

UTAH STATE BULLETIN

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

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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 January 2019 Medicaid Rate Changes

Effective January 1, 2019, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies, potential adjustments to existing codes, and nursing home rate changes to case mix components 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 Rehabilitative Mental Health and Substance Use Disorder Services

The Centers for Medicare & Medicaid Services (CMS) has requested that the Division of Medicaid and Health Financing (DMHF) include a bundled payment methodology for rehabilitative mental health and substance use disorder services.

DMHF, therefore, is amending Attachment 4.19-B of the Medicaid State Plan to allow for a bundled payment methodology when rehabilitative mental health and substance use disorder services are provided through Assertive Community Treatment (ACT) teams, Mobile Crisis Outreach Teams (MCOT), and in substance use disorder (SUD) residential treatment programs with 16 or fewer beds.

The Department estimates total annual expenditures to be about \$597,700.

This proposed change, if approved by CMS, becomes effective January 1, 2019.

A copy of this change may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, PO 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.

Calling the Sixty-Second Legislature Into the Third Special Session, Utah Proclamation No. 2018-3S

PROCLAMATION

WHEREAS, since the adjournment of the 2018 General Session of the Sixty-second Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Sixty-second Legislature of the State of Utah into a Third Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 3rd day of December 2018, at 10:00 am, to consider the following:

1. Amending the Utah Medical Cannabis Act and related provisions;
2. Mechanisms for funding ongoing construction of the new prison; and
3. Legislation authorizing adjustments to state driver licenses to facilitate compliance with federal requirements for identification.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 30th day of November 2018.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2018/3/S

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 November 16, 2018, 12:00 a.m., and November 30, 2018, 11:59 p.m. are included in this, the December 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 January 16, 2019. 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 April 14, 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

Administrative Services, Finance
R25-10
State Entities' Posting of Financial
Information to the Utah Public Finance
Website

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43404

FILED: 11/20/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah College of Applied Technology name changed to Utah System of Technical Colleges. Language has been added to this rule to clarify some detailed employee compensation information, as well as language to data submission procedures.

SUMMARY OF THE RULE OR CHANGE: This rule is being changed because the Utah College of Applied Technology changed their name to Utah System of Technical Colleges. Employee compensation detail information will now include taxable allowances and defined hourly rate as for those employees paid on an hourly basis. "If available" will be added to Submission Procedures for Organization and Category.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-3-404

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There will not be cost to state government because these changes to this rule are clarifying language changes.
- ◆ LOCAL GOVERNMENTS: There will not be cost to local governments because this rule only governs state entities and participating state entities.
- ◆ SMALL BUSINESSES: This rule applies only to participating state entities, therefore, there is not anticipated fiscal impact to small businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This rule applies only to participating state entities, therefore, there is no anticipated fiscal impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments change language to clarify submitting to the Utah Public Finance Website. There are no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed and approved these changes to this rule. There will not be an impact on businesses or participating

state entities. I believe these changes are reasonable and warranted.

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

ADMINISTRATIVE SERVICES
 FINANCE
 ROOM 2110 STATE OFFICE BLDG
 450 N STATE ST
 SALT LAKE CITY, UT 84114-1201
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Brenda Lee by phone at 801-538-3102, by FAX at 801-538-3244, or by Internet E-mail at brendalee@utah.gov
- ◆ John Reidhead by phone at 801-538-1678, by FAX at 801-538-3244, or by Internet E-mail at jreidhead@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: John Reidhead, 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 Benefits:	Fiscal	\$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 is not a regulatory impact to non-small businesses, because this rule only applies to participating state entities.

R25. Administrative Services, Finance.

R25-10. State Entities' Posting of Financial Information to the Utah Public Finance Website.

R25-10-1. Purpose.

The purpose of this rule is to establish procedures related to the posting of the participating state entities' financial information to the Utah Public Finance Website (UPFW).

R25-10-2. Authority.

This rule is established pursuant to Subsection 63A-3-404, which authorizes the Division of Finance to make rules governing the posting of financial information for participating state entities on the UPFW after consultation with the Utah Transparency Advisory Board.

R25-10-3. Definitions.

(1) "Utah Public Finance Website" (UPFW) means the website created in UCA 63A-3-402 which is administered by the Division of Finance and which permits Utah taxpayers to view, understand, and track the use of taxpayer dollars by making public financial information available on the internet without paying a fee.

(2) "Participating state entities" means the state of Utah, including its executive, legislative, and judicial branches, its departments, divisions, agencies, boards, commissions, councils, committees, and institutions, including institutions of higher education such as colleges, universities, and the Utah ~~[College of Applied Technology]~~ System of Technical Colleges, and includes all component units of these entities as defined by the Governmental Accounting Standards Board (GASB).

(3) "Division" means the Division of Finance of the Department of Administrative Services.

R25-10-4. Public Financial Information.

(1) Participating state entities shall submit detail revenue and expense transactions from their general ledger accounting system to the UPFW at least quarterly and within one month after the end of the fiscal quarter. The detail transactions for all participating state entities that are recorded in the central general ledger of the State, FINET, shall be submitted by the Division.

(2) Participating state entities will submit employee compensation detail information on a basis consistent with its fiscal year to the UPFW at least once per year and within three months after the end of the fiscal year. The employee compensation detail information that is recorded in the central payroll system of the State that is operated by the Division will be submitted by the Division.

(a) Employee compensation detail information will, at a minimum, break out the following amounts separately for each employee:

- (i) Total wages or salary
- (ii) Total benefits only, benefit detail is not allowed
- (iii) Incentive awards
- (iv) ~~[Reimbursements]~~ Taxable allowances and reimbursements

(v) Leave paid, if recorded separately from wages or salary in the participating state entity's payroll system.

(b) In addition, the following information will be submitted for each employee:

- (i) Name
- (ii) Hourly rate for those employees paid on an hourly basis.
- (iii) Gender
- (iv) Job title

(3) Entities must not submit any data to the UPFW that is classified as private, protected, or controlled by UCA 63G-2, Government Records Management Act. All detail transactions or records are required to be submitted; however, the words "not provided" shall be inserted into any applicable data field in lieu of private, protected, or controlled information.

R25-10-5. UPFW Data Submission Procedures.

(1) Entities must submit data to the UPFW according to the file specifications listed below.

(a) The public financial information required in R25-10-4 will be submitted to the UPFW in a pipe delimited text file. The detail file layout is available from the Division and is posted on the UPFW under the Helps and FAQs tab.

(b) Data will be submitted to the UPFW at the detail transaction level. However, the detailed transactions for compensation information for each employee may be summarized into transactions that represent an entire fiscal year.

(c) Each transaction submitted to the website must contain the information required in the detail file layout including:

- (i) Organization - Categorizes transactions within the entity's organization structure. ~~[At]~~ If available, at least 2 levels of organization will be submitted but not more than 10 levels.
- (ii) Category - Categorizes transactions and further describes the transaction type. ~~[At]~~ If available, at least 2 levels of category will be submitted but not more than 7 levels.
- (iii) Fund - Categorizes transactions by fund types and individuals funds. At least 1 but not more than 4 levels of fund will be submitted.

KEY: Utah Public Financial Website, transparency, state employees, finance

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2015]~~ 2019

Notice of Continuation: June 25, 2014

Authorizing, and Implemented or Interpreted Law: 63A-3-404

Commerce, Real Estate
R162-2f
Real Estate Licensing and Practices
Rules

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 43407
 FILED: 11/21/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these proposed rule amendments are to make minor changes to the definition of a principal in a real estate transaction, to correct a statutory reference and subsection numbering, to clarify prohibited misrepresentations between real estate schools, to correct the applicable dates of two state approved real estate forms, and to allow for a student to receive course credit for an online course even if the student does not complete the course within one year of registration.

SUMMARY OF THE RULE OR CHANGE: Changes in Section R162-2f-102 includes the manager of a company in the definition of "Principal" and corrects a statutory reference; Section R162-2f-401a clarifies the disclosure requirements for a licensee prior to the execution of a purchase or lease agreement, and corrects a numbering error; Section R162-2f-401b includes a licensee who is the manager of a company as a person who is prohibited from acting as a limited agent in a transaction; Section R162-2f-401d clarifies prohibited misrepresentations between real estate schools and allows for a student to receive course credit for an online course even if the student does not complete the course within one year of registration; and Section R162-2f-401f corrects the applicable dates for two state approved real estate forms including the Real Estate Purchase Contract and the Deposit of Earnest Money with Title Company Addendum.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2f-306 and Subsection 61-2f-103(1)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The Division of Real Estate (Division) 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 that will affect those resources or result in any additional cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the Real Estate Licensing and Practices 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 not create new obligations for small businesses nor do they increase the costs associated with any existing obligation. After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These proposed amendments do not create new obligations for other persons nor do they increase the costs associated with any existing obligation. After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These proposed amendments would make minor changes to several sections of the Real Estate Licensing and Practices Rules and would potentially affect many licensees and applicants for licensure. However, these proposed rule amendments do not create new obligations for affected persons subject to the administrative rules, nor do they increase the costs associated with any existing obligation. After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of these proposed rule amendments are to make minor changes to the definition of a principal in a real estate transaction, correct a statutory reference and subsection numbering, clarify prohibited misrepresentations between real estate schools, correct the applicable dates of two state approved real estate forms, and allow for a student to receive course credit for an online course even if the student does not complete the course within one year of registration. Changes to Section R162-2f-102 includes the manager of a company in the definition of "Principal" and corrects a statutory reference; Section R162-2f-401a clarifies the disclosure requirements for a licensee prior to the execution of a purchase or lease agreement and corrects a numbering error; Section R162-2f-401b includes a licensee who is the manager of a company as a person who is prohibited from acting as a limited agent in a transaction; Section R162-2f-401d clarifies prohibited misrepresentations between real estate schools and allows for a student to receive course credit for an online course even if the student does not complete the course within one year of registration; and Section 401f corrects the applicable dates for two state approved real estate forms including the Real Estate Purchase Contract and the Deposit of Earnest Money with Title Company Addendum. Small businesses: These proposed amendments do not create new obligations for small businesses nor do they increase the costs associated with any existing obligation. After conducting a thorough analysis, it was determined that these proposed rule amendments will not result in a fiscal impact to small business. Non-small businesses: These proposed

amendments do not create new obligations for non-small businesses nor do they increase the costs associated with any existing obligation.

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 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Jonathan Stewart, Director

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

These proposed rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures because these rule amendments are minor in nature and do not create any new obligations for non-small businesses nor do they increase the cost associated with any existing obligation.

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

R162. Commerce, Real Estate.

R162-2f. Real Estate Licensing and Practices Rules.

R162-2f-102. Definitions.

(1) "Active license" means a license granted to an applicant who:

(a) qualifies for licensure under Section 61-2f-203 and these rules;

(b) pays all applicable nonrefundable license fees; and

(c) affiliates with a principal brokerage.

(2) "Advertising" means a commercial message through:

(a) newspaper;

(b) magazine;

(c) Internet;

(d) e-mail;

(e) radio;

(f) television;

(g) direct mail promotions;

(h) business cards;

(i) door hangers;

(j) signs;

(k) other electronic communication; or

(l) any other medium.

(3) "Affiliate":

(a) when used in reference to licensure, means to form, for the purpose of providing a real estate service, an employment or non-employment association with another individual or entity licensed or registered under Title 61, Chapter 2f et seq. and these rules; and

(b) when used in reference to an undivided fractionalize long-term estate, means an individual or entity that directly or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, a specified individual or entity.

(4) "Branch broker" means an associate broker who manages a branch office under the supervision of the principal broker.

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

(5) "Branch office" means a principal broker's real estate brokerage office other than the principal broker's main office.

(6) "Brokerage" means a real estate sales or a property management company.

(7) "Brokerage record" means any record related to the business of a principal broker, including:

(a) record of an offer to purchase real estate;

(b) record of a real estate transaction, regardless of whether the transaction closed;

(c) licensing records;

(d) banking and other financial records;

(e) independent contractor agreements;

(f) trust account records, including:

(i) deposit records in the form of a duplicate deposit slip, deposit advice, or equivalent document; and

(ii) conveyance records in the form of a check image, wire transfer verification, or equivalent document; and

(g) records of the brokerage's contractual obligations.

(8) "Business day" is defined in Subsection 61-2f-102(3).

(9) "Certification" means authorization from the division to:

(a) establish and operate a school that provides courses approved for prelicensing education or continuing education; or

(b) function as an instructor for courses approved for prelicensing education or continuing education.

(10) "Closing gift" means any gift given by a principal broker, or a licensee affiliated with the principal broker, to a buyer or seller, lessor or lessee, in appreciation for having used the services of a real estate brokerage.

(11) "Commission" means the Utah Real Estate Commission.

(12) "Continuing education" means professional education required as a condition of renewal in accordance with Section R162-2f-204 and may be either:

(a) core: topics identified in Subsection R162-2f-206c(5) (c); or

(b) elective: topics identified in Subsection R162-2f-206c(5)(e).

(13) "Correspondence course" means a self-paced real estate course that:

(a) is not distance or traditional education; and

(b) fails to meet real estate educational course certification standards because:

(i) it is primarily student initiated; and

(ii) the interaction between the instructor and student lacks substance and/or is irregular.

(14) "Day" means calendar day unless specified as "business day."

(15)(a) "Distance education" means education in which the instruction does not take place in a traditional classroom setting, but occurs through other interactive instructional methods where teacher and student are separated by distance and sometimes by time, including the following:

(i) computer conferencing;

(ii) satellite teleconferencing;

(iii) interactive audio;

(iv) interactive computer software;

(v) Internet-based instruction; and

(vi) other interactive online courses.

(b) "Distance education" does not include home study and correspondence courses.

(16) "Division" means the Utah Division of Real Estate.

(17) "Double contract" means executing two or more purchase agreements, one of which is not made known to the prospective lender or loan funding entity.

(18) "Expired license" means a license that is not renewed pursuant to Section 61-2f-204 and Section R162-2f-204 by:

(a) the close of business on the expiration date, if the expiration date falls on a day when the division is open for business; or

(b) the next business day following the expiration date, if the expiration date falls on a day when the division is closed.

(19) "Guaranteed sales plan" means:

(a) a plan in which a seller's real estate is guaranteed to be sold; or

(b) a plan whereby a licensee or anyone affiliated with a licensee agrees to purchase a seller's real estate if it is not purchased by a third party:

(i) in the specified period of a listing; or

(ii) within some other specified period of time.

(20) "Inactive license" means a license that has been issued pursuant to Sections R162-2f-202a through 202c or renewed pursuant to Section R162-2f-204, but that may not be used to conduct the business of real estate because the license holder is not affiliated with a principal broker. Pursuant to Section R162-2f-203, a license may be inactivated:

(a) voluntarily, with the assent of the license holder; or

(b) involuntarily, without the assent of the license holder.

(21) "Inducement gift" means any gift given by a principal broker, or a licensee affiliated with the principal broker, to a buyer or seller, lessor or lessee, in a real estate transaction as an incentive to use the services of a real estate brokerage.

(22) "Informed consent" means written authorization, obtained from both principals to a single transaction, to allow a licensee to act as a limited agent.

(23) "Limited agency" means the representation of all principals in the same transaction to negotiate a mutually acceptable agreement:

(a) subject to the terms of a limited agency agreement; and

(b) with the informed consent of all principals to the transaction.

(24) "Net listing" means a listing agreement under which the real estate commission is the difference between the actual selling price of the property and a minimum selling price as set by the seller.

(25)(a) "Non-certified education" means a continuing education course offered outside of Utah, but for which a licensee may apply for credit pursuant to Subsection R162-2f-206c(1)(b).

(b) "Non-certified education" does not include:

(i) home study courses; or

(ii) correspondence courses.

(26) "Nonresident applicant" means a person:

(a) whose primary residence is not in Utah; and

(b) who qualifies under Title 61, Chapter 2f et seq. and these rules for licensure as a principal broker, associate broker, or sales agent.

(27) "Principal brokerage" means the main real estate or property management office of a principal broker.

(28) "Principal" in a transaction means an individual who is represented by a licensee and may be:

- (a) the buyer or lessee;
- (b) an individual having an ownership interest in the property;
- (c) an individual having an ownership interest in the entity that is the buyer, seller, lessor, or lessee; or
- (d) an individual who is an officer, director, partner, member, manager, or employee of the entity that is the buyer, seller, lessor, or lessee.

(29) "Provider" means an individual or business that is approved by the division to offer continuing education.

(30) "Property management" is defined in Subsection 61-2f-102(19).

(31) "Registration" means authorization from the division to engage in the business of real estate as:

- (a) a corporation;
- (b) a partnership;
- (c) a limited liability company;
- (d) an association;
- (e) a dba;
- (f) a professional corporation;
- (g) a sole proprietorship; or
- (h) another legal entity of a real estate brokerage.

(32) "Reinstatement" is defined in Subsection 61-2f-102(22).

(33) "Reissuance" is defined in Subsection 61-2f-102(23).

(34) The acronym RELMS means "real estate licensing and management system," which is the online database through which licensees shall submit licensing information to the division.

(35) "Renewal" is defined in Subsection 61-2f-102(24).

(36) "Residential property" means real property consisting of, or improved by, a single-family one- to four-unit dwelling.

(37) "School" means:

- (a) any college or university accredited by a regional accrediting agency that is recognized by the United States Department of Education;
- (b) any community college or vocational-technical school;
- (c) any local real estate organization that has been approved by the division as a school; or
- (d) any proprietary real estate school.

(38) "Sponsor" means:

(a) a person who is the original seller of an undivided fractionalized long-term estate.

(b) sponsor includes, if the seller is an entity, any individual who exercises managerial responsibility in the sponsoring entity.

(39) "Third party service provider" means an individual or entity that provides a service necessary to the closing of a specific transaction and includes:

- (a) mortgage brokers;
- (b) mortgage lenders;
- (c) loan originators;
- (d) title service providers;

(e) attorneys;

(f) appraisers;

(g) providers of document preparation services;

(h) providers of credit reports;

(i) property condition inspectors;

(j) settlement agents;

(k) real estate brokers;

(l) marketing agents;

(m) insurance providers; and

(n) providers of any other services for which a principal or investor will be charged.

(40) "Traditional education" means education in which instruction takes place between an instructor and students where all are physically present in the same classroom.

(41) "Undivided fractionalized long-term estate" is defined in Subsection 57-29-102(8).~~[61-2f-102(26).]~~

R162-2f-401a. Affirmative Duties Required of All Licensed Individuals.

An individual licensee shall:

(1) uphold the following fiduciary duties in the course of representing a principal:

(a) loyalty, which obligates the agent to place the best interests of the principal above all other interests, including the agent's own;

(b) obedience, which obligates the agent to obey all lawful instructions from the principal;

(c) full disclosure, which obligates the agent to inform the principal of any material fact the agent learns about:

(i) the other party; or

(ii) the transaction;

(d) confidentiality, which prohibits the agent from disclosing, without permission, any information given to the agent by the principal that would likely weaken the principal's bargaining position if it were known, but excepting any known material fact concerning:

(i) a defect in the property; or

(ii) the client's ability to perform on the contract;

(e) reasonable care and diligence;

(f) holding safe and accounting for all money or property entrusted to the agent; and

(g) any additional duties created by the agency agreement;

(2) for the purpose of defining the scope of the individual's agency, execute a written agency agreement between the individual and the individual's principal, including:

(a) seller(s) the individual represents;

(b) buyer(s) the individual represents;

(c) buyer(s) and seller(s) the individual represents as a limited agent in the same transaction pursuant to this Subsection (4);

(d) the owner of a property for which the individual will provide property management services; and

(e) a tenant whom the individual represents;

(3) in order to represent both principals in a transaction as a limited agent, obtain prior informed consent by:

(a) clearly explaining in writing to both parties:

(i) that each is entitled to be represented by a separate agent;

(ii) the type(s) of information that will be held confidential;

(iii) the type(s) of information that will be disclosed; and

(iv) the circumstances under which the withholding of information would constitute a material misrepresentation regarding the property or regarding the abilities of the parties to fulfill their obligations;

(b) obtaining a written acknowledgment from each party affirming that the party waives the right to:

(i) undivided loyalty;

(ii) absolute confidentiality; and

(iii) full disclosure from the licensee; and

(c) obtaining a written acknowledgment from each party affirming that the party understands that the licensee will act in a neutral capacity to advance the interests of each party;

(4) when acting under a limited agency agreement:

(a) act as a neutral third party; and

(b) uphold the following fiduciary duties to both parties:

(i) obedience, which obligates the limited agent to obey all lawful instructions from the parties, consistent with the agent's duty of neutrality;

(ii) reasonable care and diligence;

(iii) holding safe all money or property entrusted to the limited agent; and

(iv) any additional duties created by the agency agreement;

(5) when making an offer or solicitation to buy, sell, lease or rent real property as a principal, either directly or indirectly, or as an agent for a client, a licensee shall disclose in the initial contact with the other party the fact that the licensee holds a license with the division, whether the license status is active or inactive;

(6) prior to the execution of~~executing~~ a binding purchase or lease agreement, disclose in writing to clients, agents for other parties, and unrepresented parties:

(a) the licensee's position as a principal in any transaction where the licensee operates either directly or indirectly to buy, sell, lease, or rent real property;

(b) the fact that the licensee holds a license with the division, whether the license status is active or inactive, in any circumstance where the licensee is a principal in an agreement to buy, sell, lease, or rent real property;

(c) the licensee's agency relationship(s);

(d)(i) the existence or possible existence of a due-on-sale clause in an underlying encumbrance on real property; and

(ii) the potential consequences of selling or purchasing a property without obtaining the authorization of the holder of an underlying encumbrance;

(7) in order to offer any property for sale or lease, make reasonable efforts to verify the accuracy and content of the information and data to be used in the marketing of the property;

(8) in order to offer a residential property for sale, disclose the source on which the licensee relies for any square footage data that will be used in the marketing of the property:

(a) in the written agreement, executed with the seller, through which the licensee acquires the right to offer the property for sale; and

(b) in a written disclosure provided to the buyer, at the licensee's direction, at or before the deadline for the seller's disclosure per the contract for sale;

(9) upon initial contact with another agent in a transaction, disclose the agency relationship between the licensee and the client;

(10) when executing a binding agreement in a sales transaction, confirm the prior agency disclosure:

(a) in the currently approved Real Estate Purchase Contract; or

(b) in a separate provision with substantially similar language incorporated in or attached to the binding agreement;

~~(11)(40)~~ when executing a lease or rental agreement, confirm the prior agency disclosure by:

(a) incorporating it into the agreement; or

(b) attaching it as a separate document;

(12) if the licensee desires to act as a sub-agent for the purpose of showing property owned by a seller who is under contract with another brokerage, prior to showing the seller's property:

(a) notify the listing brokerage that sub-agency is requested; and

(b) enter into a written agreement with the listing brokerage with which the seller has contracted:

(i) consenting to the sub-agency; and

(ii) defining the scope of the agency;

(c) obtain from the listing brokerage all available information about the property; and

(d) uphold the same fiduciary duties outlined in this Subsection (1);

(13) provide copies of a lease or purchase agreement, properly signed by all parties, to the party for whom the licensee acts as an agent;

(14)(a) in identifying the seller's brokerage in paragraph 5 of the approved Real Estate Purchase Contract, use:

(i) the principal broker's individual name; or

(ii) the principal broker's brokerage name; and

(b) personally fulfill the licensee's agency relationship with the client, notwithstanding the information used to complete paragraph 5;

(15) timely inform the licensee's principal broker or branch broker of real estate transactions in which:

(a) the licensee is involved as agent or principal;

(b) the licensee has received funds on behalf of the principal broker; or

(c) an offer has been written;

(16)(a) disclose in writing to all parties to a transaction any compensation in addition to any real estate commission that will be received in connection with a real estate transaction; and

(b) ensure that any such compensation is paid to the licensee's principal broker;

(17)(a) in negotiating and closing a transaction, a licensee may fill out those legal forms as provided for in Section 61-2f-306;

(18) use an approved addendum form to make a counteroffer or any other modification to a contract;

(19) in order to sign or initial a document on behalf of a principal in a sales transaction:

(a) obtain prior written authorization in the form of a power of attorney duly executed by the principal;

(b) retain in the file for the transaction a copy of said power of attorney;

(c) attach said power of attorney to any document signed or initialed by the individual on behalf of the principal;

(d) sign as follows: "(Principal's Name) by (Licensee's Name), Attorney-in-Fact;" and

(e) initial as follows: "(Principal's Initials) by (Licensee's Name), Attorney-in-Fact for (Principal's Name);"

(20) in order to sign or initial a document on behalf of a principal in a property management transaction:

(a) obtain prior written authorization executed by the principal which specifically identifies the actions that are authorized to be taken on behalf of the principal;

(b) retain in the file for the transaction a copy of the written authorization;

(c) sign as follows: "by (Licensee's Name), on behalf of Owner;" and

(d) initial as follows: "by (Licensee's initials), on behalf of Owner;"

(21) if employing an unlicensed individual to provide assistance in connection with real estate transactions, adhere to the provisions of Section R162-2f-401g;

(22) strictly adhere to advertising restrictions as outlined in Section R162-2f-401h;

(23) as to a guaranteed sales agreement, provide full disclosure regarding the guarantee by executing a written contract that contains:

(a) the conditions and other terms under which the property is guaranteed to be sold or purchased;

(b) the charges or other costs for the service or plan;

(c) the price for which the property will be sold or purchased; and

(d) the approximate net proceeds the seller may reasonably expect to receive;

(24) immediately deliver money received in a real estate transaction to the principal broker for deposit; and

(25) as contemplated by Subsection 61-2f-401(20), when notified by the division that information or documents are required for investigation purposes, respond with the required information or documents in full and within ten business days.

R162-2f-401b. Prohibited Conduct As Applicable to All Licensed Individuals.

An individual licensee may not:

(1) engage in any of the practices described in Section 61-2f-401 et seq., whether acting as agent or on the licensee's own account, in a manner that:

(a) fails to conform with accepted standards of the real estate sales, leasing, or management industries;

(b) could jeopardize the public health, safety, or welfare; or

(c) violates any provision of Title 61, Chapter 2f et seq. or the rules of this chapter;

(2) require parties to acknowledge receipt of a final copy of any document prepared by the licensee prior to all parties signing a contract evidencing agreement to the terms thereof;

(3) make a misrepresentation to the division:

(a) in an application for license renewal; or

(b) in an investigation.

(4)(a) propose, prepare, or cause to be prepared a document, agreement, settlement statement, or other device that the licensee knows or should know does not reflect the true terms of the transaction; or

(b) knowingly participate in a transaction in which such a false device is used;

(5) participate in a transaction in which a buyer enters into an agreement that:

(a) is not disclosed to the lender; and

(b) if disclosed, might have a material effect on the terms or the granting of the loan;

(6) use or propose the use of a double contract;

(7) place a sign on real property without the written consent of the property owner;

(8) take a net listing;

(9) sell listed properties other than through the listing broker;

(10) subject a principal to paying a double commission without the principal's informed consent;

(11) enter or attempt to enter into a concurrent agency representation when the licensee knows or should know that the principal has an existing agency representation agreement with another licensee;

(12) pay a finder's fee or give any valuable consideration to an unlicensed person or entity for referring a prospect, except that:

(a) a licensee may give a gift valued at \$150 or less to an individual in appreciation for an unsolicited referral of a prospect that results in a real estate transaction; and

(b) as to a property management transaction, a licensee may compensate an unlicensed employee or current tenant up to \$200 per lease for assistance in retaining an existing tenant or securing a new tenant;

(13) accept a referral fee from:

(a) a lender; or

(b) a mortgage broker;

(14) act as a real estate agent or broker in the same transaction in which the licensee also acts as a:

(a) mortgage loan originator, associate lending manager, or principal lending manager;

(b) appraiser or appraiser trainee;

(c) escrow agent; or

(d) provider of title services;

(15) act or attempt to act as a limited agent in any transaction in which:

(a) the licensee is a principal in the transaction; or

(b) any entity in which the licensee is an officer, director, partner, member, manager, employee, or stockholder is a principal in the transaction;

(16) make a counteroffer by striking out, whiting out, substituting new language, or otherwise altering:

(a) the boilerplate provisions of the Real Estate Purchase Contract; or

(b) language that has been inserted to complete the blanks of the Real Estate Purchase Contract;

(17) advertise or offer to sell or lease property without the written consent of:

- (a) the owner(s) of the property; and
- (b) if the property is currently listed, the listing broker;
- (18) advertise or offer to sell or lease property at a lower price than that listed without the written consent of the seller or lessor;
- (19) represent on any form or contract that the individual is holding client funds without actually receiving funds and securing them pursuant to Subsection R162-2f-401a(24);
- (20) when acting as a limited agent, disclose any information given to the agent by either principal that would likely weaken that party's bargaining position if it were known, unless the licensee has permission from the principal to disclose the information;
- (21) disclose, or make any use of, a short sale demand letter outside of the purchase transaction for which it is issued;
- (22) in a short sale, have the seller sign a document allowing the licensee to lien the property; or
- (23) charge any fee that represents the difference between:
 - (a) the total concessions authorized by a seller and the actual amount of the buyer's closing costs; or
 - (b) in a short sale, the sale price approved by the lender and the total amount required to clear encumbrances on title and close the transaction.

R162-2f-401d. School and Provider Conduct.

- (1) Affirmative duties. A school's owner(s) and director(s) shall:
- (a) within 15 days after the occurrence of any material change in the information provided to the division under Subsection R162-2f-206a(2)(a), give the division written notice of that change;
 - (b)(i) provide instructors of prelicensing courses with the state-approved course outline; and
 - (ii) ensure that any prelicensing course adheres to the topics mandated in the state-approved course outline;
 - (c) ensure that all instructors comply with Section R162-2f-401e.
 - (d) prior to accepting payment from a prospective student for a prelicensing education course:
 - (i) provide the criminal history disclosure statement described in Subsection R162-2f-206a(3)(d);
 - (ii) obtain the student's signature on the criminal history disclosure; and
 - (iii) have the enrollee verify that an education waiver has not been obtained from the division;
 - (e)(i) retain signed criminal history disclosures for a minimum of three years from the date of course completion; and
 - (ii) make the signed criminal history disclosures available for inspection by the division upon request;
 - (f) maintain for a minimum of three years after enrollment:
 - (i) the registration record of each student;
 - (ii) the attendance record of each student; and
 - (iii) any other prescribed information regarding the offering, including exam results, if any;
 - (g) ensure that course topics are taught only by:
 - (i) certified instructors; or
 - (ii) guest lecturers;

- (h)(i) limit the use of approved guest lecturers to a total of 20% of the instructional hours per approved course; and
- (ii) prior to using a guest lecturer to teach a portion of a course, document for the division the professional qualifications of the guest lecturer;
 - (i) furnish to the division an updated roster of the school's approved instructors and guest lecturers each time there is a change;
 - (j) within ten days of teaching a course, upload course completion information for any student who:
 - (i) successfully completes the course; and
 - (ii) provides an accurate name or license number within seven business days of attending the course;
 - (k) substantiate, upon request by the division, any claims made in advertising; and
 - (l) include in all advertising materials the continuing education course certification number issued by the division.
- (2) Prohibited conduct. A provider~~school~~ may not:
 - (a) award continuing education credit for a course that has not been certified by the division prior to its being taught;
 - (b) award continuing education credit to any student who fails to:
 - (i) attend a minimum of 90% of the required class time; or
 - (ii) pass a prelicense course final examination;
 - (c) accept a student for a reduced number of hours without first having a written statement from the division defining the exact number of hours the student must complete;
 - (d) allow a student to challenge by examination any course or part of a course in lieu of attendance;
 - (e) allow a course approved for traditional education to be:
 - (i) taught in a private residence; or
 - (ii) completed through home study;
 - (f) make a misrepresentation about a competing school or continuing education provider including a misrepresentation regarding personnel, a course of instruction, or a business practice; [in advertising about any course of instruction;]
 - (g) disseminate advertisements or public notices that are false or disparage the dignity and integrity of the real estate profession;
 - (h) make false or disparaging remarks about a competitor's services or methods of operation;
 - (i) attempt by any means to obtain or use the questions on the prelicensing examinations unless the questions have been dropped from the current exam bank;
 - (j) give valuable consideration to a real estate brokerage or licensee for referring students to the school;
 - (k) accept valuable consideration from a real estate brokerage or licensee for referring students to the brokerage;
 - (l) allow real estate brokerages to solicit for agents at the school during class time, including the student break time;
 - (m) obligate or require students to attend any event in which a brokerage solicits for agents;
 - (n) award more than eight credit hours per day per student;
 - ~~(o) award credit for an online course to a student who fails to complete the course within one year of the registration date;~~

(o)(p) advertise or market a continuing education course that has not been:

- (i) approved by the division; and
- (ii) issued a current continuing education course certification number; or

(p)(q) advertise, market, or promote a continuing education course with language indicating that division certification is pending or otherwise forthcoming.

R162-2f-401f. Approved Forms.

(1) The following standard forms are approved by the commission and the Office of the Attorney General for use by all licensees:

- (a) ~~September 1, 2017,~~[July 19, 2017,] Real Estate Purchase Contract;
- (b) January 1, 1987, Uniform Real Estate Contract;
- (c) October 1, 1983, All Inclusive Trust Deed;
- (d) October 1, 1983, All Inclusive Promissory Note Secured by All Inclusive Trust Deed;
- (e) August 5, 2003, Addendum to Real Estate Purchase Contract;
- (f) August 27, 2008, Seller Financing Addendum to Real Estate Purchase Contract;
- (g) January 1, 1999, Buyer Financial Information Sheet;
- (h) August 27, 2008, FHA/VA Loan Addendum to Real Estate Purchase Contract;
- (i) January 1, 1999, Assumption Addendum to Real Estate Purchase Contract;
- (j) August 1, 2018, Lead-based Paint Addendum to Real Estate Purchase Contract; and
- (k) August 1, 2018, Disclosure ~~&~~[and] Acknowledgment Regarding Lead-based Paint and/or Lead-based Paint Hazards; and
- (l) January 1, 2018,[July 19, 2017,] Deposit of Earnest Money With Title Company Addendum to Real Estate Purchase Contract.

KEY: real estate business, operational requirements, trust account records, notification requirements

Date of Enactment or Last Substantive Amendment: [~~August 21, 2018~~]2019

Notice of Continuation: August 12, 2015

Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-203(1)(e); 61-2f-206(3); 61-2f-206(4)(a); 61-2f-306; 61-2f-307

Governor, Energy Development (Office of)

R362-5

Commercial Property Assessed Clean Energy (C-PACE) Administrative Rules

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 43419

FILED: 11/29/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to establish an administrative rule for the direction and administration of the C-PACE District, as defined in Section 11-42a-106.

SUMMARY OF THE RULE OR CHANGE: This rule explains the procedures for implementing the responsibilities assigned to Office of Energy Development in directing and administering the C-PACE District; and establishing the procedures for designating, levying, assigning, and collecting an energy assessment lien within an energy assessment area.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 11-42a-102 and Section 11-42a-106

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This proposed rule is not expected to have any fiscal impact on state government revenues or expenditures because the C-PACE program is self-funded by legislatively approved fees paid by the borrower. No state costs are incurred.

◆ **LOCAL GOVERNMENTS:** This proposed rule is not expected to have any fiscal impact on local governments' revenues or expenditures because the local governments will generate recording fees paid by the borrower against the number of pages submitted to record and assign the lien.

◆ **SMALL BUSINESSES:** This proposed rule is a voluntary program that only affects businesses that choose to complete C-PACE projects. An estimated 5.8 C-PACE projects will be completed by small businesses in fiscal year 2019, 19.34 in fiscal year 2020, and 40.614 in fiscal year 2021. With the increased energy cost savings of \$999,307 per completed C-PACE project in fiscal year 2019, \$942,203 in fiscal year 2020, and \$958,519 in fiscal year 2021, these small businesses will see a direct fiscal benefit in revenues of \$5,800,000 in fiscal year 2019, \$18,000,000 in fiscal year 2020, and \$39,000,000 fiscal year 2021. Small businesses will experience an average direct fiscal cost of \$500,000 per C-PACE project.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This proposed rule is not expected to have any fiscal impact on other individuals' revenues or expenditures because participation in the C-PACE program is restricted to commercial businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This proposed rule is not expected to have any fiscal impact because participation in the C-PACE program is restricted to commercial businesses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The impacts to small businesses were characterized above and the impacts to non-small business are described here. There are 16,112 large businesses in the industries in question in Utah. For a complete listing of NAICS codes

used in this analysis, please contact the agency. These businesses account for an estimated 0.198 C-PACE projects in fiscal year 2019, 0.66 in fiscal year 2020, and 1.386 in fiscal year 2021. The average C-PACE project cost of \$500,000. These businesses are expected to receive \$197,863 in fiscal year 2019, \$621,855 in fiscal year 2020, and \$1,328,508 in fiscal year 2021.

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

GOVERNOR
ENERGY DEVELOPMENT (OFFICE OF)
60 E SOUTH TEMPLE 3RD FLR
SALT LAKE CITY, UT 84111
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Shawna Cuan by phone at 801-538-8724, or by Internet E-mail at scuan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Laura Nelson, Executive Director

Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$5,995,843	\$18,844,079	\$40,257,804
Net Fiscal Benefits:	\$2,995,843	\$8,844,079	\$19,257,804

*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 16,112 large businesses in the industries in question in Utah. For a complete listing of NAICS codes used in this analysis, please contact the agency. These businesses account for an estimated 0.198 C-PACE projects in fiscal year 2019, 0.66 in fiscal year 2020, and 1.386 in fiscal year 2021. At the average C-PACE project cost of \$500,000, these businesses are expected to receive \$197,863 in fiscal year 2019, \$621,855 in fiscal year 2020, and \$1,328,508 in fiscal year 2021.

The head of the Governor's Office of Energy Development, Laura Nelson, has reviewed and approved this fiscal analysis.

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	\$2,901,000	\$9,670,000	\$20,307,000
Non-Small Businesses	\$99,000	\$330,000	\$693,000
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$3,000,000	\$10,000,000	\$21,000,000
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$5,797,980	\$18,222,224	\$38,929,296
Non-Small Businesses	\$197,863	\$621,855	\$1,328,508

**R362. Governor, Energy Development (Office of).
R362-5. Commercial Property Assessed Clean Energy (C-PACE), Administrative Rules.**

R362-5-1. Purpose.
(1) This rule is for the purposes of
(a) Implementing the responsibilities assigned to the Governor's Office of Energy Development (OED) in directing and administering the C-PACE District as defined in Section 11-42a-106; and
(b) Establishing the procedures for designating, levying, assigning, and collecting an energy assessment lien within an energy assessment area.

R362-5-2. Authority.
(1) This rule is required by Section 11-42a-106.

R362-5-3. Definitions.
(1) The terms used in this rule are defined in Section 11-42a-102.
(2) In addition, "contractor" means any person or company who is or may be awarded an original commercial contract for the construction, alteration, or repair of eligible improvements on eligible real property.
(4) In addition, "energy assessment areas" designated by the C-PACE District cannot be made contiguous or located on one or more contiguous or adjacent tracts of land.
(3) In addition, "third party delegate" means a vendor selected by OED that provides program administration support services to the C-PACE District, in accordance with Subsection 11-42a-106(4)(b).

R362-5-4. Eligible Improvements and Eligible Commercial and Industrial Real Property.

(1) C-PACE financing may be used to install eligible improvements on eligible commercial and industrial real property, as defined under Section 11-42a-102.

(2) Commercial or industrial real property, located within participating local entities, may be eligible to receive C-PACE financing for an existing building, a building under construction, or a building to be constructed.

(3) The amount to be financed is determined by the property owner and third party lender.

R362-5-5. C-PACE District Administration.

(1) OED is authorized to administer C-PACE projects in participating local entities.

(a) Participating local entities must make a written request of the C-PACE District to create the energy assessment area and energy assessment lien.

(b) The written request consists of a resolution passed by the local entity's governing body and a participation agreement executed by the local entity's administration.

(2) OED maintains an agreement with the relevant public electrical utility that establishes the scope of the eligible improvement(s) financed by C-PACE.

R362-5-6. Application Procedure.

(1) The property owner or a contractor, serving as the representative of the property owner, must verify the real property is located in a participating local entity.

(a) A map of participating local entities is provided on the C-PACE District website.

(2) The property owner or contractor submits to OED or the third party delegate the address of the real property.

(a) The third party delegate collects and reviews publicly available information on the real property.

(3) The property owner or contractor completes and submits the project application to OED or its third party delegate.

(a) The third party delegate reviews the project application against the eligible improvements and eligible real properties authorized in statute.

(b) The third party delegate notifies OED, the property owner, and contractor of its findings.

(4) OED or its third party delegate shall not be held responsible for any costs or fees incurred to complete the C-PACE project application, including but not limited to, audit costs and engineering fees.

(a) While such costs are typically included in the project financing, in cases where the project does not move forward, the property owner or contractor is responsible for such costs or fees.

R362-5-7. Mortgage Holder Consent.

(1) Written consent must be obtained from each person or institution holding a lien on the real property.

(a) Consent must be submitted to OED or its third party delegate to facilitate the levy and assignment of the energy assessment lien.

R362-5-8. Underwriting.

(1) The third-party lender and property owner negotiate financing terms and conditions.

(a) Third-party lenders establish their own financial underwriting standards and make their own determination about whether to invest in a project, on a per project basis.

(b) Once the underwriting process is complete, the third-party lender may issue a conditional approval or financial commitment letter outlining the terms of the financing, including any conditions of closing.

R362-5-9. Voluntary Energy Assessment Lien Procedures.

(1) The third-party lender prepares documents for closing the financial transaction with the property owner.

(a) The property owner and third-party lender enter into a financing agreement that contains the financing terms and conditions that govern the transaction.

(2) The third-party lender provides the information and documentation required to designate a voluntary energy assessment area, levy an energy assessment, and assign the energy assessment lien, to OED and its third party delegate.

(a) Notices shall include the financing agreement and exhibits, including the energy assessment lien repayment schedule.

(3) OED shall designate to the third-party lender its authority to transmit to the Governing Body Clerk and Recorder, or its equivalent, the documentation required for recording the voluntary energy assessment lien on the real property.

(a) After recording the energy assessment lien, the Governing Body Clerk and Recorder, or its equivalent, files a copy of the energy assessment lien with the Governing Body Assessor and coordinates with the third-party lender to assign the energy assessment lien to the third-party lender.

R362-5-10. Associated Fee.

(1) OED's costs of administering and directing the C-PACE District are financed by program fees charged to property owners upon project financial closing.

(a) In accordance with Section 63J-1-504, OED charges a program fee that consists of a one-time charge of three percent (3.0%) of the financed amount per project, provided that the fee does not exceed ninety thousand dollars (\$90,000) per project.

(2) On behalf of OED, the third party delegate provides an invoice to the third-party lender for the program fee.

(a) The third-party lender remits the fee to the third party delegate within 10 days of financial closing.

(b) Upon receipt of the fee, the third party delegate remits 0.5% of the collected fee, up to \$15,000, to OED within 10 days of receipt.

R362-5-11. Servicing and Repayment.

(1) The assessment is repaid in installments over a period not to exceed 30 years.

(a) In the event of a default, payments may not be accelerated to the total unpaid balance of the assessment.

(b) The third-party lender is responsible for, subject to, and in accordance with the terms of the financing agreement, for all

billing, collection, enforcement, and administrative duties pertaining to the loan, the assessment payments, and the energy assessment lien.

(c) The state is not liable for the acts or omissions of the C-PACE District or the C-PACE District's directors, administrators, officers, agents, employees, third-party directors or administrators, or third-party lenders, including any obligation, expense, debt, or liability of the C-PACE District.

R362-5-12. Release and Discharge of the Energy Assessment Lien.

(1) Upon full payment of the energy assessment lien, the third-party lender files a release and discharge of the energy assessment lien on the real property with the Governing Body Clerk and Recorder, or its equivalent.

R362-5-13. Reporting.

(1) According to Subsection 11-42a-106(c), the third party delegate submits to OED monthly reports that describe the following information:

- (a) Total project financed amount
- (b) Number of voluntary energy assessment liens established
- (c) Fees collected
- (d) Annual estimated energy savings, including both kilowatt hours and British thermal units (where applicable)
- (e) Status of voluntary energy assessment lien repayments
- (f) Length of financing
- (g) Sales or transfers of properties with outstanding voluntary energy assessment liens

KEY: energy, assessment, commercial, financing

Date of Enactment: 2019

Authorizing, Implemented, or Interpreted Law: 11-42a

Health, Family Health and
Preparedness, Maternal and Child
Health

R433-200

Family Planning Access Act

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 43402

FILED: 11/16/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: S.B. 184 passed during the 2018 General Session enacted the Family Planning Access Act (Act) to permit a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription order. As required by Section 26-64-105 of the Act, this rule filing provides necessary definitions and establishes the protocol

for issuing a valid standing order. This rule also describes information required, created, collected, and maintained by pharmacists under the Act and this rule.

SUMMARY OF THE RULE OR CHANGE: Section R443-200-1 states the authority and purpose of this rule in implementing the Act. Section R443-200-2 provides definitions of terms used in this rule. Section R443-200-3 describes relevant information that pharmacists must record under the Act. The information requirements were developed by the Department of Health (Department), as authorized by the Act, in consultation with pharmacists, pharmacist interns, and employers who intend to participate. Section R443-200-4 classifies the information collected by pharmacists and information collected by the Department under the Act, and cites Utah statutory authority governing such information. Section R443-200-5 provides notice of the Department's authority to monitor and ensure compliance with the Act and this rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-23-6 and Title 26, Chapter 25 and Title 26, Chapter 3 and Title 26, Chapter 64 and Title 58, Chapter 17b

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This proposed rule is not expected to have any fiscal impact on the state budget because this rule neither addresses state government, imposes any new state duty, nor allocates money for the operation of state government.

◆ LOCAL GOVERNMENTS: This proposed rule is not expected to have any fiscal impact on local governments because it does not apply to local governments.

◆ SMALL BUSINESSES: The extent of fiscal benefits and costs cannot be estimated because data required to estimate participation by Utah women, participation by pharmacists, the amount of reimbursements and payments shifting from physician practices to pharmacies, and the availability and amount of third party payments for pharmacist consultations (compared to third party payments for physician visits) is not available. Physician's offices and group practices: direct fiscal cost. Pharmacies: direct fiscal benefit.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The extent of fiscal benefits and costs cannot be estimated because data required to estimate participation by Utah women, participation by pharmacists, the amount of reimbursements and payments shifting from physician practices to pharmacies, and the availability and amount of third party payments for pharmacist consultations (compared to third party payments for physician visits) is not available. Physician's offices and group practices: direct fiscal cost. Pharmacies: direct fiscal benefit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The full fiscal and non-fiscal impact on women receiving contraceptives under the Act and this rule cannot be estimated because the data necessary to determine the

number of women likely to participate, the amount of consultation fees charged by pharmacies under this proposed rule, the availability and amount of third party payments in support of such fees, the reduced time and expense incurred by women in initially obtaining contraceptives directly from pharmacists and on an ongoing basis are not available.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that the fiscal impact of this new rule cannot be determined at this time because sufficient data is not available.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 MATERNAL AND CHILD HEALTH
 PO BOX 1420001
 SALT LAKE CITY, UT 84114-2001
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Laurie Baksh by phone at 801-273-2857, or by Internet E-mail at lbaksh@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Joseph Miner, MD, Executive Director

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

Based on figures provided by DOPL, there are approximately 10 non-small business Class A retail pharmacies in Utah that may be impacted by these amendments (NAICS 446110). This proposed rule may impact non-small pharmacy businesses that employ pharmacists or pharmacy interns who opt to dispense self-administered hormonal contraceptives under the proposed rule. The pharmacists and interns would evaluate womens' self-assessments and dispense contraceptives in specific circumstances. This may result in a direct fiscal benefit to non-small pharmacy businesses resulting from consultation fees and contraceptives dispensed. However, the fiscal benefits to these small pharmacy businesses cannot be estimated, because the data necessary to determine how many pharmacists might participate and the number of encounters and the amount of associated payments from multiple potential sources that might shift from prescribers to pharmacists is not available.

In addition, there are non-small business employers of prescribing physicians that may be impacted by the proposed rule. The number of such prescribing persons cannot be estimated from NAICS data (which does not disaggregate prescribing businesses from non-prescribing businesses) or other data available to the Department. This proposed rule may result in a direct fiscal cost to these non-small prescribing businesses, because encounters may drop as women become able to obtain self-administered hormonal contraceptives directly from pharmacists without visiting a prescriber, causing payments to prescribers to fall. However, the direct fiscal costs to these non-small prescriber businesses cannot be estimated, because the data necessary to determine the reduced number of encounters and the reduced amount of associated payments is not available.

R433. Health, Family Health and Preparedness, Maternal and Child Health.

R433-200. Family Planning Access Act.

R433-200-1. Authority and Purpose.

This rule establishes the protocol required by the Family Planning Access Act (Title 26, Chapter 64) for issuance of a valid, standing prescription drug order that authorizes pharmacists and

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

pharmacist interns licensed under the Pharmacy Practice Act (Title 58, Chapter 17b) to dispense self-administered hormonal contraception according to the requirements of the standing order. The rule also describes information created and collected under the Family Planning Access Act and this rule.

The requirements of this rule apply to each standing order issued under the Family Planning Access Act.

R433-200-2. Definitions.

The terms used in this rule are defined in Section 26-64-102. In addition, the following definitions apply to this rule:

- (1) "Department" means the Utah Department of Health.
- (2) "Initiate dispensing":
 - (a) Means to fill or partially fill a self-administered hormonal contraceptive prescription:
 - (i) at the time a pharmacist or pharmacist intern evaluates a patient's self-assessment form and determines that it is safe to dispense contraceptives to the patient; or
 - (ii) at any subsequent date requiring review or evaluation by a pharmacist or pharmacist intern.
 - (b) Does not mean any prescription refill (as defined by R156-17b-102(51)) that may be provided under the applicable standing order without an evaluation or review by a pharmacist or pharmacist intern.
- (3) "NDC" means the National Drug Code assigned by the U.S. Food and Drug Administration.
- (4) "The Act" means the Family Planning Access Act.

R433-200-3. Protocol For Issuance of a Standing Prescription Drug Order.

Each standing prescription drug order for self-administered hormonal contraceptives issued under the Act shall adhere to the requirements of Section 26-64-105. In addition, each order shall also require the following:

- (1) Persons authorized to initiate dispensing a self-administered hormonal contraceptive shall make and retain a record that includes the following information:
 - (a) The age and zip code of each patient receiving a self-administered hormonal contraceptive;
 - (b) The NDC of each self-administered hormonal contraceptive dispensed;
 - (c) An annual count of the number of patients who provide their self-screening risk assessment for evaluation by the pharmacist or pharmacist intern; and
 - (d) Any other relevant information required by the physician's standing order.

R433-200-4. Confidentiality.

Information produced or collected by a pharmacist or pharmacist intern under the Act, this rule, or a standing order is "health data" subject to Title 26, Chapter 3 and is confidential and privileged information subject to requirements of Title 26, Chapter 25.

R433-200-5. Compliance.

Upon Department request, pharmacists, pharmacist interns, and their employing pharmacies shall provide copies of records required by the Act, this rule, and standing orders to the Department. The Department may also obtain and review records and information.

KEY: family planning, contraception, hormonal contraception, birth control

Date of Enactment or Last Substantive Amendment: 2019

Authorizing, and Implemented or Interpreted Law: 26-3; 26-23-6; 26-25; 26-64; 58-17b

Natural Resources, Parks and Recreation **R651-301** State Recreation Fiscal Assistance Programs

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43416

FILED: 11/28/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2018 General Session H.B. 143 was passed, which provides a shift of funding directed towards the Off-Highway Vehicle (OHV) Restricted Account. H.B. 143 (2018) directed additional funding, from registration fee restructuring, to be allocated for motorized vehicle opportunities with county, state, and federal agencies, and non-profit OHV club/organizations through a grant process format.

SUMMARY OF THE RULE OR CHANGE: The current Rule R651-301 hasn't had a language cleanup in over ten years and some of the grants listed in the current rule are obsolete and/or no longer funded. H.B. 143 (2018) increased the amount of funding provided to the Off-Highway Vehicle (OHV) program from registration fees collected. The additional registration fees collected will be placed in the OHV Restricted Account. Given that H.B. 143 (2018) directs the Utah Parks and Recreation Board to determine a method in which to disperse the increased funding, Rule R651-301 is the best method in which to disperse this increased funding and meet the requirements outlined in H.B. 143 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-22-1

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: This rule is updated to reflect previous fiscal assistance funding programs that no longer exist and to provide language update for an existing fiscal assistance program. There is no aggregate cost or savings to this amendment, because this is a language cleanup to the rule.

♦ LOCAL GOVERNMENTS: This rule is updated to reflect previous fiscal assistance funding programs that no longer exist and to provide language update for an existing fiscal assistance program. There is no aggregate cost or savings to

this amendment, because this is a language cleanup to the rule.

♦ **SMALL BUSINESSES:** This rule is updated to reflect previous fiscal assistance funding programs that no longer exist and to provide language update for an existing fiscal assistance program. There is no aggregate cost or savings to this amendment, because this is a language cleanup to the rule.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule is updated to reflect previous fiscal assistance funding programs that no longer exist and to provide language update for an existing fiscal assistance program. There is no aggregate cost or savings to this amendment, because this is a language cleanup to the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no increase in compliance costs for affected person because this rule is being updated to reflect previous fiscal assistance funding programs that no longer exist and to provide a language update for an existing fiscal assistance program. There is no compliance costs for affected persons, because this is a language cleanup to the rule only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:
No expected impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Jeff Rasmussen, Acting 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 above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses
These proposed amendments to Rule R651-301 are not expected to have any fiscal impacts on non-small businesses' revenues or expenditures because there are no services required from them in order to implement the rule.

The head of the Department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R651. Natural Resources, Parks and Recreation.
R651-301. State Recreation Fiscal Assistance Programs.
R651-301-1. Authority and Effective Date.

(a) These rules are established as required by ~~[63-11-501]~~~~41-22-1~~, and ~~[63-11-17.8]~~~~41-22-19~~, and apply to the following state funded recreation fiscal assistance programs:

- ~~(1) Trails and Pathways]~~
- (2) Off Highway Vehicles Fiscal Incentive Grant
- (3) Off-highway Access and Education

(b) These rules govern procedures for fiscal assistance applications, priorities, and project selection criteria commencing on or after April 15, 2000.

R651-301-2. Definitions.

(a) "Advisory Council" means ~~[the Recreational Trails, and Off-Highway Vehicle Advisory Council[s].]~~

(b) "Board" means the Utah Board of Parks and Recreation.

(c) "Division" means the Utah Division of Parks and Recreation.

(d) ~~["High density population" means areas in the state where people are grouped in communities, towns, or cities, and where the majority of residents live in the area, regardless of community size.]~~"OHV Program" means the Off-Highway Vehicle Program of the Utah Division of Parks and Recreation.

(e) ~~["Public comment" means a survey of residents, bond election, written comments, or open public meeting designed to give input to the decision making process from the general public.]~~"Small Grant" means any request of less than \$12,500.

R651-301-3. Fiscal Assistance Application Process.

(a) Deadline for submission of applications is May 1 annually. Submissions post-marked on or before that date will be eligible for funding consideration.

(b) Applications are to be submitted on a form to be provided by the Division. Eligible applicants will be notified by mail of the application deadline and procedures at least 45 days prior to the deadline.

(c) Applications must be submitted to:
Utah Division of Parks and Recreation
Attention: Grants Coordinator
1594 West North Temple, Suite 116
Salt Lake City, Utah 84114-6001

(d) Eligible applicants include:

(1) Trails and Pathways Program

(i) Federal government agencies

(ii) State agencies

(iii) Cities and towns

(iv) Counties

(v) Special Improvement Districts

(2) Off-Highway Vehicle Program

(i) Federal government agencies

(ii) State agencies

(iii) Cities and towns

(iv) Counties

(v) Organized User Group (as defined in U.C.A. 41-22-

2(15))

(3) Centennial Non-Motorized Paths and Trail Crossings Program

(i) State agencies

(ii) Cities and towns

(iii) Counties

(2) Off-highway Access and Education Program

(i) Charitable organizations meeting the requirements set forth in U.C.A. 41-22-19.5(6).

R651-301-4. Fiscal Assistance Program Requirements.

(a) Except as provided herein, all programs require a 50/50 match.

(b) An applicant's match may be in the form of cash, force account labor, equipment, or materials; donated materials and labor or donation of land from a third party to be exclusively used for the

proposed project. The value of donated labor will be based on a general laborer rate, unless the person is professionally skilled in the work being performed on the project. When this is the case, the wage rate normally paid for performing this service may be charged to the project. A general laborer's wages may be charged in the amount of that which the project sponsor pays its own employees having similar experience and performing similar duties. Donated materials and land will be valued at the fair market value based on an appraisal that is approved by the Division.

(c) Recreational trails that are on lands under the control of the Division must comply with Section 63-11a-203, and require public hearings in the area of proposed trail development.

(d) Program funds may be used for land acquisition, development, and planning. Off-highway vehicle funds may also be used for education, operation and maintenance. No administrative or indirect costs are allowed. Projects funded with Off-highway Access and Education Program funds must be designed to protect access to public lands by motor vehicle and off-highway vehicle operators, and to educate the public about appropriate off-highway vehicle use.

(e) Not more than 50% of program funds may be advanced to the project sponsor, and only after official notice to the Division is made by the sponsor that project costs will be incurred within sixty (60) days.

(f) No more than 50% of the monies available to the Centennial Non-Motorized Paths and Trail Crossings Program in a fiscal year may be allocated to a single project, except upon unanimous recommendation of the Recreational Trails Advisory Council.

(g) The balance of funding shall be provided to sponsors at the project completion, and only after a final accounting is made to the Division of total project costs.

(h) Off-highway Access and Education Program funds are exempt from the matching requirements of this rule.

R651-301-5. Project Selection Procedures.

(a) Advisory Councils shall make recommendations to the Division concerning the project selection criteria and the priority of projects selected for funding.

(b) The Division shall review all eligible applications, evaluate projects based on priority criteria, and submit project description information, proposed funding recommendations and justification to the appropriate Advisory Council for review and comments.

(c) The Board shall select and approve projects based on recommendations from the Division and Advisory Councils, which may be in the form of joint or separate recommendations.

R651-301-6. Priorities and Project Selection Criteria.

(a) All applicants shall be evaluated on administrative considerations, such as prior project performance and proper use of funds.

(b) All applications shall be evaluated on meeting legislative intent, and meeting outdoor recreation needs.

(c) All applications shall be evaluated on cooperative efforts of the project among agencies and user groups. This includes, but is not limited to, cooperative funding.

(d) Location of the proposed project site shall be evaluated based on proximity to the majority of users, adequacy of access to the site, safety, linking similar existing facilities, and convenience to users.

(e) Projects that promote multiple season use for maximum year-round participation and multiple uses or users shall be encouraged.

(f) Planning, design, and projects for the Trails and Pathways Program shall be evaluated to encourage:

(1) Innovative or unique design features that enhance the environment and recreation opportunities.

(2) Linking access to natural, scenic, historic, or recreational areas of statewide significance.

(3) Minimizing adverse effects on wildlife, natural areas, and adjacent landowners.

(4) Harmony with existing and planned land uses.

(5) Master Planning.

KEY: recreation, fiscal, assistance

Date of Enactment or Last Substantive Amendment: [~~December 22, 2008~~]**2019**

Notice of Continuation: March 23, 2017

Authorizing, and Implemented or Interpreted Law: [~~63-Ha-504~~]**41-22-1**

**Natural Resources, Parks and
Recreation
R651-406**

Off-Highway Vehicle Registration Fees

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 43415

FILED: 11/28/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2018 General Session, H.B. 143 was passed which provides a shift in funding directed towards the Off-Highway Vehicle (OHV) Restricted Account. H.B. 143 directs the additional funding, from registration fee restructuring, to be allocated for motorized vehicle opportunities with county, state, and federal agencies, and non-profit OHV club/organizations, which is distributed through a fiscal assistance grant process. The state of Utah does not benefit from the change.

SUMMARY OF THE RULE OR CHANGE: Annual OHV registration fees are currently set at \$18 per off-highway motorcycle, and Type I and Type II OHVs (this fee also includes those that are street legal) OHV owners must also pay an age-based fee in lieu of property tax assessment to their county of residence prior to registering an OHV. The additional funding provided from the passage of H.B. 143 (2018) with the increase to \$35 will be utilized, through a fiscal assistance grant process, for items identified within Subsections 41-22-19(1)(a) and (b). In addition, this updated rule would meet the requirements set forth in H.B. 143 (2018).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-22-8

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule is being updated due to H.B. 143 (2018). H.B. 143 (2018) mandates an increase of \$17 for registration fees of OHVs and a maximum of \$72 for street legal vehicles, which is actually a decrease from the current amount of \$80.50. The Division of Parks and Recreation receives only the amount of \$18 from both the OHV registration and the street legal all-terrain registrations currently. The \$35 registration fee will go into effect on January 1, 2019. However, the fees collected are then reallocated in the form of fiscal assistance grants, so there is no benefit or cost to state government because the money would be distributed to local governments, small businesses, and non-small businesses which include non-profit organizations through that grant process.

♦ **LOCAL GOVERNMENTS:** Savings to local governments could occur because a local government may apply and be awarded a fiscal assistance grant to maintain OHV trails or OHV trail related infrastructure. The savings are inestimable because it is not known if they would apply or receive a fiscal assistance grant.

♦ **SMALL BUSINESSES:** Savings to the small businesses could occur if they apply and receive a grant, if they are partnering with a local government agency. The savings are inestimable because it is not known if they would apply or receive a fiscal assistance grant.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The current registration fee for an OHV is \$18. The current registration fee for a street legal all-terrain vehicle is currently \$80.50. Due to H.B. 143 (2018), the new registration fee will increase to \$35 for OHVs and will go into effect on January 1, 2019, which results in an increase of \$17 to the OHV owner. The registration fee for the street legal all-terrain owner could result in a decrease of \$8.50. There are approximately 202,000 total registered owners. Of that total, 176,000 are registered as OHVs. The remaining 26,000 are registered as street legal all-terrain vehicles. The total fee increase for OHV owners could be \$2,992,000 for fiscal years 2020 and 2021. The total decrease for street legal all-terrain vehicle owners could be \$221,000 for fiscal years 2020 and 2021. The total amount for the increase for OHV owners for fiscal year 2019, is \$1,496,000. Since the law goes into effect on January 1, 2019, half way through the fiscal year, the amount is decreased by 50%. The same applies to the decrease (savings) for the street legal all-terrain vehicle owners for fiscal year 2019. The amount of \$221,000 is decreased by \$110,500.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There could be an increase in compliance costs for affected persons if they choose to register and/or their OHVs and street legal all-terrain vehicles. The numbers are approximate based on 2017 registration numbers from the Department of Motor Vehicles. The current registration fee for an OHV is \$18. The current registration fee for a street legal all-terrain vehicle is

currently \$80.50. Due to H.B. 143 (2018), the new registration fee will increase to \$35 for OHVs and will go into effect on January 1, 2019, which results in an increase of \$17 to the OHV owner. The registration fee for the street legal all-terrain owner could result in a decrease of \$8.50. There are approximately 202,000 total registered owners. Of that total, 176,000 are registered as OHVs. The remaining 26,000 are registered as street legal all-terrain vehicles. The total fee increase for OHV owners could be \$2,992,000 for fiscal years 2020 and 2021. The total decrease for street legal all-terrain vehicle owners could be \$221,000 for fiscal years 2020 and 2021. The total amount for the increase for OHV owners for fiscal year 2019, is \$1,496,000. Since the law goes into effect on January 1, 2019, half way through the fiscal year, the amount is decreased by 50%. The same applies to the decrease (savings) for the street legal all-terrain vehicle owners for fiscal year 2019. The amount of \$221,000 is decreased by \$110,500.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No expected impact on businesses.

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

NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Jeff Rasmussen, Acting 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	\$1,496,000	\$2,992,000	\$2,992,000

Total Fiscal Costs:	\$1,496,000	\$2,992,000	\$2,992,000
Fiscal Benefits			
State Government	\$0.00	\$0.00	\$0.00
Local Government	\$0.00	\$0.00	\$0.00
Small Businesses	\$0.00	\$0.00	\$0.00
Non-Small Businesses	\$0.00	\$0.00	\$0.00
Other Persons	\$110,500	\$221,000	\$221,000
Total Fiscal Benefits:	\$110,500	\$221,000	\$221,000
Net Fiscal Benefits:	-\$1,385,500	-\$2,771,000	-\$2,771,000

*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
 These proposed amendments to Rule R651-406 are not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because there are no services required from them in order to implement the rule.

The head of the Department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R651. Natural Resources, Parks and Recreation.

R651-406. Off-Highway Vehicle Registration Fees.

R651-406-1. Annual Registration Fee.

(1) The annual All-terrain Vehicle and off-highway motorcycle registration fee is [~~\$18~~]**\$35**. The annual snowmobile registration fee is \$22. The annual street-legal all-terrain fee is \$72.

(2) An annual fee of \$2 shall be collected to fund the off-highway vehicle safety and education program in addition to each off-highway vehicle registration.

R651-406-2. Fee For Duplicate Registration.

The fee for a duplicate certificate of registration is \$3.

R651-406-3. Fee For Duplicate Numbered Stickers.

The fee for duplicate numbered stickers is \$5.

KEY: off-highway vehicles

Date of Enactment or Last Substantive Amendment: [~~February 21, 2018~~]2019****

Notice of Continuation: January 7, 2016
Authorizing, and Implemented or Interpreted Law: 41-22-8

Natural Resources, Wildlife Resources **R657-11** Taking Furbearers and Trapping

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 43414
 FILED: 11/28/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule: 1) set the criteria for allowing another person to check and remove wildlife from traps; 2) add language acknowledging that the take of coyotes and raccoons is regulated by Utah Department of Agriculture and Food; 3) clarify who may legally euthanize a bobcat caught in a trapping device; and 4) clarify that owners of domestic pets caught in a trapping device may only disturb the device to remove their pet.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** These amendments only clarify processes already in rule. Therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR,s budget, since the changes will not increase workload and the increase in revenue will be minimal.
- ◆ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by these amendment. Nor are local governments indirectly impacted because these amendments do not create a situation requiring services from local governments.
- ◆ **SMALL BUSINESSES:** These amendments clarify language already in rule, and therefore will not generate a cost savings or impact to small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments clarify language already in rule, and therefore will not generate a cost savings or impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments clarify language already in rule and do not add

additional requirements to trap in Utah. Therefore, DWR has determined that there is no additional compliance costs associated with these amendments.

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 proposed rule amendments will not result in a fiscal impact to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Mike Fowlks, 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 above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

These proposed rule changes to Rule R657-11 are not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.**R657-11. Taking Furbearers and Trapping.****R657-11-1. Purpose and Authority.**

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

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

(3) Take of coyotes and raccoons is regulated by the Department of Agriculture and Food pursuant to Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act. The division, through the Wildlife Board, is charged in Sections 23-14-1 and 23-14-18 to conserve protected wildlife and establish regulations considered necessary to accomplish that directive, including regulating the means by which protected wildlife may be taken. The trapping device use regulations in this rule concerning coyotes and raccoons are intended solely to minimize take of nontargeted protected wildlife, maximize potential for successful release of nontargeted protected wildlife, detect illegal trap sets targeting protected wildlife, and protect compliant trappers from criminal liability otherwise applicable to taking nontargeted protected wildlife in a trapping device.

R657-11-5. Tagging Bobcats.

(1)(a) Only a person who possesses a valid bobcat tag issued in their name and who is present upon discovery of a bobcat in their marked trapping device or the device of another under R657-11-9(6) may euthanize the animal.

(b) The person who euthanizes a bobcat caught in a trapping device is required to attach their bobcat tag to the carcass, as provided below.

(2) The pelt or unskinned carcass of any bobcat must be tagged in accordance with Section 23-20-30.

(2)3 The tag must remain with the pelt or unskinned carcass until a permanent tag has been affixed.

(3)4 Possession of an untagged green pelt or unskinned carcass is prima facie evidence of unlawful taking and possession.

(4)5 The lower jaw of each bobcat taken must be removed and tagged with the numbered jaw tag corresponding to the number of the temporary possession tag affixed to the hide.

R657-11-9. Trapping Devices.

(1) Any foothold traps used to take a furbearer, coyote, or raccoon must have spacers on the jaws which leave an opening of at least 3/16 of an inch when the jaws are closed, except;

- (a) rubber-padded jaw traps,
- (b) traps with jaw spreads less than 4.25 inches, and
- (c) traps that are completely submerged under water when set.

(2)(a) Any cable devices (i.e snares), used to take a furbearer, coyote, or raccoon, except those set in water or with a loop size less than 3 inches in diameter, must be equipped with a breakaway lock device that will release when any force greater than 300 lbs. is applied to the loop.

(b) Breakaway cable devices must be fastened to an immovable object solidly secured to the ground.

(c) The use of drags is prohibited.

(3) On the middle section of the Provo River, between Jordanelle Dam and Deer Creek Reservoir, the Green River, between Flaming Gorge Dam and the Utah Colorado state line; the Colorado River, between the Utah Colorado state line and Lake Powell; and the Escalante River, between Escalante and Lake Powell, trapping for a furbearer, coyote, or raccoon within 600 yards of either side of these rivers, including their tributaries from the confluences upstream 1/2 mile, is restricted to the following devices:

(a) Nonlethal-set foot hold traps with a jaw spread less than 5 1/8 inches, and nonlethal-set padded foot hold traps. Drowning sets with these traps are prohibited.

(b) Body-gripping, killing-type traps with body-gripping area less than 30 square inches.

(c) Nonlethal dry land cable devices equipped with a stop-lock device that prevents it from closing to less than a six-inch diameter.

(d) Size 330, body-gripping, killing-type traps modified by replacing the standard V-trigger assembly with one top side parallel trigger assembly, with the trigger placed within one inch of the side, or butted against the vertical turn in the Canadian bend.

(4) A person may not disturb or remove any trapping device, except:

- (a) the owner of the trapping device;
- (b) peace officers in the performance of their duties;
- (c) the landowner where the trapping device is set;
- (d) the owner of a domestic pet [is-]caught in the device

may disturb the device to remove the domestic pet; or.

(e) as provided in Subsection (6).

(5) A person may not kill or remove wildlife caught in any trapping device, except:

(a) the owner of the trapping device who possesses the permit, license, tag, or legal authorization required for the species that is captured;

(b) a peace officer in the performance of their duties;

(c) as provided in Subsection (6); or

(d) as provided in R657-11-11.

(6)(a) A person, other than the owner, may [temporarily-] possess, set, disturb or remove a trapping device; or temporarily possess, kill or remove wildlife caught in a trapping device provided:

(i) the trapping device is appropriately marked with the owner's trap registration number;

(ii) the person possesses a valid [trap registration license,-] furbearer license[-] and appropriate permits or tags when working with furbearer sets;[-and]

(iii) the person's trap registration license or furbearer license are neither denied nor suspended; and

(iv) the person has obtained written authorization from the owner of the trapping device [stating]with the following information printed on the authorization in permanent ink:

(A) date written authorization was obtained;
 (B) name~~[and]~~, address, and phone number of the owner;

(C) owner's trap registration number;
 (D) the name of the individual being given authorization;
 and

(E) signature of owner.
 (b) Nothing in Subsection (6)(a) authorizes a person to use the owner's trap registration license, furbearer license, permit or tag.

(7) The owner of any trapping device providing written authorization to another person under Subsection (6) ~~[shall] may~~ be ~~[strictly] criminally liable and civilly responsible under Section 23-19-9~~ for any violations of Title 23, this rule, or applicable guidebooks resulting from the use of the trapping device by the authorized person.

(8) The owner of any trapping device providing written authorization to another person under Subsection (6) must keep a record of all persons obtaining written authorization and furnish a copy of the record upon request from a conservation officer.

(9)(a) A person may not set any trapping device on posted private property without the landowner's or lessee's written permission.

(b) Wildlife officers should be informed as soon as possible of any illegally set trapping devices.

(10) Peace officers in the performance of their duties may seize all trapping devices and wildlife used or held in violation of this rule.

(11) Except as provided in Subsection (6), a person may not possess any trapping device that is not permanently marked or tagged with that person's trap registration number while setting, checking, or moving a trapping device targeting a furbearer, coyote, or raccoon.

(12) All trapping devices used to take a furbearer, coyote, or raccoon must be checked and animals removed at least once every 48 hours, except;

- (a) killing traps striking dorso-ventrally;
- (b) drowning sets; and
- (c) lethal cable devices that are set to capture on the neck,

that have a nonrelaxing lock, without a stop, and are anchored to an immoveable object; which must be checked every 96 hours.

~~[(14)13]~~(a) A person may not ~~remove from a trapping device and thereafter~~ transport or possess;

~~_____~~ (i) live protected wildlife[-]; or
~~_____~~ (ii) a live coyote or raccoon in violation of Section 4-23-111.

~~_____~~ (b) Any live animal found in a trapping device must be ~~killed or~~;

~~_____~~ (i) euthanized and removed from the device by the trapper within the 48-hour trap check period in R657-11-9(12); or
~~_____~~ (ii) released immediately by the trapper unharmed.

~~[(15)14]~~ The trapping restrictions in Subsections (1), (2), and (3) do not apply to a trapping device set within 600 feet of a building or structure occupied or utilized by humans or domestic livestock, provided the trapping device is set:

- (a) to capture a coyote or raccoon; and
- (b) with the landowner's or lessee's permission.

R657-11-11. Accidental Trapping.

(1)(a) Any protected wildlife accidentally caught in a trapping device that is alive must be immediately released unharmed by a person authorized in R657-11-9(5) and (6).

(b) All incidents of accidental trapping of protected wildlife must be reported to the division within 48 hours.

(2)(a) Permission must be obtained from a division representative to remove from a trapping device the carcass of any protected wildlife accidentally caught.

(b) The carcass remains the property of the state and must be turned over to the division.

(3) Black-footed ferret, lynx and wolf are protected species under the Endangered Species Act. Accidental trapping or capture of any federally protected species must be immediately reported to both the U.S. Fish and Wildlife Service and the division.

(4) A person that captures or kills an unauthorized species of protected wildlife in a trapping device is not criminally liable under state law for that take, provided the person:

(a) was not attempting to take the unauthorized species;

(b) possesses a valid trap registration license or a valid written authorization from the owner of the trapping device as provided in R657-11-9(6);

(c) possesses the licenses, permits and tags required to trap the targeted wildlife species; and

(d) otherwise complies with the provisions of the Wildlife Code, this rule, and guidebooks applicable to trapping the targeted wildlife species.

KEY: wildlife, furbearers, game laws, wildlife law

Date of Enactment or Last Substantive Amendment:
~~[November 25, 2017]2019~~

Notice of Continuation: July 13, 2015

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-17

Natural Resources, Wildlife Resources

R657-13

Taking Fish and Crayfish

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 43420
 FILED: 11/30/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: These rule revisions amend language concerning Flaming Gorge

Reservoir (Gorge) and put rule language in line with the Memorandum of Understanding signed with the state of Wyoming.

1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: DWR has determined that these amendments could create a loss in revenue for DWR. On average, since 2015, 440 reciprocal stamps have been sold to non-Wyoming nonresidents annually for the Gorge. Assuming that all of these reciprocal stamp purchasers simply stopped fishing the Gorge as a result of these changes, loss of these sales would equate to a \$4,400 decline in revenue. However, if all purchasers of reciprocal stamps ended up purchasing a nonresident license instead, the net gain in revenue (i.e., the new revenue accrued by selling a nonresident license minus the revenue lost from the loss of reciprocal license sales) could result in anywhere from \$6,151 to \$28,557. The \$6,151 figure assumes all sales would be for 3-day (\$24) licenses and the \$28,557 figure assumes all sales would be for 365-day (\$75) nonresident licenses. The true outcome will, of course, lie somewhere in between the estimated net loss and net gains outlined above.

◆ LOCAL GOVERNMENTS: These amendments are not expected to have any impact on local governments' revenues or expenditures because the permit fees no longer being collected for reciprocal permits are not local funds.

◆ SMALL BUSINESSES: These amendments are not expected to have any impact on small businesses' revenues or expenditures because the permit fees being collected for additional non-resident permits do not directly affect small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These amendments add the requirement to purchase a non-resident license to fish on the Gorge from both Utah and Wyoming for those anglers who are not residents of either state. Each non-resident angler would incur the additional cost of two non-resident licenses to fish the entire reservoir. It is impossible to estimate how many non-resident anglers may be interested in fishing the entire reservoir each year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments could create a cost impact to non-resident individuals who participate in fishing at the Gorge and are not residents of either Wyoming or Utah.

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 proposed rule amendments will not result in a fiscal impact to businesses.

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

NATURAL RESOURCES
WILDLIFE RESOURCES

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Mike Fowlks, 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		\$6,151 -28,557	\$6,151 -28,557	\$6,151 -28,557
Total Fiscal Costs:		\$6,151 -28,557	\$6,151 -28,557	\$6,151 -28,557
Fiscal Benefits				
State Government		\$6,151 -28,557	\$6,151 -28,557	\$6,151 -28,557
Local Government		\$0	\$0	\$0
Small Businesses		\$0	\$0	\$0
Non-Small Businesses		\$0	\$0	\$0
Other Persons		\$0	\$0	\$0
Total Fiscal Benefits:		\$61,51 -28,557	\$6,151 -28,557	\$6,151 -28,557
Net Benefits:	Fiscal	\$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
 These rule changes are not expected to have any fiscal impact on non-small businesses' revenues or expenditures, because they currently do not benefit from the sale of fishing licenses. Any increase or decrease in license sales is not applicable to any private business large or small.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-1. Purpose and Authority.

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

(2) Specific dates, areas, methods of take, requirements and other administrative details which may change annually and are pertinent are published in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-5. Interstate Waters and Reciprocal Fishing Permits.

(1) When fishing interstate waters, an individual must:

(a) obtain the necessary fishing licenses and permits, as provided below; and

(b) comply with angling regulations applicable to the state where they are fishing.

(2) Bear Lake.

(a) A person possessing a valid Utah or Idaho fishing or combination license, whether resident or nonresident, may fish both the Utah and Idaho portions of the Lake in accordance with the angling regulations applicable to the state where they are fishing.

(b) Only one daily limit may be taken in a single day, even if licensed in both states.

(3) Lake Powell Reservoir.

(a) A person possessing a valid Utah or Arizona fishing or combination license, whether resident or nonresident, may fish both the Utah and Arizona portions of the Reservoir in accordance with the angling regulations applicable to the state where they are fishing.

(b) Only one daily limit may be taken in a single day, even if licensed in both states.

(4) Flaming Gorge Reservoir.

(a)(i) A Utah resident possessing a valid Utah fishing or combination license and a Wyoming reciprocal fishing permit for Flaming Gorge Reservoir may fish the Wyoming portions of the Reservoir as prescribed in Wyoming angling regulations.

(i)ii) Utah residents may obtain reciprocal fishing permits for Flaming Gorge Reservoir by contacting the Wyoming Game and Fish Department.

(b)(i) A ~~[person]~~ Wyoming resident possessing a ~~[valid, resident or nonresident, Wyoming]~~ valid Wyoming fishing or combination license and a Utah reciprocal fishing permit for Flaming Gorge Reservoir may fish the Utah portions of the Reservoir as prescribed in Utah angling regulations.

(i)ii) A Utah reciprocal fishing permit for Flaming Gorge Reservoir may be obtained through the division's web site, authorized license agents, or regional offices.

(i)iii) The Utah reciprocal fishing permit must be:

(A) used in conjunction with a valid ~~[Resident or nonresident]~~ resident Wyoming fishing or combination license; and

(B) signed by the holder as the holder's name appears on the Wyoming fishing or combination license.

(e)iv) A Utah reciprocal fishing permit is valid for 365 days from the date of purchase.

(d)c) Only one daily limit may be taken in a single day, even if licensed in both states.

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: ~~[2018]~~2019

Notice of Continuation: September 28, 2017

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3

**Public Safety, Administration
 R698-5**

**State Hazardous Chemical Emergency
 Response Commission Advisory
 Committee**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43418

FILED: 11/28/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add members to the State Hazardous Chemical Emergency Response Commission (SERC) Advisory Committee, update the term limits of the elected chair and vice-chair, and include term limit of the past chair. In addition, some changes are made to clarify the name of the advisory committee.

SUMMARY OF THE RULE OR CHANGE: The Advisory Committee voted to add a member of the Utah Highway Patrol (UHP) and a member of the Utah Department of Transportation (UDOT), and to modify the structure of term limits of chair, vice-chair, and past chair. The definition under Subsection R698-5-3(1) has been removed due to the fact that it was a duplication. The definition under Subsection R698-5-3(4) in the revised draft is accurate. In addition, the areas of the rule that included the term "Advisory Committee" have been changed to "SERC Advisory Committee" for consistency.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-2a-702

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state budget will be affected with a direct fiscal benefit as this is the party that will be affected by the addition of the proposed personnel, as well as the continuity of board members term limits. The benefit comes from savings from reducing annual costs of training new board members in their new responsibilities and hazardous materials. A direct fiscal cost has the potential to occur due to the persons representing the UHP and UDOT, as they commit their time to participating on the SERC Advisory Committee. The direct cost would estimate to be \$800 annually for UHP and UDOT. However, this cost is already been budgeted by each agency within the individual's salary and benefits.

◆ **LOCAL GOVERNMENTS:** Local governments could potentially experience an indirect fiscal cost due to attendance requirements of the urban and rural representatives from local governments. Specifically, the cost would be their time and travel expenses, estimated to be approximately \$420 annually. A direct fiscal cost has the potential to occur due to the persons representing urban and rural communities, as they commit their time to participating on the SERC Advisory Committee. However, this cost is already been budgeted by each agency within the individual's salary and benefits.

◆ **SMALL BUSINESSES:** Small businesses would experience an indirect fiscal benefit, as they will receive further guidance and support with no fiscal cost from their Local Emergency Planning Committee (LEPC) which is overseen by SERC. The SERC Advisory Committee meetings are open meetings and by adding these subject matter experts on the board, small businesses may come and discuss their concerns relating to hazardous materials. Many times there are questions that directly involve the UHP and UDOT. In the past, those questions have not been able to be answered, therefore creating additional costs of having small business owners having to seek additional support or advice through additional meetings and forums.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Through increasing subject matter experts on the SERC Advisory Committee, persons other than small businesses, businesses, or local government entities would receive an indirect fiscal benefit. The SERC Advisory Committee establishes policy and implementation on hazardous materials reporting and storing, and community involvement. The policy is implemented on the local community level, where all citizens can be informed and educated on hazardous materials within their community. The indirect benefit cannot be calculated because the data is unavailable and the costs to determine this information would be too expensive.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to the increased involvement and input from subject

matter experts that will be represented from the UHP and the UDOT, non-small businesses will receive an indirect fiscal benefit. The benefit will come from having a more comprehensive guidance from the State Hazardous Chemical Emergency Response Commission, therefore increasing community safety and awareness. Additionally, adding a term year to the position of past-chair, will provide an indirect fiscal benefit, due to increased continuity of the SERC Advisory Committee and its mission. The benefit cannot be calculated because the data to calculate this information is not available and would be expensive to determine. The head of the Department of Public Safety, Jess Anderson, has reviewed and approved this fiscal analysis.

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

PUBLIC SAFETY
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 1ST FLR
SALT LAKE CITY, UT 84119-5994
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 Behunin by phone at 801-538-3426, by FAX at 801-538-3770, or by Internet E-mail at tarabehunin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/23/2019

AUTHORIZED BY: Jess Anderson, Commissioner

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$800	\$800	\$800
Local Government	\$420	\$420	\$420
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$1,220	\$1,220	\$1,220
Fiscal Benefits			

State Government	\$1,600	\$1,600	\$1,600
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits:	\$1,600	\$0	\$0
Net Fiscal Benefits:	\$380	\$380	\$380

*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

Due to the increased involvement and input from subject matter experts that will be represented from the Utah Highway Patrol and the Utah Department of Transportation, non-small businesses will receive an indirect fiscal benefit. The benefit will come from having a more comprehensive guidance from the State Hazardous Chemical Emergency Response Commission (SERC), therefore increasing community safety and awareness. Additionally, adding a term year to the position of past-chair, will provide an indirect fiscal benefit, due to increased continuity of the SERC Advisory and its mission. The benefit cannot be calculated because the data to calculate this information, is not available and would be expensive to determine.

The head of department of Public Safety, Jess Anderson, has reviewed and approved this fiscal analysis.

R698. Public Safety, Administration.

R698-5. State Hazardous Chemical Emergency Response Commission Advisory Committee.

R698-5-1. Purpose.

This rule provides the procedures for establishing a state hazardous chemical emergency response commission advisory committee, the creation, modification or dissolving of local emergency planning committees, and supervising the overall planning and direction of the local emergency planning committees.

R698-5-2. Authority.

This rule is required by Subsection 53-2a-702(2).

R698-5-3. Definitions.

~~(1) "Advisory Committee" means State Emergency Response Commission Advisory Committee.~~

~~(2)(1) "EPCRA" means Emergency Planning and Community Right-to-Know Act of 1986.~~

~~(3)(2) "LEPC" means Local Emergency Planning Committee.~~

~~(4)(3) "SERC" means State Hazardous Chemical Emergency Response Commission.~~

~~(5)(4) "SERC Advisory Committee" means State Hazardous Chemical Emergency Response Commission Advisory Committee.~~

~~(6)(5) "Tier II chemical inventory report" means a report required to be submitted to the LEPC under Section 312 of the Emergency Planning and Community Right-to-Know Act, which was enacted as Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 42 U.S.C. Section 11022.~~

R698-5-4. State Hazardous Chemical Emergency Response Commission Advisory Committee.

(1) There is created by the Department of Public Safety, the State Hazardous Chemical Emergency Response Commission Advisory Committee.

(2) The SERC Advisory Committee's duties are to provide direction to the SERC in the following matters:

(a) the creation, modification or dissolving of local emergency planning committees;

(b) methods and procedures to improve the effectiveness of the LEPC;

(c) the review of LEPC hazardous materials emergency response plans;

(d) the development of procedures for collection, processing, use and public access to information submitted as required by EPCRA;

(e) procedures for the distribution of funding to each LEPC obtained through the US Department of Transportation Hazardous Materials Emergency Preparedness Grant;

(f) hazardous materials emergency response planning efforts; and,

(g) the review of the State Emergency Operations Plan, Emergency Support Function 10 -- Hazardous Materials Annex.

(3) The SERC Advisory Committee's members shall be appointed by the SERC, shall serve four year terms, and shall consist of the following members:

(a) A member representing the hazardous chemical transportation industry.

(b) Two members representing fixed site regulated industries.

(c) A member representing the environmental cleanup contractors.

(d) A member representing the local health departments.

(e) A member representing the urban LEPC.

(f) A member representing the rural LEPC.

(g) A member representing the Hazardous Materials Advisory Council.

(h) A member representing established environmental interest groups.

(i) A member representing the Utah National Guard.

(j) A member representing the Utah Highway Patrol.

~~(k) A member representing the Utah Department of Transportation.~~

~~(l) Two members from the general public.~~

(4) The SERC Advisory Committee shall meet quarterly or as directed, and a majority of the members shall be present to constitute a quorum.

(5)(a) The SERC Advisory Committee shall select one of its members to act in the position of chair, and another member to act as vice chair.

~~[(b) The chair and vice chair shall serve one year terms on a calendar-year basis.~~

~~_____ (e)](b) Elections for chair and vice chair shall occur every two years at the meeting conducted in the [first]fourth quarter of [each]the calendar year.~~

~~[(d) If voted upon by the Advisory Committee, the vice chair will become the chair the next succeeding calendar year.]~~

~~_____ (c) The chair and vice chair shall serve a two year term beginning in January following the election.~~

~~_____ (d) The past chair shall continue to serve on the SERC Advisory Committee for a two year term.~~

(6) If a[n] SERC Advisory Committee member has two or more unexcused absences during a 12 month period, from regularly scheduled meetings, it is considered grounds for dismissal pending review by the SERC.

(7) A member of the SERC Advisory Committee that cannot be in attendance may:

(a) have a representative of their respective organization attend and vote by proxy for that member; or

(b) have another SERC Advisory Committee member vote by proxy, if submitted and approved by the chair prior to the meeting.

(8)(a) The chair or vice chair of the SERC Advisory Committee shall report to the SERC the activities of the SERC Advisory Committee at regularly scheduled SERC meetings; or

(b) a member of the SERC Advisory Committee may report to the SERC the activities of the SERC Advisory Committee in the absence of the Chair or Vice Chair.

(9) The SERC Advisory Committee shall:

(a) consider all subjects presented to them;

(b) consider subjects assigned to them by the SERC; and

(c) report their recommendations to the SERC at scheduled SERC meetings.

(10) One-half of the members of the SERC Advisory Committee shall be reappointed or replaced by the SERC every two years.

(11) When a vacancy occurs in the SERC Advisory Committee, a replacement shall be appointed by the SERC to complete the remainder of the term.

R698-5-5. Local Emergency Planning Committee.

(1) The creation, modification or dissolution of an LEPC shall be approved by the SERC.

(2) A jurisdiction requesting the formation of an LEPC shall provide the following information to the SERC Advisory Committee:

(a) a plan for coordinating the proposed additional LEPC with the county LEPC and/or any other city formed LEPC in that county.

(b) an assessment of the jurisdiction's population and hazardous materials risk, to include but not limited to fixed facilities, rail, highways, and hazardous material pipelines; and

(c) A determination of how that agency, if allowed to form an LEPC, would meet all federal LEPC standards as identified in 42 USC Chapter 116.

(3) By July 1 of each year LEPCs shall submit the following information to the Utah Department of Public Safety, Division of Emergency Management, contact information for the LEPC:

(a) chair;

(b) co-chairs;

(c) vice-chairs; and

(d) members employed by a local government organization designated to receive tier II chemical inventory reports.

(4) An LEPC wishing to dissolve shall submit the following to the SERC Advisory Committee:

(a) reasons why the dissolution is in the best interest of the public served by the LEPC;

(b) a formal agreement with another LEPC addressing:

(i) the assumption of LEPC duties identified in 42 U.S.C. Chapter 116;

(ii) the transfer of remaining LEPC operational funds; and

(iii) the assumption of outstanding LEPC financial obligations; and

(c) a plan to notify facilities located within the jurisdiction of the dissolving LEPC who submitted chemical inventory or chemical emergency planning information to the LEPC within the previous year, providing notice of the LEPC dissolution and providing the name and mailing address of the LEPC assuming the dissolving LEPC duties.

(5) The SERC Advisory Committee shall evaluate information submitted in accordance with Subsections R698-5-4(2) through R698-5-4(4) and shall make a recommendation to the SERC concerning LEPC creation, modification or dissolution.

(6) The SERC shall consider the following in its decision to approve or disapprove the formation, modification or dissolution of an LEPC:

(a) the recommendation of the SERC Advisory Committee;

(b) all information submitted to the SERC Advisory Committee; and

(c) the comments of directly affected LEPCs.

(7) The LEPC shall coordinate its overall planning and direction with the SERC.

(i) The SERC shall supervise the overall planning and direction of the LEPC.

(8) The LEPC shall submit a copy of their hazardous materials emergency response plan to the SERC for review.

(9) The SERC shall approve the amount of US Department of Transportation Hazardous Materials Emergency Preparedness Grant funding to be given to each LEPC and shall establish criteria for that funding to be awarded.

R698-5-6. Adjudicative Proceedings.

(1) All adjudicative proceedings performed by the SERC shall proceed informally as authorized by Sections 63G-4-201 through 63G-4-203.

(2) An agency whose request to create, modify or dissolve an LEPC is denied by the SERC shall have an opportunity for a hearing before the SERC if requested by that agency within 20 days after receiving notice.

~~[(4)](3) The SERC shall act as the hearing authority, and shall convene after timely notice to all parties involved.~~

(a) The members of the SERC acting as the hearing authority shall consist of:

(i) the Commissioner of the Department of Public Safety; and

(ii) the Executive Director of the Department of Environmental Quality.

(b) The SERC shall also be joined when acting as the hearing authority by a representative from the Attorney General's Office.

[(5)](4) After acting as the hearing authority, the SERC shall direct the secretary to issue a signed order to the agency involved giving the decision of the SERC within a reasonable time of the hearing pursuant to Section 63G-4-203.

[(6)](5) Reconsideration of the SERC decision may be requested in writing within 20 days of the date of the decision pursuant to Section 63G-4-302.

[(7)](6) Judicial review of all final SERC actions resulting from informal adjudicative proceedings shall be conducted pursuant to Section 63G-4-402.

KEY: state emergency response commission, hazardous materials, SERC

Date of Enactment or Last Substantive Amendment: [December 6, 2016]2019

Notice of Continuation: August 14, 2014

Authorizing, and Implemented or Interpreted Law: 53-2a-702

**Regents (Board of), Administration
R765-615
Talent Development Incentive Loan
Program**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 43405

FILED: 11/20/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish the criteria and process for awarding incentive loans from the Talent Development Incentive Loan Program (Program) under Section 53B-10-2.

SUMMARY OF THE RULE OR CHANGE: The Program provides a loan to students who are pursuing a qualifying degree for a qualifying job, and intends to work in a qualifying job in Utah. The Governor's Office of Economic Development will determine which jobs are qualifying and the qualifying degrees for each. Institutions may forgive the students' loans based on how long the students work in qualifying jobs. The Legislature directed the Board of Regents (Board) to oversee the application process and general administration of the Program, including a process for appropriately dividing funding among the institutions. This policy establishes the operating procedures for this Program directed by the Legislature.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-10-2

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Legislature appropriated \$2,500,000 ongoing during the 2018 General Session to fund this Program. The Board of Regents will distribute the funds to the eight institutions of higher education who will receive applications and issue the loan funds to students who are deemed eligible. Use of the appropriated funds will depend on the number of eligible students who apply for and receive the incentive loans. The rate of loan repayment and loan forgiveness will also impact the available funds moving forward, but estimating the total use of the funds is difficult given the novelty of the program. The Board will disperse the funds to the institutions, who may use up to five percent for administrative costs. Because this is legislatively funded, there is no negative impact on the institutions' current operating budgets.

♦ **LOCAL GOVERNMENTS:** This rule does not impact local governments. The program is administered by the Utah System of Higher Education (USHE) institutions and benefits USHE students.

♦ **SMALL BUSINESSES:** Businesses may partner with the Board to supplement the legislative appropriation, but that is strictly voluntary and not required under the statute or this administrative rule. Therefore, there is no cost to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Individual students who qualify for the incentive loan will benefit by receiving interest free loan funds that can be forgiven over time provided the student receives a qualifying degree and works in a qualifying job as defined by this rule. Loan amounts will vary from institution to institution and will depend on the major in which the eligible students are seeking a degree. Schools may loan an amount up to the cost of in-state tuition, books, and fees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Board and USHE institutions will incur administrative costs to comply with this rule. Because this Program is new, it is difficult to determine the actual costs, but the legislative appropriation provides up to five percent of the appropriated amount to be used for administrative costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not have a negative fiscal impact on businesses. Indirectly, businesses in Utah will benefit by having a deeper talent pool of USHE graduates who have obtained degrees that match high demand, high paying jobs.

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

REGENTS (BOARD OF)
ADMINISTRATION
BOARD OF REGENTS BUILDING, THE GATEWAY
60 SOUTH 400 WEST
SALT LAKE CITY, UT 84101-1284
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Geoff Landward by phone at 801-321-7136, or by Internet E-mail at glandward@ushe.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 01/16/2019

THIS RULE MAY BECOME EFFECTIVE ON: 01/25/2019

AUTHORIZED BY: Dave Buhler, Commissioner of Higher Education

The Commissioner of Higher Education, David Butler, has reviewed and approved this fiscal analysis.

R765. Regents (Board of), Administration.

R765-615. Talent Development Incentive Loan Program.

R765-615-1. Purpose.

To establish the criteria and process for awarding incentive loans from the Talent Development Incentive Loan Program under Title 53B, Chapter 10, Part 2, Talent Ready Incentive Loan Program.

R765-615-2. References.

2.1. Title 53B, Chapter 10, Part 2, Talent Ready Incentive Loan Program.

R765-615-3. Definitions.

3.1. "Full-time student" means a student who is enrolled in a minimum of 12 credit hours.

3.2. "GOED" means the Governor's Office of Economic Development created in Section 63N-1-201.

3.3. "Incentive loan" means an incentive loan awarded by an institution to a full-time student who has met the eligibility criteria as established by the Board of Regents.

3.4. "Qualifying degree" means an associate's or a bachelor's degree that qualifies an individual to work in a qualifying job.

3.5. "Qualifying job" means a job described in Section 6.2 for which an individual may receive an incentive loan.

R765-615-4. Appropriations.

The program is funded by appropriations from the Legislature made in accordance with Section 53B-10-201.

R765-615-5. Application Procedures.

5.1. The institutions shall develop an application that, at minimum, collects the following information:

5.1.1. The applicant's status as a full-time or part-time student.

5.1.2. The applicant's current enrollment or registered enrollment for and the upcoming semester if available.

5.1.3. A transcript demonstrating the applicant's completed course work.

5.1.4. A section for the applicant to formally declare his or her intent to pursue a qualifying degree and to work in a qualifying job, with a signature.

5.2. Institutions shall set application deadlines by which applicants must submit all required materials.

5.3. Institutions shall determine the most efficient method for issuing incentive loan funds and collect the necessary information for that purpose.

R765-615-6. Qualifying Criteria.

6.1. Applicants must meet the following criteria to qualify for an incentive loan:

6.1.1. The applicant must have completed at least two semesters of full-time equivalent course work if he or she is pursuing a bachelor's degree, or at least one semester of full-time equivalent course work if he or she is pursuing an associate degree.

6.1.2. The applicant is enrolled full-time.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$2,500,000	\$2,500,000	\$2,500,000
Local Government	\$0	\$0	0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$2,500,000	\$2,500,000	\$2,500,000
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	\$2,500,000	\$2,500,000	\$2,500,000
Total Fiscal Benefits:	\$2,500,000	\$2,500,000	\$2,500,000
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

This proposed rule is not expected to have any fiscal impact on non-small businesses' revenues or expenditures because the legislation that required this rule created an incentive loan program specifically for the public colleges and universities within the Utah system of higher education to be provided to eligible students within the system of higher education. Non-small businesses are neither impacted or directly benefit from the incentive loan program.

6.1.3. The applicant signs a declaration stating he or she is pursuing or will pursue a qualifying degree.

6.1.4. The applicant signs a declaration stating his or her intent to work in a qualifying job in Utah following graduation.

6.1.5. The applicant must provide the institution verification of registration for classes within the qualifying degree program before the institution may release the funds.

6.2. Every other academic year, the Governor's Office of Economic Development (GOED) shall select five jobs that have the highest demand for new employees and offer high wages. Beginning the August of that year, those five positions are designated as qualifying jobs for the purposes of this incentive loan program. When selecting the qualifying jobs, GOED shall ensure the jobs meet the following criteria:

6.2.1. Rank in the top 40 percent of jobs based on an employment index that considers job growth rates and total openings.

6.2.2. Rank in the top 40 percent for wages.

6.2.3. Requires an associate degree or a bachelor's degree.

6.3. In conjunction with selecting the qualifying jobs, GOED will identify and designate the bachelor's or associate degrees required to qualify for the five qualifying jobs.

R765-615-7. Loan Amounts.

7.1. Institutions may loan an amount up to the cost of resident tuition, books, and fees for their respective institutions.

7.2. Institutions may loan amounts up to the expected time for the recipient to complete the qualifying degree, as determined by the institution.

R765-615-8. Funding Distribution.

8.1. The Board will disburse appropriated funds to the institutions by calculating the three-year average of the qualifying degrees each institution awarded using the following assumptions:

8.1.1. Tuition and fees (not including books, differential, course, or program fees).

8.1.2. Full tuition and fee cost of associate degree students by institution for three semesters (requires 1 semester before applying).

8.1.3. Full tuition and fee cost of bachelor's degree students by institution for six semesters (requires 2 semesters before applying).

8.1.4. After year one, tuition and fees adjusted for inflation (five-year average of 3.5 percent).

R765-615-9. Loan Cancellation, Repayment, and Waiver.

9.1. For each year that a recipient works in a qualifying job in Utah following completion of a qualifying degree, the institution that awarded the incentive loan shall waive repayment of the amount of one year of the recipient's incentive loan.

9.2. An institution shall require a recipient to repay to the institution the full amount of an incentive loan if the recipient fails to:

9.2.1. Graduate with a qualifying degree within six years of initially receiving the incentive loan.

9.2.2. Work in a qualifying job in Utah within one year of completing a qualifying degree, or

9.2.3. Work in a qualifying job for fewer years than the number of years required to waive repayment of the full incentive loan.

9.3. Institutions may cancel an incentive loan if the recipient changes the degree he or she selected in the declaration at any time prior to graduation.

9.4. Institutions may waive repayment if a recipient has graduated with a qualifying degree within six years of receiving the loan, works in a non-qualifying job that the institution determines is reasonably related to the degree, and resides in Utah.

9.5. Institutions may delay repayment for reasonable, unforeseen circumstances that inhibits the recipient's ability to meet the requirements for loan payment waivers as described above.

9.6. Institutions may waive repayment for circumstances of prolonged financial hardship.

R765-615-10. General Administration.

10.1. Institutions may establish policies for administering this program that align with their existing practices and financial aid programs.

KEY: higher education, loans, talent ready, incentives

Date of Enactment or Last Substantive Amendment: 2019

Authorizing, and Implemented or Interpreted Law: 53B-10-201

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends January 16, 2019.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through April 14, 2019, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

**Human Services, Substance Abuse
and Mental Health
R523-5
Peer Support Specialist Training and
Certification**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 43141
FILED: 11/16/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Governor's Office requested that the Division of Substance Abuse and Mental Health (Division) make this rule clearer to the reader.

SUMMARY OF THE RULE OR CHANGE: The changes are: 1) a section citation has been corrected; 2) CEUs have been clarified to be continuing education hours; 3) limitations on the amount of time between failed training examinations has been clarified; 4) employers' responsibility after being made aware of violations of this rule by certified Peer Support Specialists (PSS) has been clarified; 5) reasons for termination of a certification has been added; 6) the Division's responsibilities and actions after being notified of a certified PSS being out of compliance with this rule had been added; 7) corrective plans of action have been clarified; and 8) reasons for a certification revocation have been clarified. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the September 1, 2018, issue of the Utah State Bulletin, on page 60. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 62A-15-103(2)(v)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These changes are clarifications on what was intended in the original submission, and no additional costs or savings are anticipated other than those already reported in the original amendment that were tied to notifications in writing costs. These costs were deemed to be negotiable based on only one person per year has fallen into the actions created by these changes.

◆ **LOCAL GOVERNMENTS:** These changes are clarifications on what was intended in the original submission, and no additional costs or savings are anticipated other than those already reported, which were deemed to have no effect on local government because the requirements in these changes do not alter any actions already taken by local government

agencies if a certified PSS was found to participate in illegal or unethical behaviors.

◆ **SMALL BUSINESSES:** These changes are clarifications on what was intended in the original submission, and no additional costs or savings are anticipated other than those already reported, which was determined to be no effect because there would only be local government agencies who would have certified PSS.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These changes are clarifications on what was intended in the original submission, and no additional costs or savings are anticipated other than those already reported, which were determined to be no impact, that those that already exist if a certified PSS was found to participate in illegal or unethical behaviors.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are associated with this rule change other than those that already exist from the initial establishment of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes are clarifications on what was intended in the original submission, and no additional costs or savings are anticipated other than those already reported.

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

HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

◆ Thomas Dunford by phone at 801-538-4181, by FAX at 801-538-4696, or by Internet E-mail at tdunford@utah.gov

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

THIS RULE MAY BECOME EFFECTIVE ON: 01/16/2019

AUTHORIZED BY: Doug Thomas, 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	\$0	\$0	\$0
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
 This rule change is not expected to have any fiscal impacts on non-small businesses revenues or expenditures, because it is not anticipated that the peer support specialist training and certification process to be utilized by any non-small business.

R523. Human Services, Substance Abuse and Mental Health.
R523-5. Peer Support Specialist Training and Certification.
R523-5-1. Purpose.

(1) Purpose. This rule prescribes standards for certification of Peer Support Specialist Training programs; the qualifications required of instructors for providing Peer Support Training; and the requirements to become a Peer Support Specialist and establishes guidelines for population specific peer support services.

R523-5-2. Authority.

(1) These standards are promulgated by the Utah Department of Human Services through the Division of Substance Abuse and Mental Health as authorized by Subsection 62A-15-103(2)(v).

R523-5-3. Intent.

(1) The objective of the peer support specialist training is to establish training programs to certify individuals that have completed requisite training to work as substance use disorder and/or mental health peer support specialists and provide services based on service guidelines.

R523-5-4. Definitions.

(1) "Peer Support Specialist (PSS)" is an individual who has successfully completed an approved Peer Support Specialist Training Program and for ongoing certification has met the requirements outlined in Section R523-5-8.

(2) "Approved Curriculum" means a curriculum which has been approved by the Division in accordance with these rules.

(3) "Certification" means that the Division verifies the individual has met the requirements outlined in this rule to be a peer support specialist and has completed the required training.

(4) "Director" means the Director of the Division of Substance Abuse and Mental Health.

(5) "Division" means the Division of Substance Abuse and Mental Health.

(6) "Peer Support Specialist Training Program" is an instructional series operated by an approved agency or organization which satisfies the standards established by the Division and is herein referred to as a "Peer Support Specialist Training Program".

(7) "Program Certificate" is a written authorization issued by the Division to the training entity which indicates that the Program has been found to be in compliance with these Division standards.

(8) "Recovery" is a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

(9) "Youth-In-Transition" means young people who are between the ages of 16 and 25, or those outside of this age range for which peer support services have been deemed developmentally and socially appropriate by a licensed mental health therapist.

R523-5-5. Certification Requirements for Peer Support Specialist Training Programs.

(1) An application for Program Certification will require that the program provide, among other things:

(a) Qualifications of individuals who will be providing the training.

(b) A curriculum that outlines no less than forty (40) hours of face-to-face instruction covering the curriculum requirements outlined in Section R523-5-[(7)] for a PSS.

(c) A plan to ensure that instructors continue to meet reported qualifications and adhere to the approved curriculum.

(d) An agreement to maintain records of the individual's attendance and completion of all program requirements for at least seven years.

(e) An agreement to comply with all applicable local, state and federal laws and regulations.

(2) The Division Director has the authority to grant exceptions to any of the certification requirements.

R523-5-6. Division Oversight of Program.

(1) The Division may enter and survey the physical facility, program operation, review curriculum and interview staff to determine compliance with this rule or any applicable contract to provide such services.

(2) The PSS Training Program shall also allow representatives from the Division and from the local authorities as authorized by the Division to attend the classes held. Such visits may be announced or unannounced.

(3) The Division will establish an application process to review and approve applicants for the PSS Training Program. This process will:

- (a) Develop and publish an application to be a PSS.
- (b) Solicit input from stakeholders, PSS's and other individuals on the review process.
- (c) Establish further criteria for acceptance into the PSS program as needed.

R523-5-7. Curriculum Requirements for Adult Peer Support Specialist Training Programs.

(1) This curriculum shall provide at least forty (40) hours of instruction for original certification and twenty (20) hours for any and all re-certifications. The curriculum shall include the following components as they relate to the PSS's lived experience and recovery in order to assist in the identified client's strengths working towards recovery:

- (a) Etiology of mental illness and substance use disorders;
 - (b) The stages of recovery from mental illness and substance use disorders;
 - (c) The relapse prevention process;
 - (d) Combating negative self-talk;
 - (e) The Role of peer support in the recovery process and using your recovery story as a recovery tool;
 - (f) Dynamics of change;
 - (g) Ethics of peer support;
 - (h) Professional relationships, boundaries and limits;
 - (i) Scope of peer support;
 - (j) Cultural competence: self-awareness - cultural identity;
 - (k) Stigma and labeling;
 - (l) Community resources to support individuals in recovery;
 - (m) Assisting individuals in accomplishing recovery goals;
 - (n) Coach, mentor, and role model recovery;
 - (o) Assist in identification of natural, formal and informal supports;
 - (p) Stress management techniques;
 - (q) Assist individuals in reaching educational and vocational goals;
 - (r) Crisis prevention; and
 - (s) Assist with physical health and wellness.
- (2) The curriculum shall include:
- (a) Active listening and communication skills; and
 - (b) Basic motivational interviewing skills.

(3) The curriculum must include a strong emphasis on ethical behavior, dual relationships, scope of peer support and professional boundaries and should include case studies, role plays and experiential learning.

R523-5-8. Requirements to Become a PSS.

- (1) Be an individual who participated in substance use disorder or mental health treatment services who is now in sustained recovery, or
- (2) Be an individual in recovery from substance use or mental health disorders through means other than treatment services who is now in sustained recovery.
- (3) Be at least 18 years of age.
- (4) Complete the application process with the Division.
- (5) Pass the qualification exam with score of 70% or above.

(6) Have attended and successfully completed a Division approved PSS training program and have a valid certificate from that training.

(7) If an individual fails the Division examination twice within a 30 day period of time, they must wait 30 days before taking the examination again.

R523-5-9. Requirements to Remain Qualified as a PSS.

(1) Complete at least twenty (20) hours of continuing education (CEUs) every two (2) years including two (2) hours of ethics training, six (6) hours pertaining specifically to peer support services, one (1) hour of suicide prevention training and eleven (11) hours of general mental health and/or substance use disorder training.

(2) Each PSS shall maintain adequate documentation as proof of compliance with this Section, such as a certificate of completion, school transcript, course description, or other course materials. The PSS shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due; and

(a) At a minimum, the documentation shall contain the following:

- (i) Date of the course;
- (ii) Name of the course provider;
- (iii) Name of the instructor;
- (iv) Course title;
- (v) Number of hours of continuing education credit; and
- (vi) Course objectives.

(3) Each certified PSS shall abide by the Provider Code of Conduct pursuant to Section R495-876, and as also found in the Department of Human Services Provider Code of Conduct Policy.

~~[(a) Each employer shall notify the Division within 30 days, if a certified PSS engages in unprofessional or unlawful conduct.~~

~~(b) The Division may revoke, refuse to certify or renew a certification to an individual who is substantiated to have engaged in unprofessional or unlawful conduct.~~

~~(c) If a PSS fails to complete the requirements for CEUs, their certificate may be revoked or allowed to expire and may not be renewed.~~

~~(d) The Division shall revoke, refuse to certify or renew a certification to an individual who is substantiated to have engaged in unprofessional or unlawful conduct.~~

~~(4) An individual who has been served a Notice of Agency Action that the certification has been revoked or will not be renewed may request a Request for Review to the Division Director or designee within 30 days of receipt of notice.~~

~~(5) The Division Director or designee shall review the findings of the Notice of Agency Action and shall determine to uphold, amend or revise the action of denial or revocation of the certification.]~~

(a) Each employer that becomes aware of a certified PSS engaging in unprofessional or unlawful conduct, or has violated the provider code of conduct shall:

- (i) immediately take action to review the allegations,
- (ii) take steps to ensure that all individuals involved with the allegation are protected, and
- (iii) notify the Division within 30 days.

(b) Termination of certification shall be made effective immediately if the alleged violation(s) results in one or more of the following:

(i) personal financial gain through deception, or a business transaction with a client, by the PSS.

(ii) physical or emotional harm to a person that is caused by the PSS, or

(iii) a financial loss to a client, the State, or another employee that is caused by the PSS.

(c) The Division shall take the following actions when it becomes aware of a certified PSS in violation of the provider code of conduct that does not result in immediate termination:

(i) Within 30 days of becoming aware of the violation(s), the Division shall notify the certified PSS, in writing, through a Notice of Agency Action specifying the area(s) of noncompliance.

(ii) Within 30 days of receiving a notice of Agency Action, the certified PSS shall submit an acceptable written plan to the Division explaining how they will achieve compliance.

(iii) All plans shall demonstrate how the certified PSS shall be in compliance within 30 days after receiving the Notice of Agency Action.

(iv) If an acceptable plan of action is not received by the Division within 30 days of sending the Notice of Agency Action, the certified PSS shall be notified that their certification has been suspended until an acceptable plan is submitted to the Division.

(v) A certified PSS must cease providing any and all peer support services until a suspension is lifted.

(d) The Division shall revoke the certification of any certified PSS for the following reasons:

(i) The certified PSS fails to provide the Division with written evidence of compliance to a plan of action within 30 days after the PSS receives a Notice of Agency Action that their certification has been suspended.

(ii) The certified PSS continues to provide peer support services during the period of a suspension; or

(iii) The certified PSS receives more than two notices of noncompliance with the Provider Code of Conduct in a one-year period.

(e) Any PSS whose certification has been revoked may request an informal hearing with the Division director or designee, in writing, within 10 business days of receiving notice of revocation.

(f) The Division director or designee shall review the request and determine to uphold, amend or reverse the action within 10 business days, and the Division shall inform the PSS of the decision in writing.

(g) Any PSS with a revoked certification may not reapply for recertification for a period of twelve months.

(h) If a certified PSS fails to complete the requirements for CEUs, their certificate will be allowed to expire and shall not be

renewed until the required CEUs have been completed and submitted to the Division for approval.

R523-5-10. Population Specific Guidelines.

(1) Typically a PSS works with individuals age 18 and older.

(2) A PSS may work with Youth-In-Transition if the PSS has completed Youth-In-Transition training, in addition to any other PSS training, of no less than 8 hours, and receives a Youth-In-Transition endorsement from the Division on their PSS certification.

R523-5-11. Curriculum Requirements for Youth-In-Transition Training Programs.

(1) This curriculum shall provide at least eight (8) hours of instruction for the Youth-In-Transition endorsement of PSS certification. The curriculum, which shall be approved by the Division, shall include, but not be limited to, the following components as they relate to Youth-In-Transition:

(a) Meaning of Youth-In-Transition and specific challenges related to this population;

(b) Preferred practice models and tools;

(c) Population specific material regarding: common challenges, barriers, resources, relationship issues, recovery, housing, employment, legal, crisis, cultural and self-care.

(d) Professional relationships, boundaries and limits.

(2) The curriculum must be strength based and shall include:

(a) Active listening and communication skills; and

(b) Basic motivational interviewing skills.

(3) The curriculum shall include a strong emphasis on ethical behavior, dual relationships, scope of peer support and professional boundaries and shall include case studies, role plays and experiential learning specific to Youth-In-Transition.

(4) The Division, PSS, mental health and substance use disorder professionals and advocate organizations shall regularly review and make evidence-based updates to the curriculum at least every two years. Final determination on curriculum changes or updates shall be made by the Division.

KEY: peer support specialists, PSS program, certification of programs, substance use disorder

Date of Enactment or Last Substantive Amendment: 201[8]9

Authorizing, and Implemented or Interpreted Law: 62A-15-103(2)(v)

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <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.

Administrative Services, Finance **R25-10** State Entities' Posting of Financial Information to the Utah Public Notice Website

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 43403
FILED: 11/20/2018

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: Section 63A-3-404 authorizes the Division of Finance to make rules governing the posting of financial information for participating state entities on the Utah Public Finance Website (UPFW) after consultation with the Utah Transparency Advisory Board.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is necessary to continue this rule because it is required by statute. This rule sets the rules for state participating entities required to post public financial information to the UPFW.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
FINANCE
ROOM 2110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Brenda Lee by phone at 801-538-3102, by FAX at 801-538-3244, or by Internet E-mail at brendalee@utah.gov
♦ John Reidhead by phone at 801-538-1678, by FAX at 801-538-3244, or by Internet E-mail at jreidhead@utah.gov

AUTHORIZED BY: John Reidhead, Director

EFFECTIVE: 11/20/2018

Commerce, Occupational and Professional Licensing **R156-81**

Retired Volunteer Health Care Practitioner Act Rule

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 43411
FILED: 11/27/2018

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: Title 58, Chapter 81, provides for the licensure of volunteer health care practitioners. 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 58-81-104(4) provides the Division and respective practitioner licensing boards may adopt rules with respect to Title 58, Chapter 81. This rule was enacted to clarify the provisions of Title 58, Chapter 81, with respect to the various classifications of volunteer health care practitioners.

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 March 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 81, with respect to volunteer health care practitioners.

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:
 ♦ Larry Marx by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at lmarx@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 11/27/2018

**Human Services, Recovery Services
 R527-38
 Unenforceable Cases**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 43410
 FILED: 11/26/2018**

**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 62A-1-111 and 62A-11-107 give the Office of Recovery Services/Child Support Services (ORS/CSS) the authority to adopt, amend, and enforce rules necessary to carry out its responsibilities under state law. Federal Regulations at 45 CFR 303.11 provide detailed case closure criteria for IV-D agencies. This criteria has been adopted by ORS/CSS and incorporated by reference into rule.

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 comments received since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The clarifications and procedures provided in this rule continue to be necessary for the appropriate implementation of federal regulations, which are still in effect and do not appear in state statute. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HUMAN SERVICES
 RECOVERY SERVICES
 515 E 100 S
 SALT LAKE CITY, UT 84102-4211
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Casey Cole by phone at 801-741-7523, by FAX at 801-536-8509, or by Internet E-mail at cacole@utah.gov
 ♦ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov
 ♦ Scott Weight by phone at 801-741-7435, by FAX at 801-536-8509, or by Internet E-mail at sweigh2@utah.gov

AUTHORIZED BY: Liesa Stockdale, Director

EFFECTIVE: 11/26/2018

**Labor Commission, Adjudication
 R602-7
 Adjudication of Discrimination Claims**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43408
FILED: 11/26/2018

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 34A-5-107 authorizes the Labor Commission to conduct adjudicative proceedings to resolve claims of discrimination. Section 34A-5-107 also authorizes the Labor Commission to adopt rules to carry out those adjudicative functions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As part of the Labor Commission's continuing responsibility to administer a system for adjudication of discrimination claims, it is necessary for the Labor Commission to establish procedures for handling these claims. Therefore, this rule should be continued.

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

LABOR COMMISSION
ADJUDICATION
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:

- ◆ Brian Stewart by phone at 801-530-6818, by FAX at 801-530-6333, or by Internet E-mail at brstewart@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

AUTHORIZED BY: Jaceson Maughan, Commissioner

EFFECTIVE: 11/26/2018

Labor Commission, Adjudication

R602-8

Adjudication of Utah Occupational Safety and Health Citation Claims

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43409
FILED: 11/26/2018

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: Sections 34A-6-105, 34A-6-303, and 34A-6-304 authorize the Labor Commission to conduct adjudicative proceedings to resolve contests of Utah Occupational Safety and Health Citations. These sections also authorize the Labor Commission to adopt rules to carry out those adjudicative functions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five-year review.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As part of the Labor Commission's continuing responsibility to administer a system for adjudication of contests of Utah Occupational Safety and Health Citations, it is necessary for the Labor Commission to establish procedures for handling these claims. Therefore, this rule should be continued.

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

LABOR COMMISSION
ADJUDICATION
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:

- ◆ Brian Stewart by phone at 801-530-6818, by FAX at 801-530-6333, or by Internet E-mail at brstewart@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

AUTHORIZED BY: Jaceson Maughan, Commissioner

EFFECTIVE: 11/26/2018

**Public Service Commission,
Administration
R746-365
Intercarrier Service Quality**

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

DAR FILE NO.: 43406
FILED: 11/21/2018

**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 54-8b-2 requires the Public Service Commission (Commission) to establish rules to facilitate competitive provision of telecommunication services. This rule specifies network performance and service quality guidelines applicable to telecommunications corporations interconnecting upon which the Commission may rely in determining whether service is just, adequate, and reasonable. 47 U.S.C. Sections 251 and 252 define guidelines relating to interconnection and the exchange of traffic that apply to all telecommunications carriers, and further defines additional guidelines relating to interconnection and the exchange of traffic that apply only to incumbent local exchange carriers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR

OPPOSING THE RULE: No comments have been submitted in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued because it provides guidelines to ensure that telecommunications corporations will engineer, design, equip, and provision an efficient public telecommunications network. This rule defines guidelines relating to interconnection and the exchange of traffic that apply to all telecommunications carriers, and further defines additional guidelines relating to interconnection and the exchange of traffic that apply only to incumbent local exchange carriers.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Michael Hammer by phone at 801-530-6729, or by Internet E-mail at michaelhammer@utah.gov
- ◆ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

AUTHORIZED BY: Michael Hammer, Administrative Law Judge

EFFECTIVE: 11/21/2018

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the 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

Education

Administration

No. 43225 (AMD): R277-108. Annual Assurance of Compliance by Local School Boards

Published: 10/15/2018

Effective: 11/29/2018

Labor Commission

Industrial Accidents

No. 43215 (AMD): R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund

Published: 10/15/2018

Effective: 01/01/2019

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2018 through November 30, 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	Travel-Related Reimbursements for State Employees	43095	AMD	09/21/2018	2018-16/6
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
R25-10	State Entities' Posting of Financial Information to the Utah Public Notice Website	43403	5YR	11/20/2018	Not Printed
<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
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	43236	EMR	10/29/2018	2018-21/137

AGRICULTURE AND FOOD

Administration

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
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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, Tomicus piniperda	42930	5YR	05/23/2018	2018-12/44
R68-20	Utah Organic Standards	42872	AMD	07/09/2018	2018-11/6
R68-24	Industrial Hemp Research Pilot Program for Growers	43145	NEW	10/31/2018	2018-17/6
R68-25	Industrial Hemp Research Pilot Program for Processors	43146	NEW	10/31/2018	2018-17/9
R68-26	Industrial Hemp Product Registration and Labeling	43147	NEW	10/31/2018	2018-17/14

Regulatory Services

R70-940	Standards and Testing of Motor Fuel	42422	R&R	02/22/2018	2018-2/6
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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
R81-7-5	Additional Consideration for Event Permits	43349	NSC	11/13/2018	Not Printed
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
R105-2	Records Access and Management	43075	AMD	09/07/2018	2018-15/52

CAREER SERVICE REVIEW OFFICE

Administration

R137-1	Grievance Procedure Rules	42844	AMD	09/28/2018	2018-10/15
R137-1	Grievance Procedure Rules	42844	CPR	09/28/2018	2018-12/36
R137-2	Government Records Access and Management Act	42779	5YR	04/09/2018	2018-9/69

COMMERCE

Administration

R151-4	Department of Commerce Administrative Procedures Act Rule	43148	AMD	10/11/2018	2018-17/17
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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
R152-1a-1	Authority and Purpose	43196	NSC	09/27/2018	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
R152-21	Credit Services Organizations Act Rule	43280	5YR	10/16/2018	2018-22/169

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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
<u>Corporations and Commercial Code</u>					
R154-100	Utah Administrative Procedures Act Rules	43184	5YR	09/11/2018	2018-19/97
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R156-1	General Rule of the Division of Occupational and Professional Licensing	43188	AMD	11/08/2018	2018-19/4
R156-5a	Podiatric Physician Licensing Act Rule	42869	5YR	05/01/2018	2018-10/155
R156-9	Funeral Service Licensing Act Rule	43092	AMD	09/10/2018	2018-15/53
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
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
R156-42a	Occupational Therapy Practice Act Rule	43247	5YR	10/09/2018	2018-21/141
R156-44a	Nurse Midwife Practice Act Rule	43171	5YR	08/28/2018	2018-18/33
R156-46a	Hearing Instrument Specialist Licensing Act Rule	43364	5YR	11/08/2018	2018-23/125
R156-46b-401	In General	42428	NSC	01/18/2018	Not Printed
R156-47b-102	Definitions	43150	AMD	10/11/2018	2018-17/22
R156-55b-102	Definitions	42429	NSC	01/18/2018	Not Printed
R156-61	Psychologist Licensing Act Rule	43216	5YR	09/18/2018	2018-20/31
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
R156-67	Utah Medical Practice Act Rule	43137	AMD	10/09/2018	2018-17/24
R156-68	Utah Osteopathic Medical Practice Act Rule	42447	5YR	01/08/2018	2018-3/70
R156-68	Utah Osteopathic Medical Practice Act Rule	43142	AMD	10/09/2018	2018-17/28
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
R156-81	Retired Volunteer Health Care Practitioner Act Rule	43411	5YR	11/27/2018	Not Printed
<u>Real Estate</u>					
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	42809	AMD	07/13/2018	2018-10/27
R162-2e	Appraisal Management Company Administrative Rules	43165	AMD	11/05/2018	2018-18/6
R162-2f	Real Estate Licensing and Practices Rules	43012	AMD	08/21/2018	2018-14/12
R162-2g	Real Estate Appraiser Licensing and Certification Administrative Rules	43011	AMD	09/04/2018	2018-14/16

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R251-105	Applicant Qualifications for Employment with Department of Corrections	43217	5YR	09/19/2018	2018-20/32
R251-114	Offender Long-Term Health Care - Notice	42637	5YR	03/07/2018	2018-7/161

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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
R277-106	Utah Professional Practices Advisory Commission Appointment Process	43190	AMD	11/07/2018	2018-19/11
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
R277-108	Annual Assurance of Compliance by Local School Boards	43225	AMD	11/29/2018	2018-20/13
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
R277-400	School Facility Emergency and Safety	43138	AMD	10/16/2018	2018-17/32
R277-401	Child Abuse-Neglect Reporting by Education Personnel	42879	NSC	05/17/2018	Not Printed

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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
R277-412	State Capitol Visit Program	43194	5YR	09/13/2018	2018-19/98
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
R277-419-2	Definitions	43132	AMD	10/16/2018	2018-17/38
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
R277-437	Student Enrollment Options	43240	5YR	10/05/2018	2018-21/142
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
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
R277-469	Instructional Materials Commission Operating Procedures	43018	NSC	07/06/2018	Not Printed
R277-470	Charter Schools - General Provisions	43082	5YR	07/13/2018	2018-15/101
R277-470	Charter Schools - General Provisions	42991	AMD	08/07/2018	2018-13/13
R277-471	School Construction Oversight, Inspections, Training and Reporting	43019	NSC	07/06/2018	Not Printed

R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	43020	NSC	07/06/2018	Not Printed
R277-474	School Instruction and Human Sexuality	43021	NSC	07/06/2018	Not Printed
R277-474	School Instruction and Human Sexuality	43202	AMD	11/07/2018	2018-19/18
R277-475	Patriotic, Civic and Character Education	43022	NSC	07/06/2018	Not Printed
R277-477	Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program	42800	AMD	06/07/2018	2018-9/13
R277-479	Funding for Charter School Students With Disabilities on an IEP	43023	NSC	07/06/2018	Not Printed
R277-480	Charter School Revolving Account	43025	NSC	07/06/2018	Not Printed
R277-481	Charter School Oversight, Monitoring and Appeals	43083	5YR	07/13/2018	2018-15/102
R277-481	Charter School Oversight, Monitoring and Appeals	42992	AMD	08/07/2018	2018-13/16
R277-482	Charter School Timelines and Approval Processes	42610	AMD	04/09/2018	2018-5/22
R277-485	Loss of Enrollment	43026	NSC	07/06/2018	Not Printed
R277-486	Professional Staff Cost Program	43027	NSC	07/06/2018	Not Printed
R277-488	Critical Languages and Dual Language Immersion Program	43028	NSC	07/06/2018	Not Printed
R277-489	Kindergarten Entry and Exit Assessment - Early Intervention Program	43029	NSC	07/06/2018	Not Printed
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	42471	5YR	01/12/2018	2018-3/70
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	42481	AMD	03/14/2018	2018-3/13
R277-490	Beverley Taylor Sorenson Elementary Arts Learning Program (BTSALP)	43030	NSC	07/06/2018	Not Printed
R277-491-4	School Community Council Principal Responsibilities	42323	AMD	01/09/2018	2017-23/9
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	43084	5YR	07/13/2018	2018-15/102
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	42998	AMD	08/07/2018	2018-13/20
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R277-494	Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities	43031	NSC	07/06/2018	Not Printed
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
R277-498	Grant for Math Teaching Training	43034	NSC	07/06/2018	Not Printed
R277-499	Seal of Biliteracy	43035	NSC	07/06/2018	Not Printed
R277-500	Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks	43296	NSC	10/25/2018	Not Printed
R277-502	Educator Licensing and Data Retention	42697	AMD	05/08/2018	2018-7/19
R277-503	Licensing Routes	43297	NSC	10/25/2018	Not Printed
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure	43298	NSC	10/25/2018	Not Printed
R277-505	Education Leadership License Areas of Concentration and Programs	43050	NSC	07/06/2018	Not Printed
R277-506	School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language Pathologists, and Speech-Language Technicians Licenses and Programs	43051	NSC	07/06/2018	Not Printed
R277-507	Driver Education Endorsement	43049	NSC	07/06/2018	Not Printed
R277-508	Employment of Substitute Teachers	42762	5YR	04/02/2018	2018-8/145
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R436-4	Delayed Registration of Birth	42708	5YR	03/20/2018	2018-8/150
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R392-102	Food Truck Sanitation	42685	NEW	05/18/2018	2018-7/97
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R384-201	School-Based Vision Screening for Students in Public Schools	42951	5YR	06/07/2018	2018-13/141
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R384-210	Co-prescription Guidelines -- Reporting	42283	CPR	06/07/2018	2018-4/70
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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	

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<u>automobiles</u> Commerce, Consumer Protection	42833	R152-20	NSC	04/26/2018	Not Printed
<u>automotive refinishing</u> Environmental Quality, Air Quality	42547 42665	R307-354 R307-354	EXT 5YR	01/31/2018 03/08/2018	2018-4/115 2018-7/176
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	43025	R277-480	NSC	07/06/2018	Not Printed
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	42638	R527-303	NEW	05/08/2018	2018-7/134
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	42598	R512-201	5YR	02/15/2018	2018-5/144
	42599	R512-202	5YR	02/15/2018	2018-5/144
	42600	R512-300	5YR	02/15/2018	2018-5/145
	42601	R512-301	5YR	02/15/2018	2018-5/145
	42602	R512-302	5YR	02/15/2018	2018-5/146
	42603	R512-305	5YR	02/15/2018	2018-5/146
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	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15
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	42665	R307-354	5YR	03/08/2018	2018-7/176
	42549	R307-355	EXT	01/31/2018	2018-4/115
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Workforce Services, Unemployment Insurance	42861	R994-405	AMD	06/21/2018	2018-10/144
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	42861	R994-405	AMD	06/21/2018	2018-10/144
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Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed
Health, Administration	43144	R380-300	NEW	10/22/2018	2018-17/56
Human Services, Administration	42417	R495-885	AMD	02/23/2018	2018-2/13
	42845	R495-885	EMR	04/23/2018	2018-10/149
	42630	R495-885	AMD	07/18/2018	2018-6/23
	42630	R495-885	CPR	07/18/2018	2018-11/50
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	42813	R477-5	AMD	07/01/2018	2018-10/63
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	42742	R994-405	5YR	03/29/2018	2018-8/161
	42861	R994-405	AMD	06/21/2018	2018-10/144
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Workforce Services, Employment Development	42927	R986-100	AMD	07/23/2018	2018-12/23
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	42481	R277-490	AMD	03/14/2018	2018-3/13
	43030	R277-490	NSC	07/06/2018	Not Printed
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Science Technology and Research Governing Authority, Administration	42356	R856-5	R&R	01/23/2018	2017-24/48
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Science Technology and Research Governing Authority, Administration	42355	R856-6	R&R	01/23/2018	2017-24/54
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	42888	R277-418	NSC	05/17/2018	Not Printed	
	43026	R277-485	NSC	07/06/2018	Not Printed	
	43071	R277-612	NSC	07/26/2018	Not Printed	
<u>enrollment options</u>						
Education, Administration	42896	R277-437	NSC	05/17/2018	Not Printed	
	43240	R277-437	5YR	10/05/2018	2018-21/142	
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Tax Commission, Auditing	43199	R865-9I-2	AMD	11/13/2018	2018-19/84	
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	42641	R307-115	5YR	03/08/2018	2018-7/163	
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Insurance, Administration	42856	R590-266-4	NSC	05/14/2018	Not Printed	
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	42700	R277-532	AMD	05/08/2018	2018-7/29	
	42806	R277-533	AMD	06/07/2018	2018-9/23	
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	42913	R657-51	NEW	07/09/2018	2018-11/44	
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	42590	R746-330	5YR	02/14/2018	2018-5/157
	42593	R746-332	5YR	02/14/2018	2018-5/157
	43056	R746-344	5YR	07/03/2018	2018-15/105
	43087	R746-345	5YR	07/16/2018	2018-15/106
	42589	R746-347	5YR	02/14/2018	2018-5/158
	42426	R746-360	REP	02/21/2018	2018-2/31
	43406	R746-365	5YR	11/21/2018	Not Printed
	42592	R746-402	5YR	02/14/2018	2018-5/158
	43088	R746-404	5YR	07/16/2018	2018-15/106
	42591	R746-405	5YR	02/14/2018	2018-5/159
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	43132	R277-419-2	AMD	10/16/2018	2018-17/38
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	42930	R68-16	5YR	05/23/2018	2018-12/44	
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	42798	R313-37-3	AMD	07/13/2018	2018-9/59	
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	42204	R313-25	CPR	04/16/2018	2018-5/128	
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	43139	R277-718	NEW	10/16/2018	2018-17/49
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<u>Transition to Adult Living</u>						
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	43320	R512-306	5YR	10/19/2018	2018-22/170	
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Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	2018-5/142	
	42854	R25-7	AMD	06/21/2018	2018-10/9	
	43095	R25-7	AMD	09/21/2018	2018-16/6	
Environmental Quality, Waste Management and Radiation Control, Radiation	42798	R313-37-3	AMD	07/13/2018	2018-9/59	
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	43160	R926-13	AMD	10/23/2018	2018-18/27	
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Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63	
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Health, Family Health and Preparedness, Emergency Medical Services	43246	R426-9	5YR	10/09/2018	2018-21/146	
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	42736	R994-202	5YR	03/29/2018	2018-8/157	
	42737	R994-208	5YR	03/29/2018	2018-8/158	
	42738	R994-306	5YR	03/29/2018	2018-8/158	
	42739	R994-307	5YR	03/29/2018	2018-8/159	
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	43081	R315-15-16	AMD	09/14/2018	2018-15/57	

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	42359	R856-3	R&R	01/23/2018	2017-24/36
	42358	R856-4	R&R	01/23/2018	2017-24/41
	42356	R856-5	R&R	01/23/2018	2017-24/48
	42355	R856-6	R&R	01/23/2018	2017-24/54
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Transportation, Preconstruction	43096	R930-8	AMD	09/28/2018	2018-16/28
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	42457	R315-306	5YR	01/12/2018	2018-3/74
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	42460	R315-309	5YR	01/12/2018	2018-3/76
	42461	R315-310	5YR	01/12/2018	2018-3/77
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