executive Director of the Commerce Department, Francine A. Giani, has reviewed and approved this fiscal analysis.

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 61-2g[61-2b]; or
 - (ii) an individual registered, licensed, or certified under Section 61-2g[61-2b] 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) ~~[As used in Subsection R162-2e-201(3)(c)(ii),~~
~~]"Business~~business day" means a day other than:

- (a) a Saturday;
- (b) a Sunday; ~~or~~
- (c) a state or federal holiday; ~~or~~

~~(d) any other day when the division is closed for business.]~~

(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 Disclosures and Customary and Reasonable Compensation.

(1) In addition to the disclosures required by Section 61-2e-304, an AMC shall:

(a) notify the appraiser in writing at the time an appraiser is first added to an appraiser panel:

(i) of the general criteria the AMC uses to rank an appraiser on the panel; and,

(ii) if the AMC chooses to separate appraisers into different tiers, of the general criteria the AMC uses to distinguish one tier from another;

(b) notify the affected appraisers in writing of any changes if, after the notice provided for in subsection (1)(a), the AMC changes any of the general criteria the AMC considers relative to an appraiser's ranking, tier, or classification within the panel structure;

(c)(+) at the time an assignment is offered, disclose to the appraiser:

(i)(+) 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;

(ii)(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;

(iii)(+) 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

(iv)(+) any known deadlines within which the assignment must be completed;

(d)(2) at or before the time the appraiser accepts an assignment, obtain the appraiser's acknowledgment as to the AMC's competency statement;

(e)(3) before requiring the appraiser to submit a completed report, disclose to the appraiser:

(i)(+) the total fee that will be collected by the AMC for the assignment; and

(ii)(+) the total amount that the AMC will retain from the fee charged, disclosed as a dollar amount; and

(f)(4) 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 or any inquiry related to the business relationship between the appraiser and the AMC, an AMC shall reply to the appraiser in writing. An inquiry may address subjects including the

AMC scorecard, appraiser panel status, clarification on work assignments, training, or notice of the removal of an appraiser from an AMC panel as required by Utah Code Section 61-2e-306. If the AMC has requested appraisers send such inquiries to a specific address or email address, appraisers shall direct such inquiries accordingly.

(a) If the AMC has determined to decrease the number of assignments to the appraiser the AMC's reply will explain the reason why the AMC has made this decision:

(b) if the AMC has determined to cease offering assignments to the appraiser, the the AMC's reply will explain 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) Any written notice or reply required by this section from an AMC to an appraiser may be communicated:

(a) by email;

(b) in a written communication to the mailing address provided by the appraiser; or

(c) by posting to a private vendor website, portal, or other digital venue to which the appraiser has access for at least 30 days following posting of the notice.

(4) For purposes of this Section, the term " general criteria" means a standard description of the factors the AMC considers when ranking or differentiating appraisers or tiers within a panel of appraisers. This does not require an AMC to disclose any algorithms, formulas, or information about proprietary processes.

(5) In replying to a request from an appraiser, an AMC is not required to reply to subsequent or multiple requests if a request unreasonably duplicates a prior request from that person.

(6) In addition to the presumptions of compliance referenced in Utah Code Subsection 61-2e-304(2)(b), an AMC is presumed to be in compliance with the Utah requirement to pay appraisers a customary and reasonable fee if the AMC compensates an appraiser for a completed appraisal at a rate 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 and Communicating With Two or More Appraisers About a Potential Assignment.

(1) If an AMC simultaneously contacts two or more independent contractor appraisers to offer an assignment of a one to four-unit residential mortgage appraisal or to gauge interest in such an assignment, the AMC shall include in the communication the information required in R162-2e-304(1)(c). To provide adequate time for a contract appraiser to determine the appraiser's competency and to communicate interest in the assignment to the AMC, the AMC may not award the assignment to a contract appraiser until the earlier of:

(a) 120 minutes following the offering of an assignment;

or

(b) each contract appraiser has affirmatively responded to the offering.

(2)(a) If a one to four-unit residential mortgage appraisal assignment is simultaneously offered to two or more independent contractor appraisers on a business day, the AMC shall allow the appraisers a minimum of 120 minutes to respond to accept the assignment before offering the assignment to other appraisers.

(b) If a one to four-unit residential mortgage appraisal assignment is simultaneously offered to two or more independent contractor appraisers on a day other than a business day, the AMC shall allow the appraisers until 9:00 A.M. Mountain Time on the next business day to accept the assignment before offering the assignment to other appraisers.

(3) If an independent contractor appraiser declines to accept an assignment or does not respond by the specified deadline, the AMC may offer the assignment to other appraisers.

(4) Nothing in this Section prohibits an AMC from communicating or attempting to communicate, directly or in real time with an independent contractor appraiser, without offering an assignment, in order to determine the appraiser's availability, willingness, competency, fee requirements, and turn time for a potential assignment. In such circumstances, the AMC is not required to wait any length of time before contacting other candidates who appear to the AMC to qualify for the potential assignment.

KEY: administrative proceedings, appraisal management company, conduct, registration

Date of Enactment or Last Substantive Amendment: ~~January 28, 2015~~2018

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)

**Financial Institutions, Nondepository
Lenders
R343-9**

**Deferred Deposit Lenders Registration
with the Nationwide Database**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 43176

FILED: 08/30/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After the passage of S.B. 150, during the 2013 General Legislative Session, the Department of Financial Institutions (Department) established by rule initial registration

requirements for deferred deposit lenders with the nationwide database. S.B. 150 (2013) provided that rule could provide for the transition of persons registering with the nationwide database. The transition period has been in place for five years and is no longer necessary.

ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Office of Administrative Rules.

SUMMARY OF THE RULE OR CHANGE: The rule is being repealed in its entirety.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 7-23-201(2)(f)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

ANTICIPATED COST OR SAVINGS TO:

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

◆ **THE STATE BUDGET:** Repealing this rule will not have a fiscal impact on state government revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.

AUTHORIZED BY: Edward Leary, Commissioner

◆ **LOCAL GOVERNMENTS:** Repealing this rule will not have a fiscal impact on local governments' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.

◆ **SMALL BUSINESSES:** Repealing this rule will not have a fiscal impact on small businesses' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Repealing this rule will not have a fiscal impact on other individuals' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Repealing this rule will not have a fiscal impact on businesses' revenues or expenditures. This rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.

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

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 The proposed repeal of this rule is not expected to have a fiscal impact on non-small businesses' revenues or expenditures because the rule contains guidance for persons transiting to registering with the nationwide database. The transition period has ended and the ongoing requirements of this rule are spelled out in statute and thus this rule is no longer necessary.

R343. Financial Institutions, Nondepository Lenders.

~~**[R343-9. Deferred Deposit Lenders Registration with the Nationwide Database.**~~

~~**R343-9-1. Authority, Scope and Purpose.**~~

- ~~_____ (1) This rule is issued pursuant to Section 7-23-201(2)(f).~~
- ~~_____ (2) This rule applies to deferred deposit lenders that are required to register with the nationwide database.~~
- ~~_____ (3) This rule establishes initial and renewal registration requirements for deferred deposit lenders.~~

~~**R343-9-2. Definitions:**~~

- ~~_____ (1) "Commissioner" means the Commissioner of Financial Institutions.~~
- ~~_____ (2) "Department" means the Department of Financial Institutions.~~
- ~~_____ (3) "Form MU1" means the Uniform Company License/Registration and Consent form adopted by the nationwide database.~~
- ~~_____ (3) "NMLS" means the Nationwide Mortgage Licensing System located at <http://mortgage.nationwidelicensingssystem.org/>.~~

~~**R343-9-3. Renewal of Current Registered Deferred Deposit Lenders:**~~

- ~~_____ (1) On or after November 1, 2013, deferred deposit lenders that are registered with the department shall renew a registration through the NMLS.~~
- ~~_____ (a) Deferred deposit lenders that do not have a record in NMLS will be required to complete a Form MU1 on the NMLS website.~~
- ~~_____ (b) Deferred deposit lenders that have a record in NMLS and have submitted a company Form MU1 are not required to reenter their company information. Those with a record will complete the appropriate registration for Utah.~~

~~**R343-9-4. Initial Registration of Deferred Deposit Lenders.**~~

- ~~_____ (1) On or after November 1, 2013, persons seeking authorization to transact business as a deferred deposit lender in Utah or with a Utah resident may register with the department through the NMLS.~~
- ~~_____ (a) Deferred deposit lenders that do not have a record in NMLS will be required to complete a Form MU1 on the NMLS website.~~
- ~~_____ (b) Deferred deposit lenders that have a record in NMLS and have submitted a company Form MU1 are not required to reenter~~

~~their company information. Those with a record will complete the appropriate registration for Utah.~~

~~**R343-9-5. Fees:**~~

- ~~_____ (1) Deferred deposit lenders filing an original registration through the NMLS shall pay the department an original registration fee as set forth in Subsection 7-1-401(8).~~
- ~~_____ (2) Deferred deposit lenders renewing a registration through NMLS shall pay an annual fee as set forth in Subsection 7-1-401(5).~~
- ~~_____ (3) Deferred deposit lenders renewing a registration through the NMLS in 2013, which have previously paid an annual fee in 2013, are not required to pay a second annual fee to the Department for 2013.~~
- ~~_____ (4) Deferred deposit lenders shall pay to the NMLS all fees required by NMLS.~~

~~**KEY: deferred deposit lenders, fees**~~

~~**Date of Enactment or Last Substantive Amendment: September 23,**~~

~~**Authorizing, and Implemented or Interpreted Law: 7-23-201(2)(f)**~~

Governor, Economic Development
R357-4
 Government Procurement Private
 Proposal Program

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE NO.: 43180
 FILED: 08/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 23 passed during the 2018 General Session repealed the Government Procurement Private Proposal Program Committee and all related provisions. Therefore, this rule is no longer necessary.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63N-13-203(2)(c) and Subsection 63N-13-205(5) and Subsection 63N-13-206(1)(b) and Subsection 63N-13-208(1)(h)(i) and Subsection 63N-13-209(3)(f) and Subsection 63N-13-210(3)(i)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The repeal of this rule coincides with S.B. 23 (2018) which repealed the Government Procurement Private Proposal Program Committee and all related provisions, and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2018/bills/static/SB0023.html>.

♦ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local governments. The repeal of this rule coincides with S.B. 23 (2018) which repealed the Government Procurement Private Proposal Program Committee and all related provisions and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2018/bills/static/SB0023.html>.

♦ SMALL BUSINESSES: There is no aggregate anticipated cost or savings to small businesses. The repeal of this rule coincides with S.B. 23 (2018) which repealed the Government Procurement Private Proposal Program Committee and all related provisions and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2018/bills/static/SB0023.html>.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The repeal of this rule coincides with S.B. 23 (2018) which repealed the Government Procurement Private Proposal Program Committee and all related provisions, and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2018/bills/static/SB0023.html>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The repeal of this rule coincides with S.B. 23 (2018) which repealed the Government Procurement Private Proposal Program Committee and all related provisions and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2018/bills/static/SB0023.html>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will not result in fiscal impact to businesses.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 60 E SOUTH TEMPLE
 THIRD FLOOR
 SALT LAKE CITY, UT 84111
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Dane Ishihara by phone at 801-538-8865, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Val Hale, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There is no regulatory impact creating financial cost to non-small businesses by the repeal of this rule.

R357. Governor, Economic Development.

~~**[R357-4. Government Procurement Private Proposal Program.**~~

~~**R357-4-1. Purpose.**~~

~~The purpose of the administrative rule is to describe the required procedures for submission, review and processing of an initial proposal, fee, and a detailed proposal, and the preparation of a project agreement.~~

~~**R357-4-2. Authority.**~~

~~(1) These administrative rules are made pursuant to authority granted under 63N-13-203(2)(e), 63N-13-205(5), 63N-13-206(1)(b), 63N-13-208(1)(h)(i), 63N-13-209(3)(f), and 63N-210(3)(i).~~

~~**R357-4-3. Definitions.**~~

~~(1) Terms in these rules are used as defined in UCA 63N-13-202.~~

R357-4-4. Initial and Detailed Proposal – Protected and Public Portions.

(1) An initial proposal submitted to the Committee in accordance with UCA 63N-13-205 is a protected record under UCA 63G-2-305, and shall be protected from all public disclosure during initial review by the Committee, the Governor's Office of Planning and Budget, the affected department and any directly affected state entity or school district.

(2) If the Committee determines to move forward with a project beyond the initial review, the following portions of an initial proposal shall be made public once the chief procurement officer initiates a procurement process in accordance with UCA 63G-6-408.5:

(a) conceptual description of the project;

(b) description of the economic benefit of the project to the state and the affected department;

(c) information concerning the products, services, and supplies currently being provided by the state, that are similar to the project;

(d) Notwithstanding the portions of an initial proposal that may be made public under this subsection, all proprietary information provided in an initial and detailed proposal shall remain a protected record under UCA 63G-2-305.

(3) Portions of an initial proposal not excepted in subsection (2) shall remain a protected record under UCA 63G-2-305. Protected portions include but are not limited to:

(a) Trade secrets as defined in UCA 13-24-2;

(b) Commercial information or non-individual financial information satisfying the requirements of UCA 63G-2-305; and

(c) Other information submitted by a private entity and not excepted in subsection (2) that, if disclosed prior to the execution of a project agreement, would adversely affect the financial interest or bargaining position of the public entity in accordance with UCA 13-24-2.

(4) A private entity requesting protection from public disclosure under this rule must satisfy the requirements of Title 63G, Chapter 2, Government Records Access and Management Act upon submission of the initial proposal or the detailed proposal, including the statement of business confidentiality required by UCA 63G-2-309.

R357-4-5. Initial Proposal – Fee.

(1) A private entity submitting an initial proposal shall pay a fee when the initial proposal is submitted.

(2) The amount of the fee shall be based on one percent of the project cost estimate submitted with an initial proposal. The minimum fee shall be \$5,000 and the maximum fee shall be \$50,000.

(3) Forty percent of the fee shall be allocated to reviewing the private entity's initial proposal and shall be non-refundable.

(4) Thirty percent of the fee shall be allocated to reviewing a detailed proposal and shall be refunded if for any reason the Committee does not review the private entity's detailed proposal.

(5) Thirty percent of the fee shall be allocated to preparing a project agreement and shall be refunded if for any reason the director does not prepare a project agreement for the private entity.

R357-4-6. Process and Time Requirements.

(1) A private entity may submit an initial proposal for a project to the Committee at any time. Within 30 days after receipt, the Committee shall review the initial proposal and determine, in its sole

discretion, whether to move forward with a project in accordance with UCA 63N-13-206. If the Committee determines to move forward with the project, the Committee shall immediately submit a copy of the initial proposal to any affected department, directly affected state entity, school district and the Governor's Office of Planning and Budget.

(2) Within 30 days from receipt of the initial proposal, an affected department shall provide the Committee with any comment, suggestion or modification to the initial proposal or the project. The affected department shall include any comment, suggestion or modification from any directly affected state entity or school district that receives a copy of the proposal in accordance with Section 63N-13-206(4).

(3) Within 30 days from receipt of the initial proposal, the Governor's Office of Planning and Budget shall prepare an economic feasibility report containing the information required by Section 63N-13-206(3)(b).

(4) Within 30 days from the receipt of the comments, suggestions or modification from the affected department and the economic feasibility report, the Committee shall determine, in its sole discretion, whether to move forward with a project to the detailed proposal stage. If the Committee determines to move forward with the project, the Committee shall immediately submit a copy of the initial proposal, including any comment, suggestion or modification adopted by the Committee and incorporated into the initial proposal, to the chief procurement officer and the Executive Appropriations Committee, in accordance with Section 63N-13-206(5), with any protected portions of the initial proposal clearly identified.

(5) The chief procurement officer shall take action under 63G-6-408.5 to initiate and complete a procurement process within 60 days from the receipt of the initial proposal, in compliance with Title 63G, Chapter 56, Utah Procurement Code.

(6) The chief procurement officer shall review each detailed proposal submitted pursuant to such procurement process and submit each detailed proposal that complies with UCA 63N-13-208(1) to the Committee for review and to the Governor's Office of Planning and Budget for the purpose of updating the economic feasibility report.

(7) Within 30 days from receipt of the updated economic feasibility report, the Committee shall determine, in its sole discretion, whether to approve the detailed proposal. If approved by the Committee, the board shall determine whether to approve the detailed proposal as soon as reasonably practicable.

(8) The affected department, directly affected state entity or school district may dispute the detailed proposal and submit any comment, suggestion or modification to the Committee and the Governor's Office of Planning and Budget within 15 days following the board's final decision. Within 15 days, the Governor's Office of Planning and Budget shall determine whether to proceed with a project agreement.

(9) If an appropriation or alternative funding is necessary for a project that is the subject of a detailed proposal, the Committee shall work with the office to submit, within 30 days following the board's final decision, a report requesting funding to the Governor's Office of Planning and Budget and the Executive Appropriations Committee detailing the position of the board, the affected department, directly affected state entity and the school district, as applicable. The filing of such report shall not interfere with the execution of the project agreement.

~~(10) Within 30 days from board and, if applicable, Governor's Office of Planning and Budget, approval of a detailed proposal, the director and the private entity shall, in good faith and in consultation with the affected department and a directly affected state entity or school district, prepare, negotiate and enter into a project agreement in accordance with Section 63N-13-210.~~

~~(11) The review, processing and, if applicable, procurement of an initial proposal, a detailed proposal or a project agreement under this rule shall be subject to such time modification as the Committee may deem to be necessary to accommodate the specific needs of each project or to be in the best interests of the state.~~

~~KEY: procurement, purchasing, Private Proposal Program~~

~~Date of Enactment or Last Substantive Amendment: November 21, 2008~~

~~Notice of Continuation: November 19, 2013~~

~~Authorizing, and Implemented or Interpreted Law: 63N-13-203(2)(c); 63N-13-205(5); 63N-13-206(1)(b); 63N-13-208(1)(h)(i); 63N-13-209(3)(f); 63N-210(3)(i)~~

Governor, Economic Development,
Consumer Health Exchange
R358-1

Electronic Standards for Transmitting
Information through the Health
Insurance Exchange

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 43179

FILED: 08/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 336 passed in the 2017 General Session amended the duties of the Office of Consumer Health Services within the Governor's Office of Economic Development to wind down the small employer health insurance exchange known as Avenue H by 07/01/2018. Therefore, this rule is no longer necessary.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63N-11-107(1)(a)

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: The repeal of this rule is to wind down the small employer health insurance exchange known as Avenue H as a result of H.B. 336 (2017), and costs or savings were included in the Legislature's consideration of

the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2017/bills/static/hb0336.html>.

♦ LOCAL GOVERNMENTS: There is no aggregate anticipated cost or savings to local governments. The repeal of this rule is to wind down the small employer health insurance exchange known as Avenue H as a result of H.B. 336 (2017), and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2017/bills/static/hb0336.html>.

♦ SMALL BUSINESSES: There is no aggregate anticipated cost or savings to small businesses. The repeal of this rule is to wind down the small employer health insurance exchange known as Avenue H as a result of H.B. 336 (2017), and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2017/bills/static/hb0336.html>.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. The repeal of this rule is to wind down the small employer health insurance exchange known as Avenue H as a result of H.B. 336 (2017), and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2017/bills/static/hb0336.html>.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The repeal of this rule is to wind down the small employer health insurance exchange known as Avenue H as a result of H.B. 336 (2017), and costs or savings were included in the Legislature's consideration of the bill. A copy of this fiscal analysis is available from the Utah State Legislature website at: <https://le.utah.gov/~2017/bills/static/hb0336.html>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of this rule will not result in fiscal impact to businesses.

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

GOVERNOR
ECONOMIC DEVELOPMENT, CONSUMER
HEALTH EXCHANGE
60 E SOUTH TEMPLE
SALT LAKE CITY, UT 84111
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Dane Ishihara by phone at 801-538-8865, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Val Hale, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
There is no regulatory impact creating financial cost to non-small businesses because of the repeal of this rule.

~~[R358. Governor, Economic Development, Consumer Health Services.~~

~~R358-1. Electronic Standards for Transmitting Information through the Health Insurance Exchange.~~

~~R358-1-1. Purpose and Authority.~~

~~(1) The purpose of this rule is to establish electronic standards for data transmission and reception through the Health Insurance Exchange.~~

~~(2) This rule is enacted under the authority of Section 63M-1-2506.~~

~~R358-1-2. Definitions.~~

~~(1) Technology partner. A Health Insurance Exchange technology partner administers the technology on which the Exchange runs and supports the activities that take place on that technology.~~

~~(2) Financial partner. A Health Insurance Exchange financial partner administers the financial transactions that occur on the Exchange, including invoicing and collection of payments, and the disbursement of funds for services provided.~~

~~(3) Provider partner. A Health Insurance Exchange provider partner is any entity that offers goods or services to consumers through the Exchange system.~~

~~R358-1-3. Standards.~~

~~(1) The Office of Consumer Health Services requires that all Exchange technology, financial, and provider partners strive to keep consumer data secure at all times. All partners shall:~~

~~(a) transmit consumer data between the Exchange and all partners via secure file transfer protocol (SFTP);~~

~~(b) keep consumer data encrypted during transmission and while at rest on partner servers; and~~

~~(c) establish security profiles to provide leveled access to the minimum allowable data.~~

~~R358-1-4. HIPAA Compliance.~~

~~(1) The Office of Consumer Health Services requires that all Exchange technology and provider partners comply with the Health Insurance Portability and Accountability Act (HIPAA).~~

~~R358-1-5. Quality Control Process.~~

~~(1) Because security is integral to Health Insurance Exchange operations, the Office of Consumer Health Services shall:~~

~~(a) conduct periodic security audits to ensure the strength of the above standards as performed by all partners; and~~

~~(b) perform risk assessments across all partners, technologies, and platforms when implementing new enhancements or services.~~

~~KEY: data standards, Health Insurance Exchange, consumer health, health insurance~~

~~Date of Enactment or Last Substantive Amendment: October 10, 2012~~

~~Notice of Continuation: September 29, 2017~~

~~Authorizing, and Implemented or Interpreted Law: 63M-1-2506]~~

Health, Family Health and Preparedness, Emergency Medical Services
R426-1
General Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43177

FILED: 08/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for this amendment is to update

language to be consistent with Title 26, Chapter 8a, and to clarify the definition for inter-facility transfers.

SUMMARY OF THE RULE OR CHANGE: The definition change is to repeal the last rule amendment from April 2018 and re-enact the prior definition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This proposed rule change is not expected to have any fiscal impact on state government revenues or expenditures, because this amendment is to re-enact the definition prior to the last rule change. There is no fiscal impact because this rule amendment is simply re-enacting the rule that was in effect prior to April 2018.

◆ **LOCAL GOVERNMENTS:** This proposed rule change is not expected to have any fiscal impact on local governments' revenues or expenditures, because this amendment is to re-enact the definition prior to the last rule change. There is no fiscal impact because this rule amendment is simply re-enacting the rule that was in effect prior to April 2018.

◆ **SMALL BUSINESSES:** This proposed rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures, because this amendment is to re-enact the definition prior to the last rule change. There is no fiscal impact because this rule amendment is simply re-enacting the rule that was in effect prior to April 2018.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is one non-small business operating as a licensed ambulance provider in Utah as per Utah Department of Health licensing records. This business is not expected to have a fiscal impact associated with this amendment because it is only a clarification of a term used for a type of ambulance transport. This amendment will return to the definition used prior to the current definition made effective 04/19/2018.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This proposed rule amendment is not expected to have any fiscal impact on affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this rule amendment will not result in fiscal impact to businesses.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 EMERGENCY MEDICAL SERVICES
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Guy Dansie by phone at 801-273-6671, by FAX at 801-273-4165, or by Internet E-mail at gdansie@utah.gov or mail at PO Box 142004, Salt Lake City, UT 84114-2004

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There is one non-small business operating as a licensed ambulance provider in Utah as per Utah Department of Health licensing records. This business is not expected to have a fiscal impact associated with this amendment because it is only a clarification of a term used in for a type of ambulance transport. This amendment will return to the definition used prior to the current definition made effective 04/19/2018.

After conducting a thorough analysis, it was determined that this rule amendment will not result in fiscal impact to businesses. Joseph K. Miner, MD, Executive Director

R426. Health, Family Health and Preparedness, Emergency Medical Services.**R426-1. General Definitions.****R426-1-100. Authority and Purpose.**

This rule establishes uniform definitions for all R426 rules. It also provides administration standards applicable to all R426 rules.

R426-1-200. General Definitions.

The definitions in Title 26, Chapter 8a are adopted and incorporated by reference into this rule, in addition:

(1) "Advanced Emergency Medical Technician" or "AEMT" means an individual who has completed an AEMT training program, approved by the Department, who is licensed by the Department as qualified to render services enumerated in this rule.

(2) "Affiliated Provider" means a licensed EMS individual's secondary employer or employers.

(3) "Air Ambulance" means a specially equipped and permitted aircraft, especially a helicopter or fixed wing airplane, for transporting patients.

(4) "Air Ambulance Personnel" mean the pilot and patient care personnel who are involved in an air medical transport.

(5) "Air Ambulance Service" means any publicly or privately owned organization that is licensed or applies for licensure under R426-3 and provides transportation and care of patients by air ambulance.

(6) "Air Ambulance Service Medical Director" means a physician knowledgeable of potential medical complications which may arise because of air medical transport, and is responsible for overseeing and assuring that the appropriate air ambulance, medical personnel, and equipment are provided for patients transported by the air ambulance service.

(7) "Categorization" means the process of identifying and developing a stratified profile of Utah hospital trauma critical care capabilities in relation to the standards defined under R426-5-7.

(8) "Certify," "Certification," and "Certified" mean the official Department recognition that an individual has completed a specific level of training and has the minimum skills required to provide emergency medical care at the level for which he is certified.

(9) "Competitive Grant" means a grant awarded through the Emergency Medical Services Grants Program on a competitive basis for a share of available funds.

(10) "Complaint, Compliance, and Enforcement Unit or CCEU" means the investigative unit of the Department.

(11) "Continuing Medical Education" means a Department-approved training relating specifically to the appropriate level of certification designed to maintain or enhance an individual's emergency medical skills.

(12) "County or Multi-County EMS Council or Committee" means a group of persons recognized as the legitimate entity within the county to formulate policy regarding the provision of EMS.

(13) "Course Coordinator" means an individual who has completed a Department course coordinator course and is certified by the Department as capable to conduct Department-authorized EMS courses.

(14) "Department" means the Utah Department of Health.

(15) "Emergency Medical Dispatcher" or "EMD" means an individual who has completed a Department approved EMD training program, and is licensed by the Department as qualified to render services enumerated in this rule.

(16) "Emergency Medical Service Dispatch Center" means a call center designated by the Department for the routine acceptance of calls for emergency assistance, staffed by trained operators who utilize a selective medical dispatch system to dispatch licensed ambulance and paramedic services.

(17) "Emergency Medical Responder" or "EMR" means an individual who has completed a Department approved EMR training program, and is licensed by the Department as qualified to render services enumerated in this rule.

(18) "Emergency Medical Technician" or "EMT" means an individual who has completed a Department approved EMT training program and is licensed by the Department as qualified to render services enumerated in this rule.

(19) "Emergency Medical Technician Intermediate Advanced" means an individual who has completed a Department approved EMT- IA training program and is licensed by the Department as qualified to render services enumerated in this rule.

(20) "Emergency vehicle operator" means an individual on the roster of an EMS provider who may, in the normal course of the individual's duties, drive an ambulance or an emergency medical response vehicle.

(21) "EMS" means Emergency Medical Services.

(22) "Emergency Medical Incident" means any instance in which an Emergency Medical Services Provider is requested to provide or potentially provide emergency medical services.

(23) "EMS Instructor" means an individual who has completed a Department EMS instructor course and is certified by the Department as capable to teach EMS personnel.

(24) "EMS stand-by event" means the on-site licensed ambulance, paramedic service, or designated quick response unit at a scheduled event or activity provided by the local 911 exclusive license provider or their designee.

(25) "Exclusive License" means the sole right to perform the licensed act in a defined geographic service area, and that prohibits the Department of Health from performing the licensed act, and from granting the right to anyone else.

(26) "Grants Review Subcommittee" means a subcommittee appointed by the EMS Committee to review, evaluate, prioritize and make grant funding recommendations to the EMS Committee.

(27) "Ground Ambulance" means a vehicle which is properly equipped, maintained, permitted and used to transport a patient to a patient destination such as a patient receiving facility or resource hospital.

(28) "Inclusive Trauma System" means the coordinated component of the State emergency medical services (EMS) system composed of all general acute hospitals licensed under Title 26, Chapter 21, trauma centers, and pre-hospital providers which have

established communication linkages and triage protocols to provide for the effective management, transport and care of all injured patients from initial injury to complete rehabilitation.

(29) [~~"Inter-facility Transfer" means an ambulance transfer of a patient, who does not have an emergency medical condition as defined in UCA 26-8a-102(6)(a), and the ambulance transfer of the patient originates at a hospital, nursing facility, patient receiving facility, mental health facility, or other licensed medical facility.~~] "Inter-facility Transfer" means an ambulance transfer of a patient, who does not have an emergency medical condition as defined in UCA 26-8a-102(6)(a), and the ambulance transfer of the patient is arranged by a transferring physician for the particular patient, from a hospital, nursing facility, patient receiving facility, mental health facility, or other licensed medical facility.

(30) "Individual" means a human being.

(31) "Level of Care" means the capabilities and commitment to the care of the trauma patient available within a specified facility.

(32) "Level of License" means the official Department recognized step in the licensure process in which an individual has attained as an EMS provider.

(33) "Licensed EMS Individual" means a person licensed by the Bureau of Emergency Medical Services and Preparedness to perform an EMS function.

(34) "Meritorious Complaint" means a complaint against a licensed ambulance provider, designated agency, or licensed provider(s) that is made by a patient, a member of the immediate family of a patient, or health care provider, that the Department determines is substantially supported by the facts or a licensed ambulance provider, designated agency, or licensed provider(s):

(a) has repeatedly failed to provide service at the level or in the exclusive geographic service area required licensee;

(b) has repeatedly failed to follow operational standards established by the EMS Committee;

(c) has committed an act in the performance of a professional duty that endangered the public or constituted gross negligence; or

(d) has otherwise repeatedly engaged in conduct that is adverse to the public health, safety, morals or welfare, or would adversely affect the public trust in the emergency medical service system.

(35) "Matching Funds" means that portion of funds, in cash, contributed by the grantee to total project expenditures.

(36) "On-line Medical Control" which refers to physician medical direction of pre-hospital personnel during a medical emergency; and

(37) "Off-line Medical Control" which refers to physician oversight of local EMS services and personnel to assure their medical accountability.

(38) "Medical Director" means a physician certified by the Department to provide off-line medical control.

(39) "Mid-level Provider" means a licensed nurse practitioner or a licensed physician assistant.

(40) "Net Income" means the sum of net service revenue, plus other regulated operating revenue and subsidies of any type, less operating expenses, interest expense, and income.

(41) "Paramedic" means an individual who has completed a Department approved Paramedic training program and is licensed by the Department as qualified to render services enumerated in this rule.

(42) "Paramedic Ground Ambulance" means the provision of advanced life support patient care and transport by licensed paramedic personnel in a licensed ambulance.

(43) "Paramedic Rescue Service" means the provision of advanced life support patient care by licensed paramedic personnel without the ability to transport patients.

(44) "Paramedic Unit" means a vehicle which is properly equipped, maintained and used to transport licensed paramedics to the scene of emergencies to perform paramedic services without the ability to transport patients to a designated hospital or designated patient receiving facility.

(45) "Paramedic Tactical Service" means the retrieval and field treatment of injured peace officers or victims of traumatic confrontations by licensed paramedics who are trained in combat medical response.

(46) "Paramedic Tactical Unit" means a vehicle which is properly equipped, maintained, and used to transport licensed paramedics to the scene of traumatic confrontations to provide paramedic tactical services.

(47) "Patient Care Report" means a record of the response by each responding Emergency Medical Services Provider unit to each patient during an EMS Incident.

(48) "Patient Receiving Facility" means a Department designated medical clinic or designated resource hospital that is approved to receive patients transported by a licensed ambulance provider.

(49) "Per Capita grants" mean block grants determined by prorating available funds on a per capita basis as delineated in 26-8a-207, as part of the Emergency Medical Services Grants Program.

(50) "Permit" means the document issued by the Department that authorizes a vehicle to be used in providing emergency medical services.

(51) "Person" means an individual, firm, partnership, association, corporation, company, or group of individuals acting together for a common purpose, agency, or organization of any kind public or private.

(52) "Physician" means a medical doctor licensed to practice medicine in Utah.

(53) "Pilot" means an[~~y~~] individual licensed [~~under Federal Aviation Regulations, Part 135~~]to operate an air ambulance.

(54) "Pre-hospital Care" means medical care given to an ill or injured patient by a designated or licensed EMS provider outside of a hospital setting.

(55) "Primary Affiliated Provider" or "PAP" means a licensed EMS individual's primary or main employer or provider.

(56) "Primary emergency medical services" means an organization that is the only licensed or designated service in a geographical area.

(57) "Provider" means a Department licensed or designated entity that provides emergency medical services.

(58) "Provisional License" means temporary terms and conditions placed on a licensed EMS individual's license until completion of an investigation or a final adjudication or conclusion of the pending matter.

(59) "Quick Response Unit" or "QRU" means an entity that provides emergency medical services to supplement local licensed ambulance providers or provide unique services.

(60) "Quick Response Vehicle" or "QRV" means a vehicle which is properly equipped, maintained, permitted and used to perform

assistive services at a scene. A QRV may transport or deliver a patient to a licensed ambulance provider access point. The QRV may include an automobile, an all-terrain vehicle or a watercraft.

(61) "Resource Hospital" means a facility designated by the EMS Committee to provide on-line medical control for the provision of pre-hospital emergency care.

(62) "Restricted License" means a licensed EMS individual may not function in their EMS capacity for an interim period of time.

(63) "Scene" means the location of initial contact with the patient.

(64) "Selective Medical Dispatch System" means a Department-approved reference system used by a designated local dispatch agency to dispatch aid to medical emergencies which includes:

- (a) systemized caller interrogation questions;
- (b) systemized pre-arrival instructions; and
- (c) protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.

(65) "Specialized Life Support Air Ambulance Service" means a level of care which requires equipment or specialty patient care by one or more medical personnel in addition to the regularly scheduled air medical team.

(66) "Training Officer" means an individual who has completed a department Training Officer Course and is certified by the Department to be responsible for an EMS provider organization's continuing medical education, license renewal records, and testing.

KEY: emergency medical services

Date of Enactment or Last Substantive Amendment: [~~April 19,~~ 2018

Authorizing, and Implemented or Interpreted Law: 26-8a

Health, Family Health and
Preparedness, Emergency Medical
Services
R426-2
Emergency Medical Services Provider
Designations for Pre-Hospital
Providers, Critical Incident Stress
Management and Quality Assurance
Reviews

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43178

FILED: 08/31/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for these amendments is to update language to be consistent with Title 26, Chapter 8a, and to amend medical dispatch designation requirements.

SUMMARY OF THE RULE OR CHANGE: These rule amendments are to repeal the last rule amendment and re-enact the prior rule language.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These proposed rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they are reinstating the prior requirements for designated medical dispatch centers. State expenditures and staff time are not affected.

◆ **LOCAL GOVERNMENTS:** These proposed rule changes are not expected to have any fiscal impact on local governments' revenues or expenditures because they are reducing a requirement for designated medical dispatch centers to dispatch by license type. Local governments expenditures and staff time are not affected.

◆ **SMALL BUSINESSES:** These proposed rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures, because no small businesses are included in the entities affected by these amendments.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no non-small businesses operating as a designated medical dispatch center in Utah as per Utah Department of Health designation records. Therefore, there are no non-small businesses expected to have a fiscal impact associated with these amendments. These amendments will return designated medical dispatch center language used prior to the current language made effective 04/19/2018, and other amendments made for consistency in formatting.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed rule amendments are not expected to have any fiscal impact on affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these rule amendments will not result in fiscal impact to businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
EMERGENCY MEDICAL SERVICES
3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Guy Dansie by phone at 801-273-6671, by FAX at 801-273-4165, or by Internet E-mail at gdansie@utah.gov or mail at PO Box 142004, Salt Lake City, UT 84114-2004

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

impact associated with these amendments. These amendments will return designated medical dispatch center language used prior to the current language made effective 04/19/2018, and other amendments made for consistency in formatting.

After conducting a thorough analysis, it was determined that these rule amendments will not result in fiscal impact to businesses. Joseph K. Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are no non-small businesses operating as a designated medical dispatch center in Utah as per Utah Department of Health designation records. Therefore there is no non-small businesses expected to have a fiscal

R426. Health, Family Health and Preparedness, Emergency Medical Services.

R426-2. Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews.

R426-2-100. Authority and Purpose.

(1) This rule establishes types of providers that require a designation, the application process for a obtaining a designation and minimum designation requirements.

(2) The rule also establishes criteria for critical incident stress management and the process for quality assurance reviews.

R426-2-200. [Pre-hospital]EMS Provider Designation Types.

(1) The following type of provider shall obtain a designation from the Department:

- (1)a Quick Response Unit.
- (2)b Emergency Medical Service Dispatch Center.

R426-2-300. Quick Response Unit Minimum Designation Requirements.

(1) A quick response unit shall meet the following minimum designation requirements:

(1)a [Have]vehicle(s), equipment, and supplies that meet [the current requirements of the]Department requirements[for licensed and designated providers as found on the Bureau of EMS and Preparedness' web-site to carry out its responsibilities under its designation];

(2)b [Have]describe location(s) for stationing its vehicle(s), equipment and supplies;

(3)c [Have]a current dispatch agreement with a designated Emergency Medical Service Dispatch Center;

(4)d [Have]a Department-certified training officer;

(5)e [Have]a current plan of operations, which shall include:

(a)i the names, EMS ID Number, and license level of all personnel;

(b)ii operational procedures; and

(e)iii a description of how the [designee]designated provider proposes to interface with other licensed and designated EMS [agencies]providers[;].

(6)f [Have a]A current agreement with a Department-certified off-line medical director who will perform the following:

(a)i develop and implement patient care standards which include written standing orders and triage, treatment, pre-hospital protocols, and/or pre-arrival instructions to be given by designated emergency medical dispatch centers;

(b)ii ensure the qualification of field licensed EMS personnel involved in patient care and dispatch through the provision of ongoing continuing medical education programs and appropriate review and evaluation;

([e]iii) develop and implement an effective quality improvement program, including medical audit, review, and critique of patient care;

([d]iv) annually review triage, treatment, and transport protocols and update them as necessary;

([e]v) suspend from patient care, pending Department review, a field EMS personnel or dispatcher who does not comply with local medical triage, treatment and transport protocols, pre-arrival instruction protocols, or who violates any of the EMS rules, or who the medical director determines is providing emergency medical service in a careless or unsafe manner.

(vi) ~~The medical director shall~~ notify the Department within one business day of ~~the~~ any imposed suspensions; and

([f]vii) attend meetings of the local EMS Council, if one exists, to participate in the coordination and operations of local EMS providers.

([7]g) Have current treatment protocols approved by the ~~agencies~~ certified off-line medical director for the designated service level;

([8]h) ~~[P]~~ provide the Department with a copy of its certificate of insurance;

([9]i) ~~[P]~~ provide the Department with a letter of support from the licensed ambulance provider(s) in the geographical service area; and

([10]j) ~~[N]~~ not be disqualified for ~~any of the following~~ reasons including:

([a]i) violation of Subsection 26-8a-504; or

([b]ii) a history of disciplinary action relating to an EMS license, permit, designation or certification in this or any other state.

R426-2-400. Emergency Medical Service Dispatch Center Minimum Designation Requirements.

~~_____ An emergency medical service dispatch center shall meet the following minimum designation requirements:~~

~~_____ (1) Have in effect a selective medical dispatch system approved by the Department which includes:~~

~~_____ (a) systemized caller interrogation questions;~~

~~_____ (b) systemized pre-arrival instructions;~~

~~_____ (c) a systemized method which produces consistent results to assist a dispatcher in categorizing incoming calls so that dispatcher can notify the proper licensed provider for the level of care, whether an emergency response or an inter-facility patient transfer is needed, as defined in R426-1-200(29); and]~~

(1) Have in effect a selective medical dispatch system approved by the off-line medical director which includes:

(a) systemized caller interrogation questions;

(b) systemized pre-arrival instructions; and

(c) protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.

(d) use protocols matching the dispatcher's evaluation of injury or illness severity with vehicle response mode and configuration.

([2]f) Provide pre-hospital arrival instructions by a licensed Emergency Medical Dispatcher.

([3]g) Have a current updated plan of operations~~[-, which shall include:]~~ including:

([a]i) plan of operations to be used in a disaster or emergency;

([b]ii) communication systems[-]; and

([e]iii) aid agreements with other designated medical service dispatch centers.

([4]h) ~~[Have a]A~~ current agreement with a Department-certified off-line medical director.

([5]i) ~~[Have an]An~~ ongoing medical call review quality assurance program~~[-, and]~~.

([6]j) ~~[Have a]A~~ licensed emergency medical dispatcher roster~~[-, which shall include:]~~ including

([a]i) licensed staff names, Department license numbers and expiration dates[-], and

([b]ii) dispatch system training certification number and expiration dates.

R426-2-500. Designation Applications.

(1) Any ~~[provider]person~~ applying for designation shall submit to the Department: ~~[applications fees, complete application on Department approved forms, and documentation verifying that the provider meets the minimum requirements for the designation, as listed in this rule. The Department may determine other information is necessary for processing, and will provide a list of those requirements to the applicant. Additional items specific to the designation type are required as outlined below. A provider applying for re-designation shall submit an application as described above 90 days prior to the expiration of its designation.]~~

_____ (a) Applications fees.

_____ (b) Complete application on Department approved forms.

_____ (c) Documentation verifying that the provider meets the minimum requirements for the designation.

(2) The Department may determine if clarifying information is needed for approval or processing. The Department will provide needed requirements to the applicant.

(3) A provider applying for re-designation should submit an application as described above 90 days prior to the expiration of its designation in order to avoid a lapsed period of time.

_____ (4) A designation may be issued for up to a four-year period.

R426-2-600. Quick Response Unit Designation Applications.

(1) A Quick Response Unit shall provide:

([1]a) ~~[N]~~name of the organization and its principles[-];

([2]b) ~~[N]~~name of the person or organization financially responsible for the service and documentation from that entity accepting responsibility[-];

([3]c) ~~[I]~~if the applicant is privately owned, they shall submit certified copies of the document creating the entity[-];

([4]d) ~~[A]a~~ description of the geographical area of service[-]; and

([5]e) ~~[A]a~~ demonstrated need for the service.

R426-2-700. Emergency Medical Service Dispatch Center Designation Applications.

(1) An Emergency Medical Service Dispatch Center shall provide:

([1]a) ~~[N]~~name of the organization and its principles[-];

([2]b) ~~[N]~~name of the person or organization financially responsible for the service provided by the designee and documentation from that entity accepting responsibility[-];

~~[(3)]~~~~c~~ [1]if the applicant is privately owned, they shall submit certified copies of the document creating the entity~~[-];~~.

~~[(4)]~~~~d~~ [A]a description of the geographical area of service~~[-]; and~~

~~[(5)]~~~~e~~ [A]a demonstrated need for the service.

R426-2-800. ~~[Criteria for] Denial or Revocation of Designation.~~

(1) The Department may deny an application for a designation for any of the following reasons:

(a) failure to meet requirements as specified in the rules governing the service;

(b) failure to meet vehicle, equipment, or staffing requirements;

(c) failure to meet requirements for renewal or upgrade;

(d) conduct during the performance of duties relating to its responsibilities as an EMS provider that is contrary to accepted standards of conduct for EMS personnel described in Sections 26-8a-502 and 26-8a-504;

(e) failure to meet agreements covering training standards or testing standards;

(f) a history of disciplinary action relating to a license, permit, designation, or certification in this or any other state~~[-];~~

(g) a history of criminal activity by the licensed or designated provider or its principals while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;

(h) falsifying or misrepresenting any information required for licensure or designation or by the application for either;

(i) failure to pay the required designation or permitting fees or failure to pay outstanding balances owed to the Department;

(j) failure to submit records and other data to the Department as required by statute or rule;

(k) misuse of grant funds received under Section 26-8a-207; and

(l) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant who has been denied a designation may request a Department review by filing a written request for reconsideration within thirty calendar days of the issuance of the Department's denial.

R426-2-900. Application Review and ~~[Award] Approval.~~

(1) If the Department finds that an application for designation is complete and that the applicant meets all requirements, it may approve the designation.

~~[(2) Issuance of a designation by the Department is contingent upon the applicant's demonstration of compliance with all applicable rules and a successful Department quality assurance review.~~

~~[(3) A designation may be issued for up to a four-year period. The Department may alter the length of the designation to standardize renewal cycles.]~~

R426-2-1000. Change in Designated Service Level.

(1) A quick response unit may apply to provide a higher designated level of service by:

(a) submitting the applicable fees; and

(b) submitting an application on Department-approved forms to the Department.

(2) As part of the application, the applicant shall provide:

(a) a copy of the new treatment protocols for the higher level of service approved by the off-line medical director;

(b) an updated plan of operations demonstrating the applicant's ability to provide the higher level of service;

(c) a written assessment of the performance of the applicant's field performance by the applicant's off-line medical director; and

(d) provide the Department with a letter of support from the licensed provider(s) in the geographical service area.

(3) If the Department finds that the applicant has demonstrated the ability to provide the upgraded service, it shall issue a new designation reflecting the higher level of service.

R426-2-1100. Critical Incident Stress Management.

(1) The Department may establish a critical incident stress management (CISM) team to meet its public health responsibilities under Utah Code Section 26-8a-206.

(2) The CISM team may conduct stress debriefings, defusings, demobilizations, education, and other critical incident stress interventions upon request for persons who have been exposed to one or more stressful incidents in the course of providing emergency services.

(3) Individuals who serve on the CISM team shall complete Department approved initial and ongoing training.

(4) While serving as a CISM team member, the individual is acting on behalf of the Department. All records collected by the CISM team are Department records. CISM team members shall maintain all information in strict confidence as provided in Utah Code Title 26, Chapter 3.

(5) The Department may reimburse a CISM team member for travel expenses incurred in performing his or her duties in accordance with state finance mileage reimbursement policy.

R426-2-1200. Quality Assurance Reviews.

(1) The Department may conduct quality assurance reviews of licensed and designated ~~[organizations] providers~~ and training programs on an annual basis or more frequently as necessary to enforce this rule~~[-];~~.

(2) The Department shall conduct a quality assurance review prior to issuing a new license or designation.

(3) The Department may conduct quality assurance reviews on all personnel, vehicles, facilities, communications, equipment, documents, records, methods, procedures, materials and all other attributes or characteristics of the ~~[organization, which may include audits, surveys, and other activities as necessary for the enforcement of the Emergency Medical Services System Act and the rules promulgated pursuant to it.] designated provider.~~

(a) The Department ~~[shall record its findings and provide the organization with a copy] will provide a written copy to the designated provider.~~

(b) The ~~[organization] designated provider~~ shall correct ~~[all] deficiencies within 30 days [of receipt of the Department's findings] unless otherwise directed by the Department.~~

(c) The ~~[organization] designated provider~~ shall immediately notify the Department on a Department-approved form when the deficiencies have been corrected.

KEY: emergency medical services

Date of Enactment or Last Substantive Amendment: [~~April 19,~~ 2018

Authorizing, and Implemented or Interpreted Law: 26-8a

**Labor Commission, Boiler, Elevator and
Coal Mine Safety
R616-3-4
Inspector Qualification**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43164

FILED: 08/24/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for these changes is to define the nationally recognized standards of qualifications for inspectors of elevators and escalators which Utah will use. Additionally, these changes will allow the Boiler, Elevator and Coal Mine Safety Division (Division) to test new employees as soon as they are ready on all aspects of the national elevator/escalator standards which Utah has adopted and incorporated, as well as on the Utah Elevator and Escalator Safety Act, Section 34A-7-201 et seq. and the Utah Administrative Code relating to elevators (Rule R616-3 et seq.). This will allow the Division to certify State Elevator Inspectors in a more efficient manner and ensure that these inspectors are competently trained in all aspects relating to laws, rules, and codes which Utah has enacted, adopted, and incorporated.

SUMMARY OF THE RULE OR CHANGE: The current rule states that an elevator inspector must be certified as a Qualified Elevator Inspector (QEI) from a nationally accredited organization. This requirement severely hampers the effectiveness of the Division in that it requires each inspector to have performed or witnessed elevator inspections for at least one year before they can apply to take the national QEI examination which only tests on national elevator standards. Additionally, the national QEI test contains questions which are not relevant to Utah because the jurisdiction of the Division in Utah does not include inspection of residential elevators or elevators in federal buildings. These rule changes comply with Subsection 34A-7-203(4) and specifically defines the nationally recognized standards of qualifications for inspectors of elevators and escalators which Utah will use. This rule explains that an inspector must be certified by the Division, sets out the experience requirements to become a State Elevator Inspector, and also explains the subject matter of the examination required to be taken and the percentage which a person will be required to obtain in order to be pass the examination and be certified as a State Elevator Inspector.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-101 et seq.

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There will be no cost or savings to the state budget. These rule changes are for clarification purposes and will have not have any fiscal impact on the Division or the state of Utah.

♦ **LOCAL GOVERNMENTS:** There will be no cost or savings to any local government. These rule changes are for clarification purposes and will not have any fiscal impact on local governments.

♦ **SMALL BUSINESSES:** These will be no cost or savings to small businesses. These rule changes are for clarification purposes and will not have any fiscal impact on small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no cost or savings to other persons with these changes. These rule changes are for clarification purposes only and will have no fiscal impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost or savings associated with these changes. These rule changes are for clarification purposes only and will have no fiscal impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost or savings associated with these changes. These rule changes are for clarification purposes only and will have no fiscal impact.

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

LABOR COMMISSION
BOILER, ELEVATOR AND COAL MINE SAFETY
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:

♦ Ami Windham by phone at 801-530-6850, by FAX at 801-530-6871, or by Internet E-mail at awindham@utah.gov
♦ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
♦ Pete Hackford by phone at 801-530-7605, by FAX at 801-530-6871, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Jaceson Maughan, Commissioner

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There will be no fiscal impact to non-small businesses as the only elevator inspectors for the state of Utah are employed by the Division of Boiler, Elevator and Coal Mine Safety.

**R616. Labor Commission, Boiler, Elevator and Coal Mine Safety.
 R616-3. Elevator Rules.
 R616-3-4. Inspector Qualification.**

A. Any person who performs elevator safety inspections must have a current certification as a Qualified Elevator Inspector from a nationally accredited organization. Any person who performs elevator safety inspections must be a State Elevator Inspector certified by the Division.

B. A State Elevator Inspector is a person who meets the following nationally recognized standards of qualifications for inspectors of elevators and escalators:

(1) Has four or more years of verifiable documented education and experience in the mechanical and/or electrical aspects of the elevator industry and is a person deemed to meet the ASME A17.1 definition of "elevator personnel";

(2) Has two or more years of college courses in an elevator industry-related engineering field; or

(3) Meets the definition of "elevator personnel" in ASME A17.1 and has documented training as one of the following:

(i) an Elevator Inspector performing inspections for an enforcing authority;

(ii) an Elevator Inspector trainee working under the direct supervision of an Elevator Inspector performing inspections for an enforcing authority;

(iii) an Elevator Inspector performing inspections and licensed by or under the jurisdiction of an enforcing authority; or

(vi) an Elevator Inspector trainee licensed by or working under the direct supervision of a licensed Elevator Inspector performing inspections and working under the jurisdiction of an enforcing authority.

C. Prior to a person becoming certified as a State Elevator Inspector, a person must pass a state-issued examination with at least a 70% score which will test the person's knowledge and understanding of the Utah Elevator and Escalator Safety Act, Utah Code Ann. 34A-7-201 et seq.; the Utah Administrative Code sections relating to elevators, R616-3 et seq.; and the national code sections adopted and incorporated by Utah in R616-3-3.

KEY: elevators, certification, safety

Date of Enactment or Last Substantive Amendment: [April 9,] 2018

Notice of Continuation: August 23, 2016

Authorizing, and Implemented or Interpreted Law: 34A-1-101 et seq.

**Public Safety, Driver License
 R708-14**

Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs

**NOTICE OF PROPOSED RULE
 (Amendment)**

DAR FILE NO.: 43173

FILED: 08/29/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed in response to the passage of S.B. 84 passed during the 2018 General Session,

which reauthorized all administrative rules except Section R708-14-9. At the recommendation of the Administrative Rules Review Committee, changes have been made to Section R708-14-9, which have been inserted into this rule. In addition, some other minor changes have been made in an effort to maintain consistency throughout this rule.

SUMMARY OF THE RULE OR CHANGE: The definition of "Adjudicative proceeding" has been removed, and a reference to definitions found in Section 63G-4-103 is included in this rule. In addition, Section R708-14-3 has been renumbered. A new Section R708-14-9 was added at the recommendation of the Administrative Rules Review Committee. Other minor changes were made to this rule in an effort to ensure that the rule accurately reflects current procedures and complies with statutory provisions. The terms "hearing officer" and "presiding officer" have been modified in some areas of this rule in the interest of clarity.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-104 and Subsection 63G-4-203(1)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Driver License Division (Division) does not anticipate a cost or a savings to the state budget as a result of these rule changes because the changes reflected in this rule will not result in a change in current procedures for conducting an administrative alcohol or drug proceeding.

♦ **LOCAL GOVERNMENTS:** The Division does not anticipate a cost or savings to local governments because this rule does not have any impact on local governments. This rule only addresses the manner in which administrative alcohol and drug proceedings will be conducted by the Division.

♦ **SMALL BUSINESSES:** The Division does not anticipate a cost or savings to small businesses because this rule does not have any impact on small businesses. This rule only addresses the manner in which administrative alcohol and drug proceedings will be conducted by the Division.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Division does not anticipate a cost or savings to persons other than small businesses or local government entities because this rule does not have any impact on persons other than small businesses or local government entities. This rule only addresses the manner in which administrative alcohol and drug proceedings will be conducted by the Division. It is anticipated that the changes made in this rule will result in drivers who request and participate in an administrative alcohol or drug proceeding receiving their final notice of agency action in a more timely manner. This may result in a person who is authorized to maintain their driving privilege following the proceeding receiving their driver license back from the Division in a more timely manner. As a result, this could have a positive fiscal impact due to their ability to drive for employment purposes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any compliance costs for affected

persons because these rule changes only address the manner in which administrative alcohol and drug proceedings will be conducted.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Division does not anticipate a cost or savings to businesses because this rule does not have any impact on businesses. This rule only addresses the manner in which administrative alcohol and drug proceedings will be conducted by the Division.

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY, UT 84119-5595
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ♦ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
- ♦ Tara Zamora by phone at 801-964-4483, by FAX at 801-964-4482, or by Internet E-mail at tarazamora@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Chris Caras, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0

Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are no non-small businesses in the industry in question in Utah. This rule only addresses the manner in which administrative alcohol and drug proceedings will be conducted by the Driver License Division.

This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because this rule only addresses the manner in which administrative alcohol and drug proceedings will be conducted by the Driver License Division.

The head of department of Public Safety, Commissioner Keith D Squires, has reviewed and approved this fiscal analysis.

R708. Public Safety, Driver License.
R708-14. Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs.
R708-14-1. Purpose.

The purpose of this rule is to establish procedures to be used by the Utah Driver License Division for ~~alcohol/drug~~ alcohol and drug adjudicative proceedings.

R708-14-2. Authority.
 This rule is authorized by Section 53-3-104 and Subsection 63G-4-203(1).

R708-14-3. Definitions.
~~(1) "Adjudicative proceeding" means any meeting, conference, session or hearing, in person or otherwise, between a person and a presiding officer or designee of the division, that is intended to resolve a dispute.~~ (1) Terms used in this rule are defined in Section 63G-4-103.

(2) In addition:
 (a) "[D]ivision" means the Driver License Division of the Utah Department of Public Safety[-];
 (b) "[D]ivision record" means the entire division file, including written reports received or generated by the division. It also

includes, but is not limited to, minutes, written comments, presiding officer's written statements and summaries, testimony, evidence, findings of fact, conclusions of law, recommendations, and orders[-];

~~[(4)](c) "[H]earing" means an [alcohol/drug]alcohol or drug adjudicative proceeding where evidence is considered to determine an issue of fact, [and to adjudicate a legal right or privilege.]~~

~~[(5)](d) "hearing officer"["Presiding officer"] means a division employee with authority to conduct [alcohol/drug adjudicative proceedings] a hearing[-]; and~~

~~[(6)](e) "[R]ecording" means documenting, by electronic or other means, the testimony or information presented at an [alcohol/drug]alcohol or drug adjudicative proceeding.~~

R708-14-4. Designations.

(1) In compliance with Section 63G-4-202, all division ~~alcohol/drug~~ alcohol and drug adjudicative proceedings are designated as informal proceedings, unless converted to formal proceedings by a presiding officer or division supervisor.

(2) An informal proceeding may be converted to a formal proceeding only if approved by a division supervisor and only if the conversion will promote efficiency, public safety, and not unreasonably increase cost.

(3) The driver may represent ~~him/herself~~ himself or be represented by a State Licensed attorney in the adjudicative proceeding.

R708-14-5. Authority for Conducting Adjudicative Proceedings.

~~Alcohol/drug~~ Alcohol and drug adjudicative proceedings will be conducted in accordance with Sections 41-6a-521, 53-3-223, 53-3-231, 53-3-418, 63G-4-203, and this rule.

R708-14-6. Commencement of Adjudicative Proceedings.

(1) In accordance with Subsection 63G-4-201, ~~alcohol/drug~~ alcohol and drug adjudicative proceedings may be commenced by:

- (a) a notice of division action, if the proceedings are commenced by the division; or
- (b) a request for division action, if the proceedings are commenced by a person other than the division.

(2) A notice of division action and request for division action shall include the information set forth in Subsections 63G-4-201(2)(a) and (3)(a) respectively. In addition, a request for division action shall include the petitioner's full name, date of birth, and the date of arrest or occurrence which prompted the request for division action. ~~[A request for division action that is not made timely, in accordance with Subsections 53-3-223(6)(a), 53-3-231(7)(a)(ii), and 53-3-418(9)(b), will not be granted except for good cause as determined by the division.]~~

R708-14-7. Alcohol/Drug Alcohol and Drug Adjudicative Proceedings.

The ~~alcohol/drug~~ alcohol and drug adjudicative proceedings deal with the following types of hearings:

- (a) driving under the influence of ~~alcohol/drugs~~ alcohol or drugs (per-se), Section 53-3-223;
 - (b) implied consent (refusal), Section 41-6a-520;
 - (c) measurable metabolite in body, Section 41-6a-517;
 - (d) consumption by a minor (not a drop), Section 53-3-231;
- and

(e) CDL (.04), Section 53-3-418.

R708-14-8. Hearing Procedures.

(1) ~~[Time and place.—Alcohol/drug]~~Alcohol and drug adjudicative proceedings will be held in the county of arrest or a county which is adjacent to the county in which the offense occurred, at a time and place designated by the division, or agreed upon by the parties.

(2) ~~[Notice.—]~~Notice shall be given as provided in Subsection 53-3-216(4) unless otherwise agreed upon by the parties. Notice shall be given on a form approved by the division and is deemed to be signed by the presiding officer. The notice need only inform the parties as to the date, time, place, and basic purpose of the proceeding. The parties are deemed to have knowledge of the law.

(3) ~~[Default.—]~~If the driver fails to respond timely to a division request or notice, a default may be entered in accordance with Section 63G-4-209.

(4) ~~[Evidence.—]~~The parties and witnesses may testify under oath, present evidence, and comment on pertinent issues. The ~~hearing~~presiding officer may exclude irrelevant, repetitious, immaterial, or privileged information or evidence. The ~~presiding~~hearing officer may consider hearsay evidence and receive documentary evidence, including copies or excerpts.

(5) ~~[Information.—]~~The driver shall have access to information in the division file to the extent permitted by law.

(6) ~~[Subpoenas.—]~~Discovery is prohibited, but the division may issue subpoenas or other orders to compel production of necessary evidence. Subpoenas may be issued by the division at the request of the driver if the costs of the subpoenas are paid by the driver and will not delay the proceeding.

(7) ~~[Administrative notice.—]~~The ~~presiding~~hearing officer has discretion to take administrative notice of records, procedures, rules, policies, technical scientific facts within the ~~presiding~~hearing officer's specialized knowledge or experience, or of any other facts that could be judicially noticed.

(8) ~~[Presiding officer.—]~~The ~~presiding~~hearing officer may:
 (a) administer oaths;
 (b) issue subpoenas;
 (c) conduct prehearing conferences by telephone or in person to clarify issues, dispose of procedural questions, and expedite the hearing;

(d) ~~tape~~audio record or take notes of the hearing at his~~her~~ discretion; and

(e) take appropriate measures to preserve the integrity of the hearing~~;~~ and.

~~(f) conduct hearings in accordance with division policy III-A-3, III-A-4, and III-A-5.]~~

(9) The hearing officer shall make a recommendation to the presiding officer regarding action to be taken following the hearing.

R708-14-9. Findings, Conclusions, Recommendations and Orders.

(1) Statements reflecting findings of fact, conclusions of law, and recommendation may be written on forms that utilize a system of check boxes and fill in blanks.

(2) Within a reasonable period of time after the close of the hearing, the completed recommendation form will be transmitted to the presiding officer for the preparation of an order that complies with Subsection 63G-4-203(1)(i).

R708-14-10. Reconsideration.

In accordance with Section 63G-4-302 a driver may file a request for reconsideration of the order within 20 days after receiving it. If the division does not issue an amended order within 20 days after receiving the request for reconsideration, the request for reconsideration shall be considered denied, and the driver may seek judicial review in accordance with Section 63G-4-402.

KEY: adjudicative proceedings

Date of Enactment or Last Substantive Amendment: ~~[May 26, 2015]~~2018

Notice of Continuation: January 8, 2017

Authorizing, and Implemented or Interpreted Law: 53-3-104; 63G-4-203(1)

**Transportation, Program Development
 R926-13
 Designated Scenic Byways**

**NOTICE OF PROPOSED RULE
 (Amendment)**

DAR FILE NO.: 43160
 FILED: 08/22/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department of Transportation (Department) is proposing these changes to this rule because citizen committees are interested in changing the designation of the Great Salt Lake Legacy Parkway Scenic Byway to the Great Salt Lake Scenic Byway and extending it north to approximately the Antelope Island Marina, and in designating State Route 66, beginning at I-84 in Morgan south to the Junction with State Route 65 from the junction with State Route 66 south to I-80 in Parleys Canyon as the Morgan-Parleys Scenic Byway.

SUMMARY OF THE RULE OR CHANGE: These proposed amendments do two things: first, it changes the designation of State Route 67, beginning at I-215 and running to I-15 from the Great Salt Lake Legacy Parkway Scenic Byway to the Great Salt Lake Scenic Byway, and extends this scenic byway to include the future West Davis Corridor beginning at SR-67 milepost 10 running northwest to State Route 37 milepost 4; State Route 127 from the Junction with the West Davis Corridor running west/southwest to the Antelope Island Marina. Second, it designates State Route 66, beginning at I-84 in Morgan south to the Junction with State Route 65 from the junction with State Route 66 south to I-80 in Parleys Canyon as the Morgan-Parleys Scenic Byway.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-3-201 and Section 72-4-303

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Department does not anticipate that these proposed changes will lead to any increased cost or savings to the state's budget. These proposed changes do not require or eliminate any work for state employees, nor require or eliminate any expenditure of funds by the state. The state may voluntarily include Scenic Byway items such as signing in future projects that may cause minor fiscal impact, but this is not mandatory. The state will likely benefit from any increased tourism related to the designation of these Scenic Byways, but quantifying this benefit is not possible at present.

◆ **LOCAL GOVERNMENTS:** These proposed amendments do not mandate anything that will cause fiscal impacts to local governments. Local governments may be represented on either of the Scenic Byway Committees requesting these rule changes and they may voluntarily provide funding to meet grant matching requirements. Designation of a Scenic Byway has the potential to increase tourism in communities so the small businesses, and in turn the local governments, will likely see some fiscal benefit although it is impossible to estimate how much that might be.

◆ **SMALL BUSINESSES:** These proposed amendments do not mandate anything that will cause fiscal impacts to small businesses. Designating a road or segment of a road as a Scenic Byway has the potential to increase tourism in communities, so the small businesses will likely see some fiscal benefit as a result, but it is impossible to estimate how much that might be.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Department does not anticipate that these proposed changes will lead to any increased cost or savings to persons other than small businesses, businesses, or local government entities. These proposed changes do not require or eliminate any work for persons other than small businesses, businesses, or local government entities nor require or eliminate any expenditure of funds by them.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for any person affected by these proposed amendments. They do not require any expenditures by any affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed amendments will not have a fiscal impact on businesses.

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

TRANSPORTATION
PROGRAM DEVELOPMENT
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Office of Administrative Rules.

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
- ◆ Eileen McCown by phone at 801-965-4030, or by Internet E-mail at emccown@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
- ◆ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2018

AUTHORIZED BY: Carlos Braceras, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$0	\$0	\$0
Net Fiscal Benefits:	\$0	\$0	\$0

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they

will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Small and Non-Small Businesses

The Department estimates that no industries or businesses in Utah will experience material fiscal impact resulting from this proposed amendment.

The Department estimates the state could experience a fiscal impact related to these proposed amendments because signage along the scenic byways may be changed. However, improvements related to the scenic byway designations and designations changes are not the responsibility of UDOT but rather of the individual Scenic Byway Committees and these proposed rule changes do not mandate any improvements.

Carlos Braceras, executive director of the Department has reviewed and approved this fiscal analysis.

R926. Transportation, Program Development.

R926-13. Designated Scenic Byways.

R926-13-1. Purpose.

The purpose of this rule is to identify the following:

(1) The specific highways currently designated as state scenic byways.

(2) The definition of the limits of the individual scenic byways for all purposes related to that designation, including, but not limited to, grant and funding availability, and applicable outdoor advertising regulations.

(3) The specific state scenic byways within the State of Utah currently having also been designated by the National Scenic Byways Program of the Federal Highway Administration as either National Scenic Byways or All-American Roads.

R926-13-2. Authority.

The provisions of this rule are authorized by the following grants of rulemaking authority and provisions of Utah Code: Title 63G, Chapter 3; and the Designation of Highways Act, Title 72, Chapter 4.

R926-13-3. Definitions.

Terms used in this rule are defined in Title 72, Chapter 4 and in Rule 926-14-3. The following additional term is defined for this rule:

(1) "FAS" (with corresponding four-digit number) is a designation given by the department to identify local roadways off the state highway system that are part of the federal aid secondary system because they are functionally classified as minor collectors or higher.

R926-13-4. Highways Within the State That Are Designated as State Scenic Byways.

The following roads are designated as state scenic byways (date of designation is April 9, 1990 unless otherwise specified):

(1) Logan Canyon Scenic Byway. US Route 89, beginning at 1500 East in Logan and running to the intersection of SR-30 in Garden City, excluding a 20-foot segment within Garden City at a location centered at approximately mile point 497.73.

(a) Designated April 9, 1990.

(b) Shortened June 13, 2002 when designated a National Scenic Byway and the portion of US-89 from Garden City to the Utah/Idaho State Line was transferred to the Bear Lake Scenic Byway.

(c) Segment excluded May 13, 2010 by action of the Garden City town council which determined the segment at approximately mile point 497.73 lay adjacent to a non-scenic area.

(2) Bear Lake Scenic Byway. US Route 89, beginning at the Utah/Idaho state line and running to SR-30; and State Route 30, beginning at US-89, and running to East Shore Road in Laketown.

(a) Designated April 9, 1990 as Laketown Scenic Byway.

(b) Extended and renamed June 13, 2002 to include the portion of US-89 originally included in the state designation of the Logan Canyon Scenic Byway that was excluded when that byway was designated a National Scenic Byway.

(3) Ogden River Scenic Byway. State Route 39, beginning at Valley Drive, near the mouth of Ogden Canyon, and running to the eastern Wasatch-Cache Forest boundary near highway milepost 48; and State Route 158 from SR-39, and running to County Road FAS-3468; and the County Road FAS-3468, from SR-158, running to SR-39.

(4) Big Cottonwood Canyon Scenic Byway. State Route 190, beginning at SR-210, and running to the end of the Brighton Loop.

(5) Little Cottonwood Canyon Scenic Byway. State Route 210, beginning at SR-209, and running to the end of state maintenance, near Alta.

(6) Provo Canyon Scenic Byway. US Route 189, beginning at SR-52, and running to SR-113, near Charleston; and State Route 113, from US-189 running to US-40 in Heber City.

(a) Designated April 9, 1990.

(b) Realigned onto SR-113 from the eastern portion of US-189 February 25, 2003.

(7) Mirror Lake Scenic Byway. State Route 150, beginning at SR-32 in Kamas, and running to the Utah/Wyoming State Line.

(8) Flaming Gorge-Uintas Scenic Byway. US Route 191, beginning at US-40 in Vernal, and running to the Utah/Wyoming State Line; State Route 44, from US-191, running to SR-43 in Manila; and State Route 43, from SR-44, running to the Utah/Wyoming state line.

(a) Designated April 9, 1990 on SR-44 and US-191 between SR-44 and Vernal.

(b) Added November 18, 1992 the portion of US-191 between SR-44 and the state line.

(9) Indian Canyon Scenic Byway. US Route 191, beginning at US-6 near Helper, and running to US-40 in Duchesne.

(10) The Energy Loop: Huntington and Eccles Canyons Scenic Byway. State Route 31, beginning at US-89 in Fairview, and running to SR-10 in Huntington; State Route 264, from SR-31, running to SR-96; and State Route 96, from Clear Creek, and running to US-6 near Colton.

(a) Designated April 9, 1990 on SR-31 and SR-264.

(b) Extended circa 1992 to add SR-96 between Clear Creek and Colton.

(c) Extended on February 2, 2011 to include US-6 from SR-96 at Colton (MP 216.17) to the southern boundary of Helper (MP 233.72) and SR-10 from SR-31 (MP 47.58) to the Huntington State Park (MP 49.38).

(11) Nebo Loop Scenic Byway. State Route 115, beginning at I-15 and running to SR-198; State Route 198, from SR-115 running to 600 East in Payson; and along County Road FAS-2822 (600 East) and National Forest Road 015 (FAS-1822 and the portion of FAS-1820 south of FAS-1822) running to SR-132 in Juab County.

(12) Upper Colorado River Scenic Byway. State Route 128, beginning at US-191 near Moab, and running to I-70 West Cisco interchange.

(13) Potash-Lower Colorado River Scenic Byway. State Route 279, beginning at the southwest end of SR-279 near the Potash Plant and running to US-191.

(14) Indian Creek Corridor Scenic Byway. State Route 211, beginning at US-191 and running to County Road FAS-2432; and County Road FAS-2432 from SR-211 running to the Canyonlands National Park Visitor Center.

(15) Bicentennial Highway Scenic Byway. State Route 95, beginning at SR-24, and running to US-191.

(16) Trail of The Ancients Scenic Byway. State Route 95, beginning at SR-275, and running to US-191; State Route 275, from SR-95 and running to Natural Bridges National Monument; US Route 191 from Center Street in Blanding running to SR-162 in Bluff; and State Route 162 from US-191 running to the Utah/Colorado state line.

(a) Designated February 7, 1994 on SR-275, over the eastern portion of the Bicentennial Highway Scenic Byway between SR-275 and US-191, and on US-191 between Blanding and SR-262.

(b) Extended June 6, 2001 to include US-191 between SR-262 and Bluff, and to include SR-162.

(17) Monument Valley to Bluff Scenic Byway. US Route 163, beginning at the Utah/Arizona State Line running to US-191; and US Route 191 from US-163 running to the Cottonwood Wash Bridge in Bluff.

(18) Capitol Reef Country Scenic Byway. State Route 24, beginning at SR-72 in Loa, and running to SR-95 in Hanksville.

(19) Highway 12, A Journey Through Time Scenic Byway. State Route 12, beginning at US-89 near Panguitch, and running to SR-24 near Torrey.

(20) Markagunt High Plateau Scenic Byway. State Route 14, beginning at SR-130 and running to US-89.

(21) Cedar Breaks Scenic Byway. State Route 148, beginning at SR-14, through Cedar Breaks National Monument, running to SR-143.

(22) Brian Head-Panguitch Lake Scenic Byway. State Route 143, beginning at I-15 South Parowan Interchange, and running to US-89 in Panguitch.

(23) Beaver Canyon Scenic Byway. State Route 153, beginning at SR-160 in Beaver, and running to the end of pavement near Elk Meadows.

(24) Mt. Carmel Scenic Byway. US Route 89, beginning at the Kanab north city limit (approximately highway milepost 65), and running to SR-12.

(25) Zion Park Scenic Byway. State Route 9, beginning at I-15 and running to US-89.

(26) Kolob Fingers Road Scenic Byway. The National Park Service Road, beginning at I-15, and running to the Kolob Canyon Overlook.

(27) Dead Horse Mesa Scenic Byway. State Route 313, from US-191 running to Dead Horse Point State Park; and the Island in the Sky Road FAS-1708, from SR-313 running to Grandview Point.

(a) Designated May 16, 2002.

(28) Fishlake Scenic Byway. State Route 25 and County Roads FAS-2554 (comprising Fish Lake Road/Forest Highway 31) and FAS-3268 (Freemont River Road/Forest Highway 42), beginning at SR-24, and running to SR-72.

(a) Designated April 9, 1990, on SR-25 between SR-24 and Johnson Valley Reservoir.

(b) Extended November 18, 1992, along the Fremont River Road between Johnson Valley Reservoir and SR-72 to comprise the southern portion of the Gooseberry/Fremont Road Scenic Backway.

(29) Dinosaur Diamond Prehistoric Highway Scenic Byway. Interstate 70, from the Utah/Colorado state line running to Cisco Exit 214; the County Road FAS-1714 through Cisco, from I-70 running to SR-128; State Route 128, from the Cisco Road running to US-191 near Moab; US Route 191, from SR-128 running to I-70 at Crescent Junction; Interstate 70, from US-191 at Crescent Junction running to US-6 near Green River; US Route 6, from I-70 running to US-191 near Helper; US Route 191, from US-6 near Helper running to US-40 in Duchesne; US Route 40, from US-191 in Duchesne to the Utah/Colorado state line.

(a) Dinosaur Diamond Prehistoric Highway designated in Title 72, Chapter 4, Section 204 in 1998.

(b) Scenic byway route established with National Scenic Byway designation differs from special highway designation in that it includes County Road FAS-1714 and I-70 east of Cisco and does not at this time include those portions located on SR-10, on SR-155, or on US-191 south of SR-128.

(c) Segment excluded June 27, 2013 by action of the Naples City Council which determined the segment on US-40 at approximately mile point 145.87 (300 South) to mile point 148.53 (3000 South) become a non-scenic byway.

(d) Segment excluded July 20, 2015 by action of the Uintah County Commission which determined the segment on US-40 from mile point 153 to 154 become a non-scenic byway.

(e) Segment excluded August 31, 2015 by action of the Uintah County Commission which determined the segment on US-40 from mile point 154 to 156 become a non-scenic byway.

(30) Great Salt Lake Legacy Parkway Scenic Byway. State Route 67, beginning at I-215 and running to I-15.

(a) Designated May 16, 2002.

(b) Name changed July 19, 2018 to Great Salt Lake Scenic Byway.

(c) Extended July 19, 2018 to include the future West Davis Corridor beginning at SR-67 milepost 10 running northwest to State Route 37 milepost 4; State Route 127 from the Junction with the West Davis Corridor running west/southwest to the Antelope Island Marina.

(31) Morgan-Parleys Scenic Byway. State Route 66, beginning at I-84 in Morgan south to the Junction with State Route 65. State Route 65, from the junction with State Route 66 south to I-80 in Parleys Canyon.

(a) Designated December 11, 2017.

R926-13-5. Highways Within the State That Are Designated as National Scenic Byways or All-American Roads.

The following roads are designated by the National Scenic Byways Program as National Scenic Byways or All-American Roads:

(1) Flaming Gorge-Uintas National Scenic Byway.

(a) Comprised of the Flaming Gorge-Uintas State Scenic Byway.

(b) Designated National Scenic Byway June 9, 1998.

- (2) Nebo Loop National Scenic Byway.
 - (a) Comprised of the Nebo Loop State Scenic Byway.
 - (b) Designated National Scenic Byway June 9, 1998.
- (3) The Energy Loop: Huntington and Eccles Canyons National Scenic Byway.
 - (a) Comprised of the Energy Loop: Huntington and Eccles Canyons State Scenic Byway.
 - (b) Designated National Scenic Byway June 15, 2000.
 - (4) Logan Canyon National Scenic Byway.
 - (a) Comprised of the Logan Canyon State Scenic Byway.
 - (b) Designated National Scenic Byway June 13, 2002.
 - (5) Dinosaur Diamond Prehistoric Highway National Scenic Byway.
 - (a) Comprised of the Dinosaur Diamond Prehistoric Highway Scenic Byway.
 - (b) Also comprises the Indian Canyon State Scenic Byway and the Upper Colorado River State Scenic Byway (excluding the portion of SR-128 between I-70 and County Road FAS-1714).
 - (c) Designated NSB June 13, 2002.
 - (6) Scenic Byway 12 All-American Road.
 - (a) Comprised of the Highway 12, A Journey Through Time State Scenic Byway.
 - (b) Designated All-American Road June 13, 2002.
 - (7) Trail of the Ancients National Scenic Byway.
 - (a) Comprised of:
 - (i) The Trail of the Ancients State Scenic Byway,

- (ii) The Monument Valley to Bluff State Scenic Byway,
- (iii) The section of the Trail of the Ancients State Scenic Backway on SR-261 starting at US-163 and running to SR-95 (but excluding for now that portion on SR-316 between SR 261 and Goosenecks State Park that was accidentally omitted on the NSB application),
- (iv) The section of the Trail of the Ancients State Scenic Backway running on SR-262 between US-191 and County Road FAS-2416, and on FAS-2416 starting at SR-262 and running southeasterly to County Road FAS-2422, then northeasterly on FAS-2422 to the Utah/Colorado State Line near Hovenweep National Monument.
- (b) Designated National Scenic Byway September 22, 2005.
- (8) Utah's Patchwork Parkway National Scenic Byway.
 - (a) Comprised of Brian Head-Panguitch Lake State Scenic Byway.
 - (b) Designated National Scenic Byway October 16, 2009.

KEY: transportation, scenic byways, highways
Date of Enactment or Last Substantive Amendment: [~~February 7, 2017~~2018]
Notice of Continuation: June 16, 2015
Authorizing, and Implemented or Interpreted Law: 72-4-303; 63G-3-201

End of the Notices of 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 <https://rules.utah.gov/>. 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.

Commerce, Occupational and Professional Licensing

R156-44a

Nurse Midwife Practice Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43171

FILED: 08/28/2018

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 44a, provides for the licensure and regulation of certified nurse midwives. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-44a-201(3) provides that the Certified Nurse Midwife Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 44a, with respect to certified nurse midwives.

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 January 2014, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 44a, with respect to certified nurse midwives. This 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:

♦ Jeff Busjahn by phone at 801-530-6789, by FAX at 801-530-6511, or by Internet E-mail at jbusjahn@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 08/28/2018

Financial Institutions, Administration

R331-20

Designation of Adjudicative Proceedings as Informal

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43161
FILED: 08/23/2018

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 63G-4-202 authorizes the Department of Financial Institutions (Department) to designate categories of adjudicative proceedings. This rule states that all proceedings which are subject to the requirements of the Utah Administrative Procedures Act are designated as informal proceedings.

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 supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Department has determined that: a) the use of the informal procedures does not violate any procedural requirement imposed by law; b) the rights of the parties to the proceedings will be reasonably protected by the informal procedures; c) the Department's administrative efficiency will be enhanced by the designation; and d) the cost of formal adjudicative proceedings outweighs the potential benefits to the public of a formal adjudicative proceeding. Therefore, this rule should be continued.

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

FINANCIAL INSTITUTIONS
ADMINISTRATION
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 08/23/2018

Financial Institutions, Administration
R331-21

Rule Governing Establishment of and Participation in Collective Investment Funds by Trust Companies

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43163
FILED: 08/23/2018

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 7-5-13 authorizes establishment of collective investment funds for persons permitted to engage in the trust business.

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 supporting or opposing written comments have been received by the agency concerning 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 authorizes the establishment of and participation in collective investment funds by trust companies subject to the jurisdiction of the Department. There is presently one trust company that must still comply with this rule. Therefore, this rule should be continued.

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

FINANCIAL INSTITUTIONS
ADMINISTRATION ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 08/23/2018

Financial Institutions, Administration
R331-24

Accounting for Accrued Uncollected
Income by Banks and Industrial Loan
Corporations

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43162
FILED: 08/23/2018

**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 7-1-301(14) authorizes the commissioner to require financial institutions to keep books and records of the transactions and accounts of the institutions' true pecuniary condition. These requirements must be consistent with generally accepted accounting principles for financial institutions. This rule establishes some specific accounting requirements for accrued uncollected income.

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 supporting or opposing written comments have been received by the agency concerning 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 establishes accounting requirements for accrued uncollected income to ensure accurate accounting of the income of banks and industrial loan corporations. Therefore, this rule should be continued.

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

FINANCIAL INSTITUTIONS
ADMINISTRATION
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pfallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 08/23/2018

Lieutenant Governor, Administration
R622-1

Adjudicative Proceedings

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43157
FILED: 08/20/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by Title 63G, Chapter 4, of the Utah Administrative Procedures Act, and is enacted under the authority of Title 63G, Chapter 3, of the Utah Administrative Rulemaking Act. This rule provides the informal adjudicative procedures for submission, review, and disposition of petitions for agency declaratory rulings on the applicability of statutes, rules, and orders governing or issued by the agency governing: appeal and review of a decision by the Lieutenant Governor's Office regarding elections, certifications, lobby licensing, filing of documents; the informal procedures of this rule apply to all other agency actions for which an adjudicative proceeding may be required.

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: Administrative proceedings are a requirement for any petitioner questioning a ruling or wishing to appeal a decision. Therefore, this rule should be continued. (EDITOR'S NOTE: The agency tried to file this review before the deadline. There was a technical problem and it was not filed. The Office of Administrative Rules has decided to make it effective 08/09/2018 which was the due date because they did try to file. Our filing system does not allow retroactive dates so while it appears to be effective 08/20/2018 it is really effective 08/09/2018.)

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

LIEUTENANT GOVERNOR
ADMINISTRATION
ROOM 220 STATE CAPITOL
350 N STATE ST

SALT LAKE CITY, UT 84114-2325
or at the Office of Administrative Rules.

5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jennifer Storie by phone at 801-538-1746, or by Internet E-mail at jenstorie@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Coy Porter by phone at 801-284-6358, by FAX at 801-284-6351, or by Internet E-mail at coyporter@utah.gov
♦ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
♦ Ted Black by phone at 801-284-6352, or by Internet E-mail at tblack@utah.gov

AUTHORIZED BY: Justin Lee, Director

AUTHORIZED BY: Coy Porter, State Fire Marshal

EFFECTIVE: 08/09/2018

EFFECTIVE: 08/28/2018

**Public Safety, Fire Marshal
R710-13**

**Reduced Cigarette Ignition Propensity
and Firefighter Protection Act**

**Transportation, Administration
R907-64**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 43172
FILED: 08/28/2018

**Longitudinal and Wireless Access to
Interstate System Rights-of-Way for
Installation of Telecommunication
Facilities**

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 43167
FILED: 08/27/2018

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 53-7-407 Implementation -- Effect of part on Model Tobacco Settlement Act and Tobacco Tax and Licensing Act states that the state fire marshal may promulgate rules and regulations, pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to effectuate the purposes of this part.

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

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 or verbal comments sent to the State Fire Marshals office relevant to this rule in the last five years.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 72-7-108(2)(a) states that, except as provided in Subsection (4), the Department of Transportation (Department) may allow a telecommunication facility provider longitudinal access to the right-of-way of a highway on the interstate system for the installation, operation, and maintenance of a telecommunication facility.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since the passage of this legislation, and similar legislation across the United States, fires caused by careless use of cigarettes has been reduced by almost 50%. This rule provides the clarification necessary to effectively implement this legislation. Therefore, this rule should be continued.

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 not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SAFETY
FIRE MARSHAL
ROOM 302

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 must be continued because the Department still uses it to regulate the subject matter.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 TRANSPORTATION
 ADMINISTRATION
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W
 SALT LAKE CITY, UT 84119-5998
 or at the Office of Administrative Rules.

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 cnewman@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
 ♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 08/27/2018

**Transportation, Administration
 R907-65**

**Compensation Schedule for
 Longitudinal Access to Interstate
 Highway Rights-of-Way for Installation
 of Telecommunications Facilities**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 43168
 FILED: 08/27/2018

**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 72-7-108(3)(c) states that the Department of Transportation (Department) shall establish a schedule of rates of compensation for longitudinal access granted under that section, and shall do so beginning 10/01/1999, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. This rule satisfies that 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: The Department has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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 must be continued because the Department still uses it to regulate the subject matter and the statute requiring this rule is still in force.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 TRANSPORTATION
 ADMINISTRATION
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W
 SALT LAKE CITY, UT 84119-5998
 or at the Office of Administrative Rules.

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 cnewman@utah.gov
 ♦ Eileen McCown by phone at 801-965-4030, or by Internet E-mail at emccown@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
 ♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 08/27/2018

**Transportation, Administration
 R907-67**

**Debarment of Contractors from Work
 on Department Projects -- Reasons**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 43169
 FILED: 08/27/2018

**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 72-6-107.5(6) requires the Department of Transportation (Department) to adopt administrative rules that establish the penalties that may be imposed if a contractor or subcontractor intentionally violates the provisions of the code section that may include debarment. The Department needs authority to debar or otherwise penalize contractors and subcontractors who fail to perform contract requirements repeatedly.

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 not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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 must be continued because the Department still uses it to regulate the subject matter and the statute requiring this rule is still in force.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Office of Administrative Rules.

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
♦ Eileen McCown by phone at 801-965-4030, or by Internet E-mail at emccown@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
♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 08/27/2018

**Transportation, Program Development
R926-10
Tollway Development Agreements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 43170
FILED: 08/27/2018**

**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: The provisions of this rule are authorized by Subsection 72-6-204(1), which requires the Department of Transportation (Department) and the Transportation Commission to make rules establishing

minimum guidelines for tollway development agreement proposals.

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 not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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: Subsection 72-6-204(1) is still in force, therefore, the Department must continue this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TRANSPORTATION
PROGRAM DEVELOPMENT
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Office of Administrative Rules.

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
♦ Eileen McCown by phone at 801-965-4030, or by Internet E-mail at emccown@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
♦ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 08/27/2018

**Transportation Commission,
Administration
R940-2
Approval of Tollway Development
Agreements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION
DAR FILE NO.: 43174
FILED: 08/30/2018**

**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: The provisions of this rule are authorized by Sections 72-2-120 and 72-6-118 of the Utah Transportation Code, and the Public-Private Partnerships for Tollways Act, Section 72-6-201 et seq.

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 of Transportation (Department) has not received any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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: Subsection 72-6-118(7)(a) requires the Department to make rules: (i) necessary to establish and operate tollways on state highways; (ii) that establish standards and specifications for automatic tolling systems and automatic tollway monitoring technology; and (iii) to set the amount of a penalty for failure to pay a toll under this section. This administrative rule satisfies the requirements of Subsection 72-6-118(7)(a). Therefore, this rule should be continued.

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

TRANSPORTATION COMMISSION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119
or at the Office of Administrative Rules.

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
- ◆ Eileen McCown by phone at 801-965-4030, or by Internet E-mail at emccown@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
- ◆ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 08/30/2018

Transportation Commission,
Administration
R940-4
Airports of Regional Significance

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43175
FILED: 08/30/2018

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 59-12-6(1)(a) requires the Transportation Commission to make an administrative rule that defines "airport facility". This rule satisfies that 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: The Commission has not receive any written comments during and since the last five-year review of this rule from interested persons supporting or opposing 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: Subsection 59-12-6(1)(a) is still enforceable law, therefore, this rule should be continued.

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

TRANSPORTATION COMMISSION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119
or at the Office of Administrative Rules.

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
- ◆ Eileen McCown by phone at 801-965-4030, or by Internet E-mail at emccown@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
- ◆ Linda Hull by phone at 801-965-4253, or by Internet E-mail at lhull@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 08/30/2018

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. 43015 (AMD): R156-38a. Residence Lien Restriction and Lien Recovery Fund Rule

Published: 07/15/2018

Effective: 08/21/2018

No. 43017 (AMD): R156-42a. Occupational Therapy Practice Act Rule

Published: 07/15/2018

Effective: 08/23/2018

Real Estate

No. 43012 (AMD): R162-2f. Real Estate Licensing and Practices Rules

Published: 07/15/2018

Effective: 08/21/2018

Health

Disease Control and Prevention, Environmental Services

No. 43037 (AMD): R392-600. Illegal Drug Operations

Decontamination Standards

Published: 07/15/2018

Effective: 08/24/2018

Family Health and Preparedness, Licensing

No. 43006 (AMD): R432-1. General Health Care Facility Rules

Published: 07/01/2018

Effective: 08/20/2018

No. 43005 (AMD): R432-2. General Licensing Provisions

Published: 07/01/2018

Effective: 08/27/2018

No. 43004 (AMD): R432-3. General Health Care Facility Rules Inspection and Enforcement

Published: 07/01/2018

Effective: 08/27/2018

No. 42937 (AMD): R432-6-16. Parking

Published: 06/15/2018

Effective: 08/20/2018

No. 43003 (AMD): R432-35. Background Screening -- Health Facilities

Published: 07/01/2018

Effective: 10/01/2018

No. 43002 (AMD): R432-270. Assisted Living Facilities

Published: 07/01/2018

Effective: 08/27/2018

Regents (Board Of)

Administration

No. 42860 (AMD): R765-611. Veterans Tuition Gap Program

Published: 05/15/2018

Effective: 08/31/2018

Workforce Services

Employment Development

No. 42853 (AMD): R986-200-236. Earned Income

Published: 05/15/2018

Effective: 08/31/2018

**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, 2018 through August 31, 2018. 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 (<https://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>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	43059	5YR	07/05/2018	2018-15/99
R13-3	Americans with Disabilities Act Grievance Procedures	42634	AMD	04/23/2018	2018-6/4
<u>Facilities Construction and Management</u>					
R23-5	Contingency Funds	42347	AMD	01/23/2018	2017-24/8
R23-9	Cooperation with Local Government Planning	42348	AMD	01/23/2018	2017-24/9
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	42846	AMD	06/26/2018	2018-10/6
R23-30	State Facility Energy Efficiency Fund	43069	5YR	07/11/2018	2018-15/99
<u>Finance</u>					
R25-5	Payment of Meeting Compensation (Per Diem) to Boards	42570	5YR	02/08/2018	2018-5/141
R25-6	Relocation Reimbursement	42571	5YR	02/08/2018	2018-5/141
R25-7	Travel-Related Reimbursements for State Employees	42572	5YR	02/08/2018	2018-5/142
R25-7	Travel-Related Reimbursements for State Employees	42854	AMD	06/21/2018	2018-10/9
R25-7-6	Reimbursement for Meals	43008	NSC	07/03/2018	Not Printed
R25-8	Overtime Meal Allowance	42573	5YR	02/08/2018	2018-5/142
<u>Inspector General of Medicaid Services (Office of)</u>					
R30-1	Office of Inspector General of Medicaid Services	42658	REP	06/01/2018	2018-7/6
R30-1	Office Procedures	42694	NEW	06/01/2018	2018-7/10
R30-2	Adjudicative Procedures	42695	NEW	06/01/2018	2018-7/14
R30-3	Declaratory Orders	42696	NEW	06/01/2018	2018-7/17
<u>Purchasing and General Services</u>					
R33-7	Request for Proposals	42932	AMD	07/26/2018	2018-12/6
<u>Risk Management</u>					
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	42934	EMR	07/01/2018	2018-12/39
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Rural Rehabilitation Loans	42559	NEW	05/02/2018	2018-5/4
R51-6	Agricultural Advisory Board Electronic Meeting	42472	NEW	03/23/2018	2018-3/4

Conservation Commission

R64-2 Conservation Commission Electronic Meetings 42944 5YR 06/01/2018 2018-12/43

Plant Industry

R68-5 Grain Inspection 42530 5YR 01/30/2018 2018-4/95
 R68-5 Grain Inspection 42531 NSC 02/27/2018 Not Printed
 R68-9 Utah Noxious Weed Act 42943 5YR 06/01/2018 2018-12/43
 R68-14 Quarantine Pertaining to Gypsy Moth -
 Lymantria Dispar 42721 5YR 03/26/2018 2018-8/145
 R68-16 Quarantine Pertaining to Pine Shoot Beetle,
 Tomiscus piniperda 42930 5YR 05/23/2018 2018-12/44
 R68-20 Utah Organic Standards 42872 AMD 07/09/2018 2018-11/6

Regulatory Services

R70-940 Standards and Testing of Motor Fuel 42422 R&R 02/22/2018 2018-2/6

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-4C Limited Restaurant Licenses 43057 5YR 07/03/2018 2018-15/100
 R81-4D On-Premise Banquet License 43058 5YR 07/03/2018 2018-15/101
 R81-10 Off-Premise Beer Retailers 42931 5YR 05/23/2018 2018-12/44

ATTORNEY GENERAL

Administration

R105-2 Records Access and Management 42367 AMD 02/07/2018 2018-1/2

CAREER SERVICE REVIEW OFFICE

Administration

R137-2 Government Records Access and Management Act 42779 5YR 04/09/2018 2018-9/69

COMMERCE

Consumer Protection

R152-1 Utah Division of Consumer Protection Buyer
 Beware List 42827 NSC 04/26/2018 Not Printed
 R152-1a Internet Content Provider Ratings Methods 42828 NSC 04/26/2018 Not Printed
 R152-6 Utah Administrative Procedures Act Rules 42830 NSC 04/26/2018 Not Printed
 R152-11 Utah Consumer Sales Practices Act 42831 NSC 04/26/2018 Not Printed
 R152-15 Business Opportunity Disclosure Act Rules 42832 NSC 04/26/2018 Not Printed
 R152-20 New Motor Vehicle Warranties 42833 NSC 04/26/2018 Not Printed
 R152-21 Credit Services Organizations Act Rules 42834 NSC 04/26/2018 Not Printed
 R152-22 Charitable Solicitations Act 42835 NSC 04/26/2018 Not Printed
 R152-23 Utah Health Spa Services 42836 NSC 04/26/2018 Not Printed
 R152-26 Telephone Fraud Prevention Act 42837 NSC 04/26/2018 Not Printed
 R152-32a Pawnshop and Secondhand Merchandise
 Transaction Information Act Rules 42838 NSC 04/26/2018 Not Printed
 R152-32a Pawnshop and Secondhand Merchandise
 Transaction Information Act Rule 42929 5YR 05/17/2018 2018-12/45
 R152-34 Postsecondary Proprietary School Act Rules 42839 NSC 04/26/2018 Not Printed
 R152-34a Utah Postsecondary School State Authorization
 Act Rules 42840 NSC 04/26/2018 Not Printed
 R152-39 Child Protection Registry Rules 42841 NSC 04/26/2018 Not Printed
 R152-42 Uniform Debt-Management Services Act Rules 42842 NSC 04/26/2018 Not Printed
 R152-49 Immigration Consultants Registration Act Rules 42843 NSC 04/26/2018 Not Printed

Occupational and Professional Licensing

R156-1 General Rule of the Division of Occupational
 and Professional Licensing 42582 AMD 04/09/2018 2018-5/7
 R156-5a Podiatric Physician Licensing Act Rule 42869 5YR 05/01/2018 2018-10/155
 R156-11a Cosmetology and Associated Professions
 Licensing Act Rule 42778 AMD 06/07/2018 2018-9/4
 R156-24b-102 Definitions 42623 NSC 03/14/2018 Not Printed
 R156-31b Nurse Practice Act Rule 42448 5YR 01/08/2018 2018-3/69

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R156-37c	Utah Controlled Substance Precursor Act Rule	42848	5YR	04/24/2018	2018-10/155
R156-38a	Residence Lien Restriction and Lien Recovery Fund Rule	43015	AMD	08/21/2018	2018-14/6
R156-42a	Occupational Therapy Practice Act Rule	43017	AMD	08/23/2018	2018-14/9
R156-44a	Nurse Midwife Practice Act Rule	43171	5YR	08/28/2018	Not Printed
R156-46b-401	In General	42428	NSC	01/18/2018	Not Printed
R156-55b-102	Definitions	42429	NSC	01/18/2018	Not Printed
R156-63a	Security Personnel Licensing Act Contract Security Rule	42925	5YR	05/15/2018	2018-11/55
R156-63b	Security Personnel Licensing Act Armored Car Rule	42924	5YR	05/15/2018	2018-11/56
R156-68	Utah Osteopathic Medical Practice Act Rule	42447	5YR	01/08/2018	2018-3/70
R156-70a	Physician Assistant Practice Act Rule	42807	AMD	06/21/2018	2018-10/24
R156-71	Naturopathic Physician Practice Act Rule	42785	AMD	06/07/2018	2018-9/8
R156-72	Acupuncture Licensing Act Rule	42338	AMD	01/23/2018	2017-24/11
R156-74	Certified Court Reporters Licensing Act Rule	42847	5YR	04/24/2018	2018-10/156
R156-78-502	Unprofessional Conduct	42243	AMD	01/02/2018	2017-22/28
<u>Real Estate</u>					
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	42809	AMD	07/13/2018	2018-10/27
R162-2f	Real Estate Licensing and Practices Rules	43012	AMD	08/21/2018	2018-14/12
CORRECTIONS					
<u>Administration</u>					
R251-114	Offender Long-Term Health Care - Notice	42637	5YR	03/07/2018	2018-7/161
EDUCATION					
<u>Administration</u>					
R277-100	Definitions for Utah State Board of Education (Board) Rules	42749	NSC	04/12/2018	Not Printed
R277-101	Public Participation in Utah State Board of Education Meetings	42750	NSC	04/12/2018	Not Printed
R277-102	Adjudicative Proceedings	42751	NSC	04/12/2018	Not Printed
R277-104	ADA Complaint Procedure	42909	5YR	05/11/2018	2018-11/56
R277-104	ADA Complaint Procedure	42914	AMD	07/09/2018	2018-11/9
R277-105	Recognizing Constitutional Freedoms in the Schools	42752	NSC	04/12/2018	Not Printed
R277-106	Utah Professional Practices Advisory Commission Appointment Process	42753	NSC	04/12/2018	Not Printed
R277-107	Educational Services Outside of Educator's Regular Employment	42910	5YR	05/11/2018	2018-11/57
R277-107	Educational Services Outside of Educator's Regular Employment	42915	AMD	07/09/2018	2018-11/12
R277-108	Annual Assurance of Compliance by Local School Boards	42754	NSC	04/12/2018	Not Printed
R277-109	Legislative Reporting and Accountability	42755	NSC	04/12/2018	Not Printed
R277-110	Educator Salary Adjustment	42756	NSC	04/12/2018	Not Printed
R277-113	LEA Fiscal and Auditing Policies	42849	EXD	04/24/2018	2018-10/159
R277-113	LEA Fiscal and Auditing Policies	42857	NEW	06/22/2018	2018-10/28
R277-114	Corrective Action and Withdrawal or Reduction of Program Funds	42757	NSC	04/12/2018	Not Printed
R277-116	Audit Procedure	42609	AMD	04/09/2018	2018-5/14
R277-117	Utah State Board of Education Protected Documents	42758	NSC	04/12/2018	Not Printed
R277-119	Discretionary Funds	42759	NSC	04/12/2018	Not Printed
R277-120	Licensing of Material Developed with Public Education Funds	42760	NSC	04/12/2018	Not Printed
R277-121	Board Waiver of Administrative Rules	42761	NSC	04/12/2018	Not Printed
R277-122	Board of Education Procurement	42608	AMD	04/09/2018	2018-5/19
R277-122	Board of Education Procurement	42780	NSC	04/13/2018	Not Printed
R277-210	Utah Professional Practices Advisory Commission (UPPAC), Definitions	42771	NSC	04/13/2018	Not Printed

R277-211	Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions	42772	NSC	04/13/2018	Not Printed
R277-212	UPPAC Hearing Procedures and Reports	42773	NSC	04/13/2018	Not Printed
R277-213	Request for Licensure Reinstatement and Reinstatement Procedures	42774	NSC	04/13/2018	Not Printed
R277-214	Utah Professional Practices Advisory Commission Criminal Background Review	42775	NSC	04/13/2018	Not Printed
R277-215	Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions	42776	NSC	04/13/2018	Not Printed
R277-216	Surrender of License with UPPAC Investigation Pending	42777	NSC	04/13/2018	Not Printed
R277-400	School Facility Emergency and Safety	42878	NSC	05/17/2018	Not Printed
R277-401	Child Abuse-Neglect Reporting by Education Personnel	42879	NSC	05/17/2018	Not Printed
R277-402	School Readiness Initiative	42880	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42881	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42963	REP	08/07/2018	2018-13/3
R277-404	Requirements for Assessments of Student Achievement	42479	AMD	03/14/2018	2018-3/5
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42882	NSC	05/17/2018	Not Printed
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42956	5YR	06/07/2018	2018-13/139
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42997	AMD	08/07/2018	2018-13/5
R277-407	School Fees	42883	NSC	05/17/2018	Not Printed
R277-409	Public School Membership in Associations	42884	NSC	05/17/2018	Not Printed
R277-410	Accreditation of Schools	42885	NSC	05/17/2018	Not Printed
R277-411	School District Sponsored School Seminars on Youth Protection-Related Issues	42962	REP	08/07/2018	2018-13/8
R277-412	State Capitol Visit Program	42886	NSC	05/17/2018	Not Printed
R277-415	School Nurses Matching Funds	42480	NEW	03/14/2018	2018-3/11
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation	42887	NSC	05/17/2018	Not Printed
R277-418	Distance, Blended, Online, or Competency Based Learning Program	42888	NSC	05/17/2018	Not Printed
R277-419	Pupil Accounting	42889	NSC	05/17/2018	Not Printed
R277-420	Aiding Financially Distressed School Districts	42890	NSC	05/17/2018	Not Printed
R277-421	Out-of-State Tuition Reimbursement	42891	NSC	05/17/2018	Not Printed
R277-422	State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program	42892	NSC	05/17/2018	Not Printed
R277-424	Indirect Costs for State Programs	42893	NSC	05/17/2018	Not Printed
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	42894	NSC	05/17/2018	Not Printed
R277-433	Disposal of Textbooks in the Public Schools	42895	NSC	05/17/2018	Not Printed
R277-436	Gang Prevention and Intervention Programs in the Schools	42907	5YR	05/11/2018	2018-11/57
R277-436	Gang Prevention and Intervention Programs in the Schools	42916	AMD	07/09/2018	2018-11/21
R277-437	Student Enrollment Options	42896	NSC	05/17/2018	Not Printed
R277-438	Dual Enrollment	42897	NSC	05/17/2018	Not Printed
R277-444	Distribution of Money to Arts and Science Organizations	42898	NSC	05/17/2018	Not Printed
R277-445	Classifying Small Schools as Necessarily Existent	42899	NSC	05/17/2018	Not Printed
R277-454	Construction Management of School Building Projects	42900	NSC	05/17/2018	Not Printed
R277-459	Teacher Supplies and Materials Appropriation	42901	NSC	05/17/2018	Not Printed
R277-460	Distribution of Substance Abuse Prevention Account	42902	NSC	05/17/2018	Not Printed
R277-461	Elementary School Counselor Grant Program	42923	NEW	07/09/2018	2018-11/25

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R277-462	Comprehensive Counseling and Guidance Program	42903	NSC	05/17/2018	Not Printed
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	42996	AMD	08/07/2018	2018-13/10
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	42904	NSC	05/17/2018	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	42322	AMD	01/09/2018	2017-23/4
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R277-470	Charter Schools - General Provisions	42991	AMD	08/07/2018	2018-13/13
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R277-474	School Instruction and Human Sexuality	43021	NSC	07/06/2018	Not Printed
R277-475	Patriotic, Civic and Character Education	43022	NSC	07/06/2018	Not Printed
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R277-495	Required Policies for Electronic Devices in Public Schools	43032	NSC	07/06/2018	Not Printed
R277-496	K-3 Reading Software Licenses	43033	NSC	07/06/2018	Not Printed
R277-497	School Grading System	42999	AMD	08/07/2018	2018-13/24
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R277-508	Employment of Substitute Teachers	42698	AMD	05/08/2018	2018-7/24
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R277-613	LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training	43131	5YR	08/02/2018	2018-17/71
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R307-506	Oil and Gas Industry: Storage Vessels	42111	CPR	03/05/2018	2018-3/58
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GOVERNOR

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R651-623	Sale or Distribution of Printed Material	43047	5YR	06/28/2018	2018-14/53
R651-624	Sanitation	43046	5YR	06/28/2018	2018-14/53
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R651-629	Unattended Property	43041	5YR	06/28/2018	2018-14/56
R651-630	Unsupervised Children	42988	5YR	06/13/2018	2018-13/152
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R655-4	Water Wells	42607	R&R	04/09/2018	2018-5/67
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R657-3	Collection, Importation, Transportation, and Possession of Animals	42965	AMD	08/09/2018	2018-13/69
R657-5	Taking Big Game	42371	AMD	02/07/2018	2018-1/19
R657-5	Taking Big Game	42920	AMD	07/09/2018	2018-11/40
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	42376	AMD	02/07/2018	2018-1/33
R657-10	Taking Cougar	42919	AMD	07/09/2018	2018-11/42
R657-12	Hunting and Fishing Accommodations for People With Disabilities	42375	NSC	02/13/2018	Not Printed
R657-19	Taking Nongame Mammals	42377	AMD	02/07/2018	2018-1/35
R657-19	Taking Nongame Mammals	43099	5YR	07/19/2018	2018-16/36
R657-33	Taking Bear	42492	AMD	03/26/2018	2018-4/55
R657-34	Procedures for Confirmation of Ordinances on Hunting Closures	42796	5YR	04/12/2018	2018-9/72
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	42795	5YR	04/12/2018	2018-9/72
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R657-41	Conservation and Sportsman Permits	42966	AMD	08/09/2018	2018-13/72
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	42794	5YR	04/12/2018	2018-9/73
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R657-53	Amphibian and Reptile Collection, Importation, Transportation and Possession	42792	5YR	04/12/2018	2018-9/74
R657-53	Amphibian and Reptile Collection, Importation, Transportation and Possession	42968	AMD	08/09/2018	2018-13/86
R657-54	Taking Wild Turkey	42969	AMD	08/09/2018	2018-13/89
R657-55	Wildlife Expo Permits	42970	AMD	08/09/2018	2018-13/92
R657-56	Recreational Lease of Private Lands for Free Public Walk-in Access	42971	AMD	08/09/2018	2018-13/97
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R657-58	Fishing Contests and Clinics	42449	5YR	01/09/2018	2018-3/91

R657-59	Private Fish Ponds, Short Term Fishing Events, Private Fish Stocking, and Institutional Aquaculture	43101	5YR	07/19/2018	2018-16/37
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R657-62	Drawing Application Procedures	42493	AMD	03/26/2018	2018-4/57
R657-62	Drawing Application Procedures	42973	AMD	08/09/2018	2018-13/101
R657-64	Predator Control Incentives	42974	AMD	08/09/2018	2018-13/107
R657-65	Urban Deer Control	43097	5YR	07/19/2018	2018-16/38
R657-67	Utah Hunter Mentoring Program	42372	AMD	02/07/2018	2018-1/44
R657-69	Turkey Depredation	42975	AMD	08/09/2018	2018-13/112
R657-70	Taking Utah Prairie Dogs	42378	REP	02/07/2018	2018-1/46
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R671-518	Conduct of Proceedings When a Criminal Charge Results in Conviction	42585	5YR	02/13/2018	2018-5/155
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R722-380	Firearm Background Check Information	42260	AMD	01/10/2018	2017-22/96

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R746-8	Utah Universal Public Telecommunications Service Support Fund (UUSF)	42850	AMD	06/21/2018	2018-10/118
R746-8-403	Lifeline Support	42632	AMD	04/24/2018	2018-6/26
R746-110	Uncontested Matters to be Adjudicated Informally	42768	5YR	04/05/2018	2018-9/75
R746-210	Utility Service Rules Applicable Only to Electric Utilities	42767	5YR	04/05/2018	2018-9/75
R746-240	Telecommunication Service Rules	42769	5YR	04/05/2018	2018-9/76
R746-330	Rules for Water and Sewer Utilities Operating in Utah	42590	5YR	02/14/2018	2018-5/157
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R746-340	Service Quality for Telecommunications Corporations	42770	5YR	04/05/2018	2018-9/77
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R746-345	Pole Attachments	43087	5YR	07/16/2018	2018-15/106
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R765-254	Secure Area Hearing Rooms	42867	EXD	05/01/2018	2018-10/159
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R765-605	Higher Education Success Stipend Program	42789	5YR	04/11/2018	2018-9/77
R765-605	Higher Education Success Stipend Program	42722	NSC	04/12/2018	Not Printed
R765-611	Veterans Tuition Gap Program	42860	AMD	08/31/2018	2018-10/123

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R805-1	Operating Regulations for Bicycles, Skateboards, Rollerskates and Scooters (Non-Motorized Riding Devices)	42617	5YR	02/22/2018	2018-6/50
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R810-8	Vendor Regulations	42513	NEW	04/05/2018	2018-4/62
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R850-6-200	Definitions	42945	AMD	08/07/2018	2018-13/114
R850-8	Adjudicative Proceedings	43102	NSC	08/01/2018	Not Printed
R850-40	Easements	42678	AMD	05/08/2018	2018-7/137
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R856-2	USTAR University-Industry Partnership Program Grants	42357	R&R	01/23/2018	2017-24/28
R856-3	USTAR University Technology Acceleration Grants	42359	R&R	01/23/2018	2017-24/36
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R856-5	Utah Science, Technology, and Research (USTAR) Energy Research Triangle Professors (ERT-P) Grant	42356	R&R	01/23/2018	2017-24/48
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R895-12	Telecommunications Services and Requirements	42529	EMR	01/30/2018	2018-4/92
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<u>Administration</u>					
R907-64	Longitudinal and Wireless Access to Interstate System Rights-of-Way for Installation of Telecommunication Facilities	43167	5YR	08/27/2018	Not Printed
R907-65	Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	43168	5YR	08/27/2018	Not Printed
R907-67	Debarment of Contractors from Work on Department Projects -- Reasons	43169	5YR	08/27/2018	Not Printed
R907-80	Disposition of Surplus Land	42688	AMD	05/09/2018	2018-7/142
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R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	42336	AMD	01/24/2018	2017-24/60
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R918-4	Using Volunteer Groups and Third Party Contractors for the Adopt-a-Highway and Sponsor-a-Highway Litter Pickup Programs	43124	EXT	07/31/2018	2018-16/39
R918-6	Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads	42392	AMD	02/07/2018	2018-1/53

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R920-6	Snow Tire and Chain Requirements	42689	AMD	05/08/2018	2018-7/151
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R926-10	Tollway Development Agreements	43170	5YR	08/27/2018	Not Printed
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R940-2	Approval of Tollway Development Agreements	43174	5YR	08/30/2018	Not Printed
R940-4	Airports of Regional Significance	43175	5YR	08/30/2018	Not Printed

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R986-100	Employment Support Programs	42927	AMD	07/23/2018	2018-12/23
R986-200-236	Earned Income	42853	AMD	08/31/2018	2018-10/128
R986-600	Workforce Innovation and Opportunity Act	42693	AMD	05/08/2018	2018-7/154
R986-700	Child Care Assistance	42855	AMD	07/01/2018	2018-10/130

Housing and Community Development

R990-102	Homeless Shelter Cities Mitigation Restricted Account	42939	NEW	07/23/2018	2018-12/31
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R994-201	Definition of Terms in Employment Security Act	42735	5YR	03/29/2018	2018-8/157
R994-202	Employing Units	42736	5YR	03/29/2018	2018-8/157
R994-208	Wages	42737	5YR	03/29/2018	2018-8/158
R994-306	Charging Benefit Costs to Employers	42738	5YR	03/29/2018	2018-8/158
R994-307	Social Costs -- Relief of Charges	42739	5YR	03/29/2018	2018-8/159
R994-315	Centralized New Hire Registry Reporting	42740	5YR	03/29/2018	2018-8/159
R994-403	Claim for Benefits	42741	5YR	03/29/2018	2018-8/160
R994-405	Ineligibility for Benefits	42742	5YR	03/29/2018	2018-8/161
R994-405	Ineligibility for Benefits	42861	AMD	06/21/2018	2018-10/144
R994-508	Appeal Procedures	42743	5YR	03/29/2018	2018-8/161

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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>401 Certification</u> Environmental Quality, Water Quality	43130	R317-15	5YR	08/02/2018	2018-17/71
<u>abusive conduct</u> Education, Administration Human Resource Management, Administration	42921 42821	R277-613 R477-16	R&R AMD	07/09/2018 07/01/2018	2018-11/27 2018-10/94
<u>accountability</u> Education, Administration	42755	R277-109	NSC	04/12/2018	Not Printed
<u>accreditation</u> Education, Administration	42885 43050	R277-410 R277-505	NSC NSC	05/17/2018 07/06/2018	Not Printed Not Printed
<u>acquit</u> Pardons (Board Of), Administration	42586	R671-519	5YR	02/13/2018	2018-5/155
<u>activities</u> Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	42338	R156-72	AMD	01/23/2018	2017-24/11
<u>ADAP</u> Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
<u>adhesives</u> Environmental Quality, Air Quality	42653	R307-342	5YR	03/08/2018	2018-7/170
<u>adjudicative procedures</u> Administrative Services, Inspector General of Medicaid Services (Office of)	42695	R30-2	NEW	06/01/2018	2018-7/14
<u>adjudicative proceedings</u> Environmental Quality, Water Quality Public Safety, Driver License School and Institutional Trust Lands, Administration	42509 42865 43102	R317-9 R708-14-9 R850-8	5YR LNR NSC	01/24/2018 05/01/2018 08/01/2018	2018-4/95 2018-10/161 Not Printed
<u>administrative law judges</u> Human Resource Management, Administration	42822	R477-101	AMD	07/01/2018	2018-10/96
<u>administrative necessary proceedings</u> Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
<u>administrative procedures</u> Administrative Services, Administration Commerce, Consumer Protection Commerce, Occupational and Professional Licensing Education, Administration Human Resource Management, Administration Labor Commission, Adjudication Labor Commission, Industrial Accidents Lieutenant Governor, Administration Natural Resources, Forestry, Fire and State Lands School and Institutional Trust Lands, Administration	43059 42830 42428 42751 42820 42821 43127 43126 43125 42561 42786 43157 42977 43103 43102 42678 42677	R13-1 R152-6 R156-46b-401 R277-102 R477-12 R477-16 R602-4 R602-5 R602-6 R612-100 R612-100-4 R622-1 R652-7 R850-5-300 R850-8 R850-40 R850-50	5YR NSC NSC NSC AMD AMD 5YR 5YR 5YR 5YR AMD 5YR 5YR NSC NSC AMD AMD	07/05/2018 04/26/2018 01/18/2018 04/12/2018 07/01/2018 07/01/2018 08/01/2018 08/01/2018 08/01/2018 02/08/2018 06/07/2018 08/20/2018 06/11/2018 08/01/2018 08/01/2018 05/08/2018 05/08/2018	2018-15/99 Not Printed Not Printed Not Printed 2018-10/92 2018-10/94 2018-16/34 2018-16/35 2018-16/35 2018-5/148 2018-9/66 Not Printed 2018-13/152 Not Printed Not Printed 2018-7/137 2018-7/139

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Public Service Commission, Administration	42670	R746-1-201	AMD	05/10/2018	2018-7/136
<u>administrative responsibility</u>					
Human Resource Management, Administration	42811	R477-2	AMD	07/01/2018	2018-10/57
<u>administrative rules</u>					
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<u>adopt-a-highway</u>					
Transportation, Operations, Maintenance	43124	R918-4	EXT	07/31/2018	2018-16/39
<u>adult education</u>					
Education, Administration	43074	R277-702	NSC	07/26/2018	Not Printed
	42394	R277-705	AMD	02/28/2018	2018-1/5
	43155	R277-705	NSC	08/31/2018	Not Printed
<u>advertising</u>					
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	42666	R307-355	5YR	03/08/2018	2018-7/177
	42370	R307-355-3	AMD	03/08/2018	2018-1/10
<u>affordable base rate</u>					
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<u>aggregate</u>					
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	42652	R307-312	5YR	03/08/2018	2018-7/169
<u>agreements</u>					
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	42546	R307-102	EXT	01/31/2018	2018-4/111
	42639	R307-102	5YR	03/08/2018	2018-7/161
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	42673	R307-110-12	AMD	06/07/2018	2018-7/49
	42548	R307-115	EXT	01/31/2018	2018-4/111
	42641	R307-115	5YR	03/08/2018	2018-7/163
	42642	R307-123	5YR	03/08/2018	2018-7/163
	42107	R307-150	AMD	03/05/2018	2017-19/55
	42107	R307-150	CPR	03/05/2018	2018-3/46
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	42434	R307-210	AMD	05/23/2018	2018-3/29
	42435	R307-214	AMD	05/23/2018	2018-3/30
	42553	R307-220	EXT	01/31/2018	2018-4/111
	42645	R307-220	5YR	03/08/2018	2018-7/165
	42552	R307-221	EXT	01/31/2018	2018-4/112
	42646	R307-221	5YR	03/08/2018	2018-7/166
	42532	R307-222	EXT	01/31/2018	2018-4/112
	42647	R307-222	5YR	03/08/2018	2018-7/166
	42533	R307-223	EXT	01/31/2018	2018-4/112
	42648	R307-223	5YR	03/08/2018	2018-7/167

42534	R307-224	EXT	01/31/2018	2018-4/112	
42649	R307-224	5YR	03/08/2018	2018-7/167	
42535	R307-250	EXT	01/31/2018	2018-4/113	
42650	R307-250	5YR	03/08/2018	2018-7/168	
42536	R307-312	EXT	01/31/2018	2018-4/113	
42652	R307-312	5YR	03/08/2018	2018-7/169	
42653	R307-342	5YR	03/08/2018	2018-7/170	
42938	R307-343-4	NSC	06/12/2018	Not Printed	
42538	R307-345	EXT	01/31/2018	2018-4/113	
42655	R307-345	5YR	03/08/2018	2018-7/171	
42539	R307-346	EXT	01/31/2018	2018-4/114	
42656	R307-346	5YR	03/08/2018	2018-7/171	
42541	R307-347	EXT	01/31/2018	2018-4/114	
42657	R307-347	5YR	03/08/2018	2018-7/172	
42543	R307-348	EXT	01/31/2018	2018-4/114	
42659	R307-348	5YR	03/08/2018	2018-7/172	
42540	R307-349	EXT	01/31/2018	2018-4/114	
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42542	R307-350	EXT	01/31/2018	2018-4/114	
42661	R307-350	5YR	03/08/2018	2018-7/174	
42544	R307-351	EXT	01/31/2018	2018-4/115	
42662	R307-351	5YR	03/08/2018	2018-7/174	
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42664	R307-353	5YR	03/08/2018	2018-7/176	
42547	R307-354	EXT	01/31/2018	2018-4/115	
42665	R307-354	5YR	03/08/2018	2018-7/176	
42549	R307-355	EXT	01/31/2018	2018-4/115	
42666	R307-355	5YR	03/08/2018	2018-7/177	
42370	R307-355-3	AMD	03/08/2018	2018-1/10	
42668	R307-357	5YR	03/08/2018	2018-7/178	
42108	R307-401	AMD	03/05/2018	2017-19/58	
42108	R307-401	CPR	03/05/2018	2018-3/49	
42574	R307-401	NSC	03/05/2018	Not Printed	
42109	R307-504	AMD	03/05/2018	2017-19/70	
42109	R307-504	CPR	03/05/2018	2018-3/56	
42110	R307-505	NEW	01/26/2018	2017-19/71	
42111	R307-506	NEW	03/05/2018	2017-19/73	
42111	R307-506	CPR	03/05/2018	2018-3/58	
42112	R307-507	NEW	03/05/2018	2017-19/75	
42112	R307-507	CPR	03/05/2018	2018-3/60	
42113	R307-508	NEW	03/05/2018	2017-19/77	
42113	R307-508	CPR	03/05/2018	2018-3/62	
42114	R307-509	NEW	03/05/2018	2017-19/79	
42114	R307-509	CPR	03/05/2018	2018-3/63	
42115	R307-510	NEW	03/05/2018	2017-19/81	
42115	R307-510	CPR	03/05/2018	2018-3/65	
42858	R307-510	NSC	05/14/2018	Not Printed	
42551	R307-801	EXT	01/31/2018	2018-4/115	
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	42931	R81-10	5YR	05/23/2018	2018-12/44
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Natural Resources, Forestry, Fire and State Lands	42928	R652-123	NEW	07/23/2018	2018-12/22
<u>college and career awareness</u>					
Education, Administration	43111	R277-916	NSC	08/01/2018	Not Printed
<u>college and career readiness</u>					
Education, Administration	43113	R277-921	NSC	08/01/2018	Not Printed
<u>colleges</u>					
Regents (Board of), Administration	42868	R765-555	EXD	05/01/2018	2018-10/159
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Environmental Quality, Air Quality	42651	R307-303	5YR	03/08/2018	2018-7/168
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Insurance, Administration	42436	R590-243	5YR	01/04/2018	2018-3/91
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Education, Administration	42904	R277-468	NSC	05/17/2018	Not Printed
<u>communicable disease</u>					
Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31
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Education, Administration	43116	R277-924	NSC	08/01/2018	Not Printed
<u>commutation</u>					
Pardons (Board of), Administration	42905	R671-312A	5YR	05/11/2018	2018-11/61
	42906	R671-312B	5YR	05/11/2018	2018-11/62
<u>Compensatory Mitigation Program</u>					
Natural Resources, Administration	42309	R634-3	NEW	03/26/2018	2017-23/67
<u>competency</u>					
Education, Administration	42881	R277-403	NSC	05/17/2018	Not Printed
	42963	R277-403	REP	08/07/2018	2018-13/3
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Education, Administration	42909	R277-104	5YR	05/11/2018	2018-11/56
	42914	R277-104	AMD	07/09/2018	2018-11/9
	42904	R277-468	NSC	05/17/2018	Not Printed
Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89
Public Service Commission, Administration	43090	R746-500	5YR	07/16/2018	2018-15/107
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Education, Administration	42754	R277-108	NSC	04/12/2018	Not Printed
<u>compulsory education</u>					
Education, Administration	43065	R277-607	NSC	07/26/2018	Not Printed
	43073	R277-616	NSC	07/26/2018	Not Printed

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<u>concealed firearm permits</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42258	R722-300	AMD	01/10/2018	2017-22/89	
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Human Services, Substance Abuse and Mental Health, State Hospital	42478	R525-7	5YR	01/16/2018	2018-3/89	
<u>concrete</u>						
Environmental Quality, Air Quality	42536	R307-312	EXT	01/31/2018	2018-4/113	
	42652	R307-312	5YR	03/08/2018	2018-7/169	
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Public Service Commission, Administration	42670	R746-1-201	AMD	05/10/2018	2018-7/136	
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<u>confidentiality of information</u>						
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	42639	R307-102	5YR	03/08/2018	2018-7/161	
Human Resource Management, Administration	42811	R477-2	AMD	07/01/2018	2018-10/57	
<u>conflict of interest</u>						
Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14	
Human Resource Management, Administration	42817	R477-9	AMD	07/01/2018	2018-10/84	
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Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38	
	42966	R657-41	AMD	08/09/2018	2018-13/72	
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Administrative Services, Facilities Construction and Management	42348	R23-9	AMD	01/23/2018	2017-24/9	
Transportation, Operations, Construction	42616	R916-4	AMD	04/23/2018	2018-6/28	
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<u>consumer protection</u>						
Commerce, Consumer Protection	42827	R152-1	NSC	04/26/2018	Not Printed	
	42828	R152-1a	NSC	04/26/2018	Not Printed	
	42830	R152-6	NSC	04/26/2018	Not Printed	
	42831	R152-11	NSC	04/26/2018	Not Printed	
	42832	R152-15	NSC	04/26/2018	Not Printed	
	42833	R152-20	NSC	04/26/2018	Not Printed	
	42834	R152-21	NSC	04/26/2018	Not Printed	
	42835	R152-22	NSC	04/26/2018	Not Printed	
	42836	R152-23	NSC	04/26/2018	Not Printed	
	42838	R152-32a	NSC	04/26/2018	Not Printed	
	42929	R152-32a	5YR	05/17/2018	2018-12/45	
	42839	R152-34	NSC	04/26/2018	Not Printed	
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	42842	R152-42	NSC	04/26/2018	Not Printed
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	42429	R156-55b-102	NSC	01/18/2018	Not Printed
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	42616	R916-4	AMD	04/23/2018	2018-6/28
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	42926	R539-1	NSC	06/01/2018	Not Printed	
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	42777	R277-216	NSC	04/13/2018	Not Printed
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	42672	R315-262-17	NSC	03/30/2018	Not Printed	
	42824	R315-262-17	NSC	05/03/2018	Not Printed	
	43159	R315-270-61	NSC	08/31/2018	Not Printed	
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Health, Health Care Financing	42517	R410-14	EMR	01/29/2018	2018-4/81	
	42746	R410-14	AMD	05/29/2018	2018-8/95	
Health, Health Care Financing, Coverage and Reimbursement Policy	42631	R414-1-5	AMD	05/08/2018	2018-6/6	
	42625	R414-2A-7	AMD	05/08/2018	2018-6/11	
	42180	R414-3A	AMD	03/05/2018	2017-20/26	
	42180	R414-3A	CPR	03/05/2018	2018-2/42	
	42594	R414-3A-5	AMD	05/08/2018	2018-5/42	
	42306	R414-4x	REP	01/19/2018	2017-23/49	
	43122	R414-9	5YR	07/27/2018	2018-16/33	
	42427	R414-27	5YR	01/02/2018	2018-2/54	
	42871	R414-42	AMD	07/01/2018	2018-10/45	
	43053	R414-42	5YR	07/02/2018	2018-14/52	
	42782	R414-52	5YR	04/10/2018	2018-9/71	
	42783	R414-53	5YR	04/10/2018	2018-9/71	
	42626	R414-60	AMD	05/01/2018	2018-6/13	
	42787	R414-60A	AMD	06/27/2018	2018-9/61	
	42788	R414-60B	AMD	06/27/2018	2018-9/63	
	42936	R414-61-2	AMD	07/27/2018	2018-12/14	
	42440	R414-301	5YR	01/08/2018	2018-3/83	
	42441	R414-302	5YR	01/08/2018	2018-3/84	
	42487	R414-302-6	EMR	01/19/2018	2018-4/85	
	42627	R414-302-6	AMD	05/08/2018	2018-6/15	
	42444	R414-305	5YR	01/08/2018	2018-3/85	
	42446	R414-308	5YR	01/08/2018	2018-3/86	
	42488	R414-308-3	EMR	01/19/2018	2018-4/87	
	42628	R414-308-3	AMD	05/08/2018	2018-6/17	
	42489	R414-311	EMR	01/19/2018	2018-4/90	
	42629	R414-311	NEW	05/08/2018	2018-6/20	
	42851	R414-401-3	AMD	07/01/2018	2018-10/47	
	42935	R414-508	5YR	05/25/2018	2018-12/46	
	42490	R414-509	REP	04/11/2018	2018-4/41	
	42941	R414-510	R&R	07/27/2018	2018-12/16	
	42353	R414-517	AMD	01/29/2018	2017-24/16	
	42635	R414-519	NEW	05/25/2018	2018-7/112	
<u>Medicaid abuse</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
	42694	R30-1	NEW	06/01/2018	2018-7/10	
<u>Medicaid fraud</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
	42694	R30-1	NEW	06/01/2018	2018-7/10	
<u>Medicaid waste</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
	42694	R30-1	NEW	06/01/2018	2018-7/10	
<u>medical incinerator</u>						
Environmental Quality, Air Quality	42532	R307-222	EXT	01/31/2018	2018-4/112	
	42647	R307-222	5YR	03/08/2018	2018-7/166	
<u>medical practitioners</u>						
Labor Commission, Industrial Accidents	42563	R612-300	5YR	02/08/2018	2018-5/149	
	42567	R612-300-4	AMD	04/09/2018	2018-5/46	

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Health, Health Care Financing, Coverage and Reimbursement Policy	42445	R414-306	5YR	01/08/2018	2018-3/86	
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Human Services, Substance Abuse and Mental Health, State Hospital	42474	R525-3	5YR	01/16/2018	2018-3/87	
	42558	R525-3	NSC	03/01/2018	Not Printed	
	43128	R525-3	NSC	08/09/2018	Not Printed	
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Education, Administration	42884	R277-409	NSC	05/17/2018	Not Printed	
<u>mental health</u>						
Education, Administration	42923	R277-461	NEW	07/09/2018	2018-11/25	
<u>mercury</u>						
Environmental Quality, Air Quality	42534	R307-224	EXT	01/31/2018	2018-4/112	
	42649	R307-224	5YR	03/08/2018	2018-7/167	
<u>metal containers</u>						
Environmental Quality, Air Quality	42545	R307-352	EXT	01/31/2018	2018-4/115	
	42663	R307-352	5YR	03/08/2018	2018-7/175	
<u>metal furniture</u>						
Environmental Quality, Air Quality	42539	R307-346	EXT	01/31/2018	2018-4/114	
	42656	R307-346	5YR	03/08/2018	2018-7/171	
<u>methamphetamine decontamination</u>						
Health, Disease Control and Prevention, Environmental Services	43037	R392-600	AMD	08/24/2018	2018-14/34	
<u>midwifery</u>						
Commerce, Occupational and Professional Licensing	43171	R156-44a	5YR	08/28/2018	Not Printed	
<u>migratory birds</u>						
Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33	
<u>minerals reclamation</u>						
Natural Resources, Oil, Gas and Mining; Non-Coal	42500	R647-1	5YR	01/24/2018	2018-4/105	
	42501	R647-2	5YR	01/24/2018	2018-4/105	
	42502	R647-3	5YR	01/24/2018	2018-4/106	
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	42504	R647-5	5YR	01/24/2018	2018-4/107	
	42505	R647-6	5YR	01/24/2018	2018-4/108	
	42506	R647-7	5YR	01/24/2018	2018-4/108	
	42507	R647-8	5YR	01/24/2018	2018-4/109	
<u>minors</u>						
Commerce, Consumer Protection	42841	R152-39	NSC	04/26/2018	Not Printed	
<u>miscellaneous metal parts</u>						
Environmental Quality, Air Quality	42542	R307-350	EXT	01/31/2018	2018-4/114	
	42661	R307-350	5YR	03/08/2018	2018-7/174	
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Natural Resources, Administration	42309	R634-3	NEW	03/26/2018	2017-23/67	
	42309	R634-3	CPR	03/26/2018	2018-4/71	
<u>mobile foods</u>						
Health, Disease Control and Prevention, Environmental Services	42685	R392-102	NEW	05/18/2018	2018-7/97	

<u>mobile homes</u>					
Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89
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Education, Administration	43083	R277-481	5YR	07/13/2018	2018-15/102
	42992	R277-481	AMD	08/07/2018	2018-13/16
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	42643	R307-170	5YR	03/08/2018	2018-7/164
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Health, Disease Control and Prevention, Environmental Services	42515	R392-502	R&R	03/26/2018	2018-4/31
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Health, Center for Health Data, Vital Records and Statistics	42707	R436-3	5YR	03/20/2018	2018-8/150
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Governor, Economic Development	42922	R357-5	AMD	07/09/2018	2018-11/37
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<u>motor vehicles</u>					
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	42646	R307-221	5YR	03/08/2018	2018-7/166
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	42648	R307-223	5YR	03/08/2018	2018-7/167
<u>nail technicians</u>					
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4
<u>naloxone</u>					
Health, Disease Control and Prevention, Health Promotion	42283	R384-210	NEW	06/07/2018	2017-22/30
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	42700	R277-532	AMD	05/08/2018	2018-7/29	
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Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed	
<u>nontraditional learning programs</u>						
Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed	
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Commerce, Real Estate	43012	R162-2f	AMD	08/21/2018	2018-14/12	
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Agriculture and Food, Plant Industry	42943	R68-9	5YR	06/01/2018	2018-12/43	
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	42567	R612-300-4	AMD	04/09/2018	2018-5/46	
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	42429	R156-55b-102	NSC	01/18/2018	Not Printed
<u>occupational therapy</u>					
Commerce, Occupational and Professional Licensing	43017	R156-42a	AMD	08/23/2018	2018-14/9
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	42682	R651-407	5YR	03/13/2018	2018-7/181
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	42961	R651-615	5YR	06/07/2018	2018-13/148
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	42695	R30-2	NEW	06/01/2018	2018-7/14
	42696	R30-3	NEW	06/01/2018	2018-7/17
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Environmental Quality, Air Quality	42675	R307-403	AMD	08/02/2018	2018-7/50
	42675	R307-403	CPR	08/02/2018	2018-13/126
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	42110	R307-505	NEW	01/26/2018	2017-19/71
	42111	R307-506	NEW	03/05/2018	2017-19/73
	42111	R307-506	CPR	03/05/2018	2018-3/58
	42112	R307-507	NEW	03/05/2018	2017-19/75
	42112	R307-507	CPR	03/05/2018	2018-3/60
	42113	R307-508	NEW	03/05/2018	2017-19/77
	42113	R307-508	CPR	03/05/2018	2018-3/62
	42114	R307-509	NEW	03/05/2018	2017-19/79
	42114	R307-509	CPR	03/05/2018	2018-3/63
	42115	R307-510	NEW	03/05/2018	2017-19/81
	42115	R307-510	CPR	03/05/2018	2018-3/65
	42858	R307-510	NSC	05/14/2018	Not Printed
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Natural Resources, Oil, Gas and Mining; Oil and Gas	42508	R649-6	5YR	01/24/2018	2018-4/109
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Human Services, Aging and Adult Services	42636	R510-200	R&R	05/30/2018	2018-7/114
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Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	2018-3/70	
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Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25	
	42633	R357-16	NSC	03/14/2018	Not Printed	
<u>Outdoor Recreation Infrastructure Grant</u>						
Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25	
	42633	R357-16	NSC	03/14/2018	Not Printed	
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	42654	R307-344	5YR	03/08/2018	2018-7/170	
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	42513	R810-8	NEW	04/05/2018	2018-4/62	
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	43048	R651-622	5YR	06/28/2018	2018-14/52
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Health, Center for Health Data, Vital Records and Statistics	42709	R436-8	5YR	03/20/2018	2018-8/151	
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	43100	R657-57	5YR	07/19/2018	2018-16/36	
	42374	R657-62	AMD	02/07/2018	2018-1/41	
	42493	R657-62	AMD	03/26/2018	2018-4/57	
	42973	R657-62	AMD	08/09/2018	2018-13/101	
	42974	R657-64	AMD	08/09/2018	2018-13/107	
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	42814	R477-6	AMD	07/01/2018	2018-10/65	
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Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed	
<u>physical therapy</u>						
Commerce, Occupational and Professional Licensing	42623	R156-24b-102	NSC	03/14/2018	Not Printed	
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	42651	R307-303	5YR	03/08/2018	2018-7/168	
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Commerce, Occupational and Professional Licensing	42869	R156-5a	5YR	05/01/2018	2018-10/155	
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<u>postsecondary schools</u>					
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	42627	R414-302-6	AMD	05/08/2018	2018-6/15
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