

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed May 03, 2011, 12:00 a.m. through May 16, 2011, 11:59 p.m.

Number 2011-11
June 01, 2011

Nancy L. Lancaster, Editor
Kenneth A. Hansen, Director
Kimberly K. Hood, Executive Director

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114-1201, telephone 801-538-3764, FAX 801-359-0759. Additional rulemaking information, and electronic versions of all administrative rule publications are available at: <http://www.rules.utah.gov/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

SPECIAL NOTICES	1
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Utah Department of Health Request Comments on the Accountable Care	
Organization Section 1115 Waiver.....	1
Medicaid Budget Hearing for Fiscal Year 2013.....	1
Insurance	
Administration	
Public Hearing on Proposed Fees for Services Provided on Costs Incurred by the	
Utah Insurance Department During Fiscal Year 2012.....	2
EXECUTIVE DOCUMENTS	3
Governor	
Administration	
Governor's Executive Order EO/004/2011: Wildland Fire Management.....	3
Governor's Proclamation 2011/01/E: Calling the Fifty-Ninth Legislature into the First	
Extraordinary Session.....	4
NOTICES OF PROPOSED RULES	5
Administrative Services	
Facilities Construction and Management	
No. 34803 (Amendment): R23-23 Health Reform - Health Insurance Coverage in	
State Contracts - Implementation.....	6
No. 34802 (New Rule): R23-31 Executive Residence Commission.....	8
Fleet Operations	
No. 34786 (Amendment): R27-3-4 Authorized and Unauthorized Use of State Vehicles.....	10
Fleet Operations, Surplus Property	
No. 34780 (Repeal): R28-1 State Surplus Property Disposal.....	12
No. 34781 (Repeal): R28-2 Surplus Firearms.....	15
No. 34782 (Repeal): R28-3 Utah State Agency for Surplus Property Adjudicative Proceedings.....	16
No. 34783 (Repeal): R28-7 Surplus Property Rate Schedule.....	18
Education	
Administration	
No. 34812 (New Rule): R277-404 Requirements for Assessments of Student Achievement.....	19
No. 34814 (Amendment): R277-407 School Fees.....	21
No. 34815 (Amendment): R277-459-3 Distribution of Funds.....	24
No. 34828 (Repeal): R277-464 Highly Impacted Schools.....	25
No. 34816 (Amendment): R277-475 Patriotic Education.....	27
No. 34817 (Amendment): R277-477 Distribution of Funds from the Interest and Dividend	
Account (School LAND Trust Funds) and Administration of the School LAND Trust Program.....	29
No. 34818 (Amendment): R277-480 Charter Schools School Building Subaccount.....	33
No. 34819 (Amendment): R277-484 Data Standards.....	35
No. 34820 (Amendment): R277-490 Beverley Taylor Sorenson Elementary Arts Learning	
Program.....	39
No. 34821 (Amendment): R277-495 Required Policies for Electronic Devices in Public Schools.....	41
No. 34822 (New Rule): R277-500 Educator Licensing Renewal, Timelines, and Required	
Fingerprint Background Checks (Effective Beginning July 1, 2012).....	43
No. 34823 (Amendment): R277-501-9 Rule Effective Date.....	48
No. 34824 (Amendment): R277-609 Standards for School District, School and Charter School	
Discipline Plans.....	48
No. 34825 (Amendment): R277-613 School District and Charter School Bullying and Hazing	
Policies and Training.....	51
No. 34826 (New Rule): R277-706 Public Education Regional Service Centers.....	54
No. 34829 (Repeal): R277-710 International Baccalaureate Programs.....	56
No. 34830 (Repeal): R277-711 Educational Programs for Gifted and Talented Students.....	57
No. 34831 (Repeal): R277-712 Advanced Placement Programs.....	59

TABLE OF CONTENTS

No. 34827 (Amendment): R277-713 Concurrent Enrollment of High School Students in College Courses.....	61
No. 34832 (Repeal): R277-715 English Language Learner Family Literacy Centers.....	63
No. 34833 (Repeal): R277-717 Mathematics, Engineering, Science Achievement (MESA).....	65
No. 34834 (Repeal): R277-760 Flow Through Funds for Students at Risk.....	67
Human Services	
Child and Family Services	
No. 34779 (New Rule): R512-205 Child Protective Services, Investigation of Domestic Violence Related Child Abuse.....	69
Lieutenant Governor	
Elections	
No. 34784 (Amendment): R623-1-4 Registration/License Application Procedure.....	70
Natural Resources	
Wildlife Resources	
No. 34807 (Amendment): R657-5 Taking Big Game.....	71
Public Safety	
Driver License	
No. 34805 (Amendment): R708-41-3 Definitions.....	82
No. 34804 (New Rule): R708-46 Refugee or Approved Asylee Knowledge Test in Applicant's Native Language.....	85
Fire Marshal	
No. 34809 (Amendment): R710-2 Rules Pursuant to the Utah Fireworks Act.....	86
No. 34837 (Amendment): R710-8-3 Amendments and Additions.....	90
No. 34836 (Amendment): R710-9 Rules Pursuant to the Utah Fire Prevention Law.....	92
Regents (Board Of)	
Administration	
No. 34798 (Amendment): R765-609 Regents' Scholarship.....	94
University of Utah, Administration	
No. 34808 (New Rule): R805-5 Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics.....	99
Transportation Commission	
Administration	
No. 34810 (New Rule): R940-5 Approval of Highway Facilities on Sovereign Lands.....	100
NOTICES 120-DAY (EMERGENCY) RULES.....	105
Administrative Services	
Facilities Construction and Management	
No. 34801: R23-23 Health Reform - Health Insurance Coverage in State Contracts - Implementation.....	105
Human Services	
Child and Family Services	
No. 34778: R512-205 Child Protective Services, Investigation of Domestic Violence Related Child Abuse.....	108
Public Safety	
Fire Marshal	
No. 34835: R710-2 Rules Pursuant to the Utah Fireworks Act.....	109
Criminal Investigations and Technical Services, Criminal Identification	
No. 34800: R722-300 Concealed Firearm Permit and Instructor Rule.....	113
No. 34799: R722-330 Licensing of Private Investigators.....	118
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....	123
Alcoholic Beverage Control	
Administration	
No. 34787: R81-1 Scope, Definitions, and General Provisions.....	123
No. 34788: R81-2 State Stores.....	124
No. 34789: R81-3 Package Agencies.....	125
No. 34790: R81-4A Restaurant Liquor Licenses.....	125
No. 34791: R81-5 Private Clubs.....	126
No. 34792: R81-6 Special Use Permits.....	127

No. 34793: R81-7 Single Event Permits.....	128
No. 34794: R81-8 Manufacturers (Distillery, Winery, Brewery).....	128
No. 34795: R81-9 Liquor Warehousing License.....	129
No. 34796: R81-11 Beer Wholesalers.....	129
No. 34797: R81-12 Manufacturer Representative (Distillery, Winery, Brewery).....	130
Commerce	
Corporations and Commercial Code	
No. 34785: R154-2 Utah Uniform Commercial Code, Revised Article 9 Rules.....	131
Corrections	
Administration	
No. 34771: R251-702 Inmate Communication: Telephones.....	131
No. 34772: R251-708 Perimeter Patrol.....	132
No. 34773: R251-711 Admission and Intake.....	132
Natural Resources	
Wildlife Resources	
No. 34806: R657-48 Wildlife Species of Concern and Habitat Designation Advisory Committee.....	133
Workforce Services	
Unemployment Insurance	
No. 34776: R994-302 Employer Contribution Payments.....	133
No. 34777: R994-308 Bond Requirement.....	134
NOTICES OF RULE EFFECTIVE DATES.....	135
RULES INDEX	
BY AGENCY (CODE NUMBER)	
AND	
BY KEYWORD (SUBJECT).....	137

SPECIAL NOTICES

Health Health Care Financing, Coverage and Reimbursement Policy

Utah Department of Health Request Comments on the Accountable Care Organization Section 1115 Waiver

The Utah Department of Health (UDOH) is pleased to invite comment regarding a new Accountable Care Organization Section 1115 Waiver demonstration initiative Utah will submit a draft waiver for review by the Centers for Medicare and Medicaid Services (CMS). The formal waiver request will be submitted after public comment is received.

In response to the recently passed S.B. 180, Medicaid Reform, UDOH is submitting a Section 1115 Demonstration Waiver authorized by Title XIX of the Social Security Act. The waiver, if approved, will establish Accountable Care Organizations (ACO) in Utah, Salt Lake, Weber, and Davis counties.

The waiver will allow the State to convert its current managed care contracts to an ACO model. The ACO model will better align financial incentives to control costs and to deliver appropriate care to clients. The model eliminates incentives to provide surplus care while at the same time maintaining and increasing the quality of service.

The reimbursement for ACO services will be through prospective rate setting based on the health status of individuals, while allowing flexibility in the delivery of appropriate care. This reimbursement structure customizes risk adjustment models that are consistent with historical expenditures of statewide averages modified by categories of risk.

To ensure the quality of care, each ACO will have a medical home component. This component will customize, coordinate and facilitate care. Further, the ACO must meet quality of care and access to care standards monitored by external, and nationally recognized, professional entities whose entire focus is monitoring the quality of medical care services.

UDOH anticipates that there will be no decrease in the current level of Medicaid expenditures. Rather, the waiver is intended to reduce the rate of increase in future Medicaid appropriations.

UDOH is committed to an extensive public process. UDOH wants the public to have an opportunity to see the waiver amendment, understand the concepts, and offer comments. The waiver application will be available for review and comment on June 1, 2011, at: <http://health.utah.gov/medicaid/stplan/1115%20Waivers.htm>. It will also be available at local health departments.

UDOH will provide two public forums for comments. The first will be from 10:00 a.m. to 12:00 (noon) on June 7, 2011, at the Cannon Health Building, 288 N 1460 W, Room No. 125, Salt Lake City, Utah. The second will be during the Medical Care Advisory Committee meeting from 4:00 p.m. to 6:00 p.m. on June 9, 2011, at the Cannon Health Building, 288 N 1460 W, Room No. 125, Salt Lake City, Utah.

UDOH invites your comments and questions by June 20, 2011.

The public may direct comments to the Utah Department of Health, Division of Medicaid and Health Financing, PO Box 143102, Salt Lake City, Utah 84114-3102.

Health Health Care Financing, Coverage and Reimbursement Policy

Medicaid Budget Hearing for Fiscal Year 2013

The Department of Health invites you to attend a special Medical Care Advisory Committee (MCAC) meeting to obtain public input on the Medicaid and PCN (Primary Care Network) budgets for Fiscal Year 2013 (07/01/2012 through 06/30/2013). The meeting will be held Thursday, June 16, 2011, from 4:00 p.m. until 6:00 p.m. at the Cannon Health Building, 288 N 1460 W, Room 114, Salt Lake City, Utah.

SPECIAL NOTICES

If you know of special medical needs not being met by the Medicaid or PCN programs, or want to speak on a budgetary matter of importance to you, please come prepared to make a short (no more than three minutes) presentation to the Committee. Copy services will be provided, if you have a handout. SIGNED PETITIONS ARE ENCOURAGED. Your input will assist the MCAC in recommending a budget that will be more representative of Medicaid and PCN providers and clients.

If you cannot attend the public hearing, but would like to write to the Committee about special medical needs, please mail comments by Thursday, June 9, 2011, to: MCAC, PO Box 143101, Salt Lake City, UT 84114-3101.

**Insurance
Administration**

**Public Hearing on Proposed Fees for Services Provided on Costs Incurred by the Utah Insurance
Department During Fiscal Year 2012**

A hearing date has been scheduled for Thursday, June 9, 2011, at 9:00 a.m. at the State Office Building (behind the Capitol), 450 N State Street, Room 3112, Salt Lake City, Utah.

The purpose of the hearing is to obtain public comment on proposed fees to be assessed for services provided and costs incurred by the Department during fiscal year 2012.

(1) The Department's Health Division has asked for a \$250 application fee for an Independent Review Organizations as provided Rule R590-261.

(2) As allowed by law, the Department will assess all small employer carriers offering health benefit plans under Chapter 30, Part 1, Individual and Small Employer Group, to collect \$150,000 annually for an actuary.

Written comments should be directed to Jilene Whitby by e-mail: jwhitby@utah.gov; by FAX: 801-538-3829; or mail to: State Office Building, Room 3110, Salt Lake City, UT 84114.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

As part of his or her constitutional duties, the Governor periodically issues **EXECUTIVE DOCUMENTS** comprised of 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 Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Executive Order EO/004/2011: Wildland Fire Management

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment;

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

WHEREAS, immediate action is required to suppress the fires and mitigate post-burn flash floods to protect public safety, property, natural resources and the environment;

WHEREAS, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981,

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

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of May 10, 2011 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah on this, the 10th day of May 2011

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Lieutenant Governor
Greg Bell

EO/004/2011

Governor's Proclamation 2011/01/E: Calling the Fifty-Ninth Legislature into the First Extraordinary Session

PROCLAMATION

WHEREAS, since the close of the 2011 General Session of the 59th 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 Senate in Extraordinary 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 Laws of the State of Utah, do by this Proclamation call the Senate only of the 59th Legislature into the First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of May 2011, at 1:15 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2011 General Session of the Legislature of the State of Utah.

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 11th day of May 2011.

(State Seal)

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

2011/01/E

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between May 03, 2011, 12:00 a.m., and May 16, 2011, 11:59 p.m. are included in this, the June 01, 2011 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 (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~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 printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules will include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on **PROPOSED RULES** published in this issue of the *Utah State Bulletin* until at least July 1, 2011. 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 September 12, 2011, the agency may notify the Division of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF a CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses and the agency must start the process over.

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, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

**Administrative Services, Facilities
Construction and Management
R23-23
Health Reform - Health Insurance
Coverage in State Contracts -
Implementation**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34803

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to comply with the new provisions of Section 63A-5-205 enacted by H.B. 128 of the 2011 General Session and state statutes. (DAR NOTE: H.B. 128 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: H.B. 128 of the 2011 General Session amended the benchmark requirements for health insurance coverage in state contracts. Other changes to the rule are to comply with state statutes. (DAR NOTE: A corresponding 120-day (emergency) rule is under DAR No. 34801 and was effective 05/10/2011.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-205

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** Enactment of this amendment may indirectly increase the cost of state construction projects depending on the contractor. The extent of such increases is currently unknown.
- ◆ **LOCAL GOVERNMENTS:** No cost or savings are anticipated for local governments with this amendment to the rule. No new requirements were created with this amendment that impact local governments.
- ◆ **SMALL BUSINESSES:** Enactment of this amendment to the rule may result in certain cost increases to private contractors, but may benefit individuals working for such contractors. Enactment of this amendment to the rule likely will not result in direct, measurable costs and/or benefits for small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No cost or savings are anticipated for persons other than small businesses, businesses, or local government entities with this amendment to the rule. No new requirements were created with this amendment to the rule that impact local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there may be cost increases to contractors, it is highly likely that such cost increases will be passed on as part of the costs of the contract that the state pays. The statute already provides the requirements that may cause cost increases. The amendment to the rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created any fiscal impacts. The amendment to this rule does not add additional burdens than already provided by the statute. This rule by itself will not have a fiscal impact on businesses because it merely reiterates the statutory requirements.

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
ROOM 4110 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
- ◆ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.

R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R23-23-3. Definitions.

- (1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-205.
- (2) In addition:
 - (a) "Board" means the State Building Board established pursuant to Section 63A-5-101.
 - (b) "Director" means the Director of the Division, including, unless otherwise stated, the Director's duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Employee(s)" ~~[is as defined in Subsection 63A-5-205(1)(e) and includes only those employees that live and/or work in the State of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than the use of the term employee for purposes of State of Utah Workers' Compensation laws along with their dependents.]~~ means an "employee," "worker," or "operative" as defined in Section 34A-2-104 who:

- (i) works at least 30 hours per calendar week; and
- (ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 90 days from the date of hire.

(e) "State" means the State of Utah.

R23-23-4. Applicability of Rule.

(1) Except as provided in Subsection R23-23-4(2) below, this Rule R23-23 applies to all design or construction contracts entered into by the Division or the Board on or after July 1, 2009, and

(a) applies to a prime contractor if the prime contract is in the amount of \$1,500,000 or greater; and

(b) applies to a subcontractor if the subcontract is in the amount of \$750,000 or greater.

(2) This Rule R23-23 does not apply if:

(a) the application of this Rule R23-23 jeopardizes the receipt of federal funds[;];

(b) the contract is a sole source contract[;]; or

(c) the contract is an emergency procurement.

(3) This Rule R23-23 does not apply to a change order as defined in Section 63G-6-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R23-23-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

R23-23-7. Requirements and Procedures a Contractor Must Follow.

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 63A-5-205.

(1) Demonstrating Compliance with Health Insurance Requirements. The following requirements must be met by a contractor (including consultants, designers and others under contract with the Division) that is subject to the requirements of this Rule no later than the time the contract is entered into or renewed:

(a) demonstrate compliance by a written certification to the Director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees and the employee's dependents; and

(b) The contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors (including subconsultants) at any tier that is subject to the requirements of this Rule.

(2) Recertification. The Director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsection[s] 63A-5-205(1)(e)[(i) and (iii)] and defined in Section 26-40-115 is met by the contractor if the contractor provides the Director with a written statement of actuarial equivalency from either the Utah Insurance Department; an actuary selected by the contractor or the contractor's insurer; or an underwriter who is responsible for developing the employer group's premium rates.

For purposes of this [Subsection]Rule R23-23-7(3), actuarially equivalency is achieved by meeting or exceeding [~~any of the following:~~

~~(a) As] the requirements of Section 26-40-115 which are also delineated on the DFCM website at <http://dfcm.utah.gov/downloads/Health%20Insurance%20Benchmark.pdf>]; a health benefit plan and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan determined by the Children's Health Insurance Program under Subsection 26-40-106(2)(a), and a contribution level of 50% of the premium for the employee and the dependents of the employee who reside or work in the State, in which:~~

~~(i) The employer pays at least 50% of the premium for the employee and the dependents of the employee who reside or work in the State; and~~

~~(ii) for purposes of calculating actuarial equivalency under this Subsection R23-23-7(3)(a):~~

~~(A) rather than the benchmark plan's deductible, and the benchmark plan's out-of-pocket maximum based on income levels; the deductible is \$750 per individual and \$2,250 per family; and the out-of-pocket maximum is \$3,000 per individual and \$9,000 per family;~~

~~(B) dental coverage is not required; and~~

~~(C) other than Subsection 26-40-106(2)(a), the provisions of Section 26-40-106 do not apply; or~~

~~(b)(i) is a federally qualified high deductible health plan that, at a minimum, has a deductible that is either;~~

~~(A) the lowest deductible permitted for a federally qualified high deductible health plan; or~~

~~(B) a deductible that is higher than the lowest deductible permitted for a federally qualified high deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified high deductible plan and the deductible for the employer offered federally qualified high deductible plan;~~

~~(ii) an out-of-pocket maximum that does not exceed three times the amount of the annual deductible; and~~

~~(iii) under which the employer pays 75% of the premium for the employee and the dependents of the employee who work or reside in the State.]~~

(4) The health insurance must be available upon the first day of the calendar month following [the initial] ninety (90) days from the date of hire.

(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to this Rule must demonstrate compliance with this Rule in any annual submittal under Section 63G-6-702. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(6) General (Prime) Contractors Compliance Process. Contractors that are subject to this Rule must demonstrate compliance with this Rule for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(7) Notwithstanding any prequalification process, any contract subject to this Rule shall contain a provision requiring compliance with this Rule from the time of execution and throughout the duration of the contract.

(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under this Rule conducted by the Board or the Division shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be imposed by Board or Division. The penalties that may be imposed by the Board or the Division if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of this Rule R23-23, may include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50 percent of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c)(i) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who intentionally violates the provisions of this rule shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.

(ii) An employer has an affirmative defense to a cause of action under Subsection R23-23-7(8)(c)(i) as provided in Subsection 63A-5-205(3)(g)(ii).

KEY: health insurance, contractors, contracts, contract requirements

Date of Enactment or Last Substantive Amendment: ~~July 8, 2010~~ 2011

Authorizing, and Implemented or Interpreted Law: 63A-5-103(1)(e); 63A-5-205

Administrative Services, Facilities Construction and Management **R23-31** Executive Residence Commission

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34802

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule is to implement S.B. 203 of the 2011 General Session which amends Subsections 67-1-8.1(3) and 67-1-8.1(8). This rule identifies the historical preservation zones within the Governor's Mansion, specifying what areas of the building can be modified. Among other things, it educates concerned parties of the reasons behind the restoration project and the choices of the character defining features of the mansion. (DAR NOTE: S.B. 203 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This is a new rule to implement S.B. 203 of the 2011 General Session which amends Subsections 67-1-8.1(3) and 67-1-8.1(8). Said bill modifies the membership and duties of the Executive Residence Commission (commission) by providing definitions, expanding the membership and duties of the commission, and requires the commission to meet at least once a year and make any recommendations to the Utah State Building Board. It requires DFCM to provide administrative support to the commission. This rule provides written requirements regarding alterations and modifications within the Governor's Mansion as defined in Section 67-1-8.1.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-103 and Section 67-1-8.1

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There will not be any aggregate anticipated cost or savings to the state budget because this rule is consistent with current practices in regard to funding. However, under Sections 63A-3-106 and 63A-3-107,

commission members are entitled to per diem and travel expenses reimbursement. This cost would be minimal and is unknown.

♦ LOCAL GOVERNMENTS: No cost or savings are anticipated for local governments with this new rule. No new requirements were created with this new rule that impact local governments.

♦ SMALL BUSINESSES: There are no aggregate anticipated cost or savings to small businesses and businesses (fewer than 50 employees). No new requirements were created with this new rule that impact local governments.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Implementation of this new rule will not require any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Implementation of this new rule is consistent with current practices in regard to funding and is not significantly different from current practices. Therefore, there will not be a fiscal impact on businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.

R23-31. Executive Residence Commission.

R23-31-1. Purpose.

The purpose of this rule is to comply with S.B. 203 of the 2011 General Session of the Utah Legislature which amends the provisions of Section 67-1-8.1.

R23-31-2. Authority and Applicability.

This rule is authorized under Section 63A-5-103(1)(e), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management. This is a new rule to implement S.B. 203 of the 2011 General Session of the Utah Legislature which amends Section 67-1-8.1.

R23-31-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 67-1-8.1.

(2) In addition:

(a) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(b) "Commission" means the Executive Residence Commission established pursuant to Section 67-1-8.1.

(c) "Executive Residence" includes the:

(i) Thomas Kearns Mansion;

(ii) Carriage House building; and

(iii) Grounds and landscaping surrounding the Thomas Kearns Mansion and the Carriage House building.

(d) "Preservation Zones" are those zones described in Rule 23-31-6.

R23-31-4. Preservation Zones of the Governor's Mansion.

(1) Preservation Zone One: The following applies to Preservation Zone One:

(a) Zone One contains very important character defining features, consisting of all floor, wall and ceiling finishes. All decorative elements and furnishings existing as of May 10, 2011 have been carefully researched and selected to reflect the historic significance of the Executive Residence. Zone One is described in Rule R23-31-6.

(b) Any changes to the decorative elements and furnishings in Zone One will need the review and recommendation of the Commission to the Board. Approval may be given by the State Building Board after considering input from the Commission and the State Historic Preservation Officer.

(c) There must be compelling reasons presented to the Board for changes to the decorative elements and furnishings in Zone One.

(d) Notwithstanding the above, and provided that the Zone One characteristics are not affected, it is recognized that the Residence acts as the temporary home of the First Family. Placement of personal art and memorabilia is encouraged throughout the Residence to personalize the spaces and allow the Residence to provide a home life for the Governor and the

Governor's family. The placement of said personal art and memorabilia shall be carefully considered to ensure that character defining features are preserved.

(2) Preservation Zone Two. The following applies to Preservation Zone Two:

(a) The area described in Rule R23-31-6 as Zone Two has been previously altered, but contains some Zone One character defining features, which features shall be considered part of Zone One. Examples of such features are: ceiling plasterwork, woodwork, certain wall locations, fireplaces, windows and window surrounds, original flooring, light fixtures and other character defining features.

(b) Temporary furnishings may be altered without going through the Commission; but the Commission shall be made aware of any such alteration request in writing.

(c) Any changes to Zone Two may be done without any review or approval by the Commission or the Board.

R23-31-5. Specific Descriptions of the Preservation Zones for Purposes of this Rule.

The following provides the specific descriptions of the Preservation Zones for purposes of this Rule R23-31:

(1) Mansion Exterior:

(a) All exterior surfaces are considered Preservation Zone One.

(2) Mansion Floor One (Main Level):

(a) All areas on the main level are considered Preservation Zone One.

(3) Mansion Floor Two:

(a) Main stairs and north stair and well area are considered Preservation Zone One.

(b) The private residence area on level two is considered Preservation Zone Two with the following exceptions which are considered Preservation Zone One:

(i) Private Quarters Entry Hall

(A) Permanent fixtures

(B) Wall treatments

(C) Wall sconces

(D) Flooring

(ii) Den/Living Room

(A) Birdseye maple

(B) Flooring

(C) Fireplace

(D) Plasterwork

(E) Woodwork

(iii) Dining Room/TV Area

(A) Plaster work

(B) Fireplace

(C) Woodwork

(D) Flooring

(iv) All Bedrooms

(A) Fireplaces where applicable

(B) Permanent fixtures

(C) Wall treatments

(D) Wall sconces

(E) Flooring

(4) Mansion Floor Three

(a) All areas on level three are considered Preservation Zone One with the following exceptions which are Preservation Zone Two:

(i) Serving kitchen, pantry and hallway to restrooms

(ii) Private bedroom on level three is considered Preservation Zone Two with the following exceptions which are Preservation Zone One:

(A) Permanent fixtures

(B) Wall treatments

(C) Wall sconces

(D) Flooring

(E) Decorative plaster

(F) Woodwork

(5) Mansion Basement Level

(a) All areas on basement level are considered Preservation Zone Two with the following exceptions which are Preservation Zone One:

(i) All wood doors and historic wood partition

(ii) Windows and window surrounds

(6) Carriage House Exterior

(a) All exterior surfaces are considered Preservation Zone One

(7) Carriage House Interior

(a) All interior areas are considered Preservation Zone One with the following exceptions which are Preservation Zone Two:

(i) Executive Security control room and office area

R23-31-6. Provisions of Section 67-1-8.1 Shall Govern.

All provisions of the Section 67-1-8.1, whether or not referred to in this rule, shall govern the Commission and all other agencies, entities and persons as provided for in Section 67-1-8.1.

R23-31-7. Report to the Building Board.

DFCM shall report to the Board about the Commission as needed.

KEY: Governor's Mansion, Executive Residence Commission, preservation

Date of Enactment of Last Substantive Amendment: 2011

Authorizing and Implemented or Interpreted Law: 63A-5-103(1)(e); 67-1-8.1(3); 67-1-8.1(8)

Administrative Services, Fleet
Operations
R27-3-4
Authorized and Unauthorized Use of
State Vehicles

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34786

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change authorizes the transportation of weapons and ammunition in state vehicles when authorized by state and/or federal laws.

SUMMARY OF THE RULE OR CHANGE: This rule change creates an exception for the transportation of weapons and ammunition in state vehicles when authorized by state and/or federal law.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63A-9-401(1)(d)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no known costs or savings associated with the legal transportation of weapons or ammunition within state vehicles. This rule change will have no fiscal impact on the state budget.
- ◆ **LOCAL GOVERNMENTS:** There are no known costs or savings associated with the legal transportation of weapons or ammunition within state vehicles. This rule change will have no fiscal impact on local governments.
- ◆ **SMALL BUSINESSES:** There are no known costs or savings associated with the legal transportation of weapons or ammunition within state vehicles. This rule change will have no fiscal impact on small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no known costs or savings associated with the legal transportation of weapons or ammunition within state vehicles. This rule change will have no fiscal impact on persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no known costs or savings associated with the legal transportation of weapons or ammunition within state vehicles. This rule change will have no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses associated with this rule change.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Brian Fay by phone at 801-538-3502, by FAX at 801-359-0759, or by Internet E-mail at bfay@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Sam Lee, Director

R27. Administrative Services, Fleet Operations.**R27-3. Vehicle Use Standards.****R27-3-4. Authorized and Unauthorized Use of State Vehicles.**

(1) State vehicles shall only be used for official state business.

(2) Except in cases where it is customary to travel out of state in order to perform an employee's regular employment duties and responsibilities, the use of a state vehicle outside the State of Utah shall require the approval of the director of the department that employs the individual.

(3) The use of a state vehicle for travel outside the continental U.S. shall require the approval of the director of the employing department, the director of DFO, and the director of the Division of Risk Management. All approvals must be obtained at least 30 days from the departure date. The employing agency shall, prior to the departure date, provide DFO and the Division of Risk Management with proof that proper automotive insurance has been obtained. The employing agency shall be responsible for any damage to vehicles operated outside the United States regardless of fault.

(4) Unless otherwise authorized, the following are examples of the unauthorized use of a state vehicle:

(a) Transporting family, friends, pets, associates or other persons who are not state employees or are not serving the interests of the state.

(b) Transporting hitchhikers.

(c) Transporting acids, explosives, ~~weapons, ammunition,~~ hazardous materials, ~~and~~ flammable materials, and weapons and ammunition (except as authorized by federal and/or state laws). Otherwise, [F]the transport of the above-referenced items or materials is deemed authorized when it is specifically related to employment duties.

(d) Extending the length of time that the state vehicle is in the operator's possession beyond the time needed to complete the official purposes of the trip.

(e) Operating or being in actual physical control of a state vehicle in violation of Subsection 41-6a-502, (Driving under the influence of alcohol, drugs or with specified or unsafe blood alcohol concentration), Subsection 53-3-231, (Person under 21 may not operate a vehicle with detectable alcohol in body), or an ordinance that complies with the requirements of Subsection 41-6a-510, (Local DUI and related ordinances and reckless driving ordinances).

(f) Operating a state vehicle for personal use as defined in R27-1-2(36). Generally, except for approved personal uses set forth in R27-3-5 and when necessary for the performance of employment duties, the use of a state vehicle for activities such as shopping,

participating in sporting events, hunting, fishing, or any activity that is not included in the employee's job description, is not authorized.

(g) Using a state vehicle for personal convenience, such as when a personal vehicle is not operational.

(h) Pursuant to the provisions of R27-7-1 et seq., the unauthorized use of a state vehicle may result in the suspension or revocation of state driving privileges.

KEY: state vehicle use

Date of Enactment or Last Substantive Amendment: [January 25,] 2011

Notice of Continuation: November 29, 2010

Authorizing, and Implemented or Interpreted Law: 63A-9-401(1)(d)

Administrative Services, Fleet Operations, Surplus Property **R28-1** State Surplus Property Disposal

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34780

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The administration of and rulemaking authority for Surplus Property has been transferred to the Division of Purchasing and General Services per S.B. 130 (2011 General Session). (DAR NOTE: S.B. 130 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule is to be repealed in its entirety from Title R28.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-2-401 and Section 63A-2-406

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no cost to the state budget because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ **LOCAL GOVERNMENTS:** There is no cost to local government because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ **SMALL BUSINESSES:** There is no cost to small businesses because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost to persons other than small businesses, businesses or local government entities because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no anticipated fiscal impact on business due to the repealing of this rule.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS, SURPLUS PROPERTY
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Brian Fay by phone at 801-538-3502, by FAX at 801-359-0759, or by Internet E-mail at bfay@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Sam Lee, Director

~~**[R28. Administrative Services, Fleet Operations, Surplus Property.**~~

~~**R28-1. State Surplus Property Disposal.**~~

~~**R28-1-1. Purpose.**~~

~~————— This rule sets forth policies and procedures which govern the acquisition and disposition of state and federal surplus property. It applies to all state and local public agencies and eligible non-profit educational and health institutions when dealing with federal surplus property. It also applies to all state agencies unless specifically exempted by law and to the general public when dealing with state surplus property.~~

~~**R28-1-2. Authority.**~~

~~————— Under the provisions of Title 63A, Chapter 9, Part 8, the Utah State Agency for Surplus Property (USASP) within the Division of Fleet Operations, under the Department of Administrative Services is responsible for operating both a state and a federal surplus property program. The standards and procedures governing the operation of these two programs are found in two separate State Plans of Operation, one for state surplus property and~~

a second plan for federal surplus property, the latter being a contract between the state and federal government. The State Plans of Operation may be reviewed at the USASP.

R28-1-3. Definitions.

A. As used in this section "Personal handheld electronic device":

1. means an electronic device that is designed for personal handheld use and permits the user to store or access information, the primary value of which is specific to the user of the device; and,

2. includes a mobile phone, pocket personal computer, personal digital assistant, wireless, or similar device.

R28-1-4. Procedures.

A. State-owned personal property shall not be destroyed, sold, transferred, traded in, traded, discarded, donated or otherwise disposed of without first submitting a properly completed form SP-1 to and receiving authorization from the USASP.

This rule applies to and includes any residue that may be remaining from agency cannibalization of property.

B. When a department or agency of state government determines that state-owned personal property is in excess to current needs, they will make such declaration using Form SP-1. State-owned personal property shall not be processed by the USASP unless the appropriate form is executed.

C. A standard form SP-3 is required when it is determined that state-owned personal property should be abandoned and destroyed. The SP-3 is generated by the USASP after receiving a form SP-1 and reviewing the property being disposed of by the agency.

D. State-owned information technology equipment may be transferred directly to public institutions, such as schools and libraries by the owning agency. However, a form SP-1 must still be completed and forwarded to the USASP to account for the transfer of the equipment. In such cases, the USASP will not assess a fee. Similarly, the USASP is authorized to donate computer equipment received as surplus property from agencies to schools that have submitted requests for computer equipment directly to the USASP.

E. Pursuant to the provisions of section 63A-9-808.1, state-owned information technology equipment may be transferred directly to Non-profit entities for distribution to, and use by, persons with a disability as defined in subsections 62A-5-101(9). However, interagency transfers and sales of surplus property to state and local agencies within the 30 day period under section 63A-9-808 shall have priority over transfers under this subsection. The 30-day holding period may be waived if shown to be in the best interest of the state.

F. Requests for state-owned information technology equipment from non-profit entities shall be:

1. Submitted, in writing, on the non-profit entity's official letterhead, to the Department of Human Services, Division of Services for People with Disabilities (DSPD);

2. Reviewed and approved by DSPD and forwarded to the USASP manager to properly track and arrange for distribution.

G. State agencies transferring state-owned information technology equipment to non-profit entities for distribution to, and use by persons with a disability as defined in subsections 62A-5-101(9), shall provide the USASP with completed SP-1 forms in

order to account for the transfer of said equipment. In such cases, the USASP will not assess a fee to the donating agency.

H. Pursuant to the provisions of subsection 63A-9-808.1(4), the USASP shall prepare an annual report to DSPD containing the names of non-profit entities that received state-owned information technology equipment under subsection 63A-9-808.1(2), and the types and amounts of equipment received.

I. Prior to submitting information technology equipment to Surplus Property, or donating it directly to the public institutions, agencies shall delete all information from all storage devices. Information shall be deleted in such a manner as to not be retrievable by data recovery technologies.

J. Federal surplus property is not available for sale to the general public, on a day-to-day basis. Donation of federal surplus property shall be administered in accordance with the procedures identified in the State Plan of Operation for the Federal Property Assistance Program. Public auctions of federal surplus property are authorized under certain circumstances and conditions. The USASP Manager shall coordinate such auctions when deemed necessary or appropriate. Federal surplus property auctions are primarily conducted online, but are regulated and accomplished by the U.S. General Services Administration.

K. This section sets forth policy and procedure, which governs the sale of personal handheld electronic devices to a user who is provided such a device by an agency, and who subsequently leaves or changes employment. These personal handheld electronic devices usually rely on technology that is rapidly changing, resulting in the devices becoming continuously outdated as more capable devices are offered; therefore, their value depreciates significantly over the period of their service. Their usefulness is generally tied to a service contract with a service provider.

1. Personal handheld electronic device and related accessories and software may be purchased by the assigned user upon a change in employment status including termination, retirement, or transfer to another agency within state government; provided that the issuing agency is not obligated to continue the terms of the service contract.

2. Purchase of a handheld device is exempt from the requirements of related party transactions under R28-1-5.

3. Prior to a purchase of a handheld device, the following requirements shall be completed in substantially the following order:

a. the agency that assigned or provided the personal handheld electronic device shall:

i. authorize, in writing to USASP, the sale to the assigned user in lieu of exchange or surplus;

ii. submit an SP-1 to USASP with a description of the items to be included in the sale of the personal handheld electronic device including the make, model, serial number, specifications (if available), list of accessories, software; and

iii. remove, or cause to be removed, from the personal handheld electronic device any:

(A) software owned or licensed by the agency as required by the software license agreement;

(B) information that is classified as protected, private, or controlled under the Title 63G, Chapter 2, Government Records Access and Management Act; and

(C) Ensure in writing that the service contract is null and void to the issuing agency or transferable to the purchaser.

- ~~_____ b. The USASP shall:~~
 - ~~_____ i. have an established fee that has been approved by the Department of Administrative Services Rate Committee;~~
 - ~~_____ ii. receive the SP-1 form, and;~~
 - ~~_____ iii. generate an invoice for the transaction upon receiving full payment of the fee from the designated purchaser of the device.~~
- ~~_____ c. The designated purchaser of the device shall:~~
 - ~~_____ i. make full payment of the fee to the USASP for the item, and;~~
 - ~~_____ ii. sign the invoice and return the signed invoice to USASP.~~
- ~~_____ d. The agency may be authorized by the division to transfer ownership of the personal handheld electronic device to the designated purchaser of the device.~~
- ~~_____ L. The USASP Manager or designee may make an exception to the written authorization requirement identified in paragraph A above. Exceptions must be for good cause and must consider:~~
 - ~~_____ 1. The cost to the state;~~
 - ~~_____ 2. The potential liability to the state;~~
 - ~~_____ 3. The overall best interest of the state.~~

R28-1-5. Related Party Transactions.

- ~~_____ A. The USASP has a duty to the public to ensure that State-owned surplus property is disposed of at fair market value, in an independent and ethical manner, and that the property or the value of the property has not been misrepresented. A conflict of interest may exist or appear to exist when a related party attempts to purchase surplus property.~~
- ~~_____ B. A related party is defined as someone who may fit into any of the following categories pertaining to the surplus property in question:~~
 - ~~_____ 1. Has purchasing authority.~~
 - ~~_____ 2. Has maintenance authority.~~
 - ~~_____ 3. Has disposition or signature authority.~~
 - ~~_____ 4. Has authority regarding the disposal price.~~
 - ~~_____ 5. Has access to restricted information.~~
 - ~~_____ 6. Is perceived to be a related party using other criteria which may prohibit independence.~~
- ~~_____ C. Owning state agencies may list any recommended purchasers on the standard form SP-1 Final decision rests with USASP as to selling price and buyer.~~
- ~~_____ D. When a prospective purchaser is identified or determined to be a related party, the USASP will employ one of the following procedures:~~
 - ~~_____ 1. The USASP may require written justification and authorization from the Department or Division Head or authorized agent. Justification may include reference to maintenance history, purchase price and the absence of conflicts of interest. If the related party is an authorized agent, a higher approval may be sought.~~
 - ~~_____ 2. The USASP may choose to hold the property for sale by public auction or sealed bid. The prospective buyer may then compete against other bidders.~~
 - ~~_____ 3. The USASP may hold the property for a 30-day period before allowing the related party the opportunity to purchase the property, thus allowing for purchase of the property in accordance with the priorities listed below. The 30-day holding period may be waived if shown to be in the best interest of the state.~~

R28-1-6. Priorities.

- ~~_____ A. Public agencies are given priority for the purchase of state-owned surplus property.~~
- ~~_____ B. Property received by the USASP that is determined to be unique, in short supply or in high demand by public agencies shall be held for a period of 30 days before being offered for sale to the general public. The 30-day holding period may be waived if shown to be in the best interest of the state.~~
- ~~_____ C. For this rule, the entities listed below, in priority order, are considered to be public agencies:~~
 - ~~_____ 1. State Agencies~~
 - ~~_____ 2. State Universities, Colleges, and Community Colleges~~
 - ~~_____ 3. Other tax-supported educational agencies or political subdivisions in the State of Utah including cities, towns, counties and local law enforcement agencies~~
 - ~~_____ 4. Other tax-supported educational entities~~
 - ~~_____ 5. Non-profit health and educational institutions~~
- ~~_____ D. State-owned personal property that is not purchased by or transferred to public agencies during the 30-day hold period may be offered for public sale. The 30-day holding period may be waived if shown to be in the best interest of the state.~~
- ~~_____ E. The USASP Manager or designee shall make the determination as to whether property is subject to the 30-day hold period. The decision shall consider the following:~~
 - ~~_____ 1. The cost to the state;~~
 - ~~_____ 2. The potential liability to the state;~~
 - ~~_____ 3. The overall best interest of the state.~~

R28-1-7. Accounting and Reimbursement.

- ~~_____ A. The USASP will record and maintain records of all transactions related to the acquisition and sale of all state and federal surplus property. A summary of the total yearly sales of state surplus by agency or department will be provided to the legislature following the close of each fiscal year.~~
- ~~_____ B. Reimbursements to state agencies from the sale of their surplus property will be made through the Division of Finance on interagency transfers or warrant requests. The Surplus Agency is authorized to deduct operating costs from the selling price of all state surplus property. In all cases property will be priced to sale for fair market value. Items that are not marketable for whatever reason may be discounted in price or disposed of by abandonment, donation, or sold as scrap.~~
- ~~_____ C. Deposits from cash sales will be made to the State Treasurer in accordance with Title 51, Chapter 7.~~
- ~~_____ D. The USASP may maintain a federal working capital reserve not to exceed one year's operating expenses. In the event the Surplus Agency accumulates funds in excess of the allowable working capital reserve, they will reduce their service and handling charge to under recover operating expenses and reduce the Retained Earnings balance accordingly. The only exception is where the USASP is accumulating excess funds in anticipation of the purchase of new facilities or capital items. Prior to the accumulation of excess funds, the USASP must obtain the written approval of the Executive Director of the Department of Administrative Services.~~

R28-1-8. Payment.

- ~~_____ A. Payment received from public purchasers may be in the form of cash and/or certified funds, authorized bank credit~~

~~cards, and business or personal checks, may not be accepted for amounts exceeding \$200. Two-party checks shall not be accepted.~~

~~B. Payment received from state subdivisions shall be in the form of agency or subdivision check or purchasing card.~~

~~C. Payment made by public purchasers shall be at the time of purchase and prior to removal of the property purchased. Payment for purchases by state subdivisions shall be within 60 days following the purchase and removal of the property.~~

~~D. The USASP Manager or designee may make exceptions to the payment provisions of this rule for good cause. A good cause exception requires a weighing of:~~

- ~~1. The cost to the state;~~
- ~~2. The potential liability to the state;~~
- ~~3. The overall best interest of the state.~~

R28-1-9. Bad Debt Collection.

~~A. The USASP shall initiate formal collection procedures in the event that a check from the general public, state subdivisions, or other agencies is returned to the USASP for "insufficient funds".~~

~~B. In the event that a check is returned to the USASP is returned for "insufficient fund," the USASP may:~~

- ~~1. Prohibit the debtor from making any future purchases from the USASP until the debt is paid in full.~~
- ~~2. Have division accountant send a certified letter to the debtor stating that:~~

~~(a) the debtor has 15 days to pay the full amount owed with cash or certified funds, including any and all additional fees associated with the collection process, such as returned check fees; and~~

~~(b) If the balance is not paid within the 15-day period, the matter will be referred to the Office of State Debt Collection for formal collection proceedings.~~

~~C. Debts for which payments have not been received in full within the 15-day period referred to above, shall be assigned to the Office of State Debt Collection in accordance with statute.~~

R28-1-10. Public Sales of Surplus Property.

~~A. State-owned surplus property may be purchased at any time by the general public, subject to any 30-day holding period that may be assigned by USASP management. The 30-day holding period may be waived if shown to be in the best interest of the state.~~

~~B. At the discretion of the USASP Manager, any state-owned surplus property may be sold to the general public by auction, sealed bid, or other acceptable method. Property to be auctioned may be consigned out to an auction service. If a consignment approach is considered, the USASP Manager must ensure that the auction service is contracted by and authorized by the Division of Purchasing.~~

~~C. Federal surplus property auctions to the general public may be accomplished on occasions and subject to the limitations as indicated previously.~~

~~D. The frequency of public auctions, for either State-owned or federal surplus property will be regulated by current law as applicable, the volume of items held in inventory at the USASP, and the profitability of conducting auctions versus other approaches to disposing of surplus property.~~

KEY: state property

Date of Enactment or Last Substantive Amendment: August 2, 2006

Notice of Continuation: February 26, 2007

Authorizing, and Implemented or Interpreted Law: 63A-9-801; 63A-9-808.1]

**Administrative Services, Fleet
Operations, Surplus Property
R28-2
Surplus Firearms**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34781

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The administration of and rule making authority for Surplus Property has been transferred to the Division of Purchasing and General Services per S.B. 130 (2011 General Session). (DAR NOTE: S.B. 130 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule is to be repealed in its entirety from Title R28.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-2-401 and Section 63A-2-406

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no cost to the state budget because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

♦ **LOCAL GOVERNMENTS:** There is no cost to local government because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

♦ **SMALL BUSINESSES:** There is no cost to small businesses because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost to persons other than small businesses, businesses, or local government entities because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no anticipated fiscal impact on business due to the repealing of this rule.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS, SURPLUS PROPERTY
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Brian Fay by phone at 801-538-3502, by FAX at 801-359-0759, or by Internet E-mail at bfay@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Sam Lee, Director

~~[R28. Administrative Services, Fleet Operations, Surplus Property.~~

~~R28-2. Surplus Firearms.~~

~~R28-2-1. Purpose and Authority.~~

~~This rule sets forth policies and procedures for disposing of surplus firearms from state agencies and participating local agencies, as authorized in the Utah Code, Title 63A, Chapter 9, Part 8. This rule governs the destruction, sale, transfer, or donation of surplus firearms to any agency or to the general public.~~

~~R28-2-2. Definitions.~~

- ~~(1) As used in this rule:~~
- ~~(a) "Firearm" means any state owned firearm, including any confiscated or seized firearm over which the state has disposal authority, and any firearm declared surplus by a local subdivision.~~
- ~~(b) "USASP" means Utah State Agency for Surplus Property.~~
- ~~(c) "Handgun" means any pistol or revolver.~~
- ~~(d) "Hunting or sporting rifle" means any long barreled shotgun or rifle manufactured for hunting or sporting purposes.~~
- ~~(e) "Licensed firearms dealer" means a firearms dealers licensed by the Federal Bureau of Alcohol, Tobacco and Firearms.~~

~~R28-2-3. Procedures.~~

- ~~(1) All state owned firearms shall be disposed of under the general provisions of Rule R28-1.~~

~~(a) As an exception to the purchase priority listed in Section R28-1-5, the sale of firearms directly to the general public by the USASP is prohibited.~~

~~(b) Hunting and sporting rifles meeting Federal Firearms regulations may be sold only to firearms dealers licensed by the Federal Bureau of Alcohol, Tobacco and Firearms. All sales will be accomplished by either auction or sealed bid.~~

~~(c) Except as provided in this Subsection (c), handguns shall be transferred to the Utah State Public Safety Crime Lab for use or to be destroyed.~~

~~(i) The owning agency may trade a handgun into a licensed firearm dealer for credit toward the current purchase of a new handgun.~~

~~(ii) USASP may authorize the sale of a handgun to a legally constituted law enforcement agency.~~

~~(iii) USASP may authorize the sale of a handgun to a POST certified individual if the owning agency submits a signed request that includes:~~

~~(A) the individual's name;~~

~~(B) the serial number of the handgun to be sold; and~~

~~(C) the signature of an authorized agent of the owning agency.~~

~~(2) All firearms retained by the USASP shall be in accordance with Federal Firearms regulations pursuant to Sections 921(a)(19) and 922(s) of Title 18, United States Code.~~

~~(a) Written certification that surplus firearms meet federal firearms regulations shall be provided by the owning agency or a qualified armorer.~~

~~(3) All firearms retained by the USASP shall be in good working condition.~~

~~(a) Written certification specifying the condition of surplus firearms shall be provided by the owning agency or a qualified armorer.~~

~~KEY: firearms~~

~~Date of Enactment or Last Substantive Amendment: August 19, 2010~~

~~Notice of Continuation: November 29, 2010~~

~~Authorizing, and Implemented or Interpreted Law: 63A-9-801]~~

Administrative Services, Fleet
Operations, Surplus Property
R28-3

Utah State Agency for Surplus Property
Adjudicative Proceedings

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34782

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The administration of and rule making authority for Surplus Property has been transferred to the Division of Purchasing and General Services per S.B. 130 (2011 General Session). (DAR NOTE: S.B. 130 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule is to be repealed in its entirety from Title R28.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-2-401 and Section 63A-2-406

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no cost to the state budget because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ **LOCAL GOVERNMENTS:** There is no cost to local government because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ **SMALL BUSINESSES:** There is no cost to small businesses because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no cost to persons other than small businesses, businesses, or local government entities because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons because the program and regulatory authority is transferred to the Division of Purchasing and will continue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no anticipated fiscal impact on business due to the repealing of this rule.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS, SURPLUS PROPERTY
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Brian Fay by phone at 801-538-3502, by FAX at 801-359-0759, or by Internet E-mail at bfay@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Sam Lee, Director

~~[R28. Administrative Services, Fleet Operations, Surplus Property.~~

~~R28-3. Utah State Agency for Surplus Property Adjudicative Proceedings.~~

~~R28-3-1. Purpose.~~

~~As required by the Utah Administrative Procedures Act, this rule provides the procedures for adjudicating disputes brought before the Utah State Agency for Surplus Property under the authority granted by Section 63A-9-801 and Section 63G-4, et seq.~~

~~R28-3-2. Definitions.~~

~~Terms used are as defined in Section 63G-4-103, except "USASP" means the Utah State Agency for Surplus Property, and "superior agency" means the Department of Administrative Services.~~

~~R28-3-3. Proceedings to be Informal.~~

~~All matters over which the USASP has jurisdiction including bid validity determination and sales issues, which are subject to Title 63G, Chapter 4, will be informal in nature for purposes of adjudication. The Director of the Division of Fleet Operations or his designee will be the presiding officer.~~

~~R28-3-4. Procedures Governing Informal Adjudicatory Proceedings.~~

~~1. No response need be filed to the notice of agency action or request for agency action.~~

~~2. The USASP may hold a hearing at the discretion of the director of the Division of Fleet Operations or his designee unless a hearing is required by statute. A request for hearing must be made within ten days after receipt of the notice of agency action or request for agency action.~~

~~3. Only the parties named in the notice of agency action or request for agency action will be permitted to testify, present evidence and comment on the issues.~~

~~4. A hearing will be held only after timely notice of the hearing has been given.~~

~~5. No discovery, either compulsory or voluntary, will be permitted except that all parties to the action shall have access to information and materials not restricted by law.~~

~~6. No person may intervene in an agency action unless federal statute or rule requires the agency to permit intervention.~~

~~7. Any hearing held under this rule is open to all parties.~~

~~8. Within thirty days after the close of any hearing, the director of the Division of Fleet Operations or his designee shall issue a written decision stating the decision, the reasons for the decision, time limits for filing an appeal with the director of the~~

~~superior agency, notice of right of judicial review, and the time limits for filing an appeal to the appropriate district court.~~

~~9. The decision rendered by the Director of the Division of Fleet Operations or his designee shall be based on the facts in the USASP file and if a hearing is held, the facts based on evidence presented at the hearing.~~

~~10. The agency shall notify the parties of the agency order by promptly mailing a copy thereof to each at the address indicated in the file.~~

~~11. Whether a hearing is held or not, an order issued under the provisions of this rule shall be the final order of the superior agency, and then may be appealed to the appropriate district court.~~

~~KEY: surplus property, appellate procedures~~

~~Date of Enactment or Last Substantive Amendment: February 12, 2004~~

~~Notice of Continuation: April 4, 2008~~

~~Authorizing, and Implemented or Interpreted Law: 63A-9-801; 63G-4]~~

Administrative Services, Fleet
Operations, Surplus Property
R28-7
Surplus Property Rate Schedule

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34783

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The administration of and rule making authority for Surplus Property has been transferred to the Division of Purchasing and General Services per S.B. 130 (2011 General Session). (DAR NOTE: S.B. 130 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule is to be repealed in its entirety from Title R28.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-2-401 and Section 63A-2-406

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There is no cost to the state budget because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ LOCAL GOVERNMENTS: There is no cost to local government because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ SMALL BUSINESSES: There is no cost to small businesses because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no cost to persons other than small businesses, businesses, or local government entities because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons because the program and regulatory authority is transferred to the Division of Purchasing and General Services and will continue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no anticipated fiscal impact on business due to the repealing of this rule.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS, SURPLUS PROPERTY
ROOM 4120 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Brian Fay by phone at 801-538-3502, by FAX at 801-359-0759, or by Internet E-mail at bfay@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Sam Lee, Director

~~[R28. Administrative Services, Fleet Operations, Surplus Property.~~

~~R28-7. Surplus Property Rate Schedule.~~

~~R28-7-1. Purpose and Authority.~~

~~As allowed in Section 63A-9-807 of the Utah Code, charges and fees are assessed based on the value of the surplus property sold or donated as well as for services and handling of the property by the Utah State Agency for Surplus Property.~~

~~R28-7-2. Definitions.~~

~~"USASP" means Utah State Agency for Surplus Property.~~

~~R28-7-3. Rate Schedule.~~

~~The USASP operates by assessing services and handling charges on property sold or donated. The services and handling charges are based on the direct and indirect costs associated with acquiring, receiving, warehousing, distributing, selling, donating, or transferring the surplus property.~~

~~A. The USASP rate structure includes several individual rate schedules for different types of surplus property sales and/or services provided. The USASP rate structure is reviewed annually.~~

~~B. In addition to the direct and indirect costs identified above, other expenses that were determined to be necessary in order to sale or donate the property may also be included. Such costs would include any rehabilitation expenses or special handling expenses.~~

~~KEY: rates~~

~~Date of Enactment or Last Substantive Amendment: November 1, 1999~~

~~Notice of Continuation: May 15, 2007~~

~~Authorizing, and Implemented or Interpreted Law: 63A-9-807]~~

Education, Administration

R277-404

Requirements for Assessments of Student Achievement

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34812

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this new rule is to provide standards and procedures for a Utah State Board of Education developed and directed comprehensive assessment system for all students as required by state and federal law.

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, Utah State Board of Education responsibilities, local education agency responsibilities, and school responsibilities for a statewide assessment system.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Sections 53A-1-603 through 53A-1-611 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no anticipated cost or savings to the state budget. The new rule provides all

elements and requirements of the Utah Assessment System including required assessments for which funding is provided.

◆ LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government. This rule brings together all required statewide assessments.

◆ SMALL BUSINESSES: There are no anticipated cost or savings to small businesses. This new rule applies to public education and does not directly affect businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated cost or savings to persons other than small businesses, businesses, or local government entities. Legislative funding is provided for development of a statewide comprehensive assessment system for all students. The rule brings together all statewide assessments in one rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Legislative funding is provided for development of a comprehensive assessment system for all students. The rule identifies all assessments for parents, students, and taxpayers.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-404. Requirements for Assessments of Student Achievement.

R277-404-1. Definitions.

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

B. "Criterion-Referenced test (CRT)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.

C. "Direct Writing Assessment (DWA)" means a USOE designated online test to measure writing performance for students in grades five and eight.

D. "English Language Learner (ELL) student" means a student who is learning in English as a second language.

E. "English Language Proficiency Test (ELPT)" means an assessment designed to measure the acquisition of the English language for English Language Learners.

F. "Individualized Education Program (IEP)" means an individualized instructional and assessment plan for students who are eligible for special education services under the Individuals with Disabilities Education Act of 2004.

G. "LEA" means local education agency, including local school boards/ public school districts and schools, and charter schools.

H. "National Assessment of Education Progress (NAEP)" is the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

I. "Pre-post" means an assessment administered at the beginning of the school year and at the end of the school year to determine individual student growth in achievement which has occurred during the school year.

J. "Section 504 accommodation plan" required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

K. "Summative adaptive assessments" means assessments administered to assess a student's achievement. The assessments are administered online to measure the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly. Summative assessments provide summary information allowing a student or groups of students to be compared with other students.

L. "Utah Alternate Assessment (UAA)" means an assessment instrument for students in special education with disabilities so severe they are not able to participate in the components of U-PASS even with testing accommodations or modifications. The UAA measures progress on the common core instructional goals and objectives in the student's individual education program (IEP).

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

R277-404-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Sections 53A-1-603 through 53A-1-611 which direct the Board to adopt rules for the conduct and administration of U-PASS, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide consistent definitions and to provide standards and procedures for a Board developed and directed comprehensive assessment system for all students as required by state and federal law.

R277-404-3. Board Responsibilities.

A. Beginning in the 2011-2012 school year, the Board shall implement a comprehensive assessment system for each student in grades K-12. This assessment system shall include:

(1) Criterion-Referenced tests in English language arts for grades 3 - 11; mathematics for grades 3 - 12 and science for grades 4 - 8, earth systems, biology, physics and chemistry OR summative adaptive assessments in reading, language arts, mathematics and science for grades 3-12;

(2) Direct Writing Assessment (DWA) for grades 5 and 8;

(3) Pre-post kindergarten assessment for kindergarten-age students as determined by the LEA;

(4) one benchmark reading assessment determined by USOE for 1st, 2nd and 3rd grade students in the beginning, midpoint and end of year;

(5) Third grade summative end of year reading assessment;

(6) Utah Alternate Assessment (UAA);

(7) English Language Proficiency Test (ELPT); and

(8) National Assessment of Educational Progress (NAEP).

B. The Board shall provide specific rules, administrative guidelines, timelines, procedures, and testing ethics training and requirements for all required assessments.

C. Schools must declare their decision to replace the Criterion-Referenced tests with the adaptive summative test no later than August 1 for the coming year.

D. The Board shall provide resources to the extent available and recommendations for:

(1) LEA implementation of the assessment system; and

(2) professional development for teachers to administer assessments and interpret assessment results.

E. All Utah public school students shall participate in the comprehensive assessment system unless the UAA or ELPT is approved for specific students consistent with federal law.

R277-404-4. LEA Responsibilities.

LEAs shall develop a comprehensive assessment system plan to include the assessments described in R277-404-3A. This plan shall, at a minimum, include:

A. professional development for teachers to fully implement the assessment system;

B. training for educators and appropriate paraprofessionals in the requirements of testing administration ethics;

C. training for educators and appropriate paraprofessionals to utilize assessment results effectively to inform instruction; and

D. adherence to all testing administration and ethics requirements consistent with R277-473.

R277-404-5. School Responsibilities.

A. LEAs shall develop a comprehensive assessment system implementation plan to include the assessments required under R277-404-3A. This plan shall, at a minimum, include:

(1) professional development for teachers and others as directed by the LEA to fully implement system;

(2) training for educators and appropriate paraprofessionals in the requirements of testing administration ethics;

(3) training to utilize assessment tools and results to inform instruction; and

(4) adherence to all testing administration and ethics requirements consistent with R277-473.

B. A student's IEP, ELL, or Section 504 team shall determine a student's participation in statewide assessments.

KEY: assessment, student achievement

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-603 through 53A-1-611; 53A-1-401(3)

Education, Administration R277-407 School Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34814

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-407 is amended to provide new and revised language to clarify student eligibility for fee waiver, student records issues, and to make the language in the rule consistent with state law.

SUMMARY OF THE RULE OR CHANGE: The amendments to the rule provide new and revised language to clarify student eligibility for fee waiver and student records issues.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-12-102

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The changes to the rule provide new and amended language to clarify student eligibility for school fee waivers and make the language in the rule consistent with state law. Changes do not result in any costs or savings to the state.

♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The changes to the rule provide new and amended language to clarify student eligibility for school fee waivers and make the language in the rule consistent with state law. Changes do not result in any costs or savings to school districts or charter schools.

♦ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses. This rule and the amendments

to the rule relate to public education and do not involve small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government. The changes to the rule provide new and amended language to clarify student eligibility for school fee waivers and make the language in the rule consistent with state law. Changes do not result in any costs or savings to individuals, though clarification may result in fees paid by individual families.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes provide new and amended language to clarify student eligibility for school fee waivers and make the language in the rule consistent with state law. Changes do not result in any compliance costs.

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

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY, UT 84111-3272

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-407. School Fees.

R277-407-1. Definitions.

A. Fee: Any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods. Admission fees, transportation charges, and similar payments to third parties are fees if the charges are made in connection with an activity or function sponsored by or through a school. For purposes of this policy, charges related to the National School Lunch Program are not fees.

B. "LEA" means a local education agency including local school boards/public school districts and charter schools.

~~[D]~~C. Optional Project: A project chosen and retained by a student in lieu of a meaningful and productive project otherwise available to the student which would require only school-supplied materials.

~~[B]~~D. "Provision in Lieu of Fee Waiver[?]" means ~~[A]~~an alternative to fee payment and waiver of fee payment. A plan under which fees are paid in installments or under some other delayed payment arrangement is not a waiver or provision in lieu of fee waiver.

~~[C]~~E. Student Supplies: Items which are the personal property of a student which, although used in the instructional process, are also commonly purchased and used by persons not enrolled in the class or activity in question and have a high probability of regular use in other than school-sponsored activities. The term includes pencils, papers, notebooks, crayons, scissors, basic clothing for healthy lifestyle classes, and similar personal or consumable items over which a student retains ownership. The term does not include items such as the foregoing for which specific requirements such as brand, color, or a special imprint are set in order to create a uniform appearance not related to basic function.

F. "Supplemental Security Income for children with disabilities (SSI)" is a benefit administered through the Social Security Administration that provides payments for qualified children with disabilities in low income families.

G. "Temporary Assistance for Needy Families (TANF)," (formerly AFDC) provides monthly cash assistance and food stamps to low-income families with children under age 18 through the Utah Department of Workforce Services.

~~[E]~~H. Textbook: Book, workbook, and materials similar in function which are required for participation in a course of instruction.

~~[F]~~I. Waiver: Release from the requirement of payment of a fee and from any provision in lieu of fee payment.

R277-407-3. Classes and Activities During the Regular School Day.

A. No fee may be charged in kindergarten through sixth grades for materials, textbooks, supplies, or for any class or regular school day activity, including assemblies and field trips.

B. Textbook fees may only be charged in grades seven through twelve.

C. If a class is established or approved which requires payment of fees or purchase of materials, tickets to events, etc., in order for students to participate fully and to have the opportunity to acquire all skills and knowledge required for full credit and highest grades, the class shall be subject to the fee waiver provisions of R277-407-6.

D. Students of all grade levels may be required to provide materials for their optional projects, but a student may not be required to select an optional project as a condition for enrolling in or completing a course. Project-related courses must be based upon projects and experiences that are free to all students.

E. ~~[Student supplies must be provided for elementary students]~~Schools shall provide school supplies for K-6 students. A student may, however, be required to replace supplies provided by the school which are lost, wasted, or damaged by the student through careless or irresponsible behavior.

F. Secondary students may be required to provide their own student supplies, subject to the provisions of Section R277-407-6.

R277-407-4. School Activities Outside of the Regular School Day.

A. Fees may be charged, subject to the provisions of Section R277-407-6, in connection with any school-sponsored activity which does not take place during the regular school day, regardless of the age or grade level of the student, if participation is voluntary and does not affect a student's grade or ability to participate fully in any course taught during the regular school day.

B. Fees related to extracurricular activities may not exceed limits established by the ~~[local board]~~LEA. Schools shall collect these fees consistent with ~~[local board]~~LEA policies and state law.

R277-407-5. General Provisions.

A. No fee may be charged or assessed in connection with any class or school-sponsored or supported activity, including extracurricular activities, unless the fee has been set and approved by the ~~[local board of education]~~LEA and distributed in an approved fee schedule or notice in accordance with this rule.

B. Fee schedules and policies for the entire ~~[district]~~LEA shall be adopted at least once each year by the ~~[local board of education]~~LEA in a regularly scheduled public meeting of the ~~[local board]~~LEA. Provision shall be made for broad public notice and participation in the development of fee schedules and waiver policies. Minutes of ~~[local board]~~LEA meetings during which fee and waiver policies are developed or adopted, together with copies of approved policies, shall be kept on file by the ~~[local board of education]~~LEA and made available upon request.

C. Each ~~[local board]~~LEA shall adopt procedures to reasonably ensure that the parent or guardian of each child who attends school within the ~~[district]~~LEA receives written notice of all current and applicable fee schedules and fee waiver policies, including easily understandable procedures for obtaining waivers and for appealing a denial of waiver, as soon as possible prior to the time when fees become due. Copies of the schedules and waiver policies shall be included with all registration materials provided to potential or continuing students.

D. No present or former student may be denied receipt of transcripts or a diploma for failure to pay school fees. A reasonable charge may be made to cover the cost of duplicating or mailing transcripts and other school records. No charge may be made for duplicating or mailing copies of school records to an elementary or secondary school in which the student is enrolled or intends to enroll.

E. To preserve equal opportunity for all students and to limit diversion of money and school and staff resources from the basic school program, each ~~[local board]~~LEA's fee policies shall be designed to limit student expenditures for school-sponsored activities, including expenditures for activities, uniforms, clubs, clinics, travel, and subject area and vocational leadership organizations, whether local, state, or national.

F. Donations or contributions may be solicited and accepted in accordance with ~~[local board]~~LEA policies, but all such requests must clearly state that donations and contributions are

voluntary. A donation is a fee if a student is required to make a donation in order to participate in an activity.

G. In the collection of school fees, ~~[local boards]~~LEAs shall comply with statutes and State Tax Commission rules regarding the collection of state sales tax.

R277-407-6. Waivers.

A. An ~~[local board of education]~~LEA shall provide, as part of any fee policy or schedule, for adequate waivers or other provisions in lieu of fee waivers to ensure that no student is denied the opportunity to participate in a class or school-sponsored or supported activity because of an inability to pay a fee.

The ~~[local board]~~LEA fee waiver policy shall include procedures to ensure that:

(1) at least one person at an appropriate administrative level is designated in each school to administer the policy and grant waivers;

(2) the process for obtaining waivers or pursuing alternatives is administered fairly, objectively, and without delay, and avoids stigma and unreasonable burdens on students and parents;

(3) students who have been granted waivers or provisions in lieu of fee waivers are not treated differently from other students or identified to persons who do not need to know;

(4) fee waivers or other provisions in lieu of fee waivers are available to any student whose parent is unable to pay the fee in question; fee waivers shall be verified by a school or ~~[school district]~~LEA administrator consistent with requirements of Section 53A-12-103(5);

(5) the ~~[local board]~~LEA requires documentation of fee waivers consistent with Section 53A-12-103(5);

(6) schools and the ~~[local board]~~LEA submit fee waiver compliance forms consistent with Doe v. Utah State Board of Education, Civil No. 920903376 that affirm compliance with provisions of the Permanent Injunction and provisions of Section 53A-12-103(5);

(7) the ~~[local board]~~LEA does not retain required fee waiver verification documentation for protection of privacy and confidentiality of family income records consistent with 53A-12-103(6);

(8) textbook fees are waived for all eligible students in accordance with Sections 53A-12-201 and 53A-12-204 of the Utah Code and this Section;

(9) parents are given the opportunity to review proposed alternatives to fee waivers;

(10) a timely appeal process is available, including the opportunity to appeal to the ~~[local board]~~LEA or its designee;

(11) any requirement that a given student pay a fee is suspended during any period during which the student's eligibility for waiver is being determined or during which a denial of waiver is being appealed; and

(12) the ~~[local board]~~LEA provides for balancing of financial inequities among ~~[district]~~schools so that the granting of waivers and provisions in lieu of fee waivers do not produce significant inequities through unequal impact on individual schools.

~~_____~~ B. Eligibility

~~_____~~(1) Inability to pay is presumed for those who are in state custody or foster care, or receiving public assistance in the form of

~~Aid to Families with Dependent Children, or Supplemental Security Income, or are eligible for free school lunch.~~

] ~~_____~~ B. A student is eligible for fee waiver as follows:

~~_____~~(1) income verification consistent with Section 53A-11-103(5);

~~_____~~(2) the student receives (SSI) Supplemental Security Income (ONLY THE STUDENT WHO RECEIVES THE SSI BENEFIT QUALIFIES FOR FEE WAIVERS);

~~_____~~(3) the family receives TANF (currently qualified for financial assistance or food stamps);

~~_____~~(4) the student is in foster care (under Utah or local government supervision);

~~_____~~(5) the student is in state custody.

~~_____~~ C. In lieu of income verification, supporting documents shall be required for each special category of fee waiver-eligible students:

~~_____~~(1) For TANF, a letter of decision covering the period for which fee waiver is sought from Utah Department of Workforce Services;

~~_____~~(2) For SSI, a benefit verification letter from Social Security;

~~_____~~(3) For state custody or foster care, the youth in custody required intake form and school enrollment letter or both provided by the case worker from the Utah Division of Child and Family Services or the Utah Juvenile Justice Department.

~~[(2)]D.~~ CASE BY CASE DETERMINATIONS ~~[SHALL]~~MAY BE MADE FOR THOSE WHO DO NOT QUALIFY UNDER ONE OF THE FOREGOING STANDARDS but who, because of extenuating circumstances such as, but not limited to, exceptional financial burdens such as loss or substantial reduction of income or extraordinary medical expenses, are not reasonably capable of paying the fee.

~~_____~~ C. No Child Nutrition Program funds may be used to administer the fee waiver program or fee waiver verification.

] ~~[(D)]E.~~ Expenditures for uniforms, costumes, clothing, and accessories (other than items of typical student dress) which are required for school attendance, participation in choirs, pep clubs, drill teams, athletic teams, bands, orchestras, and other student groups, and expenditures for student travel as part of a school team, student group, or other school-approved trip, are fees requiring approval of the ~~[local board of education]~~LEA, and are subject to the provisions of this section, consistent with Doe v. Utah State Board of Education, Civil No. 920903376, p. 43.

~~_____~~ E. The requirements of fee waiver and availability of other provisions in lieu of fee waiver do not apply to charges assessed pursuant to a student's damaging or losing school property. Schools may pursue reasonable methods for obtaining payment for such charges, but may not exclude students from school or withhold UNOFFICIAL transcripts or diplomas to obtain payment of those charges, consistent with Section 53A-11-806(2), and the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 USC 1232g, which regulation is hereby incorporated by reference within this rule.

] ~~_____~~ F. Student Records

~~_____~~(1) An LEA or school may pursue reasonable methods to collect fees, but shall not exclude students from school or withhold official student records, including written or electronic grade reports, diploma, or transcripts, for fees owed.

(2) An LEA or school may withhold the official student records of a student responsible for lost or damaged school property consistent with Section 53A-11-806, but may not withhold a student's records that would prevent a student from attending school or being properly placed in school.

(3) Consistent with Section 53A-11-504, a school requested to forward a certified copy of a transferring student's record to a new school shall comply within 30 school days of the request.

[F]G. Charges for class rings, letter jackets, school photos, school yearbooks, and similar articles not required for participation in a class or activity are not fees and are not subject to the waiver requirements.

R277-407-7. Fee Waiver Reporting Requirements.

Beginning with fiscal year 1990-91, each ~~[school-district]~~LEA shall attach to its annual S-3 statistical report for inclusion in the State Superintendent of Public Instruction's annual report the following:

(1) a summary of the number of students in the ~~[district]~~LEA given fee waivers, the number of students who worked in lieu of a waiver, and the total dollar value of student fees waived by the ~~[district]~~LEA;

(2) a copy of the ~~[local board]~~LEA's fee and fee waiver policies;

(3) a copy of the ~~[local board]~~LEA's fee schedule for students; and

(4) the notice of fee waiver criteria provided by the ~~[district]~~LEA to a student's parent or guardian.

(5) consistent fee waiver compliance forms provided by the ~~[USOE]~~Utah State Office of Education and required by Doe v. Utah State Board of Education, Civil No. 920903376.

KEY: education, ~~[educational tuition, education finance]~~school fees

Date of Enactment or Last Substantive Amendment: ~~[August 23, 2005]~~2011

Notice of Continuation: September 6, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-12-102; 53A-12-201; 53A-12-204; 53A-11-806(2); Doe v. Utah State Board of Education, Civil No. 920903376

Education, Administration **R277-459-3** Distribution of Funds

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 34815
FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to remove outdated language in determining teacher counts for distribution of funds for classroom supplies.

SUMMARY OF THE RULE OR CHANGE: The amendments remove outdated language in Section R277-459-3 of the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments remove outdated language which does not result in any costs or savings.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The amendments remove outdated language which does not result in any costs or savings.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. The rule and amendments apply to public education and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The amendments remove outdated language which does not result in any costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments remove outdated language which does not result in any compliance costs.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-459. Classroom Supplies Appropriation.

R277-459-3. Distribution of Funds.

~~[A. The USOE shall generate from the CACTUS database a teacher count of the full-time classroom teachers consistent with S.B. 2, Section 8, 2010 Legislative Session, for each school district, the Utah Schools for the Deaf and the Blind, or charter schools as of November 15 of each year.~~

[B]A. The Board shall distribute funds to school districts, charter schools and the Utah Schools for the Deaf and the Blind based on data submitted to the CACTUS database~~[consistent with S.B. 2, Section 8, 2010 Legislative Session].~~

[C]B. School districts, charter schools and the Utah Schools for the Deaf and the Blind shall distribute funds for classroom supplies consistent with the amounts for salary schedule steps and teaching assignments ~~[designated in S.B. 2, Section 8, 2010 Legislative Session] as appropriated.~~

[D]C. Individual teachers shall designate the uses for their allocations consistent with the criteria of this rule. School districts/charter schools and other eligible schools may develop policies, procedures and timelines to facilitate the intent of the appropriation.

[E]D. Each school district/charter school shall ensure that each eligible individual has the opportunity to receive the proportionate share of the appropriation.

[F]E. If a teacher has not spent or committed to spend the individual allocation by April 1, the school or district may make the excess funds available to other teachers or may reserve the money for use by eligible teachers the following year.

[G]E. These funds shall supplement, not supplant, existing funds for identified purposes.

[H]G. These funds shall be accounted for by the school district/charter school or eligible school using state and school district procurement and accounting policies.

[I]H. The funds and supplies purchased with the funds are the property of the school district, the Utah Schools for the Deaf and the Blind, or charter schools.

(1) Employees do not personally own materials purchased with designated public funds.

(2) A school district or charter school may by policy allow individual teachers to use supply funds to protect teacher health with consumable materials that may not be able to be reused by the school.

KEY: teachers, supplies

Date of Enactment or Last Substantive Amendment: ~~[August 9, 2010]~~ **2011**

Notice of Continuation: July 1, 2010

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

Education, Administration
R277-464
 Highly Impacted Schools

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34828

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for at-risk students has been replaced with a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the academic growth of students who are at risk for academic failure. A new rule consistent with the new statutory language providing for more flexible at-risk program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule relates to public education and does not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

[R277-464. Highly Impacted Schools.

R277-464-1. Definitions.

- _____ A. "Board" means the Utah State Board of Education.
- _____ B. "Data Clearinghouse" means the electronic data collection system used by the USOE to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.
- _____ C. "School" means a public school, other than a special purpose school, primarily intended to serve students from a specific geographical area in any of grades K through 12.
- _____ D. "Special purpose school" means a school primarily intended to serve a special population of students such as students at risk, students with disabilities, or other special designation.
- _____ E. The "student mobility" factor means the proportion of students who move and have a change in school assignment during a school year. It is a percent, calculated as follows:
- _____ (1) stable students (SS), those who are reported as enrolled in the same school for the entire school year; divided by
- _____ (2) unduplicated cumulative enrollment (CE) in a school over a given school year; subtracted from
- _____ (3) 1, and multiplied by 100; or $(1 - (SS/CE))100$.
- _____ F. The "students who are eligible for free school lunch" factor means the total number of students in a school reported as economically disadvantaged using federal child nutrition income eligibility guidelines.
- _____ G. The "English Language Learner (ELL)" factor means the total number of ELL students in a school reported as having proficiency in the English language at or below the level of intermediate on the basis of the Utah Academic Language Proficiency Assessment (UALPA):

_____ H. The "ethnic minority students" factor means the total number of students in a school reported as:

- _____ (1) American Indian or Alaskan native;
- _____ (2) Hispanic;
- _____ (3) Asian;
- _____ (4) Pacific Islander; or
- _____ (5) Black, using federal guidelines.

_____ I. The "students from single parent families" factor means the total number of students in a school who live in a household headed by a male without a wife present or by a female without a husband present derived from data on persons age 5 through 17 in a geographic area approximating the service area of the school who live in a household with a similar composition.

_____ J. "USOE" means the Utah State Office of Education.

R277-464-2. Authority and Purpose.

_____ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, Section 53A-15-701(3) which directs the State Superintendent of Public Instruction and the Board to develop a formula, administer the program, distribute the appropriation and monitor the effectiveness of highly impacted school programs, Section 53A-17a-121(2) which directs the Board to develop rules to implement programs for at risk students and distribute funds for at risk programs, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

_____ B. The purpose of this rule is to establish criteria and procedures for distributing funds to highly impacted schools. The intent of this appropriation is to provide students with increased educational contact with qualified staff.

R277-464-3. Applications and Distribution of Funds.

_____ A. Awards shall be made to individual schools and funds allocated to school districts or charter schools shall be fully distributed to designated schools.

_____ B. Applications shall be provided through the USOE.

_____ C. Schools shall be selected for funding based on an analysis of the eligibility factors designated in Section 53A-15-701(2)(a). Those factors shall be equally weighted.

_____ (1) Beginning with the FY 2009 funding cycle, statistics for school eligibility determination and allocations shall be based on the latest available data from the Year End upload of the Data Clearinghouse consistent with the funding schedule, except for the single parent status statistic, which shall be derived from Census Bureau data sources.

_____ (2) Schools may use funds for learning programs identified by the school, if the school provides:

- _____ (a) goals;
- _____ (b) activities; and
- _____ (c) outcomes, consistent with the proposed activities that are directly tied to the school's plan to increase student achievement.

_____ (2) Each school selected for funding shall receive a base allocation:

_____ D. Based on available funds, schools shall be funded on a three-year funding cycle, beginning in FY 2009.

~~E. In the event of closure of a school funded under this rule, the school district to which the school belongs may designate another school within the school district as highly impacted.~~

~~(1) A school district may reallocate funds from operating highly impacted schools within the school district to fund a newly designated highly impacted school; the reallocation shall be accomplished consistent with the standards, procedures and timelines of this rule.~~

~~(2) In designating a new or different highly impacted school within the school district, the school district cannot exceed its total original number of highly impacted schools by more than one school per three-year funding cycle.~~

~~(3) In requesting to change the designation of a school or in adding one additional highly impacted school within a school district, the school district has the burden of demonstrating a rationale to the USOE for the change consistent with the criteria of Section 53A-15-701(2).~~

~~(4) The student at-risk factors in a newly designated school or in a realigned school shall be comparable to the at-risk factors in other highly impacted schools within the school district.~~

~~(5) In realigning highly impacted schools within a school district or adding one additional school, the school district shall not receive additional funding for highly impacted schools from other school districts.~~

~~(6) School districts that desire to realign schools within the school district to change or add designated schools shall notify the USOE of changes in school boundaries or newly designated schools no later than June 1 of the year before funding is expected.~~

~~(7) Recommendations and decisions by school districts and the Board to realign highly impacted school boundaries or designate new schools as highly impacted shall retain the focus of the appropriation and this rule on schools that serve students who meet the highly impacted criteria.~~

~~F. The school district shall provide an application for reallocating highly impacted funds from a closed school to a different school within the school district prior to the school district distributing the funds to the newly designated school. Failure to properly apply to the USOE in a timely manner for reallocation of highly impacted funding from a closed school to a newly designated school within the school district may result in recapture of funds from the school district or the newly designated school by the USOE.~~

~~G. Schools receiving funding shall be notified by June 30.~~

~~H. Variances - School districts and charter schools may apply for a variance to this rule provided the school district or charter school:~~

- ~~(1) maintains the focus on schools;~~
- ~~(2) does not disadvantage other school districts or charter schools that receive highly impacted schools funding; and~~
- ~~(3) requests the variance in writing within required timelines.~~

R277-464-4. Oversight Monitoring, Evaluation and Reports.

~~A. The Board may designate no more than two percent of the total appropriation for highly impacted schools to be used specifically by the USOE for oversight, monitoring and final evaluation of highly impacted schools and their compliance with the law and this rule.~~

~~B. Each school selected for funding shall be required to submit an annual evaluation report to the USOE consistent with Section 53A-15-701(6).~~

~~KEY: students at risk~~

~~Date of Enactment or Last Substantive Amendment: October 8, 2008~~

~~Notice of Continuation: July 1, 2010~~

~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-121(2); 53A-1-401(3); 53A-15-701(3); 53A-15-701(2) (a)]~~

Education, Administration
R277-475
 Patriotic Education

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 34816
 FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide new language on reporting requirements consistent with H.B. 269 and H.B. 327, 2011 General Session. Additional language on civic and character education reporting requirements required in state law has also been added to the rule. (DAR NOTE: H.B. 269 and H.B. 327 were effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments provide new language specifically about civic and character education, including new reporting requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-13-101.6 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no anticipated cost or savings to the state budget. Reporting requirements and information on civic and character education added to the rule do not result in any costs or savings.
- ◆ LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government. Reporting requirements and specific information on civic and character education added to the rule do not result in any costs or savings.
- ◆ SMALL BUSINESSES: There are no anticipated cost or savings to small businesses. This rule applies to public education and does not affect businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated cost or savings to persons other

than small businesses, businesses, or local government entities. Reporting requirements and clarifying language do not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The Utah State Board of Education, school districts, and the State Charter School Board are required to report consistent with the law. However, there are no costs associated with the reporting requirement.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-475. Patriotic, Civic and Character Education.

R277-475-1. Definitions.

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

B. "Character education" means reaffirming values and qualities of character which promote an upright and desirable citizenry.

C. "Civic education" means the cultivation of informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of representative democracy in Utah and the United States.

~~B~~D. "Patriotic" means having love of and dedication to one's country.

~~E~~E. "Patriotic education" means the educational and systematic process to help students identify, acquire, and act upon a dedication to one's country.

R277-475-3. Patriotic Education.

Patriotic education shall be included and primarily taught in the social studies curricula of kindergarten through grade twelve. All educators shall have responsibility for patriotic, civic and

character education taught in an integrated school curriculum and in the regular course of school work.

R277-475-4. Subject Matter.

A. Patriotic, civic and character education programs shall meet the requirements of Sections 53A-13-101.4, 53A-13-101.6, and 53A-13-109.

B. Students shall be taught the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises as provided in Sections 36 U.S.C. 170 to 177.

C. The school shall provide the setting and opportunities to teach by example and role modeling the following patriotic values associated with the flag of the United States:

- (1) the history of the flag;
- (2) etiquette surrounding the use of the flag;
- (3) customs pertaining to the display and use of the flag;
- (4) the Pledge of Allegiance;
- (5) etiquette surrounding the Pledge of Allegiance;
- (6) that each individual has the right to personal liberties associated with the flag so long as the rights of others are not violated; and

(7) that individuals shall have freedom to exercise their values as they relate to the flag of the United States consistent with the law.

D. Instruction in United States history and government shall include:

- (1) a study of forms of government including:
 - (a) a republic;
 - (b) a pure democracy;
 - (c) a monarchy; and
 - (d) an oligarchy.
- (2) political philosophies and economic systems

including:

- (a) socialism;
- (b) individualism; and
- (c) free market capitalism.
- (3) the United States' form of government, a compound constitutional republic.

R277-475-5. Methods.

A. Education about the flag and the Pledge of Allegiance to the Flag shall be taught and modeled following the plan of the social studies Core Curriculum in grades kindergarten through six.

B. The Pledge of Allegiance to the Flag shall be recited by students at the beginning of the day in each elementary public school in the state.

C. Local school boards are encouraged to provide for the reciting of the Pledge of Allegiance to the Flag at least once a week at the beginning of the school day in secondary schools.

D. Students and parents shall be adequately notified of lawful exemptions to the requirement to participate in reciting the Pledge.

E. A student shall be excused from reciting the Pledge upon written request to the school from the student's parent or legal guardian.

F. Consistent with Section 53A-13-101.4(6), public schools shall display IN GOD WE TRUST, the national motto of

the United States, in one or more prominent places in each school building.

G. Civic and character education shall be achieved through an integrated school curriculum and in the regular course of school work.

H. Instruction in United States history and government shall be taught consistent with the Utah social studies core curriculum.

R277-475-6. Reporting Requirements.

A. The Board shall submit a report to the Education Interim Committee consistent with Section 53A-13-109(6).

B. Each school district and the State Charter School Board shall submit a report to the Lieutenant Governor and the Commission on Civic and Character Education consistent with Section 53A-13-109(6).

KEY: ~~[education,]~~curricula, patriotic education, civic education, character education

Date of Enactment or Last Substantive Amendment: ~~[October 16, 2002]~~2011

Notice of Continuation: July 1, 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-101.6; 53A-1-401(3)

Education, Administration

R277-477

Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34817

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to make the rule consistent with H.B. 152, 2011 General Session, which modified the provisions pertaining to the membership, selection, and operation of school community councils. (DAR NOTE: H.B. 152 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments include adding new language that requires assurances for election of school community council membership, requirements for training of local boards of education and

local charter boards of education on the requirements of the School LAND Trust Program, and new requirements on reporting compliance with the law if schools participate in the School LAND Trust Program.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Subsection 53A-1-401(3) and Subsection 53A-16-101.5(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The Utah State Office of Education School Children's Trust Section will administer the program with the new requirements with existing staff and within existing budget.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. School districts and charter schools will continue to receive School LAND Trust Program funds consistent with this rule and state law.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule applies to public education and does not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small business, businesses, or local government entities. School districts and charter school receive funding.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be costs to school districts or charter schools for noncompliance with state law and Utah State Board of Education (Board) rule which could result in reduction or elimination of School LAND Trust Program funds. It is impossible to speculate any costs that could be associated with noncompliance of state law and Board rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Carol Lear by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-477. Distribution of Funds from the Interest and Dividend Account (School LAND Trust Funds) and Administration of the School LAND Trust Program.

R277-477-1. Definitions.

A. "Board" means the Utah State Board of Education. The Board is the representative and advocate for beneficiaries of the School Trust corpus and the School LAND Trust Program.

[E]B. "Fall Enrollment Report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report from the previous year.

[D]C. "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).

[E]D. "Interest and Dividends Account" means an account created under Section 53A-16-101 established to collect interest and dividends from the permanent State School Fund until the end of the fiscal year at which time the funds are distributed to school districts through the School LAND Trust Program.

[F]E. "Local board of education" means the locally-elected board designated in Section 53A-3-101 that makes decisions and directs the actions of local school districts and is directed in Section 53A-16-101.5(5)(b) to approve School LAND Trust plans for schools under the local board's authority.

[B]E. "Most critical academic needs" for purposes of this rule means needs identified in the school improvement plan developed in accordance with Section 53A-1a-108.5.

G. "School Children's Trust Section" means employees designated by the Superintendent who have responsibility for overseeing the use of School LAND Trust Program funds.

H. "School community" means the geographic area designated by the school district as the attendance area with reasonable inclusion of the parents or legal guardians of additional students who are attending the school.

I. "State Charter School Board (SCSB)" means the board designated under Section 53A-1a-501.5 that has responsibility for making recommendations regarding the welfare of charter schools to the Board and the board that has responsibility to approve School LAND Trust plans for charter schools. The SCSB has primary responsibility to provide training and oversight for charter school School LAND Trust plans.

J. "State Superintendent of Public Instruction (Superintendent)" means the individual appointed by the Board as provided for in Section 53A-1-301(1) to administer all programs assigned to the Board in accordance with the policies and the standards established by the Board.

K. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.

L. "USDB" means the Utah Schools for the Deaf and the Blind.

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

R277-477-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust land funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) provide direction in the distribution of interest and dividends from the Interest and Dividends Account created in Section 53A-16-101 and funded in Section 53A-16-101.5(2) through school districts;

(2) provide for appropriate and adequate oversight of the expenditure and use of School LAND Trust monies by designated local boards of education, the SCSB, and the Board;

(3) provide for:

(a) review and monitoring of funds and revenue generated by school trust lands;

(b) compliance by councils with requirements in statute and Board rule; and

~~([4]c) [determine the time and manner in which the student count shall be made for] allocation of the monies as provided in Section 53A-16-101.5(3)(c) based on student count.~~

R277-477-3. Distribution of Funds -- Determination of Proportionate Share.

A. Funds shall be distributed to school districts and charter schools as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.

B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school within each school district or to each charter school and USDB on an equal per student basis.

C. Local boards of education and the USOE may adjust distributions, maintaining an equal per student distribution within a school district for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year.

D. All public non-charter schools receiving funds shall have a school community council as required by Sections 53A-1a-108 and R277-491; funds shall be used to enhance or improve a school's academic excellence consistent with Section 53A-16-101.5. Plans shall be approved by the local board of education. Required school community council-generated plans or programs include:

(1) School Improvement Plan;

(2) School LAND Trust Program;

(3) Reading Achievement Plan (for elementary schools)

(4) Professional Development Plan;

(5) Child Access Routing Plan; and

(6) Recommendations regarding school/school district programs and community environment.

E. All charter schools that elect to receive School LAND Trust funds shall have a committee consisting of a majority of parents elected from parents of students currently attending the

charter school that is designated to make decisions about the School LAND Trust funds, and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the SCSB for state chartered schools.

F. The plan shall be electronically submitted to the USOE on the School LAND Trust Program website.

G. All charter schools shall be considered collectively as a school district to receive a base amount under Section 53A-16-101.5(3)(a)(i).

H. The USDB shall receive the average statewide per pupil base amount as the school's base allocation.

I. In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4-7).

J. Plans shall include specific academic goals, steps to meet those goals, measurements to assess improvement and specific expenditures to implement plans that may include purchase of workbooks, textbooks, professional development, computer hardware and software, library and media supplies, or supplement funding for aides, teachers and specialists, and other tools for student academic improvement consistent with Section 53A-16-101.5(5).

K. As part of the school plan submission:

(1) principals shall provide a signed assurance that the membership of the school community council and the process used for election and appointment of members to the council was made consistent with 53A-1a-108 and 53A-16-101.5; and

(2) A record of the vote by the school community council when the school plan was approved including the date of the vote, voters for, against, and absent voters, consistent with 53A-16-101.5.

~~[K]L.~~ Income from the Interest and Dividends Account shall be distributed to school districts, USDB, and charter schools after the close of the state fiscal year as the USOE receives the funds in the Interest and Dividends Account within the Uniform School Fund.

M. If a school chooses not to apply for School LAND Trust Program funds and meet the requirements for receiving funds, the funds allocated for that school shall be retained at USOE and included with the statewide distribution for the following school year.

~~[E]N.~~ Local boards of education or the SCSB shall ~~[approve]~~consider plans annually and ~~may approve or disapprove a school plan.~~ If a plan is not approved, the local board shall provide a written explanation of necessary amendments prior to resubmission of the plan consistent with Section 53A-16-101.5.

O. Local boards shall ensure timely distribution of the funds to schools with approved plans.

~~[M]P.~~ When approving school plans on the School LAND Trust Program website, school district and charter school personnel shall report the meeting date(s) when the local board of education or the SCSB approved the plans.

~~[N]Q.~~ Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school the following year. Schools shall provide an explanation for any carry over that exceeds one-~~third~~tenth of the school's allocation in the school plan or report.

~~[O]R.~~ School LAND Trust Program funds shall be focused on the school's most critical academic needs.

~~[P]S.~~ School LAND Trust Program funds shall be focused on implementing a recommended course of action to enhance or improve student academic achievement and implement a component of the school improvement plan focused on the school's identified most critical academic needs, as explained in Section 53A-1a-108.5 and Section 53A-16-101.5(5).

~~[Q]T.~~ Examples of successful programs using School LAND Trust Program monies include activities such as:

(1) credit recovery courses and programs;

(2) study skills classes;

(3) college entrance exam preparation classes;

(4) academic field trips;

(5) classroom equipment and materials such as flashcards, math manipulatives, calculators, microscopes, maps, books, or student planners;

(6) teachers and teacher aides;

(7) professional development directly tied to school academic goals;

(8) ~~[computer labs, software, LCDs, smart boards]~~student focused educational technology;

(9) books and textbooks.

~~[R]U.~~ Examples of programs not eligible for funding using School LAND Trust Program monies include plans to improve school climate, provide security, address behavioral issues, prevent bullying, install permanent auditorium audio systems, and initiate or support other non-academic school needs.

~~[S]V.~~ Schools serving students with disabilities may use funds as needed to directly influence and improve student performance according to the student Individual Education Plans (IEPs).

~~[F]W.~~ The School Children's Trust Section of the USOE shall create and electronically post ~~[model plans for elementary and secondary schools]~~training and support materials for school community councils, charter school trust land committees and local school boards.

~~[V]X.~~ Funds from the School LAND Trust Program that are expended inconsistent with the requirements and academic intent of the law, inconsistent with R277-477 or R277-491, or inconsistent with the~~[-original]~~ school board/charter board ~~[approval shall]~~approved plan may be [withheld]reduced or eliminated by the ~~[USOE]Board~~ in subsequent years until the misappropriated funds have been restored.

Y. The Board may recommend that School LAND Trust Program funds be reduced or eliminated if the school has failed to comply with Section 53A-1a-108 in the election or appointment of school community council members.

~~[V]Z.~~ Schools serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services.

~~[W]AA.~~ Plans submitted by charter schools shall be prepared, submitted and approved by the charter school committee established in R277-470-~~[9B]11~~, requiring a majority of elected parents to serve on the committee, and then submitted first to the local charter school board, then to the local board of education for approval, if the school is chartered by the district, or to the SCSB if the school is chartered by the Board.

~~[X]~~BB. Plans submitted by the USDB governing board shall be reviewed and approved by the State Superintendent or designee.

R277-477-4. Administration of School LAND Trust Program.

A. The School Children's Trust Section of the USOE shall provide support to local boards of education, to the SCSB and to local charter trust land committees, as directed by the Superintendent.

B. Support services shall include:

(1) Regional training and, as requested and to the extent of resources available, school district or school training for school community councils ~~as requested by local boards of education or the SCSB~~;

(2) Training materials;

~~(3) Model plans for~~ to support school community councils in creating and reviewing school improvement plans, School LAND Trust plans, reading achievement plans, [School LAND Trust,] professional development [assistance] plans, and child access routing plans for both elementary and secondary schools.

~~(4)~~ (3) Materials, suggested practices and plans for use by community councils and charter school trust land committees to:

(a) increase community and parent awareness and knowledge of community councils;

(b) increase community and parent knowledge about school trust lands and their history and purpose in generating funds for public schools;

(c) encourage parent participation in developing plans for local board approval for the use of School LAND Trust allotments.

C. The School Children's Trust Section shall monitor development of School LAND Trust plans and assist local community councils and charter school trust land committees with plan development as requested, and monitor expenditures and compliance with statutory requirements. Assistance/monitoring may include:

(1) timely notification of annual School LAND Trust allotments to public schools;

(2) clear and timely notification of required timelines for plan submission;

(3) periodic, cost-effective and scheduled review of submitted school plan consistency and plan expenditures and results;

(4) verifying web postings and other information regarding school community council and charter school trust land committees compliance with the Utah Public and Open Meetings Act.

D. The School Children's Trust Section shall receive direction from the Superintendent as it provides monitoring and review.

E. Monitoring and review shall be accomplished primarily through written/electronic assurances from school community councils and charter school trust land committees, written/electronic submission of information from local school boards and charter schools and random and selective ~~paper audits~~ compliance reviews of School LAND Trust expenditures ~~and~~, the execution of School LAND Trust plans, and other school community council requirements.

F. The School Children's Trust Section shall report annually to the Board on compliance review findings and other compliance issues. The Board shall make determinations regarding reduction or elimination of all or a portion of a school's School LAND Trust Program funding in subsequent years and make a report to the Public Education Appropriation Subcommittee.

~~[F]~~G. The School Children's Trust Section shall, under the direction of the Superintendent, provide oversight and expertise regarding the School LAND Trust account and all related activities. Oversight and activities may include:

(1) attending meetings where school trust land, permanent fund, and school community council issues are discussed and voted on;

(2) providing information to ~~other~~ federal, state and local government agencies, the general public, Congress, and the Legislature regarding school trust lands ~~and~~, the trust revenues and expenditure of revenues;

(3) reviewing and providing information as representatives of the Superintendent to the Congress, Legislature, boards, state and federal agencies and employees that have responsibility for managing school trust lands, maximizing trust land revenues, and investing the permanent State School Fund prudently;

(4) increase and strengthen beneficiary monitoring; and

(5) other activities or assignments as directed by the Superintendent.

H. The president of each local board of education or of each local charter board shall ensure that the members of the board are provided with annual training on the requirements of the School LAND Trust Program. Notice of training shall be provided to the USOE School Children's Trust Section via email of board minutes identifying training information.

I. A local school board shall comply with Section 53A-1a-108(10) and provide required copies of the Utah Code to school community council members.

R277-477-5. Information to USOE.

A. Information on each school's plan to address most critical academic needs shall be completed via the School LAND Trust Program website maintained through the USOE for accurate and uniform reporting.

B. To facilitate submission of information by schools, each school board shall establish a timeline for timely submission of information and a district submission date for the district schools not later than May 15 of each year.

C. Timelines shall allow for school committee reconsideration and editing of the school plan following local board of education or SCSB requested changes.

D. USOE staff may visit schools receiving funds from the School LAND Trust Program as directed by the Superintendent to discuss the program, receive information and suggestions, provide training, and answer questions.

E. School districts and charter schools wishing to submit information to the School LAND Trust website through a comprehensive electronic plan shall meet the parameters for programming and data entry required by the USOE. They shall review School LAND Trust plans on the USOE website prior to local board of education or SCSB approval to ensure information consistent with the law has been downloaded by individual schools

into the electronic plan visible on the School LAND Trust Program website.

F. Charter school and school district business administrators shall enter financial data relating to the School LAND Trust Program on the School LAND Trust Program website at the time they prepare and submit Annual Program Report (APR) data to the USOE. The appropriate data shall appear in the final reports submitted online by school community councils for reporting to parents as required in Section 53A-1a-108.

G. The financial data shall include:

(1) the annual distribution received by each school (the sum of the distributions to schools within a school district equals the total distributed to the school district by the USOE);

(2) expenditures by category made by each school from revenues received from the School LAND Trust in the prior fiscal year.

H. Expenditures made after the close of the fiscal year shall be accounted for as expenditures in the following fiscal year.

I. The financial report in each school final report shall be consistent with the narrative submitted by that school community council or charter committee.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: [~~August 7, 2009~~2011]

Notice of Continuation: November 10, 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-16-101.5(3)(c); 53A-1-401(3)

Education, Administration
R277-480
 Charter Schools School Building
 Subaccount

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 34818
 FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide changes consistent with H.B. 83, 2011 General Session, which separated the Charter School Building Subaccount from the School Building Subaccount and created a new Charter School Revolving Account to assist charter schools with loans for building construction and renovation needs. (DAR NOTE: H.B. 83 (2011) was effective 03/16/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments include changing the name of the account and citations

throughout the rule to make the rule consistent with state law, changing definitions, and changing procedures specifically for the Charter School Revolving Account Committee.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Subsection 53A-1-401(3) and Subsection 53A-1a-522(2)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The name of the account and the location of the account in law have been changed, but the standards and procedures have not changed. The state charter school staff will continue to administer the program as before.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The name of the account and the location of the account in law have been changed, but the standards and procedures have not changed. Public charter schools will continue to use the account as before.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule applies to public education and does not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule applies to charter schools and not to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The name of the account and the location of the account in law have changed, but the standards and procedures have not changed.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-480. Charter School[s] ~~School Building Subaccount~~ Revolving Account.

R277-480-1. Definitions.

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

B. "Charter schools" means schools acknowledged as charter schools by local boards of education under Section 53A-1a-515~~[-0F]~~, by the Board under Section 53A-1a-505, and by boards of trustees of higher education institutions under Section 53A-1a-501.3.

~~[C. "Subaccount" means the Charter School Building Subaccount consisting of funds provided under 53A-21-401(5)(b)]~~

C. "Charter School Revolving Account" means a restricted account created within the Uniform School fund to provide assistance to charter schools to:

(1) meet school building construction and renovation needs; and

(2) pay for expenses related to the start up of a new charter school or the expansion of an existing charter schools.

D. "[Subaccount]Charter School Revolving Account Committee" means the committee established by the [Superintendent]Board under Section [53A-21-401(6)]53A-1a-522(6).

E. "Superintendent" means the State Superintendent of Public Instruction as designated under 53A-1-301.

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

R277-480-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section [53A-21-401(6)]53A-1a-522(2)(b) which requires the Board to [establish or reauthorize a Subaccount Committee by July 15 annually]administer the Charter School Revolving Account, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish procedures for administering the Charter School Revolving Account to determin[ing]e membership of the Charter School [Building Subaccount]Revolving Account Committee, and to determin[ing]e loan amounts and loan repayment conditions.

R277-480-3. Charter School [Building Subaccount]Revolving Account Committee.

A. The Board shall establish [~~or reauthorize a Subaccount~~]a Charter School Revolving Account Committee consistent with [53A-21-401(6) by July 15 annually]Section 53A-1a-522(6).

(a)B. The State Charter School Board shall submit a list of at least three nominees per vacancy who meet the requirements of Section 53A-~~[21-401]~~1a-522(6)(b) for appointment by the Board consistent with timelines established by the Board.

~~(b) Subaccount Committee members shall be appointed by the Board for terms that do not exceed three years.~~

~~(2) For appointment prior to June 1, 2010, the Superintendent, under the direction of the Board, shall designate which Subaccount Committee members shall be reappointed and which members shall serve continuing one, two or three year terms in order to stagger the terms of Subaccount Committee members.~~

(3)C. [The Superintendent, on behalf of t]The Board[, may] shall annually accept nominations of individuals provided by the State Charter School Board who meet the qualifications of 53A-~~[21-401]~~1a-522(6)(b).

D. The Board may only select Charter School Revolving Account Committee members who satisfy conditions of Section 53A-1a-502(6).

(4)E. [Subaccount]Charter School Revolving Account Committee members appointed by the Board after May 1, 2010 shall [serve]be appointed for two year terms.

(4)E. The USOE Charter School Director or designee shall be a non-voting [Subaccount]Charter School Revolving Account Committee member.

R277-480-4. Charter School Revolving Account Application and Conditions.

B]A. The [Subaccount]Charter School Revolving Account Committee shall develop and the USOE shall make available a loan application that includes criteria designated under Section[s]53A-21-401(6)(e) and (8)] 53A-1a-522.

C]B. The [Subaccount]Charter School Revolving Account Committee shall include other criteria or information from loan applicants that the committee or the Board determines to be necessary and helpful, including considerations of Section 53A-1a-522(5), in making final recommendations to the Superintendent, the State Charter School Board and the Board.

E]C. Applications for loans shall be accepted on an ongoing basis, subject to eligibility criteria and availability of fund[ing]s.

(1) To apply for a loan, a charter school shall submit the information requested on the Board's most current loan application form together with the requested supporting documentation.

(2) The application shall include a resolution from the governing board of the charter school that the governing board, at a minimum:

(a) agrees to enter into the loan as provided in the application materials;

(b) agrees to the interest established by the [Subaccount]Charter School Revolving Account Committee and repayment schedule of the loan designated by the [Subaccount]Charter School Revolving Account Committee and the Board;

(c) agrees that loan funds shall only be used consistent with the purposes of Section [53A-21-401(5)(e)]53A-1a-522 and the purpose of the approved charter;

(d) agrees to any and all inspections, audits or financial reviews ordered by the [Subaccount]Charter School Revolving Account Committee or the Board; and

~~(e) agrees to any and all inspections or reviews ordered by the Subaccount Committee or the Board;~~

(f)g. understands that repayment, including interest, shall be deducted automatically from the charter school's monthly fund transfers, as appropriate.

D. The ~~[Subaccount]~~Charter School Revolving Account Committee shall establish terms and conditions for loan repayment, consistent with Section ~~[53A-21-401(6)(e) and Section 53A-21-401(8)]~~53A-1a-522. Terms ~~[may]~~shall include:

- (1) A tiered schedule of loan fund distribution:
 - (a) 50 percent (up to \$150,000) disbursed no more than 12 months prior to August 15 in the school's first year of operations;
 - (b) 25 percent (up to \$75,000) disbursed no more than six months prior to August 15 in the school's first year of operation;
 - (c) the balance of loan funds disbursed no more than three months prior to August 15 in the school's first year of operations.
- (2) The loan amount to a charter school board awarded under Section ~~[53A-21-401(7)]~~53A-1a-522 shall not exceed:
 - (a) \$1,000 per pupil based on prior year October 1 enrollment count for operational schools; or
 - (b) \$1,000 per pupil based on approved enrollment capacity of the first year of operation for pre-operational schools; or
 - (c) \$300,000 of the total of all current loan awards by the Board to a charter school board.

R277-480-5. Charter School Revolving Account Committee Recommendations and Board Approval.

~~[F]A.~~ The ~~[Subaccount]~~Charter School Revolving Account Committee shall ~~[not]~~make recommendations to ~~[the Superintendent,]~~ the State Charter School Board ~~[or]~~and the Board ~~[until the committee receives]~~only upon receipt of complete and satisfactory information from the applicant and ~~[the Subaccount Committee has reached a majority recommendation]~~upon a majority recommendation from the Charter School Revolving Account Committee.

~~[G]B.~~ The submission of intentionally false, incomplete or inaccurate information from a loan applicant ~~[shall]~~may result in immediate cancellation of any previous loan(s), the requirement for immediate repayment of any funds received, denial of subsequent applications for a 12 month period from the date of the initial application, and possible Board revocation of a charter.

~~[H]C.~~ The ~~[Superintendent, in consultation with USOE]Board staff~~ and State Charter Board staff~~;~~ shall review recommendations from the ~~[Subaccount]~~Charter School Revolving Account Committee~~[and make final recommendations to the Board].~~

~~[I]D.~~ ~~[The Superintendent shall submit f]~~Final recommendations from the ~~[Subaccount]~~Charter School Revolving Account Committee shall be submitted to the Board no more than 60 days after submission of all information and materials from the loan applicant to the ~~[Subaccount]~~Charter School Revolving Account Committee.

~~[J]E.~~ The Board may request additional information from loan applicants or a reconsideration of a recommendation by the ~~[Subaccount]~~Charter School Revolving Account Committee.

~~[K]E.~~ The Board's approval or denial of loan applications constitutes the final administrative action in the charter school building revolving loan process.

KEY: charter schools, ~~[building subaccount]~~revolving account
Date of Enactment or Last Substantive Amendment: ~~[August 9, 2010]~~2011

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; ~~[53A-21-401(6)]~~53A-1a-522(2)(b); 53A-1-401(3)

**Education, Administration
 R277-484
 Data Standards**

**NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 34819
 FILED: 05/16/2011**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide new language requiring public school districts and charter schools (LEAs) to submit data using the Utah eTranscript and Record Exchange (UTREx) system beginning no later than 10/01/2013. The new language in the rule will align with the new capabilities of the system while allowing for a smooth but timely transition.

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule include changing a definition and adding new language to Section R277-484-5 regarding requirements for complete implementation of the UTREx system.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Subsection 53A-1-401(3) and Subsections 53A-1-301(3)(d) and (e)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. Utah State Office of Education will implement and administer the UTREx system with existing staff and within existing budgets.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. LEAs will transition from the existing data collection system to the UTREx system by 10/01/2013. This will give LEAs adequate time to make a smooth transition.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule applies to public education and does not affect businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule applies to LEAs and not to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. If LEAs fail to submit data consistent with this rule, LEAs will be in violation of Utah State Board of Education reporting rules, but there

are no provisions in this rule for costs associated with noncompliance.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-484. Data Standards.

R277-484-1. Definitions.

A. "Annual Financial Report" means an account of LEA revenue and expenditures by source and fund sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

B. "Annual Program Report" means an account of LEA revenue and expenditures by source and program sufficient to meet the reporting requirements specified in Section 53A-1-301(3)(d) and (e).

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

D. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the database maintained on all licensed Utah educators. The database includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history;
- (5) professional development information;
- (6) completion of employee background checks; and
- (7) a record of disciplinary action taken against the educator.

E. "Data Clearinghouse File" means the electronic file of student level data submitted by LEAs to the USOE in the layout specified by the USOE. This definition is effective until July 1, 2011.

F. "Data Warehouse" means the database of demographic information, course taking, and test results maintained by the USOE on all students enrolled in Utah schools.

G. "EDEN" means the Education Data Exchange Network, the mechanism by which state education agencies are mandated as of the 2008-09 school year to submit data to the U.S. Department of Education.

H. "ESEA" means the federal Elementary and Secondary Education Act, also known as the No Child Left Behind Act.

I. "LEA" means local education agency, which may be either a public school district or a charter school.

J. "MSP" means Minimum School Program, the set of state support K-12 public school funding programs.

K. "MST" means Mountain Standard Time.

L. "USOE" means Utah State Office of Education.

M. "Utah eTranscript and Record Exchange (UTREx)" means a system that allows individual detailed student records to be exchanged electronically ~~[among]between [Utah-]public [schools and]education~~ LEAs and the USOE, and allows electronic transcripts to be sent to any ~~[participating-]post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.~~ This definition becomes effective on July 1, 2011, the date when UTREx becomes available to all Utah LEAs.

N. "Year" means both the school year and the fiscal year for LEAs in Utah, which runs from July 1 through June 30.

O. "YICISIS" means the Youth In Custody Student Information System.

R277-484-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities and specifically allows the Board to interrupt disbursements of state aid to any LEA which fails to comply with rules.

B. The Board, through its chief executive officer, the State Superintendent of Public Instruction, is required to perform certain data collection related duties essential to the operation of statewide educational accountability and financial systems as mandated in state and federal law.

C. The purpose of this rule is to support the operation of required educational accountability and financial systems by ensuring timely submission of data by LEAs.

R277-484-3. Deadlines for Data Submission.

For the purpose of submission of student level data, each Utah LEA shall participate in UTREx as of July 1, 2011. LEAs shall submit data to the USOE through the following reports by 5:00 p.m. MST on the date and in the format specified by the USOE:

A. February 28 - Community Development and Renewal Agency and/or Redevelopment Agency Taxing Entity Committee Representative List - Business Services.

B. June 15

(1) Immunization Status Report (to Utah Department of Health) - final;

- (2) Safe School Incidents Report - for current year.
- C. June 29 - CACTUS - final update for current year.
- D. July 7
 - (1) Data Clearinghouse File - final comprehensive update for prior year - Data, Assessment, and Accountability - effective until July 1, 2011;
 - (2) UTREx - final comprehensive update for prior year - Data, Assessment, and Accountability - effective on July 1, 2011.
- E. July 15
 - (1) Adult Education - final report for prior year;
 - (2) Bus Driver Credentials Report - for current year - Business Services;
 - (3) Classified Personnel Report - for prior year - Business Services;
 - (4) Driver Education Report - for prior year - Educator Quality;
 - (5) ESEA Choice and Supplemental Services Report - for prior year;
 - (6) Fee Waivers Report - for prior year;
 - (7) Fire Drill Compliance Statement - for prior year;
 - (8) Home Schooled Students Report - for prior year;
 - (9) Teacher Benefits Report - for prior year;
 - (10) Pupil Transportation Statistics - for prior year:
 - (a) Bus Inventory Report;
 - (b) Year End Pupil Transportation Statistics Reports.
- F. September 15
 - (1) Membership Audit Report - for prior year;
 - (2) Adult Education - Financial Audit for prior year.
- G. October 1
 - (1) Annual Financial Report (AFR) - for prior year;
 - (2) Annual Program Report (APR) - for prior year.
- H. October 15
 - (1) Data Clearinghouse File - update as of October 1 for current year - effective until July 1, 2011;
 - (2) UTREx - update as of October 1 for current year - effective on July 1, 2011;
 - (3) YICSIS - update as of October 1 for current year.
- I. November 1
 - (1) Enrollment and Transfer Student Documentation Audit Report - for current year;
 - (2) Immunization Status Report - for current year;
 - (3) Pupil Transportation Statistics for state funding:
 - (a) Schedule A1 (Miles, Minutes, Students Report) - projected for current year;
 - (b) Schedule B (Miscellaneous Expenditure Report) - for prior year;
 - (4) Negotiations report - for current year.
- J. November 15
 - (1) CACTUS - update for current year; and
 - (2) Free and Reduced Price Lunch Enrollment Survey - as of October 31 for current year.
- K. November 30 - Financial Audit Report - for prior year.
- L. December 15 - Data Clearinghouse File - update as of December 1 for current year - effective until July 1, 2011.
- M. December 15 - UTREx - update as of December 1 for current year - effective on July 1, 2011.

R277-484-4. Adjustments to Deadlines.

A. Deadlines that fall on a weekend or state holiday in a given year shall be moved to the date of the first workday after the date specified in Section 3 for that year.

B. An LEA may seek an extension of a deadline to ensure continuation of funding and provide more accurate input to allocation formulas by submitting a written request to the USOE. The request shall be received by the USOE State Director of School Finance and Statistics at least 24 hours before the specified deadline in Section 3 and include:

- (1) The reason(s) why the extension is needed;
- (2) The signatures of the LEA business administrator and the district superintendent or charter school director; and
- (3) The date by which the LEA shall submit the report.

C. In processing the request for the extension, the USOE State Director of School Finance and Statistics shall:

(1) Take into consideration the pattern of LEA compliance with reporting deadlines and the urgency of the use which depends on the data to be submitted, consult with other USOE staff who have knowledge relevant to the situation of the LEA; and either

(2) Approve the request and allow the MSP fund transfer process to continue; or

(3) Recommend denial of the request and forward it the USOE Associate Superintendent for Business Services for a final decision on whether to stop the MSP fund transfer process.

D. If, after receiving an extension, the LEA fails to submit the report by the agreed date, the MSP fund transfer process shall be stopped and the procedure described in Section 8 shall apply.

E. Extensions shall apply only to the report(s) and date(s) specified in the request.

F. Exceptions - Deadlines for the following reports may not be extended:

- (1) June 29 CACTUS Update;
- (2) July 7 Final Data Clearinghouse File - final comprehensive update for prior year- Data, Assessment, and Accountability - effective until July 1, 2011;
- (3) July 7 UTREx - final comprehensive update for prior year - Data, Assessment, and Accountability - effective on July 1, 2011;
- (4) November 15 CACTUS - update for current year.

R277-484-5. Official Data Source and Required LEA Compatibility.

A. The USOE shall load operational data collections into the Data Warehouse as of the submission deadlines specified.

B. The Data Warehouse shall be the sole official source of data for annual:

(1) school performance reports required under Section 53A-3a-602.5;

(2) determination of adequate yearly progress as required under the ESEA; and

(3) submission of data files to the U.S. Department of Education via EDEN.

C. Prior to an LEA acquiring a student information system, replacing an existing student information system, or modifying data elements in an existing student information system, an LEA shall have USOE approval to ensure that the LEA's new or modified student information system maintains compatibility with UTREx.

D. No later than October 1, 2013, all public education LEAs shall begin submitting daily updates to the USOE Clearinghouse using all School Interoperability Framework (SIF) objects defined in the UTREx Clearinghouse specification. Failure to do so shall be a violation of Board reporting rules.

E. All public high school transcripts requested by public education post-secondary schools shall be electronically submitted to those public education post-secondary schools if the post-secondary schools are capable of receiving transcripts through the electronic transcript service designated by the USOE. This process is mandatory for all public high schools after September 1, 2013.

R277-484-6. Use of Data for Allocation of Funds.

The USOE School Finance and Statistics Section shall publish after each general legislative session by June 30 on its website an explicit description of how data shall be used to allocate funds to LEAs in each MSP program in the following fiscal year.

R277-484-7. Adjustments to Summary Statistics Based on Compliance Audits.

A. For the purpose of allocating MSP funds and projecting enrollment, LEA level aggregate membership and fall enrollment counts may be modified by the USOE on the basis of the values in the Membership and Enrollment audit reports, respectively, when an audit report review team comprising at least three members of the Finance and Statistics and Charter School sections agree that an adjustment is warranted by the evidence of an audit:

(1) the audit report review team shall make its determination within five working days of the authorized audit report deadline;

(2) values can only be adjusted downward when audit reports are received after the authorized deadlines.

R277-484-8. Financial Consequences of Failure to Submit Reports on Time.

A. If an LEA fails to submit a report by its deadline as specified in Section 3, the USOE shall stop the MSP fund transfer process on the day after the deadline, unless the LEA has obtained an extension of the deadline in accordance with the procedure described in Section [7]4, to the following extent:

(1) 10% of the total monthly MSP transfer amount in the first month, 25% in the second month, and 50% in the third and subsequent months for any report other than June 15 Immunization Status report.

(2) Loss of up to 1.0 WPU from Kindergarten or Grades 1-12 programs, depending on the grade level and aggregate membership of the student, in the current year Mid Year Update for each student whose prior year immunization status was not accounted for in accordance with Utah Code 53A-11-301 as of June 15.

B. If the USOE has stopped the MSP fund transfer process for an LEA, the USOE shall:

(1) upon receipt of a late report from that LEA, restart the transfer process within the month (if the report is submitted by 10:00 a.m. on or before the tenth working day of the month) or in the following month (if the report is submitted after 10:00 a.m. on or after the tenth working day of the month); and

(2) inform the appropriate Board Committee at its next regularly scheduled Committee meeting.

(3) inform the chair of the governing board if LEA staff are not responsive in correcting ongoing problems with data.

R277-484-9. Disclosure of Data for Research.

A. The USOE may provide limited or extensive data sets for research and analysis purposes to qualified researchers or organizations.

(1) A reasonable method shall be used to qualify researchers or organizations to receive data, such as evidence that a research proposal has been approved by a federally recognized Institutional Review Board (IRB).

(2) A standardized, de-identified research data package shall be prepared each year by the USOE for qualified researchers to systematically protect individual student data.

(3) The USOE is not obligated to fill every data request and may develop procedures to determine which requests will be filled or to assign priorities to multiple requests. The USOE/Board understands that it will respond in a timely manner to all requests submitted under Section 63G-2-101 et seq., Government Records Access and Management Act.

(a) In filling data requests, higher priority shall be given to requests that will help improve instruction in Utah's public schools.

(b) In filling data requests, higher priority shall be given to requests from universities, colleges, schools, faculty, students and government entities residing in Utah.

(4) A fee may be charged to prepare data or to deliver data, particularly if the preparation requires original work. The USOE shall comply with Section 63G-2-203 in assessing fees.

(5) The researcher or organization shall provide a copy of the report or publication produced using USOE data to USOE at least 10 business days prior to the public release.

B. Student information

(1) Requests for data that disclose student information shall be provided in accordance with the Family Educational Rights and Privacy Act (FERPA), 34 CFR 99-31(a)(6), so that:

(a) the individual data is de-identified, meaning it is not possible to trace the data to an actual student.

(b) the recipient of student data shall agree to not report or publish data in a manner that discloses a student's identity. For example, reporting test scores for a race subgroup that has a count, also known as n-size, less than 10 could enable someone to identify the actual students and shall not be published.

C. Licensed educator information

(1) The USOE shall provide information about licensed educators maintained in the CACTUS database that is required under Section 63G-2-301(2).

(2) Additional information/data may be released by the USOE consistent with the purposes of CACTUS, the confidentiality protections accepted by requester(s), and the benefit that the research may provide for public education in Utah, as determined by the USOE.

D. Recipients of USOE research data shall sign a USOE non-disclosure agreement if required by the USOE.

E. The Board or the USOE may commission research or may approve research requests.

F. The USOE may provide personally identifiable data about students or licensed educators consistent with state and federal law. Some data may be provided only if the researcher or contractor agrees to preserve the confidentiality of private and protected data.

KEY: data standards, reports, deadlines, research data requests

Date of Enactment or Last Substantive Amendment: [~~May 12, 2010~~2011]

Notice of Continuation: June 2, 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-301(3)(d) and (e)

**Education, Administration
R277-490**

**Beverley Taylor Sorenson Elementary
Arts Learning Program**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 34820
FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for changes in S.B. 217, 2011 General Session, which requires adjusting timelines for application to participate in the Beverley Taylor Sorenson (BTS) Elementary Arts Learning Program (Program) and changes to BTS Program fund distribution to participating schools. This rule and 2011 legislation require matching funds from BTS Program participating schools. (DAR NOTE: S.B. 217 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments to the rule include changing the timelines for submitting applications, providing new language for distribution of funds for arts specialist in Section R277-490-3, and requiring matching funds for BTS Program schools in the future.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-17a-162 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The program will continue to be

administered by staff at the Utah State Office of Education. The BTS Program will continue, to the extent supported by Local education agencies (LEAs), with state funds appropriated.

♦ **LOCAL GOVERNMENTS:** The new law requires matching funds from participating schools. This rule provides timelines and procedures to facilitate LEAs' increased contributions as required under S.B. 217.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and BTS Program apply to public education and do not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The program affects schools participating in the BTS Program, may affect LEAs, and does not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Legislative funds have been appropriated for schools participating in the program.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-490. Beverley Taylor Sorenson Elementary Arts Learning Program.

R277-490-1. Definitions.

A. "Arts equipment and supplies" means musical instruments, recording and play-back devices, cameras, projectors, computers to be used in the program, CDs, DVDs, teacher reference books, and art-making supplies. This list is not exhaustive.

B. "Arts program coordinators (coordinator)" means individuals, employed full-time, who are responsible to coordinate arts programs for the school district, charter school or consortium, inform arts teachers, organize arts professional development (including organizing arts local learning communities), oversee/guide/organize the gathering of assessment data, represent the school district, charter school or consortium arts program, and provide general leadership for arts education throughout the school district, charter school or consortium.

C. Beverley Taylor Sorenson Elementary Arts Learning Program model means a program with the following components:

(1) a qualified arts specialist to work side-by-side with the regular classroom teacher [~~minimally once per week~~] to deliver quality, sequential, and developmental arts instruction in alignment with the state Fine Arts Core Curriculum; and

(2) weekly collaboration between the regular classroom teacher and arts specialist in planning arts integrated instruction, with regular 15-30 minute conferences.

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

E. "Full-time employee," for purposes of this rule, means an employee that works a schedule consistent with the full-time contract agreement of the school or school district, including evaluations and entitlement to employment benefits.

F. "Highly qualified school arts program specialist (arts specialist)" means:

(1) an educator with a current educator license and a Level 2 or K-12 specialist endorsement in the art form; or

(2) an elementary classroom teacher with a current educator license who is currently enrolled in a Level 2 specialist endorsement program in the art form and who works with a mentor who holds an arts endorsement; or

(3) a professional artist employed by a public school and accepted into the Board Alternative Routes to License (ARL) program under R277-503 to complete a K-12 endorsement in the art form, which includes the Praxis exam in the case of art, music, or theatre.

(4) In addition to required licensure and endorsements, prospective teachers should provide evidence of facilitating elementary Core learning in at least one art form.

G. "Independent evaluator," for purposes of this rule and program, means an evaluator selected jointly by the Board and the Utah Arts Council through the required procurement process. The evaluator shall have experience and expertise in education programs and in the arts.

H. "Matching funds," for purposes of this rule and program, means funds that equal the total grant amount received by a school district/charter school/consortium to fund a school district/charter school/consortium arts coordinator under Section 53A-17a-162(3)(c) and R277-490-5.

I. "Utah Arts Council" is a state and nationally funded government entity that assists with professional development and provides direct matching grants to nonprofit organizations across the state of Utah. The Utah Arts Council also conducts programs which provide outreach services (including financial assistance) to schools, local arts councils and organizations, community centers, performing groups, and individual artists.

R277-490-3. Arts Specialist Grant Program.

A. School districts/charter schools or consortia of school districts or charter schools may submit grant requests consistent with time lines provided in this rule.

B. School district/charter school consortia:

(1) School districts/charter schools may form consortia to employ arts specialists if the combined total student number of the consortium is not less than 300 students.

(2) The school district/charter school shall develop its proposal consistent with the Beverley Taylor Sorenson Elementary Arts Learning Program model outlined under R277-490-1C.

(3) The school district/charter school grant shall explain the necessity or greater efficiency and benefit of an arts specialist serving several elementary schools within a consortium of school districts or charter schools.

(4) The school district/charter schools grant shall explain a schedule for the specialist(s) to serve the group of schools within several school districts or charter schools similarly to an arts specialist in a single school.

(5) A consortium grant shall provide information for a consortium arts specialist's schedule that minimizes the arts specialist's travel and allows the arts specialist to be well integrated into several schools.

C. Arts specialist grant requirements

(1) Grant programs shall be developed and submitted to the Board consistent with the Beverley Taylor Sorenson Elementary Arts Learning Program model described in R277-490-1C.

(2) Grant applications shall describe arts specialist recruitment efforts.

(3) Grant applications shall describe plans, including timelines, for:

(a) advertising for specialist(s);

(b) employing specialists, including criminal background checks, as required;

(c) a plan for working with specialists to institutionalize the arts program by encouraging and assisting arts specialists to acquire educator licenses or become relicensed;

(d) a plan for training specialists, providing support for specialists (including mentoring) and appropriate evaluation of specialists.

D. School districts/charter schools shall review grant applications and forward approved applications to the USOE.

E. Arts specialist timelines

~~_____ (1) School applications shall be due to the school districts by May 1 annually.~~

~~_____ (2) Charter school and school district applications shall be due to the USOE by May 7 annually.~~

~~_____ (3) The Board staff shall work with the Utah Arts Council to select grantees (or work with prospective grantees to improve applications).~~

_____ (1) Continuing Beverley Taylor Sorenson schools shall complete assurances as provided by the USOE and submit to school districts by May 1, annually.

_____ (2) New Beverley Taylor Sorenson schools shall complete applications as provided by the USOE and submit to school districts by May 1 annually.

(3) School districts/charter schools shall submit completed applications requiring funding to the USOE by May 7, annually.

(4) The Board, after close consultation with the Utah Arts Council, shall designate schools/consortia for funding no later than June 1 annually.

F. Distribution of funds for arts specialists

(1) Continuing Beverley Taylor Sorenson school districts/charter schools shall submit complete information of salaries (including benefits) of all Beverley Taylor Sorenson specialists employed by the school district/charter school, as requested by the USOE.

(2) The USOE shall distribute funds to continuing Beverley Taylor Sorenson school districts/charter schools annually in equal amounts per program, consistent with Section 53A-17a-162(6) and (7).

(3) The USOE shall distribute funds designated in Section 53A-17a-162(7) to additional Beverley Taylor Sorenson school districts/charter schools.

R277-490-4. Distribution of Funds for Arts Specialist Supplies.

A. The Board shall distribute ~~pro-rated~~ funds for arts specialist supplies to school districts/charter schools/consortia no later than July 1~~[-2008]~~ annually.

B. School districts/charter schools shall distribute funds ~~[directly to arts specialists based on numbers of guaranteed employees provided for]~~ to participating schools as provided in the approved school district/school/consortia grant and consistent with school district/charter school procurement policies.

C. School districts/charter schools/consortia shall require arts specialists to provide adequate documentation of arts supplies purchased consistent with the school/consortium plan, this rule and the law.

D. Summary information about effective supplies and equipment shall be provided in the school/consortium evaluation of the program.

R277-490-5. School Districts/Charter Schools/Consortia Employment of School District/Charter School/Consortia Arts Coordinators.

A. School districts/charter schools/consortia may apply for funds to employ full-time arts coordinators in their school district/charter school/consortium.

B. Applicants shall explain how arts coordinators will be used consistent with the Beverley Taylor Sorenson Elementary Arts Learning Program model, what requirements arts coordinators must meet, and what training will be provided by whom.

C. Applicants shall provide documentation of committed matching funds that equal the request from the school district/charter school/consortium.

D. Preference shall be given to applicants that demonstrate in their proposed recruitment and use of coordinators diligent and creative efforts to employ arts coordinators who mirror the minority or unique populations that make up the schools in which coordinators will work.

E. The Board, following close consultation with the Utah Arts Council, shall select school districts/charter schools/consortia to receive funds under this section.

F. Funds shall be distributed to designated school districts/charter schools/consortia no later than July 1~~[-2008]~~ annually.

R277-490-6. Arts Program Partnership with Utah Institutions of Higher Education for Pre-service, Professional Development, Research, and Leadership Training.

A. The Board shall work closely with the Utah Arts Council to identify interested Utah higher education institutions eligible, prepared and geographically and programmatically suited to work with identified arts specialists, arts coordinators and the schools and programs in which specialists/coordinators are employed.

B. The Board, in close partnership with the Utah Arts Council, shall determine funding and payment timelines to eligible Utah higher education institutions for designated services as appropriate and necessary.

R277-490-7. Beverley Taylor Sorenson Elementary Arts Learning Program Evaluation and Reporting.

A. The Board, in consultation with the Utah Arts Council, shall contract annually, beginning in May 2009, with an independent qualified evaluator through the state procurement process.

B. The Board and the Utah Arts Council shall jointly report annually to the Education Interim Committee as provided in Section 53A-17a-162(6).

KEY: arts program, grants, public schools

Date of Enactment or Last Substantive Amendment: ~~[July 8, 2008]~~2011

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-162

Education, Administration
R277-495
 Required Policies for Electronic
 Devices in Public Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34821

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide language that references Rules R277-609 and R277-613 and includes changes in response to S.B. 304, 2011 General Session. (DAR NOTE: S.B. 304 (2011) was effective 05/10/2011. The proposed amendment to Rule R277-609 is under DAR No.

34824 and the amendment to Rule R277-613 is under DAR No. 34825 in this issue, June 1, 2011, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The amendments provide references to Rules R277-609 and R277-613 in Sections R277-495-4 and 5 of the rule in response to S.B. 304 (2011) amendments.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Subsection 53A-1-401(3) and Subsection 53A-11-901(2)(c)(i)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments reference two other rules and require minor amendments to existing language. Changes do not result in a cost or savings.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The amendments which add specific words and phrases do not result in a cost or savings.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and the amendments to the rule apply to public education and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The amendments reference two other rules which do not affect individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments reference two other rules and add specific language per S.B. 304 (2011) which do not result in any compliance cost.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-495. Required Policies for Electronic Devices in Public Schools.

R277-495-4. Policy Requirements.

A. Local policies shall include the following;

(1) scope of coverage of the policy, including clear rules for school premises, school hours, school activities, after school activities, school sponsored activities at remote sites, vehicles transporting students to and from school activities.

(2) definitions of devices covered by policy;

(3) prohibitions against use of electronic devices during Utah Performance Assessment System for Students (U-PASS) assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;

(4) clear information about restrictions, if any, on when or where possession of electronic devices, active or deactivated, are strictly prohibited or allowed, such as the use of an electronic calculator by a student consistent with a current and valid IEP, as determined by the school district/school;

(5) prohibitions on the use of electronic devices in a way that ~~threatens~~ bullies, humiliates, harasses, or intimidates school-related individuals, including students, employees, and invitees, consistent with R277-609 and R277-613, or violates local, state, or federal laws; and

(6) procedures, if any, and due process, for the confiscation and recovery of electronic devices used in violation of local policies.

B. Local policies may also include the following:

(1) prohibitions or restrictions on unauthorized audio recordings, capture of images, transmissions of recordings or images, or invasions of reasonable expectations of student and employee privacy;

(2) procedures to report the misuse of electronic devices;

(3) potential disciplinary actions toward students or employees or both for violation of local policies regarding the use of electronic devices;

(4) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any;

(5) strategies for use of technology that enhance instruction; and

(6) directives, protections, and requirements, if any, for school employees or invitees, or both.

C. The USOE shall receive an annual assurance from the school district or charter school governing board as required under R277-108 that the local board has presented and implemented an electronic device policy consistent with the timelines and provisions of this rule.

D. School districts or traditional school and charter schools shall post their duly enacted electronic device policies on their district or school websites.

R277-495-5. USOE Responsibilities.

A. The USOE shall provide resources, upon request, for school districts and schools as they develop electronic device policies, including sources for successful policies, assistance with reviewing draft policies, and information about bullying, harassing, and discrimination via electronic devices consistent with R277-609 and R277-613.

B. The USOE shall develop a model policy or a policy framework to assist school districts and individual schools in developing and implementing their policies.

C. The USOE shall promote the use of effective strategies to enhance instruction and professional development through technology.

D. The USOE shall ensure that parents and school employees are involved in the development and implementation of policies.

E. The USOE shall work and cooperate with other education entities, such as the PTA, the Utah School Boards Association, the Utah Education Association, the State Charter School Board and the Utah High School Activities Association to provide consistent information to parents and community members about electronic device policies and to provide for appropriate and consistent penalties for violation of policies, including violations that take place at public school extracurricular and athletic events.

KEY: electronic devices, policy

Date of Enactment or Last Substantive Amendment: [~~January 7, 2009~~2011]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-11-901(2)(c)(i)

Education, Administration

R277-500

**Educator Licensing Renewal,
Timelines, and Required Fingerprint
Background Checks (Effective
Beginning July 1, 2012)**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34822

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to provide language and procedures that reflect practices and renewal procedures for educator license renewal for educators beginning 07/01/2012.

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, educator license renewal requirements, educator license renewal procedures, categories of acceptable activities for license renewal, fingerprint background check requirements, and exceptions or waiver to the rule.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The new licensing requirements will take the place of existing licensing requirements in Rule R277-501; educators will not be required to renew consistent with this new rule until 07/01/2012. This new rule will be distributed widely to provide adequate notice for educators of the new license requirements. The new rule, subsequent notice, and internal changes do not result in any cost or savings to the state. (DAR NOTE: The proposed amendment to Rule R277-501 is under DAR No. 34823 in this issue, July 1, 2011, of the Bulletin.)

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. This new rule is provided well in advance to ensure educators will be familiar with new licensing requirements by 07/01/2012. These new licensing requirements do not result in any costs or savings to school districts or charter schools.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule applies to educator licensing requirements and does not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The new rule does affect educators who will be seeking renewal after 07/01/2012, but the new procedures do not change the cost to educators for license renewal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The new rule does affect educator's who will be seeking renewal after 07/01/2012, but the new procedures do not change the cost to educators for license renewal.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.**R277-500. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Effective Beginning July 1, 2012).****R277-500-1. Definitions.**

A. "Acceptable alternative professional development activities" means activities that may not fall within a specific category under R277-500-5 but are consistent with this rule.

B. "Accredited" means a teacher preparation program accredited by the National Council for Accreditation of Teacher Education (NCATE) or the Teacher Education Accreditation Council (TEAC).

C. "Accredited school," for purposes of this rule, means a public or private school that has met standards considered to be essential for the operation of a quality school program and has received formal approval by the Northwest Accreditation Commission.

D. "Active educator," for purposes of this rule, means an individual holding a valid license issued by the Board who is employed by a Utah public LEA, accredited private school, or USOE, or who was employed by a Utah public LEA or accredited private school in a role covered by the license for at least three years in the individual's renewal period.

E. "Active educator license" means a license that is currently valid for employment in a position requiring an educator license.

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

G. "College/university course" means a course taken through an institution approved under Section 53A-6-108.

H. "Course work successfully completed" for purposes of this rule means the student earns a grade C or better in approved university or university level course work or USOE professional development credit.

I. "Documentation of professional development activities" means:

(1) an original student transcript of university/college courses;

(2) a LEA or USOE-sponsored electronic record of professional development activities;

(3) summary, explanation, or copy of the product of a professional development activity signed by the educator's supervisor or a licensed administrator ;

(4) certificate of completion for an approved professional development conference, workshop, institute, symposium, educational travel experience or staff development;

(5) an agenda or conference program demonstrating sessions and duration of professional development activities.

J. "Educational research" means conducting research on education issues or investigating education innovations.

K. "Inactive educator" means an individual holding a valid license issued by the Board who is not currently employed by a Utah public LEA or accredited private school or who was employed by a Utah public LEA or accredited private school in a role covered by the license for less than three years in the individual's renewal period.

L. "Inactive educator license" means a license issued by the Board, other than a suspended or revoked license, that is currently not valid due to the holder's failure to complete requirements for license renewal.

M. "Level 1 license" means a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program, or to an applicant that holds an educator license issued by another state or country that has also met all ancillary requirements established by law or rule.

N. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license and:

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

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

(3) additional requirements established by law or rule.

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

P. "License" means an authorization which permits the holder to serve in a professional capacity in a public LEA or accredited private school.

Q. "Licensed administrator" means an individual holding an active educator license that is valid for employment in a public school administrative position.

R. "License renewal points" means the points accumulated by a Utah license holder through activities approved under this rule for the purpose of satisfying requirements of Section 53A-6-104.

S. "National Board Certification" means the successful completion of the National Board for Professional Teaching Standards (NBTPS) process, a three-year process, that may include national content-area assessment, an extensive portfolio, and assessment of video-taped classroom teaching experience.

T. "Professional development" means engaging in activities that improve or enhance an educator's practice.

U. "Professional growth plan" means a document prepared by a Utah educator consistent with this rule.

V. "University level course" means a course having the same academic rigor and requirements similar to a university/college course and taught by appropriately trained individuals. The final determination of a university level course is made by the USOE.

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

X. "USOE professional development credit" means courses, approved by the USOE under R277-519-3, in which educators may participate to renew a license, teach in another subject area, or teach at another grade level.

Y. "UPPAC" means the Utah Professional Practices Advisory Commission under Section 53A-6-301 through 307.

Z. "Verification of employment" means official documentation of employment as an educator listing the educator's assignment and years of service, signed by the supervising administrator.

R277-500-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-6-104 which requires the Board to make rules requiring participation in professional development activities in order for educators to retain Utah licensure, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions and requirements for an educator to renew a Utah educator license. This rule requires verification of employment, development of a professional growth plan, and documentation of activities consistent with Title 53A, Chapter 6.

R277-500-3. Educator License Renewal Requirements.

A. Professional Growth Plan for Active Educators

(1) An active educator, in collaboration with his supervisor, shall develop and maintain a professional growth plan.

(2) The professional growth plan shall outline the professional development activities in which the educator will participate during the educator's current license renewal cycle;

(3) The professional growth plan shall be developed by taking into account:

(a) the educator's professional goals;

(b) curriculum relevant to the educator's current or anticipated assignment;

(c) goals and priorities of the LEA and school;

(d) available student data relevant to the educator's current or anticipated assignment;

(e) the requirements under R277-522 if the educator is a Level 1 licensed educator.

(4) The professional growth plan shall be reviewed and signed annually by the educator and supervisor and may be adjusted as appropriate.

(5) The educator is responsible for creation of the professional growth plan in collaboration with the designated supervisor.

(6) The educator is responsible for maintaining documentation associated with the plan and the annual review of the plan.

(7) The LEA may create tools or policies or both to assist educators in meeting this responsibility.

B. Professional Growth Plan for Inactive Educators

(1) All inactive educators intending to renew an educator license shall, in collaboration with a licensed administrator, develop and maintain a professional growth plan.

(2) The professional growth plan shall outline the professional development activities in which the educator will participate during the educator's current license renewal cycle.

(3) The plan shall take into account:

(a) the educator's professional goals;

(b) current license areas of concentration and endorsements;

(c) current trends relevant to the educator's current license areas of concentration and endorsements;

(d) the Utah Core Curriculum relevant to the educator's current license areas of concentration and endorsements;

(4) The professional growth plan shall be reviewed and signed by the educator and a licensed administrator at the beginning of the plan and again at the completion of the plan.

(5) The educator is responsible for developing the professional growth plan and maintaining documentation of the plan.

C. License Renewal Points

(1) To be valid for renewal, the professional growth plan shall document that the educator has earned the appropriate number of license renewal points as defined in R277-500-3.

(2) License holders may accrue license renewal points beginning with the date of each new license renewal.

(3) A Level 1 license holder shall earn at least 100 license renewal points in each three year period. A Level 1 license may only be renewed consistent with R277-504-3(D).

(4) A Level 2 license holder shall earn at least 200 license renewal points in each 5 year period.

(5) A Level 3 license holder shall earn at least 200 license renewal points in each 7 year period.

D. Documentation

(1) Each Utah license holder shall be responsible for maintaining documentation supporting completion of the professional growth plan.

(2) It is the educator's responsibility to retain documentation of professional development activities with appropriate signatures.

(3) All documentation relevant to the professional growth plan shall be retained by the educator for a minimum of two years from the designated renewal date.

E. Fingerprint Background Check and Educator Ethics Review

(1) A fingerprint background check shall be required for the renewal of any Utah educator license beginning July 1, 2009 consistent with Section 53A-6-401.

(2) No license may be renewed until the completion of the background check and receipt and review of the report by the USOE.

(3) The background check shall be completed within one calendar year prior to the date of license renewal.

(4) If an educator license holder's fingerprint background check is incomplete or under review by the Utah Professional Practices Advisory Commission (UPPAC), the educator license

holder's CACTUS file will direct the reviewer of the file to the USOE for further information. An educator license cannot be renewed until the background check process is complete.

(5) Completion of the USOE Educator Ethics Review shall be required for the renewal of a Utah educator license beginning January 1, 2011.

(6) No license may be renewed prior to the completion of the USOE Educator Ethics Review.

(7) The Ethics Review shall be completed within one calendar year prior to license renewal.

R277-500-4. Educator License Renewal Procedures.

A. An active educator license holder shall satisfy the final review and obtain the appropriate signatures regarding completion of the professional growth plan between January 1 and June 30 of the educator's assigned renewal year.

(1) A Level 2 or 3 educator license holder who has completed all additional requirements for renewal shall complete the online renewal provided by USOE at www.utah.gov/teachers.

(2) A Level 1 educator license holder who has completed all additional requirements for renewal shall submit the Professional Growth Plan Completion Form to the USOE. Forms that are not complete or do not bear original signatures shall not be processed.

(3) An educator's failure to complete the online process or submit the completion form consistent with deadlines in this rule shall result in beginning anew the administrative licensure process, including all attendant fees and criminal background checks.

B. An inactive educator license holder shall satisfy the final review and obtain the appropriate signatures regarding completion of the professional growth plan within one calendar year prior to the date on which the inactive educator license holder is directed/scheduled to renew the license.

(1) A Level 2 or 3 educator license holder who has completed all additional requirements for renewal shall complete the online renewal process provided by USOE at www.utah.gov/teachers.

(2) A Level 1 educator license holder who has completed all additional requirements for renewal shall submit the Professional Growth Plan Completion Form to the USOE. Forms that are not complete or do not bear original signatures shall not be processed.

(3) An educator's failure to complete the online process or submit the completion form consistent with deadlines shall result in beginning anew the licensure process, including all attendant fees and criminal background checks.

C. Educators seeking renewal from an inactive status or requesting level changes shall be charged a fee set by the USOE. Educators with active licenses shall be charged a renewal fee consistent with R277-502.

D. The USOE shall audit a random sample of approximately ten percent of the annual online renewals. Educators selected for audit:

(1) shall submit the Professional Growth Plan Completion Form with the appropriate signatures to the USOE in a timely manner.

(2) shall receive a warning letter and may be referred to UPPAC if documentation is not submitted as requested.

(3) shall be referred to UPPAC for possible license discipline if the documentation reveals fraudulent or unprofessional actions.

E. The USOE may, at its own discretion, review or audit renewal transactions including the professional growth plan, signatures, and documentation of professional development activities.

R277-500-5. Categories of Acceptable Activities for License Renewal.

A. Active educators may earn licensure renewal points based on their employment in a position requiring a Utah educator license during their license cycle.

(1) Only years of employment with satisfactory performance evaluations may be counted for license renewal points.

(2) A Level 1 license holder may earn 25 license renewal points per year of employment to a maximum of 50 points per license cycle.

(3) A Level 2 or 3 license holder may earn 35 license renewal points per year of employment to a maximum of 105 points per license cycle.

B. A college/university course:

(1) shall be successfully completed with a C or better, or a pass.

(2) Each semester hour, as recorded on an official transcript, equals 18 license renewal points.

C. USOE professional development credit:

(1) shall be State-approved under R277-519-3;

(2) shall be successfully completed through attendance and required project(s).

(3) Each semester credit hour equals 15 license renewal points.

(4) Approval may be requested from the USOE by:

(a) a written request from a private provider on a form supplied by the USOE and received by the appropriate USOE subject specialist; or

(b) a request submitted through the USOE-sponsored online professional development tracking system.

(5) Approval shall be requested from the USOE at least four weeks prior to the beginning date of the scheduled professional development and may be denied if not approved in advance.

D. LEA-sponsored or approved professional development activities:

(1) shall be approved by the LEA at least four weeks prior to the scheduled activity;

(2) may include LEA or school based professional development such as:

(a) participating in professional learning communities;

(b) development of LEA or school curriculum;

(c) planning and implementation of a school improvement plan;

(d) mentoring a Level 1 teacher;

(e) engaging in instructional coaching;

(f) conducting action research;

(g) studying student work with colleagues to inform instruction.

(3) Each clock hour of scheduled professional development activity time equals one license renewal point, not to exceed 25 points per activity per year.

E. Acceptable alternative professional development activities:

(1) Acceptable activities are those that enhance or improve education, yet may not fall into a specific category.

(2) These activities shall be approved by the educator's supervisor, by a licensed administrator if the educator is an inactive educator, or with prior written approval by the USOE.

(3) Each clock hour of participation equals one license renewal point, not to exceed 25 points per activity.

F. Conferences, workshops, institutes, symposia, or staff-development programs:

(1) Acceptable workshops and programs shall be approved by the educator's supervisor, by a licensed administrator if the educator is an inactive educator, or with prior written approval by the USOE.

(2) Each clock hour of participation equals one license renewal point, not to exceed 25 points per activity.

G. Content and pedagogy testing:

(1) Acceptable tests include those approved by the Board.

(2) Each Board-approved test score report submitted, with a passing score, equals 25 license renewal points.

(3) Each test must be related to the educator's current or potential license area(s) or endorsement(s).

(4) No more than two test score reports may be submitted in a license cycle.

H. Utah university sponsored cooperating teachers:

(1) An educator working as a cooperating teacher with one or more student teachers may earn license renewal points.

(2) Each clock hour spent supervising, collaborating with, and mentoring assigned student teachers equals one license renewal point not to exceed 25 points per license renewal cycle.

I. Service in a leadership role in a national, state-wide, or LEA-recognized professional education organization:

(1) Acceptable service shall be approved by the educator's supervisor or by a licensed administrator if the educator is an inactive educator.

(2) Each clock hour of participation equals one license renewal point, not to exceed 10 points per year.

J. Educational research and innovation that results in a final, demonstrable product:

(1) Acceptable activities shall be approved by the educator's supervisor or by a licensed administrator if the educator is an inactive educator.

(2) The research activity shall be consistent with school and LEA policy.

(3) Each clock hour of participation equals one license renewal point, not to exceed 35 points per activity.

K. Substituting in a Utah public LEA or accredited private school:

(1) shall be considered an acceptable professional development activity only for inactive educators paid and authorized as substitutes.

(2) Two hours of documented substitute time equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle.

(3) Verification of hours shall be documented on LEA or school letterhead, list dates of employment, and signed by the supervising administrator.

L. Paraprofessional or volunteer service in a Utah public LEA or accredited private school:

(1) shall be considered an acceptable professional development activity only for inactive educators.

(2) Three hours of documented paraprofessional or volunteer service equals one license renewal point, not to exceed 25 points per year or 50 points per license cycle.

(3) Verification of hours shall be documented on LEA or school letterhead, list dates of service, and signed by the supervising administrator.

M. Credit for LEA lane change or other purposes is determined by the LEA and is awarded at the LEA's discretion. USOE professional development credit should not be assumed to be credit for LEA purposes, such as salary or lane change credit.

R277-500-6. Board Directive to Educator License Holders for Fingerprint Background Check.

A. The USOE may direct a Utah educator license holder to have a criminal fingerprint background check under Section 53A-6-401 for good cause shown.

B. If an educator license holder fails to comply with the directive in a reasonable time, following reasonable notice, and adequate due process, the educator license holder's license may be put into a pending status in the educator's CACTUS file subject to the educator license holder's compliance with the directive.

C. The Board or its designee may review an educator license holder's compliance with the directive prior to the final decision about the educator license holder's license status.

D. The provisions and requirements of this rule shall apply to educators seeking licensure renewal beginning July 1, 2012.

R277-500-7. Exceptions or Waivers to this Rule.

A. The USOE may make exceptions to the provisions of this rule for unique and compelling circumstances.

B. Exceptions may only be made consistent with the purposes of this rule and the authorizing statutes.

C. Requests for exceptions shall be made in writing at least 30 days prior to the license holder's renewal date to the Coordinator of Educator Licensing, USOE.

D. Approval or disapproval of the request shall be made in a timely manner and is not subject to administrative appeal.

R277-500-8. Rule Effective Date.

A. R277-500 will be effective beginning July 1, 2012.

B. R277-500 will replace R277-501 on July 1, 2012.

KEY: educator license renewal, professional development, fingerprint background check

Date of Enactment or Last Substantive Amendment: 2011 Authorizing, and Implemented or Interpreted Law: 53A-6-104; 53A-1-401(3)

Education, Administration
R277-501-9
Rule Effective Date

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 34823
 FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section R277-501-9, Rule Effective Date, is a new section in Rule R277-501 that provides language regarding replacement of Rule R277-501 with Rule R277-500 on 07/01/2012 at which time, Rule R277-501 will be repealed.

SUMMARY OF THE RULE OR CHANGE: The amendment provides a new section in Rule R277-501.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The amendments provide a new section to the rule regarding effective dates beginning 07/01/2012 which result in no cost or savings.
- ◆ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The amendments provide a new section to the rule regarding effective dates beginning 07/01/2012 which result in no cost or savings.
- ◆ SMALL BUSINESSES: There are no anticipated costs or savings to the small businesses. The amendments apply to public education and do not affect businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The amendments provide a new section to the rule regarding effective dates beginning 07/01/2012 which result in no cost or savings to individuals. Also, the amendments do not affect individuals or businesses outside of public education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments provide a new section to the rule regarding effective dates beginning 07/01/2012. The new requirements are not drastic changes and with adequate notice should be easy adjustments for affected educators.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:

I have reviewed this rule and I see no fiscal impact on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-501. Educator Licensing Renewal, Timelines, and Required Fingerprint Background Checks (Effective Through June 30, 2012).

R277-501-9. Rule Effective Date.

A. R277-501 will be effective through June 30, 2012.

B. R277-500 will replace R277-501 on July 1, 2012.

KEY: educational program evaluations, educator license renewal

Date of Enactment or Last Substantive Amendment: [~~June 8, 2010~~2011]

Notice of Continuation: February 18, 2010

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

Education, Administration
R277-609
**Standards for School District, School
 and Charter School Discipline Plans**

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 34824
 FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide new or amended definitions and language to ensure that this rule is consistent with and responsive to S.B. 304, 2011 General Session, regarding bullying and hazing in the public schools. (DAR NOTE: S.B. 304 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments provide new definitions that are consistent with the definitions in state law, adds "cyber-bullying" and "retaliation" to be included in school district, school and charter school discipline plans or policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-11-901 and Section 53A-15-603 and Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments provide new definitions and a requirement for inclusion of specific terms and prohibitions in school district, school and charter school discipline plans or policies. Changes do not result in any costs or savings to the state.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The amendments provide new definitions and a inclusion of specific terms in school district, school and charter school discipline plans or policies. Changes do not result in any costs or savings to school districts, schools and charter schools.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. The amendments apply to public education local education agency policies and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. The amendments provide new definitions for school district, school and charter school discipline plans or policies which do not result in any costs or savings to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance cost for affected persons. The amendments provide new definitions for school district, school and charter school discipline plans or policies which do not result in any compliance costs to anyone.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-609. Standards for School District, School and Charter School Discipline Plans.

R277-609-1. Definitions.

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

B. "Bullying" means [behavior]intentionally or knowingly committing an act that:

(1)(a) [is intended to cause harm or distress;]endangers the physical health or safety of a school employee or student;

(b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(c) involves consumption of any food, liquor, drug, or other substance;

(d) involves other physical activity that endangers the physical health and safety of a school employee or student; or

(e) involves physically obstructing a school employee's or student's freedom to move; and

(2) is done for the purpose of placing a school employee or student in fear of:

(a) physical harm to the school employee or student; or

(b) harm to property of the school employee or student.

[(2)3] [exists in a relationship in which there is an imbalance of power;

(3) may be repeated over time; and

(4) may also include definitions provided in Section 53A-44a-402.]The conduct described in R277-609-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

C. "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

[E]D. "Discipline" means:

(1) Imposed discipline: Code of conduct prescribed for the highest welfare of the individual and of the society in which the individual lives; and

(2) Self-Discipline: A personal system of organized behavior designed to promote self-interest while contributing to the welfare of others.

[D]E. "Disruptive student behavior" includes:

(1) the grounds for suspension or expulsion described in Section 53A-11-904; and

(2) the conduct described in Section 53A-11-908(2)(b).

F. "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.

G. "Hazing" means intentionally or knowingly committing an act that:

(1)(a) endangers the physical health or safety of a school employee or student;

(b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(c) involves consumption of any food, liquor, drug, or other substance;

(d) involves other physical activity that endangers the physical health and safety of a school employee or student; or

(e) involves physically obstructing a school employee's or student's freedom to move; and

(f)(i) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or

(ii) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.

(2) The conduct described in R277-609-1G constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

[E]H. "Plan" means a school district-wide and school-wide written model for prevention and intervention for student behavior management and discipline procedures for students who habitually disrupt school environments and processes.

I. "Policy" means standards and procedures that include the provisions of Section 53A-11-901 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that defines hazing, bullying, cyber-bullying, and harassment, prohibits hazing and bullying, requires annual discussion and training designed to prevent hazing, bullying, cyber-bullying, and harassment among school employees and students, and provides for enforcement through employment action or student discipline.

J. "Retaliate or retaliation" means an act or communication intended:

(1) as retribution against a person for reporting bullying or hazing; or

(2) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

[F]K. "Qualifying minor" means a school-age minor who:

(1) is at least nine years old; or

(2) turns nine years old at any time during the school year.

L. "School" means any public elementary or secondary school or charter school.

M. "School board" means:

(1) a local school board; or

(2) a local charter board.

N. "School employee" means:

(1) school teachers;

(2) school staff;

(3) school administrators; and

(4) all others employed, directly or indirectly, by the school, school board, or school district.

[G]Q. "USOE" means the Utah State Office of Education.

R277-609-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, Section 53A-1-402(1)(b) which requires the Board to establish rules concerning discipline and control, Section 53A-15-603 which requires the Board to adopt rules that require a local school board or governing board of a charter school to enact gang prevention and intervention policies for all schools within the board's jurisdiction, and Section 53A-11-901 which directs local school boards and charter school governing boards to adopt conduct and discipline policies and directs the Board to develop model policies to assist local school boards and charter school governing boards.

B. The purpose of this rule is to define hazing, bullying, cyber-bullying, and harassment and outline requirements for school discipline plans and policies which school districts and charter schools shall meet ~~[to qualify for funding]~~.

R277-609-3. School District, School and Charter School Responsibility to Develop Plans.

A. Each school district, or school and each charter school shall develop and implement a board approved comprehensive school district, school or charter school plan or policy for student and classroom management, and school discipline. The plan shall include:

(1) the definitions of Section 53A-11-910;

(2) written standards for student behavior expectations, including school and classroom management;

(3) effective instructional practices for teaching student expectations, including self-discipline, citizenship, civic skills, and social skills;

(4) systematic methods for reinforcement of expected behaviors and uniform methods for correction of student behavior;

(5) uniform methods for at least annual school level data-based evaluations of efficiency and effectiveness;

(6) an ongoing staff development program related to development of student behavior expectations, effective instructional practices for teaching and reinforcing behavior expectations, effective intervention strategies, and effective

strategies for evaluation of the efficiency and effectiveness of interventions;

(7) policies and procedures relating to the use and abuse of alcohol and controlled substances by students;

(8) policies to define, prohibit, and intervene in bullying, including cyber-bullying, including the requirement of awareness and intervention strategies, including training for social skills, for students, parents, and school staff. The policies shall:

(a) provide for training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

(b) provide for training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(c) provide training and education specific to bullying based upon students':

(i) actual or perceived identities;

(ii) conformance or failure to conform with stereotypes.

(d) provide for training specific to cyber[-]-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

(e) provide for student assessment of the prevalence of bullying in school districts, schools and charter schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas;

(f) complement existing safe and drug free school policies and school harassment and hazing policies; ~~and~~

(g) include required strong responsive action against retaliation including assistance to harassed students and their parents in reporting subsequent problems and new incidents; and

([g]h) include strategies for providing students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches, with awareness and intervention skills such as social skills training.

B. The plan shall also provide direction to school districts for dealing with disruptive students. This part of the plan shall:

(1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student behavior; and

(3) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court.

C. School district or school plans or sections of plans, including directives about bullying and disruptive students, shall also:

(1) include strategies to provide for necessary adult supervision;

(2) be clearly written and consistently enforced; and

(3) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility.

D. Plans required under R277-609-3 shall include gang prevention and intervention policies.

(1) The required plans shall account for an individual school or school district's unique needs or circumstances.

(2) The required plans may include the provisions of Section 53A-15-603(2).

(3) The required plans may provide for publication of notice to parents and school employees of policies by reasonable means.

KEY: disciplinary actions, disruptive students

Date of Enactment or Last Substantive Amendment: ~~August 9, 2010~~ **2011**

Notice of Continuation: July 23, 2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1)-(b); 53A-15-603; 53A-11-901

Education, Administration
R277-613
School District and Charter School
Bullying and Hazing Policies and
Training

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34825

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide new or amended definitions and language to ensure that this rule is consistent with and responsive to S.B. 304, 2011 General Session, regarding bullying and hazing in the public schools. (DAR NOTE: S.B. 304 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This amendments remove existing definitions and provide new definitions that are consistent with the definitions in state law, provide for local board/charter school board annual review of bullying and hazing policies and posting of policies, provide new language on retaliation, and new language for termination of volunteer services in Section R277-613-6 for violation of Utah Educator Standards.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-11a-301 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. New definitions, requirement for

local school board and charter school board annual review of policies, requirement for local board and charter school board to provide specific language in policies and new language for termination of volunteer services for noncompliance with Utah Educator Standards does not result in any costs or savings to the state.

♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. New definitions, requirement for local school board and charter school board annual review of policies, requirement for local board and charter school board to provide specific language in policies and new language for termination of volunteer services for noncompliance with Utah Educator Standards do not result in any costs or savings to school districts, schools or charter schools.

♦ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses. This rule and amendments apply to public education and do not affect businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. New definitions, requirements for local school board and charter school board annual review of policies, requirements for local board and charter school board to provide specific language in policies, and new language for termination of volunteer services for noncompliance with Utah Educator Standards do not result in any costs or savings to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. New definitions, requirements for local school board and charter school board annual review of policies, requirements for local board and charter school board to provide specific language in policies, and new language for termination of volunteer services for noncompliance with Utah Educator Standards do not result in any compliance costs for school districts, schools, charter schools, or individuals.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-613. School District and Charter School Bullying and Hazing Policies and Training.

R277-613-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- ~~[B(1) "Bullying" means intentionally or knowingly committing an act that is done for the purpose of placing a school employee or student in fear of:~~
- ~~(a) physical harm to the school employee or student; or~~
 - ~~(b) harm to property of the school employee or student.~~
- ~~(2) Acts of bullying may include:~~
- ~~(a) endangerment to the physical health or safety of a school employee or student;~~
 - ~~(b) any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements to a school employee or student;~~
 - ~~(c) forced or unwilling consumption of any food, liquor, drug, or other substance by a school employee or student;~~
 - ~~(d) any forced or coerced act or activity of a sexual nature or with sexual connotations such as asking a student to remove articles of clothing or expose or touch private areas of the body;~~
 - ~~(e) other physical activity that endangers the physical health and safety of a school employee or student; or~~
 - ~~(f) physically obstructing a school employee's or student's freedom to move.~~
- ~~(3) The conduct described in R277-613-1B(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.~~
- ~~] B. "Bullying" means intentionally or knowingly committing an act that:~~
- ~~(1)(a) endangers the physical health or safety of a school employee or student;~~
 - ~~(b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;~~
 - ~~(c) involves consumption of any food, liquor, drug, or other substance;~~
 - ~~(d) involves other physical activity that endangers the physical health and safety of a school employee or student; or~~
 - ~~(e) involves physically obstructing a school employee's or student's freedom to move; and~~
 - ~~(2) is done for the purpose of placing a school employee or student in fear of:~~
 - ~~(a) physical harm to the school employee or student; or~~
 - ~~(b) harm to property of the school employee or student.~~

~~(3) The conduct described in R277-613-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.~~

~~[C. "Cyberbullying" means the use of e-mail, instant messaging, chat rooms, pagers, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of:~~

- ~~(1) physical harm to the school employee or student; or~~
- ~~(2) harm to property of the school employee or student.~~

~~] C. "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.~~

~~D. "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.~~

~~[D. "Hazing" means intentionally or knowingly committing an act that is:~~

~~(1) done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event.~~

~~(2) Acts of hazing may include:~~

~~(a) endangerment to the physical health or safety of a school employee or student;~~

~~(b) any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements to a school employee or student;~~

~~(c) forced or unwilling consumption of any food, liquor, drug, or other substance by a school employee or student;~~

~~(d) any forced or coerced act or activity of a sexual nature or with sexual connotations such as asking a student to remove articles of clothing or expose or touch private areas of the body;~~

~~(e) other physical activity that endangers the physical health and safety of a school employee or student; or~~

~~(f) physically obstructing a school employee's or student's freedom to move.~~

~~(3) The conduct described in R277-613-1D(2) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.~~

~~] E. "Hazing" means intentionally or knowingly committing an act that:~~

~~(1)(a) endangers the physical health or safety of a school employee or student;~~

~~(b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;~~

~~(c) involves consumption of any food, liquor, drug, or other substance;~~

~~(d) involves other physical activity that endangers the physical health and safety of a school employee or student; or~~

~~(e) involves physically obstructing a school employee's or student's freedom to move; and~~

~~(f)(i) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or~~

~~(ii) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.~~

~~(2) The conduct described in R277-613-1E constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.~~

~~[E]E. "Policy" means [a set of] standards and procedures that include[s] the provisions of Section 53A-11-[304(3)]901 and additional standards, procedures, and training adopted in an open meeting by a local board of education or charter school board that define hazing and bullying, prohibit hazing and bullying, require annual discussion and training designed to prevent hazing and bullying among school employees and students and provide for enforcement through employment action or student discipline.~~

~~G. "Retaliate or retaliation" means an act or communication intended:~~

~~(1) as retribution against a person for reporting bullying or hazing; or~~

~~(2) to improperly influence the investigation of, or the response to, a report of bullying or hazing.~~

R277-613-3. Utah State Board of Education Responsibilities.

A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of school districts and charter schools on bullying, including cyber-bullying, and hazing.

B. The Board may interrupt disbursements of funds consistent with Section 53A-1-401(3) for failure of a school district or charter school to comply with this rule.

R277-613-4. Local School District and Charter School Responsibilities.

A. Each school district and charter school shall implement a policy prohibiting bullying and hazing consistent with Section 53A-11a-301.

B. Each school district and charter school shall ~~[no later than December 1, 2009]:~~

(1) post a copy of its policy on the school district/charter school website; and

(2) provide a copy of the school district/charter school policy or uniform resource locator (URL) to the State Superintendent of Public Instruction at the Utah State Office of Education.

~~[C. Each school district and charter school shall post a copy of its policy on district or school website no later than November 1, 2009.~~

~~] C. The local board/charter school board shall annually review and immediately post the policy following the first board meeting of the school year.~~

D. Policies shall provide for training to students, staff, and volunteers consistent with the following:

(1) training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

(2) training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(3) training specific to prohibitions against bullying or hazing of a sexual nature or with sexual overtones;

(4) training specific to cyber[-]bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

E. Policies shall also:

(1) complement existing safe and drug free school policies and school harassment and hazing policies;~~and~~

(2) include strategies for providing students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches, with awareness and intervention skills such as social skills training~~[-]; and~~

(3) include required strong responsive action against retaliation including assistance to harassed students and their parents in reporting subsequent problems and new incidents.

F. The policy shall also provide direction to employees about bullying and dealing with disruptive students. This part of the policy shall:

(1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student behavior;

(3) designate to whom notices shall be provided;

(4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;

(5) include strategies to provide for necessary adult supervision;

(6) be clearly written and consistently enforced;

(7) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and

(8) provide notice to employees that violation(s) of this rule may result in employment discipline or action.

R277-613-6. Professional Responsibilities of Employee and Volunteer Coaches.

A. All public school coaches shall act consistent with professional standards of R277-515 in all responsibilities and activities of their assignments.

B. Failure to act consistently with R277-515 toward students, colleagues and parents may result in discipline against an educator's license or termination of volunteer services.

KEY: bullying, hazing, policies, training

Date of Enactment or Last Substantive Amendment:
~~[December 8, 2009]~~2011

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-11a-301

Education, Administration **R277-706** Public Education Regional Service Centers

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34826

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this new rule is to provide definitions and procedures for local education agencies (LEAs) to enter into interlocal agreements to form Regional Service Centers eligible for funding under H.B. 92, 2011 General Session. (DAR NOTE: H.B. 92 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, procedures for distribution of funds, and eligible Regional Service Center requirements and responsibilities.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Subsection 53A-1-401(3) and Subsection 53A-3-429(6)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated cost or savings to the state budget. The new rule provides procedures for LEAs to enter into interlocal agreements to form Regional Service Centers. The changes result in no cost or savings to the state.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. LEAs may enter into interlocal agreements to form Regional Services Centers and legislative funding is provided for Regional Service Centers resulting in no cost to local government.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule applies to public education and does not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government

entities. This rule applies to LEAs and Regional Service Centers for which legislative funding has been provided.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Funding has been provided for regional service centers entering into interlocal agreements.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-706. Public Education Regional Service Centers.

R277-706-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Eligible regional service center" means a regional service center formed by two or more school districts by means of an interlocal entity in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- C. "USOE" means the Utah State Office of Education.

R277-706-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-3-429(6) that directs the Board to make rules regarding eligible regional services center, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions and procedures for school districts to form interlocal agreements and to provide for distribution of legislative funds to eligible regional service centers by the Board.

R277-706-3. Eligible Regional Service Centers.

- A. Two or more school districts may enter into an interlocal agreement and form an interlocal entity.
- B. An eligible regional service center may receive funds if the Legislature appropriates money.
- C. An interlocal agreement entered into shall confirm and ratify the regional service center as of the effective date of the interlocal agreement.

R277-706-4. Distribution of Funds.

- A. The USOE shall distribute funds, if provided by the Legislature, in equal amounts to eligible regional service centers based on:
- (1) requests from eligible regional service centers; and
 - (2) satisfaction and submission of all information and requirements set by the Board.
- B. The USOE shall provide notice that completed applications for regional service center funds are due to the USOE consistent with timelines provided by the USOE.
- C. The Board may review and consider a different distribution plan for future years.
- D. Legislative funding, if provided, shall be distributed to eligible regional service centers after July 1 of each year.

R277-706-5. Eligible Regional Service Center Responsibilities.

- A. Eligible regional service centers shall submit an annual application for available funds to the Board consistent with USOE timelines.
- B. A regional service center application for funds shall include:
- (1) a copy of completed interlocal agreement(s);
 - (2) a proposed budget and request for funds from the Board;
 - (3) a current external audit of current regional service center assets and liabilities in the initial application for funds and with each annual application;
 - (4) assurance signed by all parties to the interlocal agreement that the USOE shall have access to all regional service center records upon request;
 - (5) an annual financial report from the previous fiscal year;
 - (6) a plan for the use and distribution of regional service center funds for the applicable fiscal year with specific attention to delivery of Utah Education Network services and the delivery of education-related services; and
 - (7) an annual performance report beginning with fiscal year 2012 including information about:
 - (1) the regional service center delivery of Utah Education Network services;
 - (2) the type, amount, and effectiveness of delivery of public and higher education related services; and
 - (3) the coordination of public and higher education related services.

KEY: eligible regional service center

Date of Enactment or Last Substantive Amendment: 2011
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-3-429(6); 53A-1-401(3)

Education, Administration
R277-710
International Baccalaureate Programs

NOTICE OF PROPOSED RULE

(Repeal)
DAR FILE NO.: 34829
FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for gifted students has been replaced by a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the academic growth of students whose academic achievement is accelerated. A new rule consistent with the new statutory language providing for more flexible accelerated learning program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule relates to public education and does not affect businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

[R277-710. International Baccalaureate Programs.

R277-710-1. Definitions.

- _____ A. "Board" means the Utah State Board of Education.
- _____ B. "Candidate IB school" means the initial period between a school's application as an approved IB school (at various levels) and final approval by the International Baccalaureate Organization.
- _____ C. "DP" means Diploma Program.
- _____ D. "IB" means International Baccalaureate.
- _____ E. "International Baccalaureate Organization" means the nonprofit educational foundation located in four regions: North America and the Caribbean; Africa/Europe/Middle East; Latin America; Asia/Pacific.
- _____ F. "International Baccalaureate (IB) Program" means the International Baccalaureate Program established by the International Baccalaureate Organization.
- _____ G. "MYP" means Middle Years Program.
- _____ H. "PYP" means Primary Years Program.
- _____ I. "USOE" means the Utah State Office of Education.
- _____ J. "Weight Pupil Unit (WPU)" means the basic state funding unit.

R277-710-2. Authority and Purpose.

- _____ A. This rule is authorized by Utah Constitution Article X, Section 3 which provides for the Board to have general supervision and control over public schools and by Section 53A-17a-120 which directs the Board to adopt rules for the expenditure of funds appropriated for accelerated learning programs, Section 53A-1-402(1) which allows the Board to adopt minimum standards for access to programs, SB 2, Section 31, Intent Language which directs \$100,000 of the 2008-09 appropriation for accelerated learning programs to International Baccalaureate programs, and

Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify the procedures and standards school districts/charter schools shall follow to qualify for state funds for the IB Program.

R277-710-3. Eligibility.

A. All school districts/charter schools are eligible to apply to the International Baccalaureate Organization to participate in the IB Program which may include the Diploma Program, the Middle Years Program and the Primary Years Program.

B. School districts/charter schools who participate in IB Programs have primary responsibility for identifying students who are eligible to participate in IB classes.

C. Each student participating in the IB Program shall have a current student education/occupation plan (SEOP) on file at the participating school, required under Section 53A-1a-106(2)(b).

R277-710-4. Student Tuition, Fees and Credit for IB Programs.

A. Tuition may not be charged to high school students for participation in the IB Program, consistent with Section 53A-15-101(6)(b)(iii).

B. All student costs related to IB classes, which may include consumables, lab fees, copying, and material costs, as well as textbooks required for the course, are subject to fee waiver consistent with R277-407.

C. The school district/charter school shall be responsible for these waivers.

D. A student shall receive high school credit for IB classes that are consistent with the school district/charter school policies, and R277-705, Secondary School Completion and Diplomas, for awarding credit.

R277-710-5. Use of and Distribution of IB Funds.

A. School district/charter school use of state funds for the IB Program shall be limited to the following:

- (1) to offset the costs of funding smaller IB classes;
- (2) to fund workshops or training within or outside the school district/charter school to begin implementing, or coordinating an IB Program;
- (3) to purchase any of the following for library, laboratory, or direct classroom use:
 - (a) needed supplemental texts;
 - (b) student curriculum guides;
 - (c) materials; and
 - (d) equipment;
- (4) to pay an IB teacher providing direct student IB instruction;
- (5) to aid in staff development which may include:
 - (a) teacher stipends for tuition and lodging expenses connected with the pursuit of additional training on specified IB curriculum taught by the teacher
 - (b) to pay the costs for student exams; and
 - (c) to assist with costs of distance learning programs, equipment or instructors which increase the IB options in a school.
- (6) other uses approved in writing by the USOE consistent with the law and purposes of this rule.

B. Funds allocated to school districts/charter schools for IB Programs or credit shall not be used for any other program.

C. Funds shall be distributed on the basis of the following:

(1) Fifty percent of the total funds designated for the IB shall be equally distributed among all authorized IB programs in the state.

(2) The remaining fifty percent allocation shall be distributed to IB high schools where students scored a grade of 4 or higher on IB exams, resulting in a fixed amount of dollars per exam passed.

R277-710-6. Annual Reporting and Other Student Instruction Issues.

A. The Board shall develop uniform deadlines, forms, and fiscal and pupil accounting procedures for the IB Program.

B. School districts/charter schools participating in the IB Program shall provide the USOE with end-of-year expenditure reports itemized by the categories requested by the USOE.

C. School districts/charter schools participating in the IB Program shall provide for parental permission for students to participate in IB classes.

D. This rule shall apply to IB programs operating and approved as of the 2008-09 school year, and continue thereafter.

KEY: international baccalaureate

Date of Enactment or Last Substantive Amendment: April 21, 2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-120; 53A-1-402(1)(c); 53A-1-401(3)

Education, Administration
R277-711
 Educational Programs for Gifted and
 Talented Students

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE NO.: 34830
 FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for gifted students has been replaced by a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the academic growth of students whose academic achievement is accelerated. A new rule that is consistent with the new statutory language providing for more flexible accelerated learning program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no costs or savings to the state budget. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

◆ **LOCAL GOVERNMENTS:** There are no costs or savings to local government. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

◆ **SMALL BUSINESSES:** There are no costs or savings to small businesses. This rule relates to public education and does not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings to persons other than small businesses, businesses, or local government entities. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

~~[R277-711. Educational Programs for Gifted and Talented Students.~~

~~**R277-711-1. Definitions.**~~

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

~~_____ B. "Gifted and talented students" means children and youth whose superior performance or potential for accomplishment requires a differentiated and challenging education program to meet their needs in any one or more of the following areas:~~

~~_____ (1) general intellectual: students who demonstrate a high aptitude for abstract reasoning and conceptualization, who master skills and concepts quickly, and who are exceptionally alert and observant;~~

~~_____ (2) specific academic: students who evidence extraordinary learning ability in one or more specific disciplines;~~

~~_____ (3) visual and performing arts: students who are consistently superior in the development of a product or performance in any of the visual and performing arts;~~

~~_____ (4) leadership: students who emerge as leaders, and who demonstrate high ability to accomplish group goals by working with and through others;~~

~~_____ (5) creative, critical or productive thinking: students who are highly insightful, imaginative, and innovative, and who consistently assimilate and synthesize seemingly unrelated information to create new and novel solutions for conventional tasks.~~

~~_____ C. "Accelerated" means enabling students to move through academic programs based on their performance level.~~

~~_____ D. "Enrichment" means classes or programs that provide greater depth and breadth of experiences and information than students would receive in traditional classes.~~

~~_____ E. "Accelerated learning programs" means programs for: gifted and talented students, concurrent enrollment students, and students enrolled in the College Board Advanced Placement Program.~~

~~_____ F. "Programs for gifted and talented students" means differentiated and challenging educational programs designed to meet the needs of gifted and talented students in one or more areas identified in Section 1(B).~~

~~**R277-711-2. Authority and Purpose.**~~

~~_____ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-17a-120 which directs the Board to adopt rules for the expenditure of funds appropriated for accelerated learning programs, Section 53A-1-402(1) which authorizes the Board to adopt rules for special programs and Section 53A-1-401(3) which authorizes the Board to adopt rules in accordance with its responsibilities.~~

~~_____ B. The purpose of this rule is to specify standards and procedures for using a portion of accelerated learning program funds to develop programs and services for gifted and talented students.~~

~~**R277-711-3. Program Standards.**~~

~~_____ A. Appropriately qualified people shall direct and implement the district's program(s) for gifted and talented students.~~

~~_____ B. Each district shall have a process for identifying students in one or more of the areas listed in Section 1(B) based-~~

upon at least three assessment instruments. These instruments shall not be solely dependent upon English vocabulary or comprehension skills and shall take into consideration abilities of culturally diverse, handicapped and underachieving students.

~~C. Each school district shall have a process for appropriately placing students identified as gifted and talented.~~

~~D. Each school district shall develop and submit, to the Utah State Office of Education for review annually, a plan for educating gifted and talented students. This plan shall reflect a time frame appropriate to the district. The district plan shall contain provisions to:~~

~~(1) develop a written philosophy for the education of gifted and talented students that is consistent with the goals and values of the school district and the community;~~

~~(2) select a district coordinator who is responsible for the program;~~

~~(3) recognize a variety of areas in which a student may be identified as gifted;~~

~~(4) provide carefully integrated, and articulated curricula throughout the district;~~

~~(5) identify and use teaching strategies that are appropriate to the learning styles and emotional needs of gifted and talented students;~~

~~(6) adopt flexible pacing at all levels and allow students to advance as they master content and skills;~~

~~(7) offer program options that reach through and beyond the normal institutional boundaries: across disciplines, across grade levels, and across levels of intelligence;~~

~~(8) provide guidance to assist students in addressing personal and interpersonal needs, in program selection and in career and college choices;~~

~~(9) balance acceleration with enrichment activities for diverse types and degrees of intelligence;~~

~~(10) provide information regarding special services, programs, and other appropriate educational opportunities; and~~

~~(11) utilize appropriate community and private resources.~~

~~E. Provisions shall be made in the district plan for staff development and support.~~

~~F. Each district shall evaluate its program to assure accountability, assess the success of individual program elements, and determine student growth and achievement.~~

R277-711-4. Fiscal Standards.

~~A. Each school district shall receive its share of funds in the proportion that the district's number of weighted pupil units for kindergarten through grade twelve and necessarily existent small schools bears to the state total.~~

~~B. Funds shall be used in any of the following areas:~~

~~(1) planning, program development, and identification of students;~~

~~(2) salaries, in-service education costs, and the costs of conferences, workshops, and other educational activities designed to enable teachers to better serve gifted and talented students;~~

~~(3) supplies, materials, and equipment to supplement and enhance the education programs for gifted and talented students.~~

~~C. Funds allocated for programs for gifted and talented students shall not be used for Concurrent Enrollment programs.~~

~~D. The Utah State Office of Education shall have fiscal and pupil accounting procedures to assess programs for gifted and talented students.~~

~~KEY: gifted children, accelerated learning*~~

~~Date of Enactment or Last Substantive Amendment: 1990~~

~~Notice of Continuation: November 10, 2010~~

~~Authorizing, and Implemented or Interpreted Law: 53A-1-402(1); 53A-1-401(3); 53A-17a-120]~~

Education, Administration
R277-712
Advanced Placement Programs

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34831

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for gifted students has been replaced by a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the academic growth of students whose academic achievement is accelerated. A new rule that is consistent with the new statutory language providing for more flexible accelerated learning program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

♦ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

♦ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses. This rule relates to public education and does not affect businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

[R277-712. Advanced Placement Programs.

R277-712-1. Definitions.

A. "Board" means the Utah State Board of Education.
B. "Advanced Placement Program" means the College Board Advanced Placement Program. Its policies are determined by representatives of member institutions. Its operational services are provided by the Educational Testing Service. The program provides practical descriptions of college-level courses to interested schools and student test results based on these courses to colleges of the student's choice. Participating colleges grant credit or appropriate placement, or both, to students whose test results meet standards prescribed by the college.

C. "WPU" means the basic state funding unit.

R277-712-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-17a-120, which directs the Board to adopt rules for the expenditure of funds appropriated for accelerated learning programs, Section 53A-1-402(1) which allows the Board to adopt minimum standards for programs and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify the procedures and standards local districts must follow to qualify for state funds for the Advanced Placement Program.

R277-712-3. Eligibility; Use of and Distribution of Funds.

A. All school districts are eligible to participate in the Advanced Placement Program.

B. District use of state funds for the Advanced Placement Program is limited to the following:

- (1) to offset the costs of funding smaller classes;
- (2) to fund workshops within the district to work on beginning, implementing, or coordinating an Advanced Placement Program;
- (3) to purchase any of the following for library, laboratory, or direct classroom use: needed supplemental texts, materials, and equipment;
- (4) to pay a teacher directly involved in a small group or individual tutorial as an extra assignment in a small school or with a limited number of students who are able and willing to take an Advanced Placement course;
- (5) to aid in staff development which includes teacher stipends for tuition and living expenses connected with the pursuit of additional training on specified Advanced Placement curriculum taught by the teacher;
- (6) to pay the costs of tests for students; and
- (7) to assist with costs of distance learning programs, equipment or instructors which could increase the AP options in a school.

C. Funds are distributed on the basis of the following: the total funds designated for the Advanced Placement Program are divided by the total number of Advanced Placement exams passed with a grade of 3 or higher by students in the public schools of Utah. This results in a fixed amount of dollars per exam passed. Each participating school district receives that amount for each exam successfully passed by one of its students.

D. The Board shall develop uniform deadlines, forms, and fiscal and pupil accounting procedures for this program.

KEY: educational testing, accelerated learning*, gifted children

Date of Enactment or Last Substantive Amendment: 1988

Notice of Continuation: February 13, 2009

Authorizing, and Implemented or Interpreted Law: 53A-17a-120; 53A-1-402(1); 53A-1-401(3)]

Education, Administration
R277-713
 Concurrent Enrollment of High School
 Students in College Courses

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34827

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide procedures for Utah schools and Utah higher education institutions to coordinate advising to prospective and current high school students participating in concurrent enrollment. The rule provides language that requires public education and higher education to coordinate efforts to facilitate advising for concurrent enrollment students consistent with H.B. 288, 2011 General Session. (DAR NOTE: H.B. 288 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments provide language in Section R277-713-3 for Utah schools and Utah higher education institutions to coordinate advice and information for high school students who participate in the concurrent enrollment program, and provides language in Section R277-713-4 for Utah schools and Utah higher education institutions to jointly align information and technology systems so student information is tracked through both education systems.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art X, Sec 3 and Section 53A-17a-120.5 and Subsection 53A-1-401(3) and Subsection 53A-1-402(1)(c)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. Technology is already in place for tracking student information and any coordination of the program will be administered with existing staff within existing budgets.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to the local government. Technology is already in place for tracking student information and any coordination of the program will be administered with existing staff within existing budgets.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and the amendments apply to public education and do not affect businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. Tracking student information and any coordination of

the program is administered at the state and school district/school levels so individuals are not affected.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Technology is already in place for tracking student information and any coordination of the program will be administered with existing staff within existing budgets.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

R277-713. Concurrent Enrollment of High School Students in College Courses.

R277-713-3. Student Eligibility.

A. Schools and USHE institutions shall jointly establish student eligibility requirements which shall be sufficiently selective to predict a successful experience.

B. Local schools have the primary responsibility for identifying students who are eligible to participate in concurrent enrollment classes.

C. To ensure that a student is prepared for college level work, an appropriate assessment shall be administered to the student prior to participation in all concurrent mathematics and English courses, and to determine that the student meets prerequisites previously established for the same campus-based course by the sponsoring USHE institutions.

D. Each student participating in the concurrent enrollment program shall have a current student education/occupation plan (SEOP) on file at the participating school, as required under Section 53A-1a-106(2)(b).

E. Schools and USHE institutions shall jointly coordinate advice and information provided to a prospective or current high school student who participates in the concurrent enrollment

program consistent with Section 53A-15-101. Advising shall include providing information on general education requirements at higher education institutions and assisting students or parents to efficiently choose concurrent enrollment courses to avoid duplication and excess credit hours.

R277-713-4. Courses and Student Participation.

A. The awarding of USHE institution credit for concurrent enrollment courses is the province of colleges and universities governed by USHE policies.

B. Concurrent enrollment offerings shall be limited to courses in English, mathematics, fine arts, humanities, science, social science, world languages, and career technical programs to allow a focus of energy and resources on quality instruction in these courses. However, there may be a greater variety of courses in the career technical education area. Concurrent Enrollment courses should assist students toward post-secondary degrees.

C. All concurrent enrollment courses shall be approved or orchestrated by the high school or the USOE and shall provide for waiver of fees to eligible students.

D. Only courses taken from a master list maintained by the Curriculum Section at the USOE shall be reimbursed from state concurrent enrollment funds.

E. ~~[Beginning with the 2008-09 school year, t]~~The Board of Regents, after consultation with school districts/charter schools, shall provide the USOE with proposed new course offerings, including syllabi and curriculum materials by November 30 of the year preceding the school year in which courses shall be offered.

F. Concurrent enrollment funding shall be provided only for 1000 or 2000 level courses unless a student's SEOP identifies a student's readiness and preparation for a higher level course. This exception shall be individually approved by the student's counselor and school district or charter school concurrent enrollment administrator. Concurrent enrollment funding is not intended for unilateral parent/student initiated college attendance or course-taking.

G. Concurrent enrollment course offerings shall reflect the strengths and resources of the respective schools and USHE institutions and be based upon student needs. The number of courses selected shall be kept small enough to ensure coordinated statewide development and training activities for participating teachers.

H. Course content, procedures, examinations, teaching materials, and program monitoring shall be the responsibility of the appropriate USHE institution, shall be consistent with Utah law, and shall ensure quality and comparability with courses offered on the college or university campus.

I. Participation in concurrent enrollment generates higher education credit that becomes a part of a student's permanent college transcript.

J. Schools and USHE institutions shall jointly align information technology systems with all individual student academic achievement so that student information will be tracked through both education systems in accordance with Section 53A-1-603.5.

R277-713-5. Program Delivery.

A. Schools within the USHE that grant higher education/college credit may participate in the concurrent

enrollment program, provided that such participation shall be consistent with the law and consistent with Board rules specific to the use of public education funds and rules for public education programs.

B. Concurrent enrollment courses shall be offered at the most appropriate location using the most appropriate methods for the course content, the faculty, and the students involved~~[- consistent with Section 53A-17a-120(2)(a)].~~

C. The delivery system and curriculum program shall be designed and implemented to take full advantage of the most current available educational technology.

D. Courses taken by students who have received a diploma, whose class has graduated or who have participated in graduation exercises are not eligible for concurrent enrollment funding. Senior students shall complete reimbursable concurrent enrollment courses prior to their graduation or participation in graduation exercises.

E. Concurrent enrollment is intended primarily for students in their last two years of high school.

(1) Concurrent enrollment may not include high school courses that are typically offered in grades 9 or 10.

(2) The Early College High School Program, specifically initiated to encourage students to earn college credit beginning in the ninth grade leading to a college diploma earned concurrently with a high school diploma, may enroll student Program participants in grades 9 and 10 in concurrent enrollment courses.

F. State reimbursement to school districts for concurrent enrollment courses may not exceed 30 semester hours per student per year.

G. Public schools/school districts shall use USOE designated 11-digit course codes for concurrent enrollment courses.

R277-713-8. Concurrent Enrollment Funding and Use of Concurrent Enrollment Funds.

A. Each district shall receive a pro-rated amount of the funds appropriated for concurrent enrollment according to the number of semester hours successfully completed by students registered through the district in the prior year compared to the state total of completed concurrent enrollment hours. Successfully completed means that a student received USHE credit for the course. Concurrent enrollment funds may not reimburse districts for repeated concurrent enrollment courses. Appropriate reimbursement may be verified at any reasonable time by USOE audit.

B. The funds shall first be allocated proportionally, based upon student credit hours delivered.

(1) Courses that are taught by public school educators: 60 percent of the funds shall be allocated to local school boards and charter schools, and 40 percent of the funds shall be allocated to the State Board of Regents.

(2) Courses taught by college or university faculty: 60 percent of the funds shall be allocated to the State Board of Regents, and 40 percent of the funds shall be allocated to local school boards and charter schools.

C. Each high school shall receive its proportional share of district concurrent enrollment monies allocated to the district pursuant to Section 53A-17a-120 based upon the hours of concurrent enrollment course work successfully completed by

students on the high school campus as compared to the state total of completed concurrent enrollment hours.

D. Funds allocated to school districts for concurrent enrollment shall not be used for any other program.

E. District use of state funds for concurrent enrollment is limited to the following:

(1) aid in staff development of adjunct faculty in cooperation with the participating USHE institution;

(2) assistance with delivery costs for distance learning programs;

(3) participation in the costs of district or school personnel who work with the program;

(4) student textbooks and other instructional materials; and

(5) fee waivers for costs or expenses related to concurrent enrollment for fee waiver eligible students under R277-407.

(6) districts/charter schools may purchase classroom equipment required to conduct concurrent enrollment courses [~~in the aggregate, not to exceed ten (10) percent of a district's/charter school's annual allocation of concurrent enrollment monies~~].

(7) other uses approved in writing by the USOE consistent with the law and purposes of this rule.

F. School districts/charter schools shall provide the USOE with end-of-year expenditures reports itemized by the categories identified in R277-713-8D.

R277-713-9. Annual Contracts and Other Student Instruction Issues.

A. Collaborating school districts/charter schools and USHE institutions shall negotiate annual contracts including:

- (1) the courses offered;
- (2) the location of the instruction;
- (3) the teacher;
- (4) student eligibility requirements;
- (5) course outlines;
- (6) texts, and other materials needed; and
- (7) the administrative and supervisory services, in-service education, and reporting mechanisms to be provided by each party to the contract.

(a) each school district/charter school shall provide an annual report to the USOE regarding supervisory services and professional development provided by a USHE institution.

(b) each school district/charter school shall provide an annual report to the USOE indicating that all concurrent enrollment instructors are in compliance with R277-713-7B and C.

B. A school district/charter school shall provide a copy of the annual contract entered into between a school district/charter school and a USHE institution for the upcoming school year no later than May 30 annually.

C. The annual concurrent enrollment agreement between a USHE institution and a school district/charter school who has responsibility shall:

(1) provide for parental permission for students to participate in concurrent enrollment classes, which includes notice to parents that participation in concurrent enrollment courses count toward a student's college record/transcript,

(2) provide for the entity responsible for parent notification about concurrent enrollment purpose(s) and student and family privacy protections; and

(3) provide for discussion and training, as necessary, to all concurrent enrollment instructors about student information, student records laws, and student confidentiality.

~~[D. This rule shall be effective on the date posted with the Division of Administrative Rules, and shall apply to students who enroll in course work beginning with the 2005-2006 school year, and continuing thereafter.~~

KEY: students, curricula, higher education
Date of Enactment or Last Substantive Amendment: ~~August 7, 2009~~ 2011

Notice of Continuation: September 6, 2007
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-120.5; 53A-1-402(1)(c); 53A-1-401(3)

Education, Administration
R277-715
English Language Learner Family
Literacy Centers

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34832

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for at-risk students has been replaced by a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the academic growth of students who are at risk for academic failure. A new rule consistent with the new statutory language providing for more flexible at risk student program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. This rule is being repealed

because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule relates to public education and does not affect businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

[R277-715. English Language Learner Family Literacy Centers Program.

R277-715-1. Definitions.

- _____ A. "Board" means the Utah State Board of Education.
_____ B. An "English Language Learner (ELL)" means a student who has difficulty speaking, reading, writing, or understanding the English language.
_____ C. "English Language Learner Family Literacy Centers (Centers)" means centers created by public schools to increase parent involvement; communicate with parents who are not proficient in English concerning required and optional activities at

the school, in the parents' preferred language to the extent practicable; increase academic achievement, literacy skills, and language gains in all ethnic groups of students and their families; coordinate with school administrators, educators, families, and students; support and coordinate with other language acquisition instructional services and language proficiency program in the public schools.

_____ D. "Language acquisition" means the process of learning a language.

_____ E. "Language minority population" means a language other than the one spoken by the majority of people in a given regional or national context.

_____ F. "Language proficiency" means the level of competence at which an individual is able to use language for both basic communication tasks and academic purposes as determined by local evaluation.

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

R277-715-2. Authority and Purpose.

_____ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-161(2) which directs the Board to adopt a formula that allocates the money appropriated by the Legislature for the English Language Learner Family Literacy Centers Program to school districts and charter schools.

_____ B. The purpose of this rule is to adopt a formula to allocate funds appropriated by the Legislature under Section 53A-17a-161 in a fair and equitable manner.

R277-715-3. Proposals from School Districts and Charter Schools.

_____ A. Participation in this program by school districts and charter schools is optional; submitted proposals for developing centers shall be consistent with:

_____ (1) the purposes of Section 53A-17a-161 and this rule; and

_____ (2) available and successful center models.

_____ B. Proposals shall identify:

_____ (1) center development timelines;

_____ (2) timelines that explain annual progress between July 2008 and July 2010;

_____ (3) an annual total and budget;

_____ (4) an assessment component, including participation by local community councils, school employees, students, and others as appropriate.

_____ C. Proposals shall be submitted to the USOE by June 30.

R277-715-4. USOE Response, Timelines and Formula.

_____ A. The USOE may appoint an expert review panel to review, prioritize and recommend proposals for funding by the Board.

_____ B. After the USOE receives proposals, it will determine a funding formula based on the number and quality of proposals.

_____ C. The formula shall:

_____ (1) distribute 45 percent of the funds as a base for all school districts and charter schools that submit viable proposals for developing family literacy centers;

~~(2) distribute 50 percent of the funds directly to participating school districts and charter schools based on the ELL student count in the school districts/charter schools;~~

~~(3) retain five percent of appropriated funding for:~~

~~(a) an annual third party assessment of school district/charter school family literacy center projects; the assessment shall be a third party assessment; and~~

~~(b) continuing professional development for participating school districts and charter schools that allows the USOE to provide current information and materials over a three year period to assist participating school districts/charter schools.~~

~~D. The Board shall approve recommendations for funding by July 30.~~

~~E. School districts and charter schools that receive funding shall be notified of funding and the distribution of funds shall begin as soon as possible after Board approval.~~

KEY: English Language Learners

Date of Enactment or Last Substantive Amendment: October 8, 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(c); 53A-17a-161(2)]

Education, Administration

R277-717

Mathematics, Engineering, Science Achievement (MESA)

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 34833

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for at-risk students has been replaced by a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the academic growth of students who are at risk for academic failure. A new rule consistent with the new statutory language providing for more flexible at risk student program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

◆ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

◆ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses. This rule relates to public education and does not affect businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.**[R277-717. Mathematics, Engineering, Science Achievement (MESA):****R277-717-1. Definitions:**

A. "Annual report" means information and data identified under R277-717-3E provided by funding recipients to the Utah State Office of Education by June 30 of each year as a requirement for continued funding of the school or school district program.

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

C. "Mathematics, Engineering, Science Achievement (MESA)" program means a course or courses offered during the regular school day or a club or activities held after school that involves identified students and addresses identified school district/charter school objectives with underserved ethnic minority and all female students consistent with funding purposes and the purposes of this rule. MESA programs, activities, and courses or classes may be offered at all grade levels. Programs should be coordinated among secondary schools/charter schools and their feeder schools.

D. "MESA Public Education Funding Application Review Committee (Committee)" means a funding advisory committee to the Board composed of nine members as follows:

(1) four Coalition of Minorities Advisory Committee (CMAC) representatives who are not employed by applicant districts;

(2) three school district/charter school representatives or any combination of MESA community advocates, identified by the USOE, and school district representatives from districts that do not receive MESA funds; and

(3) two higher education representatives with expertise in mathematics, engineering, science or technology. USOE staff shall facilitate the funding application review process but shall not vote in any Committee decisions.

E. "Minority Students" means African American students, Asian students, American Indian students, Alaskan Native students, Native Hawaiian students, Hispanic students, Latino students, Pacific Islander students or other underserved ethnic minority students as proposed by the applicant.

F. "School District/Charter School or School Proposal" means a written proposal, including budget and evaluation components, developed by each school district/charter school applying for MESA funding or, if so determined by the district, by each recipient school.

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

R277-717-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3, which vests general control and supervision of public education in the Board, Section 53A-4-205 which assigns to the Board the responsibility for developing standards and administering funds for programs promoting educational excellence, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-121 which appropriates funding for programs for at-risk youth. The USOE shall provide statewide supervision of the program and budget and shall recommend funding for MESA programs based on MESA objectives and Board funding priorities.

B. This rule establishes standards and procedures to direct recipient public school districts/traditional schools or charter

schools to develop proposals that encourage the participation of underserved ethnic minority and all female students who traditionally have not participated in mathematics, engineering, and science classes and programs proportionately to white males.

R277-717-3. Proposal Criteria.

A. School district/traditional school or charter school proposals shall identify objectives and activities to address MESA and Board objectives.

B. The objectives of the MESA program are:

(1) to increase the number of underserved ethnic minority and all female students who pursue course work, advanced study and possible careers in mathematics, engineering, and science areas, including teaching of mathematics and science;

(2) to provide a program and activities designed to motivate underserved ethnic minority and all female students to take better advantage of all existing educational opportunities;

(3) to facilitate an increase in high school graduation rates of MESA-involved students;

(4) to strengthen the confidence of underserved ethnic minority and all female students relating to their success in mathematics and science courses, and to provide them with skills and opportunities to become successful role models for other students;

(5) to provide underserved ethnic minority and all female students the opportunity to relate to and associate with successful role models;

(6) to coordinate the efforts of public schools, colleges and universities, the USOE, industries, professional and community groups, and others in the development and maintenance of academic support programs to increase the participation of underserved ethnic minority and all female students in academic and career pursuits in mathematics and science; and

(7) to provide more information about MESA opportunities and participation criteria to parents of minority students and to actively involve minority students' parents in school activities and programs.

C. Courses shall include secondary courses that place underserved ethnic minority and all female students on a college preparation track for post high school opportunities in mathematics and science. MESA courses may include:

(1) CTE classes;

(2) community school classes;

(3) concurrent enrollment;

(4) advanced placement classes; or

(5) classes offered through higher education institutions.

D. MESA activities may include:

(1) regularly scheduled after-school guest presenters;

(2) tutoring sessions, particularly in mathematics and science, including study aids;

(3) field trips;

(4) practical activities designed to introduce students to career possibilities, curriculum options or additional courses of study;

(5) meaningful experiences and opportunities to discuss career opportunities in mathematics, engineering, and science, including teaching in these fields as a potential career;

(6) academic service learning designed to address school interest and attendance issues as well as to introduce underserved

~~ethnic minority and all female students to mathematics, engineering-related businesses/activities, science and opportunities for high school and post-secondary classes and the future;~~

~~(7) internships or work experiences in identified areas which may be encouraged by student stipends or academic credit or both;~~

~~(8) science fairs;~~

~~(9) math competitions; and~~

~~(10) extracurricular math/science activities.~~

~~E. A school district or school/charter school proposal shall include a report of the previous year's courses and activities from the funding cycle.~~

~~(1) The proposal shall also include:~~

~~(a) a program narrative;~~

~~(b) a plan to coordinate program activities with MESA objectives;~~

~~(c) a projected budget; and~~

~~(d) an evaluation plan.~~

~~(2) The annual report shall include:~~

~~(a) an accounting of MESA funds spent in the previous year consistent with objectives identified in the proposal;~~

~~(b) descriptions and examples of materials or activities that encouraged participation of underserved ethnic minority and all female students in MESA-funded courses and activities;~~

~~(c) specific numbers or examples of increased participation or success in mathematics, science, engineering courses/activities by underserved ethnic minority and all female students;~~

~~(d) the number of ethnic minority teachers added to math/science departments;~~

~~(e) data on the course taking patterns of ethnic minority and female students;~~

~~(f) number of MESA participants who began college programs; and~~

~~(g) number of MESA participants who took the ACT/SAT exams.~~

R277-717-4. Budget.

~~A. Proposed expenditures shall be specific to program objectives.~~

~~B. The budget may include payments to compensate schools for school fees directly related to participation by underserved ethnic minority and all female students in identified MESA courses or activities.~~

~~C. School districts or schools are encouraged to consider additional and creative course alternatives for identified students.~~

R277-717-5. Board Funding Priorities.

~~The Board shall fund school district or school programs based on priorities and criteria including:~~

~~A. programs that clearly address all MESA objectives;~~

~~B. programs that provide matching funds from school districts or federal sources, or both;~~

~~C. programs that show an increase in MESA participants over the previous year;~~

~~D. increased participation of MESA students in college preparation classes;~~

~~E. increased rate of graduation among MESA students;~~

~~F. innovative and effective counseling and tutoring models; and~~

~~G. total number of targeted students in the school district or school's population.~~

R277-717-6. Proposal Applications and Timeline.

~~A. Proposals shall be submitted tri-annually beginning June 15, 2006 by school districts or schools/charter schools with approval of their governing board to the Committee no later than June 30 of each designated year together with the required program report(s).~~

~~B. The USOE may request more information, additional data or budget information if annual reports or student assessments indicate that MESA funding is being used ineffectively, for ineligible students, or inconsistently with the school district/school/charter school plan or the intent of this rule.~~

~~C. Proposals shall be submitted to the USOE on forms provided by the USOE and consistent with state and federal laws and USOE timelines.~~

~~D. State funding may require matching funding from local or federal sources. Applications may require identification of matching funds.~~

~~E. The Funding Committee may seek additional information from applicants and may assist applicants to align proposed expenditures with MESA objectives.~~

~~F. The Funding Committee shall make final recommendations to the USOE no later than July 31.~~

~~G. The USOE shall make recommendations to the Board for final approval of program funding.~~

**KEY: minority education, mathematics, engineering, science
Date of Enactment or Last Substantive Amendment: June 23, 2009**

Notice of Continuation: July 3, 2006

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-4-205; 53A-1-401(3)]

Education, Administration
R277-760
Flow Through Funds for Students at Risk

**NOTICE OF PROPOSED RULE
(Repeal)**

DAR FILE NO.: 34834
FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is repealed because the statutory language that established specific programs for at-risk students has been replaced by a new more flexible program established in H.B. 2, 2011 General Session, which provides funding to local education agencies (LEAs) to support the

academic growth of students who are at risk for academic failure. A new rule consistent with the new statutory language providing for more flexible at risk student program funding will replace this rule. (DAR NOTE: H.B. 2 (2011) will be effective 07/01/2011.)

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

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.
- ◆ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.
- ◆ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses. This rule relates to public education and does not affect businesses.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule is being repealed because the language in this rule is no longer supported by statute. A new rule consistent with new statutory language will replace this rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

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

R277. Education, Administration.

~~[R277-760. Flow Through Funds for Students at Risk.~~

~~R277-760-1. Definitions.~~

- ~~_____ A. "Board" means the Utah State Board of Education.~~
- ~~_____ B. "USOE" means the Utah State Office of Education.~~
- ~~_____ C. "Application funds" means the annual legislative appropriation that will be awarded to districts by application.~~
- ~~_____ D. "WPU" means weighted pupil unit: the basic unit used to calculate the amount of state funds a school district may receive through a given program.~~
- ~~_____ E. "Student at risk" means any student who because of his individual needs, requires some kind of uniquely designed intervention in order to achieve literacy, graduate, and be prepared for transition from school to post school options.~~
- ~~_____ F. "Small school district" means a school district which does not generate the minimum base because of size and district characteristics.~~
- ~~_____ G. "The MASTER PLAN FOR SERVICES FOR STUDENTS AT RISK" is a planning document which provides for an appropriate and effective education system for all students, including those at risk. The PLAN is designed to enable students to become functioning members of the community, pursue post-secondary education or career training, and find and maintain employment leading to economic security.~~

~~R277-760-2. Authority and Purpose.~~

- ~~_____ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control of public schools in the Board, by Section 53A-17a-121(1)(2) which requires funds appropriated for students at risk to be distributed according to standards set by the Board, by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and by 63M-9-201 which creates the Families, Agencies, and Communities Together State Council.~~

- ~~_____ B. The purpose of this rule is to distribute at risk flow through funds to school districts.~~

~~R277-760-3. Distribution of Funds.~~

~~_____ The annual state legislative appropriation for students at risk shall be awarded to Utah school districts:~~

- ~~_____ (1) using a formula which takes into account selected prior year WPU's per district and a district's low-income population; and~~
- ~~_____ (2) to guarantee a minimum base of no less than \$18,600 for small school districts.~~

~~R277-760-4. Appropriate Expenditure of At Risk Flow Through Funds.~~

~~A. A school district shall use its share of the appropriation consistent with the MASTER PLAN FOR SERVICES FOR STUDENTS AT RISK.~~

~~B. The USOE may evaluate district programs in conjunction with at risk advisory groups.~~

~~KEY: dropouts, exceptional children~~

~~Date of Enactment or Last Substantive Amendment: April 15, 1996~~

~~Notice of Continuation: September 3, 2009~~

~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-121(1)(2); 53A-1-401(3); 63M-9-201]~~

Human Services, Child And Family Services

R512-205

Child Protective Services, Investigation of Domestic Violence Related Child Abuse

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34779

FILED: 05/05/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is necessary to bring the Division of Child and Family Services into compliance with H.B. 453, passed during the 2011 General Legislative Session. (DAR NOTE: H.B. 453 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule establishes criteria for investigation of an allegation of Domestic Violence Related Child Abuse and the basis upon which a supported finding will be made. (DAR NOTE: A corresponding 120-day (emergency) Rule R512-205 is under DAR No. 34778 is this issue, June 1, 2011, of the Bulletin and was effective 05/10/2011.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-102 and Section 62A-4a-105 and Section 76-5-109.1

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: Anticipated cost for Child and Family Services is \$260,800 in general funds.

♦ LOCAL GOVERNMENTS: No fiscal impact--This rule specifies criteria pertaining to Child and Family Services investigation for a specific allegation of domestic violence related child abuse pertaining to a specific child. This rule does not require any action by local government and does not impact any formal relationship or interaction between Child and Family Services and local governments.

♦ SMALL BUSINESSES: No fiscal impact--This rule specifies criteria pertaining to Child and Family Services investigation for a specific allegation of domestic violence related child abuse pertaining to a specific child. This rule does not require any action for small businesses and does not apply to any business relationship or interaction between Child and Family Services and small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No fiscal impact--This rule specifies criteria pertaining to Child and Family Services investigation for a specific allegation of domestic violence related child abuse pertaining to a specific child. This rule does not require any action that would result in costs or savings for persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Affected persons are not required to pay fees or other costs for investigations conducted by Child and Family Services. Affected persons may experience indirect or non-financial costs, such as impact on personal time during the investigation.

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

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
CHILD AND FAMILY SERVICES
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 08/08/2011

AUTHORIZED BY: Brent Platt, Director

R512. Human Services, Child and Family Services.**R512-205. Child Protective Services, Investigation of Domestic Violence Related Child Abuse.****R512-205-1. Purpose and Authority.**

(1) The purpose of this rule is to establish criteria for investigation of an allegation of Domestic Violence Related Child Abuse and the basis upon which a supported finding will be made.

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

R512-205-2. Definitions.

(1) "Cohabitant" has the same meaning as in Section 78B-7-102.

(2) "Dangerous weapon" has the same meaning as in Section 76-1-601.

(3) "Child and Family Services" means the Department of Human Services, Division of Child and Family Services.

(4) "Domestic violence" has the same meaning as in Section 77-36-1.

(5) "Domestic Violence Related Child Abuse" means domestic violence between cohabitants in the presence of a child. It may be an isolated incident or a pattern of conduct.

(6) "In the presence of a child" has the same meaning as in Section 76-5-109.1.

(7) "Serious bodily injury" has the same meaning as in Section 76-1-601.

(8) "Substantial bodily injury" has the same meaning as in Section 76-1-601.

R512-205-3. Administrative Findings.

(1) The commission of acts of domestic violence in the presence of a child is child abuse, because it results in non-accidental harm or threatened harm to the child. Such abuse is subject to the reporting statute (Section 62A-4a-403).

(2) Research establishes that exposure to domestic violence causes emotional or developmental harm or threatened harm to children, which may later be manifested in behavioral problems, increased risk of drug or alcohol abuse, increased risk of becoming perpetrators or victims of abuse, or in emotional disorders such as post-traumatic stress disorder.

(3) Exposure to domestic violence may also threaten a child with physical harm.

(4) Awaiting the manifestation of emotional or developmental harm does not protect children from such harm, and early intervention is required to mitigate and prevent further harm.

(5) Accordingly, establishing the commission of an act of domestic violence in the presence of a child shall be sufficient to establish Domestic Violence Related Child Abuse, without any further evidence of harm.

(6) The primary responsibility to investigate allegations of Domestic Violence Related Child Abuse as defined in Section 76-5-109.1 lies with law enforcement, and Child and Family Services has no responsibility to investigate domestic violence in the presence of a child as described in that section, except as provided in this rule (see Section 62A-4a-105(6)).

R512-205-4. Investigation.

(1) An allegation of Domestic Violence Related Child Abuse, that meets all other requirements for acceptance, shall be accepted by Child and Family Services for investigation if it is

alleged that a child was physically present or saw or heard an incident of domestic violence and:

(a) The alleged perpetrator used or threatened to use a dangerous weapon; or

(b) The alleged perpetrator threatened to cause substantial or serious bodily injury; or

(c) The alleged victim sustained substantial or serious bodily injury; or

(d) There is a pattern of two or more CPS investigations of Domestic Violence Related Child Abuse within the previous two years; or

(e) Another allegation of abuse, neglect, or dependency is being accepted or is in the process of being investigated.

R512-205-5. Investigation Findings.

(1) Upon completion of an investigation of Domestic Violence Related Child Abuse, a supported finding may be based upon the definitions of this rule.

KEY: child abuse, domestic violence

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105; 76-5-109.1

Lieutenant Governor, Elections **R623-1-4** Registration/License Application Procedure

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34784

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to correct an old and incorrect fee reference in the rule.

SUMMARY OF THE RULE OR CHANGE: The fee amount at Subsection R623-1-4(A)(1) is replaced with a reference to the fee and training requirements found in Sections 36-11-103 and 36-11-307.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 36-11-404

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** None--Whereas statute has already changed the fee earlier this year, the change will not have any effect on the budget as it stands.

- ◆ LOCAL GOVERNMENTS: None--Whereas statute has already changed the fee earlier this year, the change will not have any effect on the budget as it stands.
- ◆ SMALL BUSINESSES: None--Whereas statute has already changed the fee earlier this year, the change will not have any effect on the budget as it stands.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--Whereas statute has already changed the fee last year, the change will not have any effect on the budget as it stands.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Whereas statute has already changed the fee last year, the change will not have any effect on costs as it stands.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--Whereas statute has already changed the fee last year, the change will not have any effect on the business as it stands.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 LIEUTENANT GOVERNOR
 ELECTIONS
 UTAH STATE CAPITOL
 350 N STATE STREET
 STE 220
 SALT LAKE CITY, UT 84114
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Spencer Hadley by phone at 801-538-1041, by FAX at 801-538-1133, or by Internet E-mail at spencerhadley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Greg Bell, Lieutenant Governor

R623. Lieutenant Governor, Elections.
R623-1. Lieutenant Governor's Procedure for Regulation of Lobbyist Activities.
R623-1-4. Registration/License Application Procedure.

- A. In order to register and obtain a license, a lobbyist shall:
1. ~~Pay the \$25 registration fee.~~ Pay the registration fee as required by 36-11-103 and successfully complete the training as required by 36-11-307.
 2. File a registration/license application statement in compliance with the provisions of Section 36-11-103. The lieutenant governor's office shall make available forms that comply with Section 36-11-103. The lobbyist may either:

(a) Submit the completed form to the lieutenant governor's office; or

(b) File the lobbyist registration/license application by completing the electronic form available on the Utah Lobbyist Online system; and submit the completed signature authorization form to the lieutenant governor's office.

B. Upon receipt of a completed lobbyist registration/license application form the lieutenant governor's office shall:

1. Review the registration form for accuracy, completeness and compliance with the law;
2. Approve or disapprove the registration/license application; and
3. Notify the lobbyist in writing within 30 days of approval or disapproval.

C. An applicant who has not been convicted of any of the offenses listed in Section 36-11- 103(4)(a)(i), and who has not had a civil penalty imposed as described in Section 36-11-103(4)(a)(ii), may commence lobbying activities upon filing of a completed registration/license application form with the lieutenant governor's office and payment of the registration fee.

D. By applying for a license, the lobbyist certifies that the lobbyist intends to engage in lobbying activities under the circumstances stated in the application or supplements filed with the lieutenant governor's office during the time the registration and license are valid.

1. If a lobbyist intends to cease all lobbying activities for the remainder of the period of licensure, the lobbyist shall notify the lieutenant governor's office in writing and surrender the license.

2. If the lobbyist has a change in circumstances that affects the lobbyist's activities, the lobbyist shall notify the lieutenant governor's office in writing.

3. If a lobbyist has surrendered the license and then decides to reengage in lobbying activities, a reissued license without a fee may be requested, if it is within the 2-year period of the original registration.

4. The lobbyist must submit a written request to the lieutenant governor's office in order to have the license reissued.

5. A reissued license expires on December 31 of each even numbered year in accordance with Section 36-11-103(3)(b).

E. A lobbyist may add and delete principals and provide other notices electronically as prescribed by the lieutenant governor's office.

KEY: lobbyist
Date of Enactment or Last Substantive Amendment: ~~October 19, 2004~~ 2011
Notice of Continuation: April 7, 2009
Authorizing, and Implemented or Interpreted Law: 36-11-404

Natural Resources, Wildlife Resources
R657-5
Taking Big Game

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34807

FILED: 05/12/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the big game rule.

SUMMARY OF THE RULE OR CHANGE: The proposed revision to the above listed rule removes the Temporary Game Preserve regulation and exempts visible beam laser range finding devices from prohibited weapons and also adjusts the weight restrictions on muzzleloading rifles.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment removes the Temporary Game Preserve regulation and allows for the use of visible beam laser range finding devices as well as adjusts the weight restrictions on muzzleloading rifles, therefore, the Division of Wildlife Resources (DWR) determines that this amendment does not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment does not place additional requirements on individual hunters or the local governments, the division finds that this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment removes the "Temporary Game Preserve" regulation and adds the use of visible beam laser range finding devices as well as adjusts the weight restrictions on sabots and bullets; it does not have the potential to generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment removes the "Temporary Game Preserve" regulation and adds the use of visible beam laser range finding devices as well as adjusts the weight restrictions on sabots and bullets; it does not have the potential to generate a cost or savings impact to sportsmen or the other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this amendment will not create additional costs for those who participate in wildlife-related activities in Utah.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: James Karpowitz, Director

R657. Natural Resources, Wildlife Resources.**R657-5. Taking Big Game.****R657-5-7. [Temporary Game Preserves.**

~~(1)(a) A person who does not have a valid permit to hunt on a temporary game preserve may not carry a firearm or archery equipment on any temporary game preserve while the respective hunts are in progress.~~

~~(b) "Carry" means having a firearm on your person while hunting in the field.~~

~~(2) As used in this section, "temporary game preserve" means all bull elk, buck pronghorn, moose, bison, bighorn sheep, Rocky Mountain goat, limited entry buck deer areas and cooperative wildlife management units, excluding incorporated areas, cities, towns and municipalities.~~

~~(3) Weapon restrictions on temporary game preserves do not apply to:~~

~~(a) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Guidebook and Waterfowl Guidebook, respectively, and possessing only legal weapons to take upland game and waterfowl;~~

~~(b) livestock owners protecting their livestock;~~

~~(c) peace officers in the performance of their duties; or~~

~~(d) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.~~

R657-5-8. [Prohibited Weapons.

(1) A person may not use any weapon or device to take big game other than those expressly permitted in this rule.

(2) A person may not use:

- (a) a firearm capable of being fired fully automatic; or
- (b) any light enhancement device or aiming device that casts a visible beam of light. Laser range finding devices are exempt from this restriction.

R657-5-[9-]8. Rifles and Shotguns.

(1) The following rifles and shotguns may be used to take big game:

- (a) any rifle firing centerfire cartridges and expanding bullets; and
- (b) a shotgun, 20 gauge or larger, firing only 00 or larger buckshot or slug ammunition.

R657-5-[10-]9. Handguns.

(1) A handgun may be used to take deer and pronghorn, provided the handgun is a minimum of .24 caliber, fires a centerfire cartridge with an expanding bullet and develops 500 foot-pounds of energy at the muzzle.

(2) A handgun may be used to take elk, moose, bison, bighorn sheep, and Rocky Mountain goat provided the handgun is a minimum of .24 caliber, fires a centerfire cartridge with an expanding bullet and develops 500 foot-pounds of energy at 100 yards.

R657-5-[11-]10. Muzzleloaders.

(1) A muzzleloader may be used during any big game hunt, except an archery hunt, provided the muzzleloader:

- (a) can be loaded only from the muzzle;
- (b) has open sights, peep sights, or a fixed non-magnifying 1x scope;
- (c) has a single barrel;
- (d) has a minimum barrel length of 18 inches;
- (e) is capable of being fired only once without reloading;
- (f) powder and bullet, or powder, sabot and bullet are not bonded together as one unit for loading;
- (g) is loaded with black powder or black powder substitute, which must not contain nitrocellulose based smokeless powder.

(2)(a) A lead or expanding bullet or projectile of at least 40 caliber must be used to hunt big game.

(b) A ~~[470-grain]bullet~~ 130 grains or heavier ~~[bullet, including sabots]~~, or a sabot 170 grains or heavier must be used for taking deer and pronghorn.

(c) A 210 grain or heavier bullet must be used for taking elk, moose, bison, bighorn sheep, and Rocky Mountain goat, except sabot bullets used for taking these species must be a minimum of 240 grains.

(3)(a) A person who has obtained a muzzleloader permit may:

- (i) use only muzzleloader equipment authorized in this Section to take the species authorized in the permit; and
- (ii) not possess or be in control of [any firearm other than a muzzleloading rifle or have a firearm other than a muzzleloading rifle in his camp or motor vehicle during a] a rifle or shotgun while in the field during the muzzleloader hunt.

(A) "Field" for purposes of this section, means a location where the permitted species of wildlife is likely to be found. "Field"

does not include a hunter's established campsite or the interior of a fully enclosed automobile or truck.

(b) The provisions of Subsection (a) do not apply to:

(i) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Guidebook and Waterfowl Guidebook, respectively, and possessing only legal weapons to take upland game or waterfowl;

(ii) a person licensed to hunt big game species during hunts that coincide with the muzzleloader hunt;

(iii) livestock owners protecting their livestock; or

(iv) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

R657-5-[12-]11. Archery Equipment.

(1) Archery equipment may be used during any big game hunt, except a muzzleloader hunt, provided:

(a) the minimum bow pull is 40 pounds at the draw or the peak, whichever comes first; and

(b) arrowheads used have two or more sharp cutting edges that cannot pass through a 7/8 inch ring;

(c) expanding arrowheads cannot pass through a 7/8 inch ring when expanded, and

(d) arrows must be a minimum of 20 inches in length from the tip of the arrowhead to the tip of the nock, and must weigh at least 300 grains.

(2) The following equipment or devices may not be used to take big game:

(a) a crossbow, except as provided in Rule R657-12;

(b) arrows with chemically treated or explosive arrowheads;

(c) a mechanical device for holding the bow at any increment of draw, except as provided in Rule R657-12;

(d) a release aid that is not hand held or that supports the draw weight of the bow; or

(e) a bow with an attached electronic range finding device or a magnifying aiming device.

(3) Arrows carried in or on a vehicle where a person is riding must be in an arrow quiver or a closed case.

(4)(a) A person who has obtained an archery permit may:

(i) use only archery equipment authorized in this section to take the species authorized in the permit; and

(ii) not possess or be in control of a [firearm or have a firearm in his camp or motor vehicle]rifle, shotgun or muzzleloader while in the field during an archery hunt.

(A) "Field" for purposes of this section, means a location where the permitted species of wildlife is likely to be found. "Field" does not include a hunter's established campsite or the interior of a fully enclosed automobile or truck.

(b) The provisions of Subsection (a) do not apply to:

(i) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Guidebook and Waterfowl Guidebook, respectively, and possessing only legal weapons to take upland game or waterfowl;

(ii) a person licensed to hunt big game species during hunts that coincide with the archery hunt;

(iii) livestock owners protecting their livestock; or
 (iv) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

R657-5-[13-]12. Areas With Special Restrictions.

(1)(a) Hunting of any wildlife is prohibited within the boundaries of all park areas, except those designated by the Division of Parks and Recreation in Rule R651-614-4.

(b) Hunting with rifles and handguns in park areas designated open is prohibited within one mile of all park area facilities, including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.

(c) Hunting with shotguns or archery equipment is prohibited within one-quarter mile of the areas provided in Subsection (b).

(2) Hunting is closed within the boundaries of all national parks and monuments unless otherwise provided by the governing agency.

(3) Hunters obtaining a Utah license, permit or tag to take big game are not authorized to hunt on tribal trust lands. Hunters must obtain tribal authorization to hunt on tribal trust lands.

(4) Military installations, including Camp Williams, are closed to hunting and trespassing unless otherwise authorized.

(5) In Salt Lake County, a person may not hunt big game within one-half mile of Silver Lake in Big Cottonwood Canyon.

(6) Hunting is closed within a designated portion of the town of Alta. Hunters may refer to the town of Alta for boundaries and other information.

(7) Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20, are closed to big game hunting. This restriction does not apply to the lawful harvest of domesticated elk as defined and allowed pursuant to Rule R58-20.

(8) State waterfowl management areas are closed to taking big game, except as otherwise provided in the guidebook of the Wildlife Board for taking big game.

(9) Hunters are restricted to using archery equipment, muzzleloaders or shotguns on the Matheson Wetlands.

(10) A person may not discharge a firearm, except a shotgun or muzzleloader, from, upon, or across the Green River located near Jensen, Utah from the Highway 40 bridge upstream to the Dinosaur National Monument boundary.

R657-5-[14-]13. Spotlighting.

(1) Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight, or other artificial light to ~~locate~~;

(i) ~~take protected wildlife; or~~

(ii) ~~located~~ protected wildlife while having in possession a ~~firearm or other weapon or device that could be used to take or injure protected wildlife; and rifle, shotgun, archery equipment or muzzleloader.~~

(b) the use of a spotlight or other artificial light in a field, woodland, or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to:

(a) the use of headlights or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

R657-5-[15-]14. Use of Vehicle or Aircraft.

(1)(a) A person may not use an airplane or any other airborne vehicle or device, or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except a vessel as provided in Subsection (c), to take protected wildlife.

(b) A person may not take protected wildlife being chased, harmed, harassed, rallied, herded, flushed, pursued or moved by an aircraft or any other vehicle or conveyance listed in Subsection (a).

(c) Big game may be taken from a vessel provided:

(i) the motor of a motorboat has been completely shut off;

(ii) the sails of a sailboat have been furled; and

(iii) the vessel's progress caused by the motor or sail has ceased.

(2)(a) A person may not use any type of aircraft from 48 hours before any big game hunt begins through 48 hours after any big game hunting season ends to:

(i) transport a hunter or hunting equipment into a hunting area;

(ii) transport a big game carcass; or

(iii) locate, or attempt to observe or locate any protected wildlife.

(b) Flying slowly at low altitudes, hovering, circling or repeatedly flying over a forest, marsh, field, woodland or rangeland where protected wildlife is likely to be found may be used as evidence of violations of Subsections (1) and (2).

(3) The provisions of this section do not apply to the operation of an aircraft in a usual manner, or landings and departures from improved airstrips, where there is no attempt or intent to locate protected wildlife.

R657-5-[16-]15. Party Hunting and Use of Dogs.

(1) A person may not take big game for another person, except as provided in Section 23-19-1 and Rule R657-12.

(2) A person may not use the aid of a dog to take, chase, harm or harass big game.

R657-5-[17-]16. Big Game Contests.

A person may not enter or hold a big game contest that:

(1) is based on big game or their parts; and

(2) offers cash or prizes totaling more than \$500.

R657-5-[18-]17. Tagging.

(1) The carcass of any species of big game must be tagged in accordance with Section 23-20-30.

(2) A person may not hunt or pursue big game after any of the notches have been removed from the tag or the tag has been detached from the permit.

(3) The tag must remain with the largest portion of the meat until the animal is entirely consumed.

R657-5-~~19~~18. Transporting Big Game Within Utah.

(1) A person may transport big game within Utah only as follows:

- (a) the head or sex organs must remain attached to the largest portion of the carcass;
- (b) the antlers attached to the skull plate must be transported with the carcass of an elk taken in a spike bull unit; and
- (c) the person who harvested the big game animal must accompany the carcass and must possess a valid permit corresponding to the tag attached to the carcass, except as provided in Subsection (2).

(2) A person who did not take the big game animal may transport it only after obtaining a shipping permit or disposal receipt from the division or a donation slip as provided in Section 23-20-9.

R657-5-~~20~~19. Exporting Big Game From Utah.

(1) A person may export big game or their parts from Utah only if:

- (a) the person who harvested the big game animal accompanies it and possesses a valid permit corresponding to the tag which must be attached to the largest portion of the carcass; or
- (b) the person exporting the big game animal or its parts, if it is not the person who harvested the animal, has obtained a shipping permit from the division.

R657-5-~~21~~20. Purchasing or Selling Big Game or Their Parts.

(1) A person may only purchase, sell, offer or possess for sale, barter, exchange or trade any big game or their parts as follows:

- (a) Antlers, heads and horns of legally taken big game may be purchased or sold only on the dates published in the guidebook of the Wildlife Board for taking big game;
- (b) Untanned hides of legally taken big game may be purchased or sold only on the dates published in the guidebook of the Wildlife Board for taking big game;
- (c) Inedible byproducts, excluding hides, antlers and horns, or legally possessed big game as provided in Subsection 23-20-3(1)(d), may be purchased or sold at any time;
- (d) tanned hides of legally taken big game may be purchased or sold at any time; and
- (e) shed antlers and horns may be purchased or sold at any time.

(2)(a) Protected wildlife that is obtained by the division by any means may be sold or donated at any time by the division or its agent.

(b) A person may purchase or receive protected wildlife from the division, which is sold or donated in accordance with Subsection (2)(a), at any time.

(3) A person selling or purchasing antlers, heads, horns or untanned hides shall keep transaction records stating:

- (a) the name and address of the person who harvested the animal;
- (b) the transaction date; and
- (c) the permit number of the person who harvested the animal.

(4) Subsection (3) does not apply to scouting programs or other charitable organizations using untanned hides.

R657-5-~~22~~21. Possession of Antlers and Horns.

(1) A person may possess antlers or horns or parts of antlers or horns only from:

- (a) lawfully harvested big game;
- (b) antlers or horns lawfully obtained as provided in Section R657-5-~~21~~20; or
- (c) shed antlers or shed horns.

(2)(a) A person may gather shed antlers or shed horns or parts of shed antlers or shed horns at any time. An authorization is required to gather shed antlers or shed horns or parts of shed antlers or shed horns during the shed antler and shed horn season published in the guidebook of the Wildlife Board for taking big game.

(b) A person must complete a wildlife harassment and habitat destruction prevention course annually to obtain the required authorization to gather shed antlers during the antler gathering season.

(3) "Shed antler" means an antler which:

- (a) has been dropped naturally from a big game animal as part of its annual life cycle; and
- (b) has a rounded base commonly known as the antler button or burr attached which signifies a natural life cycle process.

(4) "Shed horn" means the sheath from the horn of a pronghorn that has been dropped naturally as part of its annual life cycle. No other big game species shed their horns naturally.

R657-5-~~23~~22. Poaching-Reported Reward Permits.

(1) For purposes of this section, "successful prosecution" means the screening, filing of charges and subsequent adjudication for the poaching incident.

(2) Any person who provides information leading to another person's successful prosecution for wanton destruction of a bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat, bison, bull elk, buck deer or buck pronghorn under Section 23-20-4 for any once-in-a-lifetime species or within any limited entry area may receive a permit from the division to hunt for the same species and on the same once-in-a-lifetime or limited entry area where the violation occurred, except as provided in Subsection (3).

(3)(a) In the event that issuance of a poaching-reported reward permit would exceed 5% of the total number of limited entry or once-in-a-lifetime permits issued in the following year for the respective area, a permit shall not be issued for that respective area. As an alternative, the division may issue a permit as outlined in Subsections (b) or (c).

(b) If the illegally taken animal is a bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat or bison, a permit for an alternative species and an alternative once-in-a-lifetime or limited entry area that has been allocated more than 20 permits may be issued.

(c) If the illegally taken animal is a bull elk, buck deer or buck pronghorn, a permit for the same species on an alternative limited entry area that has been allocated more than 20 permits may be issued.

(4)(a) The division may issue only one poaching-reported reward permit for any one animal illegally taken.

(b) No more than one poaching-reported reward permit shall be issued to any one person per successful prosecution.

(c) No more than one poaching-reported reward permit per species shall be issued to any one person in any one calendar year.

(5)(a) Poaching-reported reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable.

(b) If information is received from more than one person, the director of the division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case.

(c) The person providing the most pertinent information shall qualify for the poaching-reported reward permit.

(6) Any person who receives a poaching-reported reward permit must possess or obtain a Utah hunting or combination license and otherwise be eligible to hunt and obtain big game permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code.

R657-5-[24]-23. General Archery Buck Deer Hunt.

(1) The dates of the general archery buck deer hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer may use archery equipment to take:

(a) one buck deer within the general hunt area specified on the permit for the time specified in the guidebook of the Wildlife Board for taking big game; or

(b) a deer of hunter's choice within the Wasatch Front or Uintah Basin extended archery area as provided in the guidebook of the Wildlife Board for taking big game.

(c) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may not hunt within Cooperative Wildlife Management unit deer areas.

(d) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may not hunt within premium limited entry deer and limited entry deer areas, except Crawford Mountain.

(3)(a) A person who obtains a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may hunt within the Wasatch Front, Ogden or the Uintah Basin extended archery areas during the extended archery area seasons as provided in the guidebook of the Wildlife Board for taking big game and as provided in Subsection (b).

(b) A person must complete the Archery Ethics Course annually to hunt the Wasatch Front, Ogden or Uintah Basin extended archery areas during the extended archery season.

(c) A person must possess an Archery Ethics Course Certificate of Completion while hunting.

(4) A person who has obtained a general archery deer permit may not hunt during any other deer hunt or obtain any other deer permit, except antlerless deer.

(5)(a) Any person 18 years of age or younger on the opening day of the general archery buck deer season, may hunt by region the general archery, the general any weapon and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-[8] through R657-5-[12]-11, respectively, for each respective season, provided that person

obtains a general any weapon or general muzzleloader deer permit for a specified region.

(b) If a person 18 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the general archery deer season and the extended archery season as provided Section R657-5-[24]23(3).

(6) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study rifle hunt tables and identify these areas described in the guidebook of the Wildlife Board for taking big game.

R657-5-[25]-24. General Any Weapon Buck Deer Hunt.

(1) The dates for the general any weapon buck deer hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2) (a) A person who has obtained a general any weapon buck permit may use any legal weapon to take one buck deer within the hunt area specified on the permit as published in the guidebook of the Wildlife Board for taking big game.

(b) A person who has obtained a general any weapon buck deer permit, or any other permit which allows that person to hunt general any weapon buck deer, may not hunt within Cooperative Wildlife Management unit deer areas.

(c) A person who has obtained a general any weapon buck deer permit, or any other permit which allows that person to hunt general any weapon buck deer, may not hunt within premium limited entry deer and limited entry deer areas, except Crawford Mountain.

(3) A person who has obtained a general any weapon buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except:

(a) antlerless deer; and

(b) any person 18 years of age or younger on the opening day of the general archery buck deer season, may hunt the general archery, general any weapon and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-[8] through R657-5-[12]-11, respectively, for each respective season.

(i) If a person 18 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the general archery deer season and the extended archery season as provided Section R657-5-[24]23(3).

R657-5-[26]-25. General Muzzleloader Buck Deer Hunt.

(1) The dates for the general muzzleloader buck deer hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2)(a) A person who has obtained a general muzzleloader buck permit may use a muzzleloader to take one buck deer within the general hunt area specified on the permit as published in the guidebook of the Wildlife Board for taking big game.

(b) A person who has obtained a general muzzleloader buck deer permit, or any other permit which allows that person to hunt general muzzleloader buck deer, may not hunt within Cooperative Wildlife Management unit deer areas.

(c) A person who has obtained a general muzzleloader buck deer permit, or any other permit which allows that person to hunt general muzzleloader buck deer, may not hunt within premium

limited entry deer and limited entry deer areas, except Crawford Mountain.

(3) A person who has obtained a general muzzleloader deer permit may not hunt during any other deer hunt or obtain any other deer permit, except:

(a) antlerless deer; and

(b) any person 18 years of age or younger on the opening day of the general archery buck deer season, may hunt the general archery, general any weapon and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-[8] through R657-5-[12], respectively, for each respective season.

(i) If a person 18 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the general archery deer season and the extended archery season as provided Section R657-5-[24]23(3).

(4) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Muzzleloader hunters are cautioned to study the rifle hunt tables to identify these areas described in the guidebooks of the Wildlife Board for taking big game.

R657-5-[27-]26. Limited Entry Buck Deer Hunts.

(1) To hunt in a premium limited entry or limited entry area, hunters must obtain the respective limited entry buck permit. Limited entry areas are not open to general archery buck, general any weapon buck, or general muzzleloader buck hunting, except as specified in the guidebook of the Wildlife Board for taking big game.

(2) A limited entry buck deer permit allows a person using the prescribed legal weapon, to take one buck deer within the area and season specified on the permit, except deer cooperative wildlife management units located within the limited entry unit.

(3)(a) A person who has obtained a premium limited entry, limited entry, management buck deer, or cooperative wildlife management unit buck deer permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a buck deer.

(b) Limited entry and cooperative wildlife management unit buck deer permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, management, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

(4) A person who has obtained a limited entry buck permit may not hunt during any other deer hunt or obtain any other deer permit, except antlerless deer.

R657-5-[28-]27. Antlerless Deer Hunts.

(1) To hunt an antlerless deer, a hunter must obtain an antlerless deer permit.

(2)(a) An antlerless deer permit allows a person to take one antlerless deer, per antlerless deer tag, using any legal weapon

within the area and season as specified on the permit and in the antlerless addendum.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless deer permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless deer permit may not hunt during any other antlerless deer hunt or obtain any other antlerless deer permit.

(4)(a) A person who obtains an antlerless deer permit and any of the permits listed in Subsection (b) may use the antlerless deer permit during the established season for the antlerless deer permit and during the established season for the permits listed in Subsection (b) provided:

(i) the permits are both valid for the same area;

(ii) the appropriate archery equipment is used if hunting with an archery permit;

(iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.

(b)(i) General archery deer;

(ii) general muzzleloader deer;

(iii) limited entry archery deer; or

(iv) limited entry muzzleloader deer.

R657-5-[29-]28. General Archery Elk Hunt.

(1) The dates of the general archery elk hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2)(a) A person who has obtained a general archery elk permit may use archery equipment to take:

(i) one elk of hunter's choice on a general any bull elk unit, except on elk cooperative wildlife management units;

(ii) an antlerless elk or spike bull elk on a general spike bull elk unit, except on elk cooperative wildlife management units;

(iii) one elk, any bull or antlerless on the Wasatch Front or Uintah Basin extended archery areas as provided in the guidebook of the Wildlife Board for taking big game.

(3)(a) A person who obtains a general archery elk permit may hunt within the Wasatch Front, Uintah Basin, and Sanpete Valley extended archery areas during the extended archery area seasons as provided in the guidebook of the Wildlife Board for taking big game and as provided in Subsection (b).

(b) A person must complete the Archery Ethics Course annually to hunt the extended archery areas during the extended archery season.

(c) A person must possess an Archery Ethics Course Certificate of Completion while hunting.

(4) A person who has obtained an archery elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-[34]33(3).

(5) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study the rifle hunt tables to identify these areas described in the guidebook of the Wildlife Board for taking big game.

R657-5-[30-]29. General Season Bull Elk Hunt.

(1) The dates for the general season bull elk hunt are provided in the guidebook of the Wildlife Board for taking big game within general season elk units, except in the following areas:

- (a) Salt Lake County south of I-80 and east of I-15; and
- (b) elk cooperative wildlife management units.

(2)(a) A person may purchase either a spike bull permit or an any bull permit.

(b) A person who has obtained a general season spike bull elk permit may take a spike bull elk on a general season spike bull elk unit. Any bull units are closed to spike bull permittees.

(c) A person who has obtained a general season any bull elk permit may take any bull elk, including a spike bull elk on a general season any bull elk unit. Spike bull units are closed to any bull permittees.

(3) A person who has obtained a general season bull elk permit may use any legal weapon to take a spike bull or any bull elk as specified on the permit.

(4) A person who has obtained a general season bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-[34]33(3).

R657-5-[34]-30. General Muzzleloader Elk Hunt.

(1) The dates of the general muzzleloader elk hunt are provided in the guidebook of the Wildlife Board for taking big game within the general season elk units, except in the following closed areas:

- (a) Salt Lake County south of I-80 and east of I-15; and
- (b) elk cooperative wildlife management units.

(2)(a) General muzzleloader elk hunters may purchase either a spike bull elk permit or an any bull elk permit.

(b) A person who has obtained a general muzzleloader spike bull elk permit may use a muzzleloader take a spike bull elk on an any general spike bull elk unit. Any bull units are closed to spike bull muzzleloader permittees.

(c) A person who has obtained a general muzzleloader any bull elk permit may use a muzzleloader take any bull elk on an any bull elk unit. Spike bull units are closed to any bull muzzleloader permittees.

(3) A person who has obtained a general muzzleloader elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-[34]33(3).

R657-5-[32]-31. Youth General Any Bull Elk Hunt.

(1)(a) For purposes of this section "youth" means any person 18 years of age or younger on the opening day of the youth any bull elk season published in the guidebook of the Wildlife Board for taking big game.

(b) A youth may apply for or obtain a youth any bull elk permit.

(c) A youth may only obtain a youth any bull elk permit once during their youth.

(2) The youth any bull elk hunting season and areas are published in the guidebook of the Wildlife Board for taking big game.

(3)(a) A youth who has obtained a youth general any bull elk permit may take any bull elk, including a spike bull elk, on a general any bull elk unit. Spike bull elk units are closed to youth general any bull elk permittees.

(b) A youth who has obtained a youth general any bull elk permit may use any legal weapon to take any bull elk as specified on the permit.

(4) A youth who has obtained a youth general any bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Section R657-5-[34]33(3).

(5) Preference points shall not be awarded or utilized when applying for, or in obtaining, youth general any bull elk permits.

R657-5-[33]-32. Premium Limited Entry and Limited Entry Bull Elk Hunts.

(1) To hunt in a premium limited entry or limited entry bull elk area, a hunter must obtain the respective premium limited entry or limited entry elk permit.

(2)(a) A premium limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and to hunt all limited entry bull elk seasons specified in the hunt tables, published in the proclamation of the Wildlife Board for taking big game, for the area specified on the permit, except elk cooperative wildlife management units located within a premium limited entry unit. Spike bull elk restrictions do not apply to premium limited entry elk permittees.

(b) A limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and season specified on the permit, except elk cooperative wildlife management units located within a limited entry unit. Spike bull elk restrictions do not apply to limited entry elk permittees.

(3)(a) A person who has obtained a premium limited entry, limited entry or cooperative wildlife management unit bull elk permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull elk.

(b) Limited entry and cooperative wildlife management unit bull elk permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

(4) A person who has obtained a premium limited entry or limited entry bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsections (4)(a) and R657-5-[34]33(3).

R657-5-[34]-33. Antlerless Elk Hunts.

(1) To hunt an antlerless elk, a hunter must obtain an antlerless elk permit.

(2)(a) An antlerless elk permit allows a person to take one antlerless elk using any legal weapon within the area and season as specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless elk permit for a cooperative wildlife management unit as specified on the permit.

(3)(a) A person may obtain two elk permits each year, provided one or both of the elk permits is an antlerless elk permit.

(b) For the purposes of obtaining two elk permits, a hunter's choice elk permit may not be considered an antlerless elk permit.

(4)(a) A person who obtains an antlerless elk permit and any of the permits listed in Subsection (b) may use the antlerless elk permit during the established season for the antlerless elk permit and during the established season for the permits listed in Subsection (b) provided:

- (i) the permits are both valid for the same area;
 - (ii) the appropriate archery equipment is used if hunting with an archery permit;
 - (iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.
- (b)(i) General buck deer for archery, muzzleloader or any legal weapon;
- (ii) general bull elk for archery, muzzleloader or any legal weapon;
- (iii) limited entry buck deer for archery, muzzleloader or any legal weapon; or
- (iv) limited entry bull elk for archery, muzzleloader or any legal weapon.

R657-5-[35-]34. Buck Pronghorn Hunts.

(1) To hunt buck pronghorn, a hunter must obtain a buck pronghorn permit.

(2) A person who has obtained a buck pronghorn permit may not obtain any other pronghorn permit or hunt during any other pronghorn hunt.

(3)(a) A person who has obtained a limited entry or cooperative wildlife management unit buck pronghorn permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a buck pronghorn.

(b) Limited entry and cooperative wildlife management unit buck pronghorn permit holders must report hunt information by telephone, or through the Division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

(4) A buck pronghorn permit allows a person using any legal weapon to take one buck pronghorn within the area and season specified on the permit, except during the buck pronghorn archery hunt when only archery equipment may be used and on buck pronghorn cooperative wildlife management unit located within a limited entry unit.

R657-5-[36-]35. Doe Pronghorn Hunts.

(1) To hunt a doe pronghorn, a hunter must obtain a doe pronghorn permit.

(2)(a) A doe pronghorn permit allows a person to take one doe pronghorn, per doe pronghorn tag, using any legal weapon within the area and season as specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless

[moose]pronghorn permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained a doe pronghorn permit may not hunt during any other pronghorn hunt or obtain any other pronghorn permit.

R657-5-[37-]36. Antlerless Moose Hunts.

(1) To hunt an antlerless moose, a hunter must obtain an antlerless moose permit.

(2)(a) An antlerless moose permit allows a person to take one antlerless moose using any legal weapon within the area and season as specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management unit unless that person obtains an antlerless moose cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless moose permit may not hunt during any other moose hunt or obtain any other moose permit.

R657-5-[38-]37. Bull Moose Hunts.

(1) To hunt bull moose, a hunter must obtain a bull moose permit.

(2) A person who has obtained a bull moose permit may not obtain any other moose permit or hunt during any other moose hunt.

(3) A bull moose permit allows a person using any legal weapon to take one bull moose within the area and season specified on the permit, except in bull moose cooperative wildlife management units located within a limited entry unit.

(4)(a) A person who has obtained a bull moose permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull moose.

(b) Bull moose permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

R657-5-[39-]38. Bison Hunts.

(1) To hunt bison, a hunter must obtain a bison permit.

(2) A person who has obtained a bison permit may not obtain any other bison permit or hunt during any other bison hunt.

(3) The bison permit allows a person using any legal weapon to take a bison of either sex within the area and season as specified on the permit.

(4)(a) An orientation course is required for bison hunters who draw a an Antelope Island bison permit. Hunters shall be notified of the orientation date, time and location.

(b) The Antelope Island hunt is administered by the Division of Parks and Recreation.

(5) A cow bison permit allows a person to take one cow bison using any legal weapon within the area and season as

specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(6) An orientation course is required for bison hunters who draw cow bison permits. Hunters will be notified of the orientation date, time and location.

(7)(a) A person who has obtained a bison permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bison.

(b) Bison permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

R657-5-[40-]39. Desert Bighorn and Rocky Mountain Bighorn Sheep Hunts.

(1) To hunt desert bighorn sheep or Rocky Mountain bighorn sheep, a hunter must obtain the respective permit.

(2) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit may not obtain any other desert bighorn sheep or Rocky Mountain bighorn sheep permit or hunt during any other desert bighorn sheep or Rocky Mountain bighorn sheep hunt.

(3) Desert bighorn sheep and Rocky Mountain big horn sheep permits are considered separate once-in-a-lifetime hunting opportunities.

(4)(a) The desert bighorn sheep permit allows a person using any legal weapon to take one desert bighorn ram within the area and season specified on the permit.

(b) The Rocky Mountain sheep permit allows a person using any legal weapon to take one Rocky Mountain bighorn ram within the area and season specified on the permit.

(5) The permittee may attend a hunter orientation course. The division provides each permittee with the time and location of the course.

(6) All bighorn sheep hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting bighorn sheep. Any ram may be legally taken, however, permittees are encouraged to take a mature ram. The terrain inhabited by bighorn sheep is extremely rugged, making this hunt extremely strenuous.

(7) Successful hunters must deliver the horns of the bighorn sheep to a division office within 72 hours of leaving the hunting area. A numbered seal will be permanently affixed to the horn indicating legal harvest.

(8)(a) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a desert bighorn sheep or Rocky Mountain bighorn sheep.

(b) Desert bighorn sheep or Rocky Mountain bighorn sheep permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

R657-5-[41-]40. Rocky Mountain Goat Hunts.

(1) To hunt Rocky Mountain goat, a hunter must obtain a Rocky Mountain goat permit.

(2) A person who has obtained a Rocky Mountain goat permit may not obtain any other Rocky Mountain goat permit or hunt during any other Rocky Mountain goat hunt.

(3) A Rocky Mountain goat of either sex may be legally taken on a hunter's choice permit. Permittees are encouraged to take a mature goat. A mature goat is a goat older than two years of age, as determined by counting the annual rings on the horn.

(4) The goat permit allows a person using any legal weapon to take one goat within the area and season specified on the permit.

(5) All goat hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting goats. The terrain inhabited by Rocky Mountain goat is extremely rugged making this hunt extremely strenuous. The goat's pelage may be higher quality later in the hunting season.

(6) A female-goat only permit allows a person to take one female-goat using any legal weapon within the area and season as specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(7) An orientation course is required for Rocky Mountain goat hunters who draw female-goat only permits. Hunters will be notified of the orientation date, time and location.

(8)(a) A person who has obtained a Rocky Mountain goat permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a Rocky Mountain goat.

(b) Rocky Mountain goat permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

R657-5-[42-]41. Depredation Hunter Pool Permits.

(1) When big game are causing damage, or are considered a nuisance control hunts not listed in the guidebook of the Wildlife Board for taking big game may be held as provided in Rule R657-44. These hunts occur on short notice, involve small areas, and are limited to only a few hunters.

(2) For the purpose of this section nuisance is defined as a situation where big game animals are found to have moved off formally approved management units onto adjacent units or other areas not approved for that species.

R657-5-[43-]42. Carcass Importation.

(1) It is unlawful to import dead elk, mule deer, or white-tailed deer or their parts from the areas of any state, province, game management unit, equivalent wildlife management unit, or county, which has deer or elk diagnosed with Chronic Wasting Disease, except the following portions of the carcass:

- (a) meat that is cut and wrapped either commercially or privately;
- (b) quarters or other portion of meat with no part of the spinal column or head attached;
- (c) meat that is boned out;
- (d) hides with no heads attached;
- (e) skull plates with antlers attached that have been cleaned of all meat and tissue;
- (f) antlers with no meat or tissue attached;
- (g) upper canine teeth, also known as buglers, whistlers, or ivories; or
- (h) finished taxidermy heads.

(2)(a) The affected states, provinces, game management units, equivalent wildlife management units, or counties, which have deer or elk diagnosed with Chronic Wasting Disease shall be available at division offices and through the division's Internet address.

(b) Importation of harvested elk, mule deer or white-tailed deer or their parts from the affected areas are hereby restricted pursuant to Subsection (1).

(3) Nonresidents of Utah transporting harvested elk, mule deer, or white-tailed deer from the affected areas are exempt if they:

- (a) do not leave any part of the harvested animal in Utah and do not stay more than 24 hours in the state of Utah;
- (b) do not have their deer or elk processed in Utah; or
- (c) do not leave any parts of the carcass in Utah.

R657-5-[44-]43. Chronic Wasting Disease - Infected Animals.

(1) Any person who under the authority of a permit issued by the division legally takes a deer or elk that is later confirmed to be infected with Chronic Wasting Disease may:

- (a) retain the entire carcass of the animal;
- (b) retain any parts of the carcass, including antlers, and surrender the remainder to the division for proper disposal; or
- (c) surrender all portions of the carcass in their actual or constructive possession, including antlers, to the division and receive a free new permit the following year for the same hunt.

(2) The new permit issued pursuant to Subsection (1)(c) shall be for the same species, sex, weapon type, unit, region, and otherwise subject to all the restrictions and conditions imposed on the original permit, except season dates for the permit shall follow the guidebook of the Wildlife Board for taking big game published in the year the new permit is valid.

(3) Notwithstanding other rules to the contrary, private landowners and landowner associations may refuse access to private property to persons possessing new permits issued under Subsection (1)(c).

R657-5-[45-]44. Management Bull Elk Hunt.

(1)(a) For the purposes of this section "management bull" means any bull elk with 5 points or less on at least one antler. A point means a projection longer than one inch, measured from its base to its tip.

(b) For purposes of this section "youth" means any person 18 years of age or younger on the opening day of the management bull elk archery season published in the guidebook of the Wildlife Board for taking big game.

(c) For the purposes of this section "senior" means any person 65 years of age or older on the opening day of the management bull elk archery season published in the guidebook of the Wildlife Board for taking big game.

(2)(a) Management bull elk permits shall be distributed pursuant to R657-62 with thirty percent of the permits being allocated to youth, thirty percent to seniors and the remaining forty percent to hunters of all ages.

(3) Management bull elk permit holders may take one management bull elk during the season, on the area and with the weapon type specified on the permit. Management bull elk hunting seasons, areas and weapon types are published in the guidebook of the Wildlife Board for taking big game.

(4)(a) A person who has obtained a management bull elk permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a management bull elk.

(b) Management bull elk permit holders must report hunt information by telephone, or through the division's Internet address.

(5)(a) Management bull elk permit holders who successfully harvest a management bull elk, as defined in Subsection (1)(a) must have their animal inspected by the division.

(b) Successful hunters must deliver the head and antlers of the elk they harvest to a division office for inspection within 48 hours after the date of kill.

(6) Management bull elk permit holders may not retain possession of any harvested bull elk that fails to satisfy the definition requirements in Subsection (1)(a).

(7) A person who has obtained a management bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Section R657-5-[34-]33(3).

R657-5-[46-]45. General Any Weapon Buck Deer and Bull Elk Combination Hunt.

(1) Permit numbers, season dates and unit boundary descriptions for the general any weapon buck deer and bull elk combination hunt shall be established in the guidebook of the Wildlife Board for taking big game.

(2) A person who obtains a general any weapon buck deer and bull elk combination permit may use any legal weapon to take one buck deer and one bull elk during the season and within the unit specified on the permit.

(a) A general any weapon buck deer and bull elk combination permit does not authorize the holder to hunt deer or elk within any cooperative wildlife management unit.

(3) A person who has obtained a general any weapon buck deer and bull elk combination permit may not hunt during any other deer or elk hunt or obtain any other deer or elk permit, except:

- (a) antlerless deer, as provided in Subsection R657-5-[28-]27, and
- (b) antlerless elk, as provided in Subsection R657-5-[34-]33.

(4)(a) Lifetime license holders may obtain a general any weapon buck deer and bull elk combination permit.

(b) Upon obtaining a general any weapon buck deer and bull elk combination permit, the lifetime license holder foregoes any rights to receive a buck deer permit for the general archery, general any weapon or general muzzleloader deer hunts as provided in Section 23-19-17.5.

(c) A refund or credit is not issued for the general archery, general any weapon or general muzzleloader deer permit.

R657-5-[47-]46. Management Buck Deer Hunt.

(1)(a) For the purposes of this section "management buck" means any buck deer with 3 points or less on at least one antler above and including the first fork in the antler. A point means a projection longer than one inch, measured from its base to its tip. The eye guard is not counted as a point.

(b) For purposes of this section "youth" means any person 18 years of age or younger on the opening day of the management buck deer archery season published in the guidebook of the Wildlife Board for taking big game.

(c) For the purposes of this section "senior" means any person 65 years of age or older on the opening day of the management buck deer archery season published in the guidebook of the Wildlife Board for taking big game.

(2) Management buck deer permits shall be distributed pursuant to rule R657-62 with thirty percent of the permits being allocated to youth, thirty percent to seniors and the remaining forty percent to hunters of all ages.

(3) Management buck deer permit holders may take one management buck deer during the season, on the area and with the weapon type specified on the permit. Management buck deer hunting seasons, areas and weapon types are published in the guidebook of the Wildlife Board for taking big game.

(4)(a) A person who has obtained a management buck deer permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a management buck deer.

(b) Management buck deer permit holders must report hunt information by telephone, or through the division's Internet address.

(5)(a) Management buck deer permit holders who successfully harvest a management buck deer, as defined in Subsection (1)(a) must have their animal inspected by the division.

(b) Successful hunters must deliver the head and antlers of the deer they harvest to a division office for inspection within 48 hours after the date of kill.

(6) Management buck deer permit holders may not retain possession of any harvested buck deer that fails to satisfy the definition requirements in Subsection (1)(a).

(7) A person who has obtained a management buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except as provided in Section R657-5-28(4).

KEY: wildlife, game laws, big game seasons

Date of Enactment or Last Substantive Amendment: [March 14,] 2011

Notice of Continuation: November 1, 2010

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-16-5; 23-16-6

Public Safety, Driver License R708-41-3 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34805

FILED: 05/11/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of the passage of S.B. 47, Driver License and Identification Card Amendments, during the 2011 General Session, an applicant whose legal/lawful status is conditional permanent resident alien is only eligible to apply for a limited-term driver license or identification card. (DAR NOTE: S.B. 47 (2011) will be effective 07/01/2011.)

SUMMARY OF THE RULE OR CHANGE: A person with the legal/lawful status of conditional permanent resident alien is only eligible to apply for a limited-term driver license, limited-term CDL (commercial driver license), or limited-term identification card in Utah.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-206

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be no cost or savings to the state budget because this rule clarifies that an applicant whose legal/lawful status is conditional permanent resident alien is only eligible to apply for a limited-term driving certificate or identification card.

◆ **LOCAL GOVERNMENTS:** This rule does not impact local government because local government does not issue Utah driving certificates or identification cards.

◆ **SMALL BUSINESSES:** This rule does not impact small businesses because small businesses do not issue Utah driving certificates or identification cards.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Applicants for a Utah driver license or identification card who have the status of conditional permanent resident alien will only be eligible to apply for a limited-term driving certificate or identification card rather than a regular driving certificate or identification card.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Applicants for a Utah driver license or identification card who have the status of conditional permanent resident alien will only be eligible to apply for a limited-term driving certificate or identification card rather than a regular driving certificate or identification card. The expiration date on the limited-term certificate will be tied to the expiration date on the conditional

permanent resident alien card and therefore they may have to renew sooner than every five years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is not a fiscal impact to businesses because businesses are not responsible to issue Utah driving certificates or identification cards.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jill Laws by phone at 801-964-4469, by FAX at 801-964-4482, or by Internet E-mail at jlaws@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Lance Davenport, Commissioner

R708. Public Safety, Driver License.

R708-41. Requirements for Acceptable Documentation, Storage and Maintenance.

R708-41-3. Definitions.

(1) "Acceptable Document" means an original document or a copy certified by the issuing agency, which the division accepts for determining the validity of information submitted in connection with a license certificate or identification card (ID card) application which may include but is not limited to, the applicant's identification, legal/lawful presence, social security number (SSN) or ineligibility to obtain a social security number as a result of the applicant's legal/lawful presence status, individual tax identification number (ITIN) or the Utah residence address. Any document that has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with, or altered in any manner or that is not legible may not be accepted for licensing and identification card purposes.

(2) "Alternate Document" means a document that may be accepted when the applicant is, for reasons beyond their control, unable to present all necessary documents to establish identity or date of birth as required in definition (6)(a) or U.S. Citizenship as required for proof of legal/lawful presence in definition (8)(a) subject to approval by the Department of Homeland Security (DHS) or the division director or designee.

(3) "Driving Privilege Card" (DPC) means a driving certificate that may only be issued to an applicant who meets the requirements of definition (14) for an undocumented immigrant.

(4) "Exception Process" means a written, defined process for persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity, date of birth or U.S. Citizenship.

(5) "Full Legal Name Evidence" means the name established on the identity document referenced in definition (6). Any name variation from the original or certified document(s) must be accompanied by legal authorizing documentation, except that, the name established on the division's database may be considered to be the full legal name unless otherwise determined by the division. Upon application for any license certificate or ID card, a change of the applicant's full legal name must be accompanied by an acceptable document which authorizes the name change.

(6) "Identity Document" means an original, government-issued document which contains identifying information about the subject of the document including the full legal name and date of birth or a document approved by DHS or the division director or designee. A copy of an original document must be certified by the issuing agency.

(a) Group A documents are acceptable for applicants for a regular driver license, Commercial Driver License (CDL) or ID card referenced in definition (9)(a):

(i) Valid, unexpired U.S. passport or passport card which may provide evidence of both legal/lawful presence and identity;

(ii) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the individual's State of birth which may provide evidence of both legal/lawful presence and identity;

(iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545 which may provide evidence of both legal/lawful presence and identity;

(iv) Valid, unexpired Permanent Resident Card, Form I-551, which may provide evidence of both legal/lawful presence and identity;

(v) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570, which may provide evidence of both legal/lawful presence and identity;

(vi) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS which may provide evidence of both legal/lawful presence and identity;

(vii) Regular Utah driver license, CDL or ID card that has been issued on or after January 1, 2010 is only acceptable for renewal or duplicate certificates and may provide evidence of both legal/lawful presence and identity; or

(viii) Alternate documents may be accepted if approved by DHS or the division director or designee.

(b) Group B documents are acceptable for applicants for a limited-term driver license, limited-term CDL or limited-term ID card referenced in definition (9)(b):

(i) Unexpired employment authorization document (EAD) issued by DHS, Form I-766, or Form I-688B verified through the Systematic Alien Verification for Entitlements system (SAVE) which may provide evidence of both legal/lawful presence; or

(ii) Unexpired foreign passport with documentary evidence of the applicant's most recent admittance into the United States verified through SAVE which may provide evidence of both legal/lawful presence.

(c) Group C documents are acceptable for applicants for a DPC referenced in definition (14) and at least one of the documents listed below must be presented with a foreign birth certificate including a certified translation if the birth certificate is not in English or a foreign passport including a certified translation if the passport is not in English:

- (i) Church records;
- (ii) Court records;
- (iii) Driver License;
- (iv) Employee ID;
- (v) Insurance ID card;
- (vi) Matricular Consular Card (issued in Utah);
- (vii) Mexican Voter Registration card;
- (viii) School records;
- (ix) Utah DPC;
- (x) Other evidence considered acceptable by the division director or designee.

(7) "Individual Tax Identification Number (ITIN) Evidence" means an official document(s) used to verify an individual's assigned ITIN including:

(a) ITIN card issued by the Internal Revenue Service (IRS); or

(b) Document or letter from the IRS verifying the ITIN.

(8) "Legal/lawful Presence or Status" means that an individual's presence in the United States does not violate state or federal law and includes:

(a) Group A applicants who may qualify for a regular driver license, CDL or ID card if they are a:

- (i) United States citizen;
- (ii) National of the United States of America; or
- (iii) Legal Permanent Resident Alien.

(b) Group B applicants who may qualify for a limited-term driver license, limited-term CDL, or limited-term ID card if they are an immigrant who has:

- (i) Unexpired immigrant or nonimmigrant visa status for admission into the United States;
- (ii) Pending or approved application for asylum in the United States;
- (iii) Admission into the United States as a refugee;
- (iv) Pending or approved application for temporary protected status in the United States;
- (v) Approved deferred action status; ~~or~~
- (vi) Pending application for adjustment of status to legal permanent resident or conditional resident ~~or~~
- (vii) Conditional permanent resident alien.

(9) "Legal/Lawful Presence or Status Evidence" means a document(s) issued by the United States Government or approved by DHS or the division director or designee which shows legal presence of an individual including:

(a) Group A documents are acceptable for applicants referenced in definition (8)(a) for a regular driver license, CDL, or ID card:

- (i) Valid, unexpired U.S. passport or passport card which may provide evidence of both legal/lawful presence and identity;
- (ii) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the individual's State of birth which may provide evidence of both legal/lawful presence and identity;

(iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545 which may provide evidence of both legal/lawful presence and identity;

(iv) Valid, unexpired Permanent Resident Card, Form I-551, which may provide evidence of both legal/lawful presence and identity;

(v) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570, which may provide evidence of both legal/lawful presence and identity;

(vi) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS which may provide evidence of both legal/lawful presence and identity;

(vii) Regular Utah driver license, CDL or ID card that has been issued on or after January 1, 2010 is only acceptable for renewal or duplicate certificates and may provide evidence of both legal/lawful presence and identity; or

(viii) Alternate documents may be accepted if approved by DHS or the division director or designee.

(b) Group B documents are acceptable for applicants referenced in definition (8)(b) for a limited-term driver license, limited-term CDL or limited-term ID card with verification from SAVE:

(i) Unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B;

(ii) Unexpired foreign passport with documentary evidence of the applicant's most recent admittance into the United States;

(iii) A document issued by the U.S. Federal Government that provides proof of one of the statuses listed below verifies lawful entrance into the United States of America:

(A) Unexpired immigrant or nonimmigrant visa status for admission into the United States issued by the U.S. Federal Government;

(B) Pending or approved application for asylum in the United States;

(C) Admission into the United States as a refugee;

(D) Pending or approved application for temporary protected status in the United States;

(E) Approved deferred action status; ~~or~~

(F) Pending application for adjustment of status to legal permanent resident or conditional resident ~~or~~

(G) Conditional permanent resident alien.

(10) "SAVE Verification" means a document issued by the U.S. Federal government has been verified through the DHS SAVE, or such successor or alternate verification system approved by the Secretary of Homeland Security.

(11) "Social Security Number Evidence" means an official document(s) used to verify an individual's assigned U.S. Social Security Number (SSN) and may be verified through the Social Security On-Line Verification system (SSOLV) during every application process and includes:

(a) Social Security card issued by the U.S. government that has been signed or,

(b) If the Social Security card is not available, the applicant may present one of the following documents which contain the applicant's name and SSN:

- (i) W-2 form;
- (ii) SSA-1099 form;

- (iii) Non SSA-1099 form;
- (iv) Pay stub showing the applicant's name and SSN; or
- (v) Other documents approved by DHS or the division

director or designee.

(12) "Social Security Number Ineligibility" means an individual is ineligible to receive a Social Security Number as a result of their legal/lawful presence status.

(13) "Social Security Number Ineligibility Evidence" means letter from the Social Security Administration indicating the individual is not eligible to receive a Social Security Number as a result of their legal/lawful presence status.

(14) "Undocumented Immigrant" means a person who does not meet the qualifications outlined in definition (8) and does not possess the documentation outlined in definition (9) and is only eligible for a DPC.

(15) "U.S. Citizen" means a native or naturalized person of the United States of America.

(16) "Utah Residence Address" means the place where an individual has a fixed permanent home and principal establishment in Utah and in which the individual voluntarily resides, that is not for a special or temporary purpose. Under unique situations that require an individual to be under temporary care, custody, or treatment of a government, public, or private business the division may authorize the sponsoring agency to sign an affidavit verifying the residence of the applicant. Upon approval of the division director or designee, the division will recognize the sponsoring agency's address as the Utah residence address of the applicant.

(17) "Utah Residence Address Evidence" means the Utah residence address recorded on the Utah Driver License Division database unless otherwise determined by the division or, upon application for a Utah license certificate or ID card if the applicant's Utah residence address has not been recorded by the division or has changed from what is recorded on the division's database, two documents which display the applicant's name and principle Utah residence address including:

- (a) Bank statement (dated within 60 days);
- (b) Court documents;
- (c) Current mortgage or rental contract;
- (d) Major credit card bill (dated within 60 days);
- (e) Property tax notice (statement or receipt dated within

one year);

- (f) School transcript (dated within 90 days);

(g) Utility bill (billing date within 60 days), cell phone bills will not be accepted;

- (h) Valid Utah vehicle registration or title;

(i) Other documents acceptable to the division upon review, except that only one document printed from the internet may be accepted.

(18) "Veteran indicator" means the word VETERAN will be added to specific driver license certificates and identification certificates during the application process at the applicant's request and upon the applicant providing proof of an honorable discharge from the United States military in the form of a DD214 or other documents, if approved by the division director or designee.

KEY: acceptable documents, identification card, license certificate, limited-term license certificate

Date of Enactment or Last Substantive Amendment: [March 24, 2010] 2011

Notice of Continuation: March 25, 2010

Authorizing, and Implemented or Interpreted Law: 53-3-104; 53-3-205; 53-3-214; 53-3-410; 53-3-804

Public Safety, Driver License R708-46 Refugee or Approved Asylee Knowledge Test in Applicant's Native Language

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34804

FILED: 05/11/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This is a new to outline the procedures and requirements in response to the passage of S.B. 47 (2011 General Session), Driver License and Identification Card Amendments. (DAR NOTE: S.B. 47 (2011) will be effective 07/01/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule outlines the procedures and requirements for a refugee or approved asylee to take the knowledge test on Utah traffic laws in their native language with the assistance of an interpreter for their original Utah limited-term license.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-205 and Section 53-3-206

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** Computer programming costs to accommodate the requirements of S.B. 47 are approximately \$4,000. There was a fiscal note attached to this bill that will cover these costs.

♦ **LOCAL GOVERNMENTS:** Local government will not be affected by this rule because local government does not issue Utah driving certificates.

♦ **SMALL BUSINESSES:** Small businesses will not be affected by this rule because small businesses do not issue Utah driving certificates.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Refugees and approved asylees will not be fiscally affected by this rule because the Department of Workforce Services will provide volunteer interpreters for the applicant at no cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Refugees and approved asylees will not be fiscally affected

by this rule because the Department of Workforce Services will provide volunteer interpreters for the applicant at no cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not have a fiscal impact on businesses because businesses do not issue Utah driving certificates.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jill Laws by phone at 801-964-4469, by FAX at 801-964-4482, or by Internet E-mail at jlaws@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Lance Davenport, Commissioner

R708. Public Safety, Driver License.

R708-46. Refugee or Approved Asylee Knowledge Test in Applicant's Native Language.

R708-46-1. Purpose.

Effective July 1, 2011, the Utah Driver License Division shall allow an applicant for a limited-term driver license to take the knowledge test on the state of Utah traffic laws in the person's native language the first time the person applies for a limited-term license certificate.

R708-46-2. Authority.

This rule is authorized by Section 53-3-206.

R708-45-3. Definitions.

(1) "Refugee" means a person who has entered into the United States in refugee status.

(2) "Approved Asylee" means a person who has an approved application for asylum in the United States or who has a pending application for asylum in the United States.

(3) "Limited-Term License Certificate" means the evidence of the privilege granted and issued under Chapter 53-3 to drive a motor vehicle to a person whose privilege was obtained providing evidence of lawful presence in the United States with one of the document requirements described in Subsection 53-3-205(8) (a)(ii)(B).

R708-46-4. Requirements.

(1) The first time an applicant with a refugee or approved asylee status applies for a limited-term certificate they shall be

given the opportunity to take the knowledge test in their native language.

(2) The Division of Workforce Services will maintain a list of qualified interpreters on the web.

R708-46-5. Procedures.

(1) The applicant must schedule an appointment for their first test using the on-line scheduler.

(2) The applicant must arrange for an interpreter approved by the Division of Workforce Services to accompany them for the test.

(a) The examiner will print a test from the testing kiosk server.

(b) The examiner will observe the interpreter read the test questions and answers to the applicant in their native language.

(c) Upon completion of the test, the examiner will:

(1) Grade the test

(2) Inform the applicant of the test score.

(3) Enter the results of the test on the applicant's driver license record.

KEY: limited-term driver license; knowledge test; refugee; approved asylee

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: 53-3-206

Public Safety, Fire Marshal
R710-2

Rules Pursuant to the Utah Fireworks
Act

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34809

FILED: 05/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 05/10/2011, the Utah Fire Prevention Board met in a regularly scheduled Board meeting and made several amendments to Rule R710-2. The Board voted by unanimous motion to delete two incorporated references, add two definitions, eliminate the need for an approved fireworks list, eliminate the testing requirement of fireworks, add some requirements for the display, sale and signage of aerial fireworks devices, and make some further some adjustments to clarify the intent of the rule.

SUMMARY OF THE RULE OR CHANGE: The Fire Prevention Board proposes by rule amendment to change the following: 1) in Subsections R710-2-1(1.5) and (1.6), the Board proposes to eliminate the usage of two sets of codes

incorporated by reference; 2) in Subsections R710-2-2(2.2) and (2.3), the Board proposes to adopt two new definitions to define "aerial device" and "covered fuse"; 3) in Subsections R710-2-3(3.12) and (4.4), the Board proposes to move a requirement from indoor sales to general requirements so the requirement covers all sales venues rather than just indoor sales; 4) in Section R710-2-6, the Board proposes to strike the section that required the approved list of fireworks and the testing of fireworks to make the list; 5) in Section R710-2-6, the Board proposes to recreate Section R710-2-6 and establish the requirements to display and sell aerial devices and also to establish signage requirements; and 6) in Subsection R710-2-7(7.12.2), the Board proposes to enter the Artisan and Performer Safety Standard Manual that was prepared by the State Fire Marshal to assist those that will be testing for certification. (DAR NOTE: A corresponding 120-day (emergency) rule is under DAR No. 34835 that is effective as of 05/17/2011 is in this issue, June 1, 2011, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There would be no aggregate anticipated cost to the state budget but there would be an aggregate anticipated savings to the state budget with the removal of the annual testing requirement and the removal of the annual approved fireworks list. With the passage of H.B. 22, in the 2011 General Session, these two requirements are no longer needed to fulfill the intent of the statute. (DAR NOTE: H.B. 22 (2011) was effective 05/10/2011.)

◆ LOCAL GOVERNMENTS: There would be no aggregate anticipated cost to local government but there would be an aggregate anticipated savings to local government due to the removal of the requirement that the fireworks stands, tents and retail facilities would have to be inspected each year, to make sure the only fireworks items for sale were listed on the approved fireworks list.

◆ SMALL BUSINESSES: There would be an aggregate anticipated cost to small businesses to enact this rule due to the requirement to have the newly allowed aerial fireworks devices separated from the public by a physical barrier that would require an employee to assist the customer in the purchasing of the aerial firework devices. Depending on the process the retailer uses when selling aerial device fireworks would determine the aggregate anticipated cost. Without the exact knowledge of how each retailer would provide the needed service, it is impossible to compute an exact aggregated cost to this issue.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The major affect for the implementation of the proposed amendments to this rule is the requirement that the aerial firework devices be physically separated from the other types of fireworks. It requires that an employee be present to assist in the procuring of aerial device fireworks in retail facilities to include tents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a compliance cost for affected persons to sell aerial devices by the requirement in the rule that an employee would be required to interact with the customer that wishes to purchase aerial fireworks. The allowance has been removed that would permit the customer to purchase aerial firework devices with having person to person contact with the employee to inform the customer of the increased hazard to discharge these types of fireworks.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be a fiscal impact to retailers that decide to sell aerial fireworks by having to involve store employees when the customer wishes to procure those aerial fireworks devices. The rule would require that the aerial devices would have to be physically separated so that the customer would have to seek assistance from the employee to secure aerial devices. If the store decided to not sell aerial devices there would be no fiscal impact on businesses.

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

PUBLIC SAFETY
FIRE MARSHALROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Brent Halladay by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Brent Halladay, State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-2. Rules Pursuant to the Utah Fireworks Act.

R710-2-1. Adoption.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts rules establishing minimum safety standards for retail storage, handling, and sale of class C common state approved explosives indoor or outdoor; [~~providing a list of approved class C common state approved fireworks for retail sale;~~] and requirements for licensing of importer, wholesaler, display operator, special effects operator, flame effects operator, and flame effect performing artist.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 International Fire Code (IFC), 2009 edition, as published by the International Code Council, Inc. (ICC), and as enacted and amended by the Utah State Legislature in Sections 102 and 201 of the State Fire Code Adoption Act.

1.2 National Fire Protection Association (NFPA), Standard 1123, Code for Fireworks Display, 2006 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-10, et seq.

1.3 National Fire Protection Association (NFPA), Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2006 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-10, et seq.

1.4 National Fire Protection Association (NFPA), Standard 160, Standard for the Use of Flame Effects Before an Audience, 2011 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-10, et seq.

~~1.5 North American Fire Arts Association (NAFAA), Performer Safety Guidelines, Revision 2.1, updated July 5, 2005, as published by the North American Fire Arts Association, except as amended by provisions listed in R710-2-10, et seq.~~

~~1.6 Incendiary Circus, Safety Manual, September 2006, as published by the Incendiary Circus, LLC, except as amended by provisions listed in R710-2-10, et seq.~~

1.[7]5 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal's Office.

R710-2-2. Definitions.

2.1 "Authority having jurisdiction (AHJ)" means such county and municipal officers who are charged with the enforcement of state and municipal laws; consisting of all fire enforcement officials including designated staff from the Utah State Department of Public Safety.

2.2 "Aerial device" means a cake that is a collection of mine/shell tubes that has a single covered fuse which is used to light several tubes in sequence. A cake may also be defined as an aerial repeater or multi-shot aerial and does not exceed more than 500 grams of pyrotechnic composition.

2.3 "Covered fuse" means a fuse or designed point of ignition that is protected against accidental ignition by contact with a spark, smoldering item or small open flame.

2.[2]4 "Flame Effects" means Flame Effects Operator or Flame Effects Performing Artist.

2.[3]5 "Flame Effects Performing Artist" means a fire spinner, fire dancer or fire performer who is paid to perform professionally in a public location.

2.[4]6 "ICC" means International Code Council, Inc.

2.[5]7 "IFC" means International Fire Code.

2.[6]8 "Licensed Operator" means any person who discharges, ignites, supervises, manages, oversees or directs the discharge of display fireworks, special effects fireworks, flame effects or flame effects performing artist.

2.[7]9 "NAFAA" means the North American Fire Arts Association.

2.[8]10 "NFPA" means National Fire Protection Association.

2.[9]11 "Permanent structure" means a non-movable building, securely attached to a foundation, housing a business.

2.[40]12 "Person" means an individual, company, partnership or corporation.

2.[44]13 "Pre-packaged means that the product is wrapped in a clear plastic wrap or other equivalent material to prevent the fuse of the class C common state approved explosive from being accessible to the customer.

2.[42]14 "Resale" means the act of reselling class B or C explosives to a new party.

2.[43]15 "SFM" means the State Fire Marshal.

2.[44]16 "Tent" means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects.

2.[45]17 "Temporary Stands and Trailers" means a non-permanent structure used exclusively for the sale of fireworks.

2.[46]18 "UCA" means Utah Code Annotated.

R710-2-3. General Requirements.

3.1 No person shall engage in any type of retail storage or sale of class C common state approved explosives, without first having obtained a license to sell fireworks from the authority having jurisdiction, if required.

3.2 If a municipality or county in which fireworks are offered for sale, requires a seller to obtain a license, it shall be available at the store or stand for presentation upon request to authorized public safety officials.

3.3 All fireworks retail sales locations shall be under the direct supervision of a responsible person who is 18 years of age or older.

3.4 Those selling fireworks at retail sales locations shall be at least 16 years of age or older.

3.5 A salesperson shall remain at the sales location at all times unless suitable locking devices or secured metal storage containers are provided to prevent the unauthorized access to the merchandise by others.

3.6 Class C common state approved explosives shall not be sold to any person under the age of 16 years, unless accompanied by an adult.

3.7 All retail sales locations shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.

3.8 Storage of class C common state approved explosives shall not be located in residences to include attached garages.

3.9 "No Smoking" signs shall be conspicuously posted at all sales and storage locations.

3.10 A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks.

3.11 All retail sales locations shall be equipped with an approved, portable fire extinguisher having a minimum 2A rating.

3.12 Class C common state approved explosives shall only be stored, handled, displayed, and sold as packaged units with covered fuses.

R710-2-4. Indoor Sales.

4.1 Display of class C common state approved explosives inside of buildings shall be so located to ensure constant visual supervision.

4.2 In all retail sales locations in permanent structures, the area where class C common state approved explosives are

displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material.

4.3 In permanent structures, retail sales displays of Class C common state approved explosives shall not be placed in locations that would impede egress from the building.

~~4.4 Class C common state approved explosives shall only be stored, handled, displayed, and sold as packaged units, with unexposed fuses, within a permanent structure.~~

4.5⁴ Display of Class C common state approved explosives inside of buildings protected throughout with an automatic fire sprinkler system shall not exceed 25 percent of the area of the retail sales floor or exceed 600 square feet, whichever is less.

4.6⁵ Display of Class C common state approved explosives inside of buildings not protected with an automatic fire sprinkler system shall not exceed 125 pounds of pyrotechnic composition. Where the actual weight of the pyrotechnic composition is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

4.7⁶ Display of Class C common state approved explosives inside of buildings shall not exceed a height greater than six feet above the floor surface.

4.8⁷ Rack storage of Class C common state approved explosives inside of buildings is prohibited.

~~**R710-2-6. List of Approved Class C Common State Approved Explosives.**~~

~~6.1 The State Fire Marshal shall test and approve any Class C common state approved explosive before it is placed on the approved list as required in UCA 53-7-222(1).~~

~~6.2 The State Fire Marshal shall publish a list of approved class C common state approved explosives each year as required in UCA 53-7-222(1)(b).~~

~~6.3 The testing shall be conducted annually or as needed.~~

~~6.4 Any firework that bears the "California State Fire Marshal Safe and Sane Registered Fireworks Seal" is exempted from the testing process and can be placed on the approved list.~~

R710-2-6. Display, Sale, and Signage of Aerial Devices.

6.1 In addition to those requirements in R710-2-3, R710-2-4 and R710-2-5, all aerial devices shall be packaged and displayed for sale in a manner that would provide public safety by completing the following:

6.1.1 Aerial devices shall be placed in an area that is physically separated from the public so that the customer cannot handle the aerial devices without the assistance of an employee. There shall be signage placed at the aerial device display directing customers that aerial devices cannot be attained without the assistance of a store employee.

6.1.2 Where aerial devices are sold in permanent structures or other approved locations, the aerial device display shall be placed in a location that gives the customer access to the aerial devices just before the customer checks out and exits the store.

6.1.3 Wherever aerial devices are sold, there shall be signage with a minimum font of one inch, to warn and inform the customer of the dangers of aerial devices and the signage shall state the following:

6.1.3.1. Aerial fireworks are designed to travel up to 150 feet into the air and then explode.

6.1.3.2 Aerial fireworks shall be placed on a hard level surface outdoors, in a clear and open area prior to ignition.

6.1.3.3 Anyone under the age of 16 shall not handle or operate aerial fireworks.

6.1.3.4 Ignition of aerial fireworks shall be a minimum of 30 feet from any structure or vertical obstruction.

6.1.3.5 Aerial fireworks shall not be ignited within 150 feet of the point of sale.

6.1.3.6 Please read and obey all safe handling instructions before using aerial fireworks."

R710-2-7. Display Operator, Special Effects Operator, Flame Effects Operator, or Flame Effects Performing Artist Licenses.

7.1 Application for a display operator, special effects operator, flame effects operator, or flame effects performing artist license shall be made in writing on forms provided by the SFM.

7.2 Application for a license shall be signed by the applicant.

7.3 Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Original licenses issued on or after October 1st, will be valid through December 31st of the following year.

7.4 Application for renewal of license shall be made before January 1st of each year. Application for renewal shall be made in writing on forms provided by the SFM.

7.5 The SFM may refuse to renew any license pursuant to Section 9 of these rules. The applicant, upon such refusal, shall also have those rights as are granted by Section 9 of these rules.

7.6 Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of his address or location.

7.7 No licensee shall conduct his licensed business under a name other than the name which appears on his license.

7.8 No license shall be issued to any person as licensee who is under twenty-one (21) years of age.

7.9 The holder of any license shall submit such license for inspection upon request of the SFM, his duly authorized deputies, or any authorized enforcement official.

7.10 The applicant shall indicate on the application which license the applicant wishes to apply for:

- 7.10.1 Display Operator
- 7.10.2 Special Effects Operator
- 7.10.3 Flame Effects Operator
- 7.10.4 Flame Effects Performing Artist

7.11 Every person who wishes to secure a display licensed operator, special effects licensed operator, or flame effects licensed operator original license shall demonstrate proof of competence by:

7.11.1 Successfully passing an open book written examination and obtaining a minimum grade of seventy percent (70%).

7.11.2 The applicant is allowed to use the statute, the administrative rule, and the NFPA standard that applies to the certification examination.

7.11.3 Submit written verification with the application of having completed a display operators safety class, a special effects operators safety class, a flame effects operator safety class or demonstrate previous experience acceptable to the SFM.

7.11.4 Submit written verification with the application that the applicant has worked with a licensed display operator, special effects operator, or a flame effects operator for at least three shows or demonstrate previous experience acceptable to the SFM.

7.12 Every person who wishes to secure an original flame effects performing artist operator license shall demonstrate proof of competence by:

7.12.1 Successfully passing an open book written examination and obtaining a minimum grade of seventy percent (70%).

7.12.2 The applicant is allowed to use the statute, the administrative rule, NFPA 160, ~~[the NAFAA Performer Safety Guidelines, and the Incendiary Circus Safety Manual]~~ and the Artisan and Performer Safety Standards prepared by the SFM.

7.12.3 Submit written verification with the application of having received a flame effects performing artist safety class or demonstrate previous experience acceptable to the SFM.

7.12.4 Submit written verification with the application that the applicant has worked with a licensed flame effects performing artist for at least five training meetings or practice sessions or demonstrate previous experience acceptable to the SFM.

7.13 The written examination stated in Section 7.11.1 or 7.12.1 shall be valid for five years from the date of the examination.

7.14 Applicants seeking an original license as stated in Sections 7.11 of these rules, may perform the various acts while under the direct supervision of a person holding a valid license for a period not to exceed 45 days. By the end of the 45 day period, the applicant shall have taken and passed the required examination and completed all other licensing requirements.

7.15 At the end of the five year period the licensed display operator, special effects operator, flame effects operator, or flame effects performing artist shall take a re-examination. The re-examination shall be open book and sent to the license holder at least 60 days before the renewal date. The re-examination shall focus on the changes in the last 5 years to the adopted standards. The license holder is responsible to complete the re-examination and return it to the Division in time to renew and also comply with the requirements listed in Section 7.16 of these rules.

7.16 After the issuance of the original license, and each year thereafter, the display operator, special effects operator, flame effects operator, or flame effects performing artist shall complete a minimum of one of the following:

7.16.1 Complete one show or performance annually

7.16.2 Attend an operator safety class or flame effects performing artist meeting annually

7.16.3 Work with another licensed display operator, special effects operator, flame effects operator, or flame effects performing artist with a show annually to demonstrate proof of competence.

7.17 When the license has expired for more than one year, an application shall be made for an original license and the initial requirements shall be completed as required in Sections 7.11 or 7.12 of these rules.

7.18 Every person who wishes to secure a display operator, special effects operator, flame effects operator, or flame effects performing artist license shall be at least 21 years of age.

7.19 Every licensed display operator, special effects operator, flame effects operator, or flame effects performing artist shall complete an After Action Report within ten (10) working days

after the conclusion of any show and send it to the State Fire Marshal. If there are more than one licensed operator involved in the show, only one After Action Report needs to be sent to the State Fire Marshal for that show.

R710-2-8. Importer or Wholesaler License.

8.1 Application for an importer or wholesaler license shall be made in writing on forms provided by the SFM.

8.2 Application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association, it shall be signed by a principal officer.

8.3 Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Original licenses issued on or after October 1st, will be valid through December 31st of the following year.

8.4 The SFM may refuse to renew any license pursuant to Section [8]9 of these rules. The applicant, upon such refusal, shall also have those rights as are granted by Section [8]9 of these rules.

8.5 Every licensee shall notify the SFM within thirty (30) days of any change of address or location.

8.6 No licensee shall conduct his licensed business under a name other than the name which appears on his license.

8.7 No license shall be issued to any person as licensee who is under twenty-one (21) years of age.

8.8 The holder of any license shall submit such license for inspection upon request of the SFM, his duly authorized deputies, or any authorized enforcement official.

KEY: fireworks

Date of Enactment or Last Substantive Amendment: ~~January 21, 2011~~ **July 8, 2011**

Notice of Continuation: **June 4, 2007**

Authorizing, and Implemented or Interpreted Law: **53-7-204**

Public Safety, Fire Marshal R710-8-3

Amendments and Additions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34837

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met in a regularly scheduled Board meeting on 05/10/2011, and voted by unanimous vote to change the required times that Family Day Care units have to conduct fire drills and when they are required to have a fire drill using rescue or escape windows in an actual evacuation drill.

SUMMARY OF THE RULE OR CHANGE: The Fire Prevention Board made the following proposed amendments to the administrative rule as follows: 1) in Subsection R710-8-3(3.3.9), the Board proposed to amend the required fire drill exercise from monthly to quarterly; and 2) also in Subsection R710-8-3(3.3.9), the Board proposed to change the requirement for an actual evacuation using the escape or rescue windows from quarterly to annually. Both of the above mentioned changes are to place Rule R710-8, Day Care Rules, in compliance with Subsections R430-90-10(8) and R430-90-10(10) of the State Health Department.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no aggregate anticipated cost or savings to the state budget because the state budget is not affected from the enactment of these proposed rule amendments.

◆ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost or savings to local government because these proposed amendments do not affect local government or local governments responsibilities.

◆ **SMALL BUSINESSES:** There is no aggregate anticipated cost to small businesses from the enactment of this rule amendment but there would be a small aggregate savings to small family day care that would not have to perform these fire drills so often.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no aggregate anticipated cost to affected persons from the enactment of these two rule amendments. The proposed rule amendments lessen the amount of required fire drills and lessen the amount of full evacuation fire drills using the escape or rescue windows. There might be a small savings from the enactment of these rules because it saves efforts and costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons for the enactment of these rules because the proposed amendments lessen the amount of times fire drills are performed rather than increasing the required fire drills.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses for the enactment of these two small rule changes. The two proposed rule changes are to establish continuity between two different state departments so that there is no undue pressure placed on the family day care units in the State of Utah.

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

PUBLIC SAFETY
FIRE MARSHALROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Brent Halladay by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Brent Halladay, State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-8. Day Care Rules.

R710-8-3. Amendments and Additions.

3.1 Exemptions

3.1.1 Places of religious worship shall not be required to meet the provisions of this rule in order to operate a nursery or day care while religious services are being held in the building.

3.2 Fire Code Amendments

3.2.1 IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Educational Group E, Day Care, is amended as follows: On line three delete the word "five" and replace it with the word "four".

3.2.2 IFC, Chapter 2, Section 202, General Definitions, Occupancy Classification, Institutional Group I-4, day care facilities, Child care facility, is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception delete the word "five" and replace it with the word "four".

3.2.3 IFC, Chapter 46, Section 4603.6.1 Group E is deleted.

3.3 Family Day Care

3.3.1 Family Day Care units shall have on each floor occupied by clients, two separate means of egress, arranged so that if one is blocked the other will be available.

3.3.2 Family Day Care units that are located in the basement or on the second story shall be provided with two means of egress, one of which shall discharge directly to the outside.

3.3.2.1 Type 1 Family Day Care units, located on the ground level or in a basement, may use an emergency escape or rescue window as allowed in IFC, Chapter 10, Section 1029.

3.3.3 Family Day Care units shall not be located above the second story.

3.3.4 In Family Day Care units, clients under the age of two shall not be located above or below the first story.

3.3.4.1 Clients under the age of two may be housed above or below the first story where there is at least one exit that leads directly to the outside and complies with IFC, Section 1009 or Section 1010 or Section 1026.

3.3.5 Family Day Care units located in split entry/split level type homes in which stairs to the lower level and upper level are equal or nearly equal, may have clients housed on both levels when approved by the AHJ.

3.3.6 Family Day Care units shall have a portable fire extinguisher on each level occupied by clients, which shall have a

classification of not less than 2A:10BC, and shall be serviced in accordance with NFPA, Standard 10, Standard for Portable Fire Extinguishers.

3.3.7 Family Day Care units shall have single station smoke detectors in good operating condition on each level occupied by clients. Battery operated smoke detectors shall be permitted if the facility demonstrates testing, maintenance, and battery replacement to insure continued operation of the smoke detectors.

3.3.8 Rooms in Family Day Care units that are provided for clients to sleep or nap, shall have at least one window or door approved for emergency escape.

3.3.9 Fire drills shall be conducted in Family Day Care units [~~monthly~~quarterly] and shall include the complete evacuation from the building of all clients and staff. At least [~~quarterly~~annually], in Type I Family Day Care units, the fire drill shall include the actual evacuation using the escape or rescue window, if one is used as a substitute for one of the required means of egress.

3.4 Day Care Centers

3.4.1 Day Care Centers shall comply with either I-4 requirements or E requirements of the IBC, whichever is applicable for the type of Day Care Center.

3.4.2 Emergency Evacuation Drills shall be completed as required in IFC, Chapter 4, Section 405.

3.5 Requirements for all Day Care

3.5.1 Heating equipment in spaces occupied by children shall be provided with partitions, screens, or other means to protect children from hot surfaces and open flames.

3.5.2 A fire escape plan shall be completed and posted in a conspicuous place. All staff shall be trained on the fire escape plan and procedure.

3.5.3 The AHJ shall insure at each inspection there is sufficient adult staff to client ratios to allow safe and orderly evacuation in case of fire.

3.5.3.1 For Day Care involving children, the AHJ may use the care giver to children ratios established in rule by the Department of Health as an established guideline.

KEY: fire prevention, day care

Date of Enactment or Last Substantive Amendment:
[~~September 21, 2010~~July 8, 2011]

Notice of Continuation: March 16, 2007

Authorizing, and Implemented or Interpreted Law: 53-7-204

Public Safety, Fire Marshal R710-9 Rules Pursuant to the Utah Fire Prevention Law

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34836

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 05/10/2011, the Utah Fire Prevention Board met in a regularly scheduled Board meeting and voted by unanimous vote to make some amendments to Rule R710-9. The Board proposed to add the list of prohibited toy-like novelty lighters found on the State Fire Marshal website into the administrative rule. The Board also voted to make some corrections to the narrative in Subsection R710-9-1(1.3) of the rule.

SUMMARY OF THE RULE OR CHANGE: The Board proposed to amend the existing administrative rule as follows: 1) in Subsection R710-9-1(1.3), the Board proposes to add a section to the rule narrative and rearrange some of the narrative to place it in the order of occurrence; and 2) in Subsection R710-9-10(10.1), the Board proposes to add a new section that references the list of prohibited toy-like novelty lighters found on the State Fire Marshal website and makes them a part of the administrative rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no aggregate anticipated cost or savings to the state budget because the proposed rule change does not affect the state budget in any way.

◆ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost or savings to local government because the proposed rule changes do not impact local government in any form.

◆ **SMALL BUSINESSES:** There is no aggregate anticipated cost or savings to small businesses because the proposed amendments in this rule are informative in nature and do not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no affect on persons due to the enactment of these proposed rule changes. The rule changes are informative in nature and do not affect other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost for affected persons for the enactment of these proposed rule changes. These rule changes correct, clarify and inform rather than cost the affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses for the enactment of these proposed rules.

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

PUBLIC SAFETY
FIRE MARSHAL
ROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Brent Halladay by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Brent Halladay, State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-9. Rules Pursuant to the Utah Fire Prevention ~~Law~~ and Safety Act.

R710-9-1. Title, Authority, and Adoption of Codes.

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention ~~Law~~ and Safety Act", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for safeguarding life and property from the hazards of fire and explosion, for board meeting conduct, deputizing Special Deputy State Fire Marshals, procedures to amend incorporated references, establishing board subcommittees, enforcement of the rules of the State Fire Marshal, requirements for the firefighter support restricted account, regulation of novelty lighters, and ~~[deputizing Special Deputy State Fire Marshals]~~ amendments and additions.

1.4 There is further adopted as part of these rules the following codes which are incorporated by reference:

1.4.1 International Fire Code (IFC), 2009 edition, excluding appendices, as published by the International Code Council, Inc. (ICC), and as enacted and amended by the Utah State Legislature in Sections 102 and 201 of the State Fire Code Adoption Act, except as amended by provisions listed in R710-9-10, et seq.

1.5 Copies of the above code are on file in the Division of Administrative Rules and the Office of the State Fire Marshal.

R710-9-10. Regulation of Novelty Lighters.

10.1 All novelty lighters that have been identified as toy-like lighters by the Novelty and Toy-Like Lighter Assessment Committee, and placed by picture and description on the Utah Department of Public Safety, State Fire Marshal Website, Toy and Novelty Lighter Initiative, Toy-like Lighters Disavowed List, <http://publicsafety.utah.gov/firemarshal>, shall not be sold or offered for sale in the State of Utah.

R710-9-~~11~~11. Amendments and Additions.

The following amendments and additions are hereby adopted by the Board for application statewide:

~~[40]~~11.1 IFC, Chapter 9, Section 903.3.1.1 is amended by adding the following subsection: 903.3.1.1.2 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in new construction in the dwelling unit portion of an occupancy, installed in accordance with NFPA 13, is allowed up to 20 heads. The number of sprinkler heads can be expanded as allowed by the AHJ. The mixture of the antifreeze shall be limited to a maximum concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration of antifreeze to be increased due to temperature concerns.

~~[40]~~11.2 IFC, Chapter 9, Section 903.3.1.2 is amended by adding the following subsection: 903.3.1.2.2 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in new construction in the dwelling unit portion of an occupancy, installed in accordance with NFPA 13R, is allowed up to 20 heads. The number of sprinkler heads can be expanded as allowed by the AHJ. The mixture of the antifreeze shall be limited to a maximum concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration of antifreeze to be increased due to temperature concerns.

~~[40]~~11.3 IFC, Chapter 9, Section 903.3.1.3 is amended by adding the following subsection: 903.3.1.3.1 Antifreeze Limitations. The use of antifreeze in automatic sprinkler systems in new construction installed in accordance with NFPA 13D, is allowed up to 20 heads. The number of sprinkler heads can be expanded as allowed by the AHJ. The mixture of the antifreeze shall be limited to a maximum concentration of 40% propylene glycol or 50% glycerin. The AHJ can allow the concentration of antifreeze to be increased due to temperature concerns.

~~[40]~~11.4 IFC, Chapter 9, Section 903.5 is amended to add the following subsection: 903.5.1 Antifreeze Replacement. Whenever the automatic sprinkler system protecting residences and dwelling units of mixed occupancies that use antifreeze is drained, the replacement antifreeze shall be properly mixed and tested, but shall not exceed a maximum concentration of 40% propylene glycol or a maximum concentration of 50% glycerin. The AHJ can allow the concentration of antifreeze to be increased due to temperature concerns.

R710-9-~~11~~12. Repeal of Conflicting Board Actions.

All former Board actions, or parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

R710-9-~~12~~13. Validity.

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other portions of this action, independent of the elimination of any portion as may be declared invalid.

R710-9-~~13~~14. Adjudicative Proceedings.

~~[43]~~14.1 All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63G-4-202 and 63G-4-203.

[+3]14.2 If a city, county, or fire protection district refuses to establish a method of appeal regarding a portion of the IFC, the appealing party may petition the Board to act as the board of appeals.

[+3]14.3 A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the Board within 20 days after receiving final decision.

[+3]14.4 All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with UCA, Section 63G-4-201.

[+3]14.5 The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

[+3]14.6 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63G-4-203.

[+3]14.7 Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63G-4-302.

[+3]14.8 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63G-4-402.

KEY: fire prevention, law

Date of Enactment or Last Substantive Amendment: [January 9, 2011] July 8, 2011

Notice of Continuation: June 8, 2007

Authorizing, and Implemented or Interpreted Law: 53-7-204

Regents (Board of), Administration R765-609 Regents' Scholarship

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34798

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Updates are needed for definitions, grade requirements, and clarification regarding probation status and scholarship forfeiture. The appeals process is more fully explained and rules added for completing course work. This amendment also addresses award amounts based on available funding.

SUMMARY OF THE RULE OR CHANGE: Changes to this rule include distinction between applicant and recipient, clarification of requirements for home-schooled applicants,

and GPA requirements. Beyond the base award, this amendment addresses funding and enrollment requirements for the Exemplary Academic Achievement award. Award amounts will be determined each year by the Board of Regents based on legislative funding and number of applicants. Section R765-609-9 has been added to outline rules for completing course work that would qualify an applicant for this scholarship.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-8-108

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Implementation of these changes will allow awarding of scholarships to conform with annual funding of the program as provided by the Utah legislature. There are no additional costs to the state budget as a result of these amendments to Rule R765-604. Without the amendments of this rule, there would be potential for additional costs to fund scholarships beyond what could be anticipated each year. This amendment provides direction to assure that awards do not exceed the amount of annual allocations.

◆ **LOCAL GOVERNMENTS:** There are no local government costs nor savings from this amendment as this rule does not apply to local governments.

◆ **SMALL BUSINESSES:** Since this rule only applies to individuals who may be eligible for scholarship funds there are no costs nor savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule affects potential awardees of Regents' Scholarship funds. There are no compliance costs to these individuals as the scholarship requires academic eligibility. There are no direct savings for any individual. Indirect savings may be anticipated by qualifying students who choose to attend an eligible institution and receive funds from this program to reduce the total amount of their tuition charges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Persons eligible for Regents' Scholarship funds will have no costs as a result of implementation of this rule change. There are no compliance costs associated with this rule for any individual, affected person, or entity, or any aspect of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts to businesses from this rule since it only applies to high school students who wish to apply for scholarship funds through the Regents' Scholarship program.

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 Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Ronell Crossley by phone at 801-321-7291, by FAX at 801-321-7299, or by Internet E-mail at rcrossley@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: William Sederburg, Commissioner

R765. Regents (Board of), Administration.**R765-609. Regents' Scholarship.****R765-609-1. Purpose.**

~~[To encourage all Utah high school students to take a rigorous high school curriculum as outlined by the Utah Scholars Initiative that will successfully prepare them for postsecondary education and the demands of the modern workforce; to provide incentives for all Utah high school students to prepare academically and financially for postsecondary education; to motivate high school students to complete meaningful course work through their senior year; and to increase the numbers of Utahans enrolling in Utah colleges and universities.]~~ The Regents' Scholarship encourages Utah high school students to prepare for college academically and financially by taking a core course of study in grades 9-12 and saving for college. This statewide scholarship is aligned with the Utah Scholars Core Course of Study which is based on national recommendations as outlined by the State Scholars Initiative. The courses required by the scholarship are proven to help students become college and career ready. In addition, this scholarship encourages high school students to complete meaningful course work through their senior year.

R765-609-2. References.

2.1. Utah Code Ann. Section 53B-8-108 et seq., Regents' Scholarship Program.

2.2. Utah Admin. Code Section R277-700-[7]6, High School Requirements (Effective for graduating students beginning with the 2010-2011 School Year).

2.3. Regents' Policy and Procedures R604, New Century Scholarship.

R765-609-3. Definitions.

3.1. "Applicant" means a student who is in their last term in high school and on track to complete the high school graduation requirements of a public school established by the Utah State Board of Education and the student's school district or charter school or a private high school in the state that is accredited by a regional accrediting body approved by the Utah State Board of Regents.

3.2. "Base [A]award"[::] means [A]a one-time scholarship to be awarded to [students]applicants who complete the eligibility requirements of section 4.1 of this policy.

3.2]3. "Board"[::] means [F]the Utah State Board of Regents.

3.3]4. "Core Course of Study"[::]means [F]the [4-5-credit]-[Utah Scholars]-[curriculum]Core Course of Study taken during grades 9-12, which includes:

3.3]4.1. 4.0 credits of English;

3.3]4.2. 4.0 credits of mathematics taken in a progressive manner (at minimum Algebra I, Geometry, Algebra II, and a class beyond Algebra II or Math 3);

3.3]4.3. 3.5 credits of social studies;

3.3]4.4. 3.0 credits of lab-based natural science (one each of Biology, Chemistry, and Physics); and

3.3]4.5. 2.0 credits of the same [foreign]world or classical language, other than English, taken in a progressive manner.

3.5 "Eligible Institutions" means USHE, or at any private, nonprofit institution of higher education in Utah accredited by the Northwest Association of Schools and Colleges.

3.4]6. "Exemplary Academic Achievement [A]award"[::] means [A]a renewable scholarship to be awarded to students who complete the eligibility requirements of section 4.2 of this policy.

3.5]7. "Full-time"[::] means [A]a minimum of twelve college credit hours.

3.6]8. "High school"[::] means [A]a public school established by the Utah State Board of Education or private high school within the boundaries of the State of Utah. If a private high school, it [must]shall be accredited by a regional accrediting body approved by the [b]Board.

3.7]9. "Home-schooled"[::-R] refers to a student who has not [received a high school grade point average]graduated from a Utah high school and received letter grades for the Core Course of Study in grades 9-12.

3.8]10. "Recipient"[::] means [A]a student who receives an award under the requirements set forth in this policy.

3.9]11. "Regents' Diploma Endorsement"[::] means [A]a certificate or transcript notation that may be awarded to students who qualify for the Exemplary Academic Achievement [A]award of the Regents' Scholarship.

3.1[0]2. "Reasonable progress"[::] means [A-recipient-must-complete]enrolling and completing at least twelve credit hours during Fall and Spring [S]semesters [or apply for and receive an approved Deferral or Leave of Absence from the Board. If applicable, students attending summer must enroll full-time according to their institution and or program policy regarding full-time status]and earning a 3.0 GPA or higher each semester.

3.13. "Renewal Documents" means a college transcript demonstrating that the recipient has met the required semester GPA and a detailed schedule providing proof of full-time enrollment for the semester which the recipient is seeking award payment.

3.1[4]4. "Scholarship Review Committee"[::] means [F]the committee approved to review Regents' Scholarship applications and make final decisions regarding awards.

3.15. "Two years of full-time equivalent enrollment" means the equivalent of four semesters of full-time enrollment (minimum of twelve credit hours per semester).

3.1[2]6. "UESP"[::] means [F]the Utah Educational Savings Plan.

3.1[3]7. "USHE"[::] means [F]the Utah System of Higher Education, which includes the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, Dixie State College of Utah, Utah Valley University, and Salt Lake Community College.

~~3.14. "Eligible Institutions": USHE, or at any private, nonprofit institution of higher education in Utah accredited by the Northwest Association of Schools and Colleges.~~

R765-609-4. Conditions of the Regents' Scholarship Program and Program Terms.

4.1. Base Award: To qualify for the Regents' Scholarship Base [A]award, the applicant [must]shall satisfy the following criteria:

4.1.1. Complete the Core Course of Study[:] as defined in section 3.4 of this policy~~[-The applicant must submit an official high school transcript, and college transcript if the student has completed any college courses that are part of the Core Course of Study during grades 9-12, even if the concurrent/college classes is reflected on the high school transcript. (Information regarding courses satisfying the core requirements can be found online). If the core course is one full credit students must complete the full unit in order to satisfy the credit requirement in a specific core area].~~

4.1.2. GPA[-and Weighted Courses]: The applicant [must]shall demonstrate completion of the Core Course of Study with a cumulative high school GPA of at least 3.0~~[-with no individual core course grade lower than a "C" on a transcript. The grade earned in any course designated on the student's high school transcript as Advanced Placement (AP) or a college course concurrent enrollment shall be weighted (only if college transcript is provided) according to the Scholarship Review Committee's standard procedures].~~

4.1.3. ~~[College Course Work: The Regents' Scholarship Review Committee reserves the right to apply a 3:1 ratio in relation to college course work. If a student enrolls in and completes a college course worth three or more college credits, this may be counted as one full credit towards the scholarship requirements; however, the student then is evaluated on the college grade earned, with the weighted added to the college grade.]~~Minimum Grade requirement: the applicant shall have no individual core course grade lower than a "C" on a transcript. Certain courses may receive a weighted grade as outlined under subsection 9.5 of this policy.

4.1.4. ACT Score: The applicant [must]shall submit at least one verified ACT score.

4.1.5. Utah High School Graduation: The applicant [must]shall have graduated from a Utah high school.

4.1.6. Citizenship Requirement: A recipient shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid.

4.1.7. No Criminal Record Requirement: A recipient shall not have a criminal record; with the exception of a misdemeanor traffic citation.

4.1.8. Mandatory Fall Term Enrollment: A recipient shall enroll full-time at an eligible institution by Fall semester immediately following the student's high school graduation date or receive an approved [D]deferral from the Board under subsection 7.2.

4.1.9. New Century Scholarship: A recipient shall not receive a Regents' Scholarship and the New Century Scholarship established in Utah Code Section 53B-8-10[8]5 and administered in R604.

4.2. Exemplary Academic Achievement [A]award: To qualify for the Regents' Scholarship Exemplary Academic Achievement [A]award, the applicant [must]shall satisfy all

requirements for the Base [A]award, and additionally meet all of the following requirements:

4.2.1. Required GPA: The applicant [must]shall have a cumulative high school GPA of at least 3.5[5].

4.2.2. Minimum Grade requirement: the applicant shall have[with] no individual core course grade lower than a "B" on a transcript. Certain courses may receive a weighted grade as outlined under subsection 9.5 of this policy.

4.2.3 Required ACT Score: The applicant [must]shall submit a verified composite ACT score of at least 26.

4.2[2]4. Duty of Student to Report Reasonable Progress Toward Degree Completion: In order to renew the Exemplary Academic Achievement Award, the recipient [must maintain and report]shall submit renewal documents, providing evidence of reasonable progress toward degree completion~~[-by achieving a 3.0 GPA each semesters and by enrolling full-time (twelve credit hours) each semester].~~

4.2.4.1. If the recipient fails to maintain a 3.0 GPA ~~[for two consecutive semesters]~~in a single semester the recipient is placed on probation and shall earn a 3.0 GPA or better the following semester to maintain eligibility. If the recipient again at any time earns less than a 3.0 GPA or fails to enroll [full-time]and complete twelve credit hours, except as outlined in section 7.2 of this policy, the scholarship will be revoked.[-Students will be required to pay back the entire payment received for the semester in which the student did not enroll full-time.]

4.2[2-1]4.2. Each semester, the recipient [must]shall submit renewal documents to the Scholarship Review Committee ~~[an official college transcript verifying his/her grades to demonstrate that he/she is meeting the required GPA and is making reasonable progress as well as detailed schedule as proof of full-time enrollment by the dates listed below. A recipient must apply for and receive and approved Leave of Absence if he or she will not enroll full-time in continuous Fall and Spring Semesters.]~~providing evidence of making reasonable progress, by the deadlines listed below:

4.2.4.2.[2]1. ~~[Proof of enrollment f]For Fall [S]semester [and proof of completion of the previous semester must]~~renewal documents shall be submitted by September 30.

4.2.4.2.[3]2. ~~[Proof of enrollment f]For Spring/Winter [S]semester [and proof of completion of the previous semester must]~~renewal documents shall be submitted by February 15.

4.2.4.2.[4]3. ~~[Proof of enrollment f]For Summer [S]semester [and proof of completion of the previous semester must]~~renewal documents shall be submitted by June 30.

4.2.4.2.[5]4. ~~[Proof of enrollment -i]If [you are]the recipient is attending Brigham Young University during [Winter]Spring [Semester]term [and proof of completion of the previous semester must]~~renewal documents shall be submitted by [February 15. Proof of enrollment if you are attending Brigham Young University during Spring Semester and proof of completion of the previous semester must be submitted by]May 30.

~~4.2.2.6. Proof of enrollment if you are attending Brigham Young University during Summer Semester and proof of completion of the previous semester must be submitted by July 30.~~

~~4.2.3. If a student earns less than a 3.0 GPA in any single semester, the student must earn a 3.0 GPA or better the following semester to maintain eligibility for the scholarship.]~~

4.2.[4]5. A [student]recipient will not be required to enroll full-time if the student can complete his/her degree program with fewer credits.

4.3. Replacing Low Grades by Retaking a Course: An [student]applicant may retake a course to replace a low[~~received~~] grade received. When retaking courses to replace a grade the following subsections apply:

4.3.1. The Entire Course: The [student ~~must~~]applicant shall either (1) retake the entire original course, or (2) complete an approved course equal to or greater in credit value in the same subject-area. The math and foreign language requirement of progression [must]shall be shown. This is true even if the [student]applicant only received a lower grade in a single semester, term, trimester, or quarter.

4.3.2. The Higher of Two Grades: The higher of two grades in the same or an approved course will count towards meeting the scholarship requirements.

4.3.3. Approved Courses and Progression Determined by the Regents' Scholarship Review Committee: The Regents' Scholarship Review Committee reserves the right to determine if the repeated course qualifies as an approved course in the same subject-area and if progression is required and demonstrated.

4.4. [~~Eligible Institutions: Both the Base Award and the Exemplary Academic Achievement Award may be used at any public college or university within USHE, or at any private, nonprofit institution of higher education in Utah accredited by the Northwest Association of Schools and Colleges.~~

4.5.]-]Student Transfer: A scholarship may be transferred to a different eligible institution upon request of the student.

4.[6]5. "P" and "I" Grades not Accepted: Pass/fail or incomplete grades do not meet the minimum grade requirement, nor do they qualify toward[s] the scholarship renewal requirements.

R765-609-5. Application Procedures.

5.1. Application Deadline: [Students ~~must~~]Applicants shall submit a scholarship application to the Scholarship Review Committee no later than February 1 of the year that they graduate from high school. A priority deadline may be established each year. [Students]Applicants who meet the priority deadline may be given first priority or consideration for the scholarship.

5.2. Required Documentation: Scholarship awards may be denied if all documentation is not complete and submitted[~~;~~]by the specified deadlines. [i]If any documentation demonstrates that the applicant did not satisfactorily fulfill all course and GPA requirements, or if any information, including the attestation of criminal record or citizenship status, proves to be falsified the scholarship award may be denied. Required documents that [must]shall be submitted with a scholarship application include:

5.2.1. the official online application;

5.2.2. an official high school paper or electronic transcript, official college transcript(s) when applicable, and any other miscellaneous transcripts demonstrating all completed courses and GPA. A final transcript showing the last semester of coursework will be requested if the student is found conditionally approved, meaning that the student appears to be on track to receive the scholarship;

5.2.3. verified ACT score(s); and

5.2.4. a class schedule form, provided by the Board, demonstrating the courses and credits that the student will

complete[d] during grade twelve. Simply submitting a high school transcript does not satisfy this requirement.

5.3. Incomplete Documentation: Applications or other submissions that have missing information or missing documents are considered incomplete, and will not be reviewed.

R765-609-6. Amount of Awards and Distribution of Award Funds.

6.1. Funding Constraints of Awards: The Board may limit or reduce the Base [A]award and/or the Exemplary Academic Achievement [A]award, as well as supplemental awards granted, depending on the annual legislative appropriations and the number of qualified applicants.

6.2. Amount of Awards.

6.2.1. Base Award: The Base [A]award of up to \$1,000 may be adjusted annually by the Board in an amount up to the average percentage tuition increase approved by the Board for USHE institutions.

6.2.2. Exemplary Academic Achievement Award[~~;~~]: The Exemplary Academic Achievement award is up to the amount provided by law and as determined each spring by the Board based on legislative funding and the number of applicants. The Exemplary Academic Achievement award may be renewed for the shortest of the following:

6.2.2.1. [For a students who graduates from high school in the 2009-10 school year and prior

6.2.2.1.1. If used at a USHE institution, the award is equal in value up to seventy-five percent of the tuition costs at the selected institution; or

6.2.2.1.2. If used at a private, nonprofit institution of higher education in Utah accredited by the Northwest Association of Schools and Colleges, the award is equal in value up to seventy-five percent of the tuition costs at the selected institution, not to exceed seventy-five percent of the average tuition costs of the USHE institutions.

6.2.2.2. For a student who graduates from high school in or after the 2010-11 school year or prior and still has remaining eligibility, the total award is up to \$5,000, allocated semester-by-semester throughout whichever of the following time periods is the shortest: Recipients are not entitled to the maximum award.

6.2.2.2.1. Four semesters of full-time enrollment (minimum of twelve credit hours per semester);

6.2.2.2.2. Sixty-five credit hours; or

6.2.2.2.3. Until the student meets the requirements for a [B]baccalaureate degree.

6.3. Distribution of Award Funds.

6.3.1. [Tuition]Enrollment Documentation: The award recipient [must]shall submit to the Scholarship Review Committee a copy of the college class schedule verifying that the [student]recipient is enrolled full-time (twelve or more credits) at an eligible institution. Documentation [must]shall include the [student's]recipient's name, the semester the recipient will attend, the name of the institution they are attending and the number of credits [in]for which the [student]recipient is enrolled.

6.3.2. Award Payable to Institution: The award will be made payable to the institution. The institution may pay over to the recipient any excess award funds not required for tuition payments. Award funds shall be used for any qualifying higher education

expense[.] including: tuition, fees, books, supplies, equipment required for course instruction, or housing.

6.3.3. Credit Hours Dropped ~~[a]~~After Award Payment: If a ~~[student]~~recipient drops credit hours after having received the award which results in enrollment below twelve credit hours, the scholarship will be revoked.

~~6.3.4. High School Graduates of 2010 and Before: The following subsections only apply to students who graduated from high school in 2010 and before:~~

~~6.3.4.1. Tuition Calculation by the Board: The Board will calculate the award disbursement amount based on the published tuition costs at the enrolled institution(s) and the availability of scholarship funding.~~

~~6.3.4.2. Added Hours after Award Payment: At the discretion of the Scholarship Review Committee and depending on funding, the student may be awarded up to seventy-five percent of the tuition costs of any hours added in the semester after the initial award has been made. The recipient must submit to the USHE a copy of the tuition invoice and a class schedule verifying the added hours before a supplemental award is made.~~

~~6.3.4.3. Credit Hours Dropped after Award Payment: If a student drops credit hours which were included in calculating the award amount, either the subsequent semester award will be reduced accordingly, or the student shall repay the excess award amount to the USHE if the student drops below twelve credit hours.~~

6.4. UESP Supplemental Award to Encourage College Savings: Subject to available funding, an ~~[student]~~applicant who qualifies for the Base ~~[A]~~award is eligible to receive up to an additional \$400 in state funds to be added to the total scholarship award.

6.4.1. For each year the ~~[student]~~applicant is 14, 15, 16, or 17 years of age ~~[that the student]~~and had an active UESP account, the Board may contribute, subject to available funding, \$100 (i.e., up to \$400 total for all four years) to the ~~[student's]~~recipient's award if at least \$100 was deposited into the account for which the ~~[student]~~applicant is named the beneficiary.

6.4.2. If no contributions are made to an ~~[student's]~~applicant's UESP account during a given year, the matching amount will likewise be \$0.

6.4.3. If contributions total more than \$100 in a given year, the matching amount will cap at \$100 for that year.

6.4.4. Matching funds apply only to contributions, not to transfers, earnings, or interest.

R765-609-7. Time Constraints and Continuing Eligibility.

7.1. Time Limitation: A Regents' Scholarship recipient ~~[must]~~shall use the award in its entirety within five years after his/her high school graduation date.

7.2. Deferral or Leave of Absence~~[-]~~: A recipient shall apply for a deferral or leave of absence if they do not continuously enroll full-time.

7.2.1. Deferrals or leaves of absence may be granted, at the discretion of the Scholarship Review Committee, for military service, humanitarian/religious service, documented medical reasons, and other exigent reasons.

7.2.2. An approved deferral or leave of absence will not extend the time limits of the scholarship. The scholarship may only be used for academic terms which begin within five years after the recipient's high school graduation date.

7.3. No Guarantee of Degree Completion: Neither a Base ~~[A]~~award nor an Exemplary Academic Achievement ~~[A]~~award guarantees that the recipient will complete his or her ~~[A]~~associate or ~~[B]~~baccalaureate program within the recipient's scholarship eligibility period.

R765-609-8. Scholarship Determinations and Appeals.

8.1. Scholarship Determinations: Submission of a scholarship application does not guarantee a scholarship award. Individual scholarship applications will be reviewed, and award decisions made, at the discretion of a Scholarship Review Committee~~[-]~~. Awards are based on available funding, applicant pool, and applicants' completion of scholarship criteria. Each applicant will receive a letter informing the applicant of the decision on his/her application.

8.2. Appeals: Applicants ~~[may]~~and recipients have the right to appeal an adverse decision~~[-denial of the scholarship by submitting a written appeal to the USHE within 30 days of receipt of the decision letter.]~~

8.2.1. Appeals shall be (postmarked) within 30 days of date of notification by submitting a completed Appeal Application found on the program Web site.

8.2.2. An appeal filed before the applicant/recipient receives official notification from the Scholarship Review Committee regarding their application, will not be considered.

8.2.3. The appeal shall provide evidence that an adverse decision was made in error, such as that in fact, the applicant/recipient met all scholarship requirements and submitted all requested documentation by the deadline.

8.2.4. Appeals are not accepted for late document submission.

8.2.5. A submission of an appeal does not guarantee a reversal of the original decision.

8.2.6. It is the applicant/recipient's responsibility to file the appeal, including all supplementary documentation. All documents shall be mailed to the Regents' Scholarship address.

8.2.7. Appeals will be reviewed and decided by an appeals committee appointed by the Commissioner of Higher Education.~~[A list of required documents for an appeal is listed on the Regents' Scholarship Appeal Form.]~~

R765-609-9. Rules for Completing Course Work

9.1. Although a course may meet state and individual district high school graduation requirements, the course may not meet the scholarship requirements. If a required course is not taught at the school the student attends they can elect to enroll in the Utah Electronic High School, distance education concurrent enrollment, or a course offered at another accredited Utah high school or college. Course work found at additional online sources shall be from an accredited institution approved by the Board.

9.2. Applicants are required to complete the entire curriculum for a course. For example, if a course is designed to be taken as a full year or for one full credit, the student shall complete the entire course in order to have it count toward the completion of a requirement for the scholarship.

9.3. Course work that is "tested out" of is not accepted for the Regents' Scholarship.

9.4. In each content area, the courses completed shall be unique.

9.4.1. Students cannot take a standard course and then enroll in the honors version of the same class and count both toward meeting the credit requirement and, in cases, the requirement of progression.

9.4.2. Repeated course work does not count toward the credit fulfillment.

9.5. Weighted Grade: The grade earned in any course designated on the student's high school transcript as Advanced Placement (AP) or a college course concurrent enrollment shall be weighted (only if a college transcript is provided) according to the Scholarship Review Committee's standard procedures.

9.6. College Course Work: The Scholarship Review Committee reserves the right to apply a 3:1 ratio in relation to college course work. If an applicant enrolls in and completes a college course worth three or more college credits, this may be counted as one full credit toward the scholarship requirements. However, the student then is evaluated on the college grade earned, with weights added to the college grade earned.

KEY: higher education, scholarships, secondary education
Date of Enactment or Last Substantive Amendment: [July 15, 2010]2011
Authorizing, and Implemented or Interpreted Law: 53B-8-108

**Regents (Board of), University Of Utah,
 Administration
 R805-5
 Enforcement of No Smoking Areas at
 University of Utah Hospitals and Clinics**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34808

FILED: 05/12/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide patients, visitors, employees, and students, a smoke-free environment upon their entrance to University of Utah Hospitals and Clinics (UUHC) facilities. Prohibiting smoking within only 25 feet of entrances to UUHC facilities is often insufficient, as patients, visitors, employees, and students would often have to walk through clouds of smoke to get from their parking or drop-off spot to the front doors of the UUHC facility. Therefore, this rule identifies outdoor areas at UUHC facilities where smoking is prohibited, as well as designates outdoor areas where smoking is permitted.

SUMMARY OF THE RULE OR CHANGE: This proposed rule explains where persons may and may not smoke outside of facilities in the UUHC system. Specifically, this rule prohibits

individuals from smoking in an outdoor area of a UUHC facility, including parking garages, unless the outdoor area is designated by the UUHC facility as a designated smoking area. Designated smoking areas at UUHC facilities are equipped with signs indicating that smoking is permitted and are often beyond 25 feet from entrances. Persons failing to comply with this rule may be subject to administrative tickets and criminal citations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-38-1 et seq. and Section 53B-2-106 and Section 63G-4-102 and Section 76-6-206 and Sections 76-8-701 through 76-8-718

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule should not result in any additional costs or savings to the state budget. UUHC facilities will not require additional state funds to initiate and enforce this rule. Only individual persons who violate this rule may be subject to monetary penalties.

♦ **LOCAL GOVERNMENTS:** This rule should not result in any additional costs or savings to local governments. This rule applies to individual persons, not local governmental entities.

♦ **SMALL BUSINESSES:** This rule should not result in any additional costs or savings to small businesses because it applies to individuals, not small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** With the exception of persons who violate this rule (violators may be subject to monetary and nonmonetary penalties), persons other than small businesses, businesses, or local governmental entities should not incur any additional costs or savings as a result of this rule. This rule simply requires patients, visitors, employees, and students of UUHC facilities who wish to smoke outside of UUHC facilities to smoke in designated areas.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because violators of this rule may be subject to monetary fines by UUHC facilities and/or the State Department of Health, this rule would carry compliance costs for affected persons. UUHC facilities have not yet decided the exact amount of money their administrative tickets will carry.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should not be any fiscal impact on businesses as a result of this rule because it applies to individuals, not businesses.

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

REGENTS (BOARD OF)
 UNIVERSITY OF UTAH, ADMINISTRATION
 ROOM 309 PARK BLDG
 201 S PRESIDENTS CIR
 SALT LAKE CITY, UT 84112-9009
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Robert Payne by phone at 801-585-7002, by FAX at 801-585-7007, or by Internet E-mail at robert.payne@legal.utah.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: Robert Payne, Associate General Counsel

R805. Regents (Board of), University of Utah, Administration.
R805-5. Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics.

R805-5-1. Purpose.

1. To identify outdoor areas at University of Utah Hospitals and Clinics ("UUHC") facilities where smoking is prohibited.
2. To designate outdoor areas at UUHC facilities where smoking is permitted.
3. To set forth possible sanctions for persons who smoke in undesignated areas outside of UUHC facilities and the process for enforcement and discipline.

R805-5-2. Authority.

This rule is authorized by Sections 26-38-1 et seq., 53B-2-106, 63G-4-102, 76-6-206, and 76-8-701 through 76-8-718.

R805-5-3. Definitions.

1. "Designated smoking area" means an outdoor area equipped with signs indicating that smoking is permitted.
2. "Outdoor area" means the outdoor area of a UUHC facility, including parking garages, covered and uncovered parking lots, sidewalks, landscaping areas, and roadways of that UUHC facility.
3. "Smoke" or "Smoking" means the possession of any lighted tobacco product or activated electronic cigarette in any form.
4. "University of Utah Hospitals and Clinics facilities," "UUHC facilities," or "UUHC facility" means a facility or facilities in the University of Utah Health Care system, including, but not limited to, the University of Utah Hospital, Huntsman Cancer Hospital, University Orthopaedic Center, University Neuropsychiatric Institute, John A. Moran Eye Center, University of Utah Health Care Clinical Neurosciences Center, University of Utah Community Clinics, Utah Center for Reproductive Medicine, and the Utah Diabetes and Endocrinology Center.
5. "University property" means the University of Utah campus and any other property owned, operated, or controlled by the University of Utah and specifically includes the University of Utah's grounds, buildings, and roadways.

R805-5-4. Policy.

1. Established Utah Law

a. Subsection R392-510-9(1) prohibits smoking within 25 feet of any entrance-way, exit, open window, or air intake of publicly owned buildings, which includes UUHC facilities.

b. Section R392-510-4 authorizes UUHC facilities to prohibit smoking anywhere on their premises, including anywhere outdoors on their premises.

2. Further Prohibited Activities

a. No person may smoke in an outdoor area of a UUHC facility, including the 25 foot areas proscribed by current Utah law, unless the outdoor area is specifically designated by the UUHC facility as a designated smoking area.

R805-5-5. Enforcement and Sanctions.

1. Upon observing a person smoking in an outdoor area where smoking is prohibited, a UUHC official will request the person to extinguish the lighted tobacco product or deactivate the electronic cigarette and, where applicable, may take one or more of the following actions:

- a. Issue an administrative ticket to the person requiring the person to pay an administrative fee in an amount indicated on the ticket. Such administrative tickets are processed and settled through the UUHC facility.
- b. Issue a citation to the person for criminal trespass pursuant to Section 76-6-206.
- c. Issue the person a citation and temporary eviction from, and denial of access to, University property pursuant to Sections 76-8-701 through 76-8-718.
- d. Evict the person from, and deny the person access to, University property after an informal adjudicative proceeding pursuant to Rule R765-134.
- e. Seek a citation to the person by the State Department of Health pursuant to Section 26-38-9.
- f. University of Utah students, staff, and faculty may also be subject to disciplinary action pursuant to the applicable policies and procedures of the University of Utah Regulations Library.

KEY: smoke, smoking, public health

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, Implemented, or Interpreted Law: 26-38-1 et seq.; 53B-2-106; 63G-4-102; 76-6-206; 76-8-701 through 76-8-718

Transportation Commission,
Administration
R940-5
Approval of Highway Facilities on
Sovereign Lands

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34810

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is required by Section 72-6-303 to establish minimum guidelines for an application to construct a highway facility over sovereign lakebed lands.

SUMMARY OF THE RULE OR CHANGE: This rule establishes minimum guidelines for an application to construct a highway facility over sovereign lakebed lands. In order to ensure the process is as streamlined as possible, requirements have been outlined in two phases. The first is a preliminary review of the qualifications and financial resources of the proposer. The second is a final review of the qualifications and financial resources, and final review of the technical proposal. Requirements for each phase are outlined in the rule. Commission approval of a plan to construct a highway facility over sovereign lakebed lands does not constitute approval of an application to lease state lands. Issuance of a surface lease is determined solely by the Division of Forestry, Fire and State Lands.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-6-303

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because any proposal for this type of project is required to be entirely funded by the proposer. Any cost incurred by any state agency will be reimbursed by the proposer through agreement prior to commencing work. The proposer is required to demonstrate the ability to operate and maintain the proposed facility.
- ◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because any proposal for this type of project is required to be entirely funded by the proposer. Any cost incurred by any local government will be reimbursed by the proposer through agreement prior to commencing work. The proposer is required to demonstrate the ability to operate and maintain the proposed facility.
- ◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because any proposal for this type of project is required to be entirely funded by the proposer.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local governmental entities because any proposal for this type of project is required to be entirely funded by the proposer.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only affected persons are proposers that must incur the costs to meet the requirements of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses other than on a proposer because any proposal for this type of project is required to be entirely funded by the proposer.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 07/08/2011

AUTHORIZED BY: John Njord, Executive Director

**R940. Transportation Commission, Administration.
 R940-5. Approval of Highway Facilities on Sovereign Lands.
 R940-5-1. Authority.**

This rule is required by Section 72-6-303 and is enacted under the authority of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

R940-5-2. Purpose.

(1) This rule establishes minimum guidelines for the Commission to consider when reviewing a proposed plan to construct a highway facility over sovereign lakebed lands as part of an application to lease sovereign land through the Division of Forestry, Fire and State Lands of the Department of Natural Resources, as provided in Section 65A-7-5.

(2) When considering a proposed plan to construct a highway facility over sovereign lakebed lands, it is the obligation of the Utah Transportation Commission to safeguard the public interest by thoroughly evaluating the financial viability of the project to ensure the project can be constructed and completed as proposed, that the project can be completed within the proposed time frame, to ensure the long-term viability and operability of the project by the proposer; and to ensure that the facility is safe and meets current engineering standards for design, construction, operation, and maintenance.

(3) Commission approval of a plan to construct a highway facility over sovereign lakebed lands does not constitute approval of an application to lease state lands by the Division of Forestry, Fire and State Lands as provided under Section 65A-7-5. Issuance of surface leases of state lands is determined separately under a process determined by the Division of Forestry, Fire and State Lands as provided under state law and administrative rule.

R940-5-3. Definitions.

Except as otherwise stated in this rule, terms used in this rule are defined in Section 72-6-302. The following additional terms are defined for this rule.

(1) "Commission" means the Utah Transportation Commission, created in Section 72-1-301.

(2) "Department" means the Utah Department of Transportation, created in Section 72-1-101.

(3) "Proposed plan" means a plan submitted by a private entity to the Commission for approval to construct a highway facility over sovereign lakebed lands.

(4) "Proposer" means the private entity that submits an application to the Commission.

R940-5-4. Submission of Proposed Plan and Application.

(1) The Commission may accept delivery of a proposed plan to construct a highway facility over sovereign lakebed lands as part of an application to lease sovereign land through the Division of Forestry, Fire and State Lands.

(2) The proposer must submit a minimum of 20 copies of the proposed plan to the Commission.

(3) The proposed plan must be submitted to the Commission in a format that corresponds to the required information contained within this rule and must contain the specific information requested under this rule. Any supporting documentation not required under this rule may be submitted in an appendix.

R940-5-5. Preliminary Review of the Qualifications and Financial Resources of the Proposer.

(1) The Commission will conduct a preliminary review of the proposed plan to determine the qualifications and financial resources of the proposer.

(2) The proposer must submit the following information:

(a) a description of the legal structure of the proposer, including equity ownership structure of the entity;

(b) information on third-party consultants (five page limit per entity), including investment bankers, lawyers, engineers, traffic consultants and other entities that will provide information necessary for the submission of the proposed plan. Consultant information must include the contact information, experience and a brief biography of each individual consultant, and must describe the prior experience of similar projects for each consulting firm (the submission must contain a letter, printed on company letterhead and signed by an officer of the respective firm, stating that the firm has been retained by the proposer to do the scope of work required and detail the elements of the said scope);

(c) a maximum two-page description of the physical elements of the proposed project;

(d) a maximum two-page description of the permitting and environmental elements of the proposed project;

(e) a maximum five-page description of the funding and finance plan for the proposed project;

(f) an explanation of whether the proposer plans to own the asset for at least the first 10 years of the operation. If not, provide a description of the proposer's plan to transfer or otherwise sell part or all of the asset to other entities;

(g) information describing the financial strength of the proposer, including:

(i) a comprehensive budget for the preliminary developmental elements of the proposed project, including but not limited to:

(A) preliminary design and engineering (30 percent);

(B) traffic and revenue study;

(C) financial plan and pro-formas for the life of the project;

(D) independent engineer's report;

(E) permitting and other preliminary environmental work;

(F) proposer staff budget, including a list of the staff members and proposed budget;

(G) an estimate of the cost to review the proposed plan by the Utah Department of Transportation; and

(H) a timeline of the aggregated development budget payments, including all elements required through financial close;

(ii) proof of financial sufficiency showing that the proposer's corporate entity has sufficient funds to pay for the items listed in the comprehensive development budget and at the required times shown in the budget timeline. If development funds are to come from third parties, present proof of financial sufficiency for those entities;

(h) a statement whether the proposer will indemnify the state and what resources are at the proposers disposal to backstop the indemnification;

(i) terms the proposer seek from the state for the sovereign state lands impacted by the proposed plan;

(j) the type and amount of insurance that will be carried by the proposer.

R940-5-6. Final Review of Final Statement of Qualifications and Financial Resources, and Final Review of Technical Proposal.

(1) As specified under section 72-6-303, the proposer must submit the following information:

(a) a map indicating the location and legal description of the highway facility and all proposed interconnections with other highway facilities;

(b) a description of the highway facility, including the conceptual design of the highway facility and a statement whether the facility will be operated and maintained as a tollway facility;

(c) a list of the major permits and approvals required for developing or operating improvements to the highway facility from local, state or federal agencies and a projected schedule for obtaining the permits and approvals;

(d) a description of the types of public utility facilities, if any, that will be crossed by the highway facility and a statement of the plans to accommodate the crossing;

(e) a description of the types of public utilities used, carried, or accommodated by the highway facility and a statement of the plans to use, carry or accommodate the public utilities;

(f) an estimate of the design and construction costs of the highway facility;

(g) a statement setting forth the private entity's general plans for constructing, operation, and maintaining the highway facility, including:

(i) the proposed date for development, operation, or both of the highway facility ;

(ii) the proposed term of the lease over sovereign lakebed lands; and

(iii) a demonstration by the private entity that the proposed plan is financially viable;

(h) the names and addresses of the persons who may be contacted for further information concerning the highway facility application.

(i) demonstration that the proposed highway facility is contained within the long-range highway plan prepared by the Department or by a metropolitan planning organization, including the visionary long-range highway plan.

(j) a statement whether or how the highway facility can safely accommodate recreational fishing or other recreational activities on the highway facility.

(2) The commission also requires the following information:

(a) a copy of the agreement entered into by the Department and the proposer, pursuant to Section 72-6-303, demonstrating that the proposed construction plan meets engineering and design standards specified by the Department, including authorization for the Department to assure the safety of the design, construction, operation, and maintenance of the facility;

(b) proof of a performance bond issued for the project pursuant to the provisions of Section 63G-6-505 and 507;

(c) verification of executed steps identified in the funding and finance plan required and submitted as part of the Preliminary Review required under R940-5-5 necessary to complete proof of financial strength of the proposed plan (for example, if the funding and finance plan submitted under the Preliminary Review states that the proposer would have a letter of credit available for a portion of the funding and financing plan, and the proposer had demonstrated during the Preliminary Review that such proof is available, the Commission will likely require the letter of credit executed and delivered as part of Final Review required under this part);

(d) final submission of information requested by the Commission under the Preliminary Review; and

(e) any additional information required by the Commission and posted by the Commission on the Department's website necessary to determine the feasibility and financial viability of the proposal.

R940-5-7. Review of Proposal.

(1) As part of the Commission review of a proposed plan to construct a highway facility over sovereign lakebed lands, the Commission will consider the public interest to ensure the proposed plan is feasible, financially viable, and that the facility is safe by meeting current engineering standards. At the same time, the Commission will provide timely review of the proposed plan to help meet business time lines and provide greater certainty for the proposer.

(2) The Commission reserves the right to require or permit the proposer to submit revisions, clarifications, or supplementals of the proposal during the review process.

(3) The Commission may appoint a committee of its members to evaluate a proposal for recommendation to the full Commission.

(4) The Commission shall consider recommendations made by the Department, including whether the highway construction plan contained within the proposal meets engineering and design standards outlined in an agreement entered into by the Department and the proposer.

(5) The Commission may, at any time in its sole discretion, refuse to review an application if the proposal fails to meet the guidelines established in Section 72-6-303 and this rule.

R940-5-8. Approval of Proposed Plan.

(1) The Commission shall not approve any proposal until the proposer has entered into an agreement with the Department as required in Section 72-6-303.

(2) If the Commission approves a proposal:

(a) a notice will be given to the proposer;

(b) the notice will be posted on the Department's website; and

(c) a copy of the notice will be given to the Division of Forestry, Fire and State Lands.

KEY: highway, construction, lakebed, sovereign lands

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implementing or Interpreted Law: 72-6-303

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-Day (EMERGENCY) RULE** when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-Day RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-Day RULE** including the name of a contact person, justification for filing a **120-Day RULE**, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-Day RULE** is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A **120-Day RULE** is effective for 120 days or until it is superseded by a permanent rule.

Because **120-Day RULES** are effective immediately, the law does not require a public comment period. However, when an agency files a **120-Day RULE**, it usually files a **PROPOSED RULE** at the same time, to make the requirements permanent. Comments may be made on the **PROPOSED RULE**. Emergency or **120-Day RULES** are governed by Section 63G-3-304; and Section R15-4-8.

Administrative Services, Facilities Construction and Management **R23-23**

Health Reform - Health Insurance Coverage in State Contracts - Implementation

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34801

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to comply with the new provisions of Section 63A-5-205 enacted by H.B. 128 of the 2011 General Session and state statutes. (DAR NOTE: H.B. 128 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: H.B. 128 of the 2011 General Session amended the benchmark requirements for health insurance coverage in state contracts. Other changes to the rule are to comply with state statutes. (DAR NOTE: A corresponding proposed amendment is under DAR No. 34803 in this issue, June 1, 2011, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-205

EMERGENCY RULE REASON AND JUSTIFICATION:
REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: The specific reason an emergency rule process is needed is the bill requires the rule to be in effect on 05/10/2011. The regular rulemaking process would not allow for the rule to be in effect before the required date. In order to comply with the bill, an emergency rulemaking process is required.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Enactment of this change may indirectly increase the cost of state construction projects depending on the contractor. The extent of such increases is currently unknown.

◆ **LOCAL GOVERNMENTS:** No cost or savings are anticipated for local governments with this amendment to the rule. No new requirements were created with this change that impact local governments.

◆ **SMALL BUSINESSES:** Enactment of this amendment to the rule may result in certain cost increases to private contractors, but may benefit individuals working for such contractors. Enactment of this change to the rule likely will not result in direct, measurable costs and/or benefits for small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No cost or savings are anticipated for persons other than small businesses, businesses, or local government entities with this amendment to the rule. No new requirements were created with this change to the rule that impact local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To the extent there may be cost increases to contractors, it is highly likely that such cost increases will be passed on as part of the costs of the contract that the state pays. The statute already provides the requirements that may cause cost increases. The change to the rule does not add to these cost increases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated, the statute itself created any fiscal impacts. The change to this rule does not add additional burdens than already provided by the statute. This rule by itself will not have a fiscal impact on businesses because it merely reiterates the statutory requirements.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
◆ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at cniederhauser@utah.gov
◆ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at phanderson@utah.gov

EFFECTIVE: 05/10/2011

AUTHORIZED BY: D. Gregg Buxton, Director

R23. Administrative Services, Facilities Construction and Management.

R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.

R23-23-3. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-205.

(2) In addition:

(a) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(b) "Director" means the Director of the Division, including, unless otherwise stated, the Director's duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Employee(s)" ~~[is as defined in Subsection 63A-5-205(1)(c) and includes only those employees that live and/or work in the State of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than the use of the term employee for purposes of State of Utah Workers'~~

~~Compensation laws along with their dependents.] means an "employee," "worker," or "operative" as defined in Section 34A-2-104 who:~~

~~(i) works at least 30 hours per calendar week; and~~

~~(ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 90 days from the date of hire.~~

(e) "State" means the State of Utah.

R23-23-4. Applicability of Rule.

(1) Except as provided in Subsection R23-23-4(2) below, this Rule R23-23 applies to all design or construction contracts entered into by the Division or the Board on or after July 1, 2009, and

(a) applies to a prime contractor if the prime contract is in the amount of \$1,500,000 or greater; and

(b) applies to a subcontractor if the subcontract is in the amount of \$750,000 or greater.

(2) This Rule R23-23 does not apply if:

(a) the application of this Rule R23-23 jeopardizes the receipt of federal funds[;];

(b) the contract is a sole source contract[;]; or

(c) the contract is an emergency procurement.

(3) This Rule R23-23 does not apply to a change order as defined in Section 63G-6-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R23-23-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

R23-23-7. Requirements and Procedures a Contractor Must Follow.

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 63A-5-205.

(1) Demonstrating Compliance with Health Insurance Requirements. The following requirements must be met by a contractor (including consultants, designers and others under contract with the Division) that is subject to the requirements of this Rule no later than the time the contract is entered into or renewed:

(a) demonstrate compliance by a written certification to the Director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees and the employee's dependents; and

(b) The contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors (including subconsultants) at any tier that is subject to the requirements of this Rule.

(2) Recertification. The Director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination

required by Subsection[s] 63A-5-205(1)(c)(i) and (iii)] and defined in Section 26-40-115 is met by the contractor if the contractor provides the Director with a written statement of actuarial equivalency from either the Utah Insurance Department; an actuary selected by the contractor or the contractor's insurer; or an underwriter who is responsible for developing the employer group's premium rates.

For purposes of this [Subsection]Rule R23-23-7(3), actuarially equivalency is achieved by meeting or exceeding[any of the following:

~~(a) As] the requirements of Section 26-40-115 which are also delineated on the DFCM website at <http://dfcm.utah.gov/downloads/Health%20Insurance%20Benchmark.pdf>], a health benefit plan and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan determined by the Children's Health Insurance Program under Subsection 26-40-106(2)(a), and a contribution level of 50% of the premium for the employee and the dependents of the employee who reside or work in the State, in which:~~

~~(i) The employer pays at least 50% of the premium for the employee and the dependents of the employee who reside or work in the State; and~~

~~(ii) for purposes of calculating actuarial equivalency under this Subsection R23-23-7(3)(a):~~

~~(A) rather than the benchmark plan's deductible, and the benchmark plan's out of pocket maximum based on income levels, the deductible is \$750 per individual and \$2,250 per family; and the out-of-pocket maximum is \$3,000 per individual and \$9,000 per family;~~

~~(B) dental coverage is not required; and~~

~~(C) other than Subsection 26-40-106(2)(a), the provisions of Section 26-40-106 do not apply; or~~

~~(b)(i) is a federally qualified high deductible health plan that, at a minimum, has a deductible that is either;~~

~~(A) the lowest deductible permitted for a federally qualified high deductible health plan; or~~

~~(B) a deductible that is higher than the lowest deductible permitted for a federally qualified high deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified high deductible plan and the deductible for the employer offered federally qualified high deductible plan;~~

~~(ii) an out of pocket maximum that does not exceed three times the amount of the annual deductible; and~~

~~(iii) under which the employer pays 75% of the premium for the employee and the dependents of the employee who work or reside in the State.]~~

(4) The health insurance must be available upon the first day of the calendar month following [the initial]ninety (90) days from the date of hire.

(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to this Rule must demonstrate compliance with this Rule in any annual submittal under Section 63G-6-702. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(6) General (Prime) Contractors Compliance Process. Contractors that are subject to this Rule must demonstrate compliance with this Rule for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.

(7) Notwithstanding any prequalification process, any contract subject to this Rule shall contain a provision requiring compliance with this Rule from the time of execution and throughout the duration of the contract.

(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under this Rule conducted by the Board or the Division shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be imposed by Board or Division.

The penalties that may be imposed by the Board or the Division if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of this Rule R23-23, may include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6-804 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50 percent of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c)(i) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who intentionally violates the provisions of this rule shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.

(ii) An employer has an affirmative defense to a cause of action under Subsection R23-23-7(8)(c)(i) as provided in Subsection 63A-5-205(3)(g)(ii).

KEY: health insurance, contractors, contracts, contract requirements

Date of Enactment or Last Substantive Amendment: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 63A-5-103(1)(e); 63A-5-205

Human Services, Child and Family
Services
R512-205
Child Protective Services, Investigation
of Domestic Violence Related Child
Abuse

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34778

FILED: 05/05/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This emergency rule is necessary to bring the Division of Child and Family Services into compliance with H.B. 453, passed during the 2011 General Legislative Session. (DAR NOTE: H.B. 453 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule establishes criteria for investigation of an allegation of Domestic Violence Related Child Abuse and the basis upon which a supported finding will be made. (DAR NOTE: A corresponding proposed new Rule R512-205 is under DAR No. 34779 is this issue, June 1, 2011, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-4a-102 and Section 62A-4a-105 and Section 76-5-109.1

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: H.B. 453, passed during the 2011 General Legislative Session authorizes the Division of Child and Family Services to investigate allegations of Domestic Violence Related Child Abuse to the extent defined by rule on or before 05/10/2011. This rule is established in response to this legislation.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Estimated cost for Child and Family Services is \$260,800 in general funds.

◆ **LOCAL GOVERNMENTS:** No fiscal impact--This rule specifies criteria pertaining to Child and Family Services investigation for a specific allegation of domestic violence related child abuse pertaining to a specific child. This rule does not require any action by local government and does not impact any formal relationship or interaction between Child and Family Services and local governments.

◆ **SMALL BUSINESSES:** No fiscal impact--This rule specifies criteria pertaining to Child and Family Services investigation for a specific allegation of domestic violence related child abuse pertaining to a specific child. This rule does not

require any action for small businesses and does not apply to any business relationship or interaction between Child and Family Services and small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No fiscal impact--This rule specifies criteria pertaining to Child and Family Services investigation for a specific allegation of domestic violence related child abuse pertaining to a specific child. This rule does not require any action that would result in costs or savings for persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Affected persons are not required to pay fees or other costs for investigations conducted by Child and Family Services. Affected persons may experience indirect or non-financial costs, such as impact on personal time during the investigation.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

EFFECTIVE: 05/10/2011

AUTHORIZED BY: Brent Platt, Director

R512. Human Services, Child and Family Services.

R512-205. Child Protective Services, Investigation of Domestic Violence Related Child Abuse.

R512-205-1. Purpose and Authority.

(1) The purpose of this rule is to establish criteria for investigation of an allegation of Domestic Violence Related Child Abuse and the basis upon which a supported finding will be made.

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

R512-205-2. Definitions.

(1) "Cohabitant" has the same meaning as in Section 78B-7-102.

(2) "Dangerous weapon" has the same meaning as in Section 76-1-601.

(3) "Child and Family Services" means the Department of Human Services, Division of Child and Family Services.

(4) "Domestic violence" has the same meaning as in Section 77-36-1.

(5) "Domestic Violence Related Child Abuse" means domestic violence between cohabitants in the presence of a child. It may be an isolated incident or a pattern of conduct.

(6) "In the presence of a child" has the same meaning as in Section 76-5-109.1.

(7) "Serious bodily injury" has the same meaning as in Section 76-1-601.

(8) "Substantial bodily injury" has the same meaning as in Section 76-1-601.

R512-205-3. Administrative Findings.

(1) The commission of acts of domestic violence in the presence of a child is child abuse, because it results in non-accidental harm or threatened harm to the child. Such abuse is subject to the reporting statute (Section 62A-4a-403).

(2) Research establishes that exposure to domestic violence causes emotional or developmental harm or threatened harm to children, which may later be manifested in behavioral problems, increased risk of drug or alcohol abuse, increased risk of becoming perpetrators or victims of abuse, or in emotional disorders such as post-traumatic stress disorder.

(3) Exposure to domestic violence may also threaten a child with physical harm.

(4) Awaiting the manifestation of emotional or developmental harm does not protect children from such harm, and early intervention is required to mitigate and prevent further harm.

(5) Accordingly, establishing the commission of an act of domestic violence in the presence of a child shall be sufficient to establish Domestic Violence Related Child Abuse, without any further evidence of harm.

(6) The primary responsibility to investigate allegations of Domestic Violence Related Child Abuse as defined in Section 76-5-109.1 lies with law enforcement, and Child and Family Services has no responsibility to investigate domestic violence in the presence of a child as described in that section, except as provided in this rule (see Section 62A-4a-105(6)).

R512-205-4. Investigation.

(1) An allegation of Domestic Violence Related Child Abuse, that meets all other requirements for acceptance, shall be accepted by Child and Family Services for investigation if it is alleged that a child was physically present or saw or heard an incident of domestic violence and:

(a) The alleged perpetrator used or threatened to use a dangerous weapon; or

(b) The alleged perpetrator threatened to cause substantial or serious bodily injury; or

(c) The alleged victim sustained substantial or serious bodily injury; or

(d) There is a pattern of two or more CPS investigations of Domestic Violence Related Child Abuse within the previous two years; or

(e) Another allegation of abuse, neglect, or dependency is being accepted or is in the process of being investigated.

R512-205-5. Investigation Findings.

(1) Upon completion of an investigation of Domestic Violence Related Child Abuse, a supported finding may be based upon the definitions of this rule.

KEY: child abuse, domestic violence

Date of Enactment or Last Substantive Amendment: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 62A-4a-102; 62A-4a-105; 76-5-109.1

Public Safety, Fire Marshal **R710-2** Rules Pursuant to the Utah Fireworks Act

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34835

FILED: 05/16/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: On 05/10/2011, the Utah Fire Prevention Board met in a regularly scheduled Board meeting and made several amendments to Rule R710-2. The Board voted by unanimous motion to delete two incorporated references, add two definitions, eliminate the need for an approved fireworks list, eliminate the testing requirement of fireworks, add some requirements for the display, sale and signage of aerial fireworks devices, and make some further some adjustments to clarify the intent of the rule.

SUMMARY OF THE RULE OR CHANGE: The Fire Prevention Board proposes by rule amendment to change the following: 1) in Subsections R710-2-1(1.5) and (1.6), the Board proposes to eliminate the usage of two sets of codes incorporated by reference; 2) in Subsections R710-2-2(2.2) and (2.3), the Board proposes to adopt two new definitions to define "aerial device" and "covered fuse"; 3) in Subsections R710-2-3(3.12) and (4.4), the Board proposes to move a requirement from indoor sales to general requirements so the requirement covers all sales venues rather than just indoor sales; 4) in Section R710-2-6, the Board proposes to strike the section that required the approved list of fireworks and the testing of fireworks to make the list; 5) in Section R710-2-6, the Board proposes to recreate Section R710-2-6 and establish the requirements to display and sell aerial devices and also to establish signage requirements; and 6) in Subsection R710-2-7(7.12.2), the Board proposes to enter

the Artisan and Performer Safety Standard Manual that was prepared by the State Fire Marshal to assist those that will be testing for certification. (DAR NOTE: The proposed amendment to Rule R710-2 is under DAR No. 34809 in this issue, June 1, 2011, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

EMERGENCY RULE REASON AND JUSTIFICATION:
REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.
JUSTIFICATION: The fireworks season and the allowance to sell and discharge fireworks begins on 06/26/2011, and goes for 31 days. With the passage of H. B. 22 in the 2011 General Session, it made significant changes in the adopted fireworks law. With the enactment of the legislation on 05/10/2011, the Utah Fire Prevention Board was charged by the legislature to establish safe selling and handling procedures especially with the allowance to ignite cake fireworks that go as high as 150 feet in the air. The regular rule filing amendments will not go into effect until 07/08/2011. To eliminate imminent peril to the public health, safety or welfare, and to provide public safety for the citizens of the State of Utah, the immediate enactment of these changes must be completed before the 07/08/2011 enactment of the regular rule filing amendments. (DAR NOTE: H.B. 22 (2011) was effective 05/10/2011.)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There would be no aggregate anticipated cost to the state budget but there would be an aggregate anticipated savings to the state budget with the removal of the annual testing requirement and the removal of the annual approved fireworks list. With the passage of H. B. 22, in the 2011 General Session, these two requirements are no longer needed to fulfill the intent of the statute.
- ◆ LOCAL GOVERNMENTS: There would be no aggregate anticipated cost to local government but there would be an aggregate anticipated savings to local government due to the removal of the requirement that the fireworks stands, tents and retail facilities would have to be inspected each year, to make sure the only fireworks items for sale were listed on the approved fireworks list.
- ◆ SMALL BUSINESSES: There would be an aggregate anticipated cost to small businesses to enact this rule due to the requirement to have the newly allowed aerial fireworks devices separated from the public by a physical barrier that would require an employee to assist the customer in the purchasing of the aerial firework devices. Depending on the process the retailer uses when selling aerial device fireworks would determine the aggregate anticipated cost. Without the exact knowledge of how each retailer would provide the needed service, it is impossible to compute an exact aggregated cost to this issue.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The major effect for the implementation of the proposed amendments to this rule is the requirement that the aerial

firework devices be physically separated from the other types of fireworks. It requires that an employee be present to assist in the procuring of aerial device fireworks in retail facilities to include tents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be a compliance cost for affected persons to sell aerial devices by the requirement in the rule that an employee would be required to interact with the customer that wishes to purchase aerial fireworks. The allowance has been removed that would permit the customer to purchase aerial firework devices with having person-to-person contact with the employee to inform the customer of the increased hazard to discharge these types of fireworks.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There would be a fiscal impact to retailers that decide to sell aerial fireworks by having to involve store employees when the customer wishes to procure those aerial fireworks devices. The rule would require that the aerial devices would have to be physically separated so that the customer would have to seek assistance from the employee to secure aerial devices. If the store decided to not sell aerial devices there would be no fiscal impact on businesses.

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

PUBLIC SAFETY
FIRE MARSHAL
ROOM 302
5272 S COLLEGE DR
MURRAY, UT 84123-2611
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Brent Halladay by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

EFFECTIVE: 05/17/2011

AUTHORIZED BY: Brent Halladay, State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-2. Rules Pursuant to the Utah Fireworks Act.

R710-2-1. Adoption.

Pursuant to Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, the Utah Fire Prevention Board adopts rules establishing minimum safety standards for retail storage, handling, and sale of class C common state approved explosives indoor or outdoor; ~~[providing a list of approved class C common state approved fireworks for retail sale;]~~ and requirements for licensing of importer, wholesaler, display operator, special effects operator, flame effects operator, and flame effect performing artist.

There is further adopted as part of these rules the following codes which are incorporated by reference:

- 1.1 International Fire Code (IFC), 2009 edition, as published by the International Code Council, Inc. (ICC), and as

enacted and amended by the Utah State Legislature in Sections 102 and 201 of the State Fire Code Adoption Act.

1.2 National Fire Protection Association (NFPA), Standard 1123, Code for Fireworks Display, 2006 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-10, et seq.

1.3 National Fire Protection Association (NFPA), Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, 2006 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-10, et seq.

1.4 National Fire Protection Association (NFPA), Standard 160, Standard for the Use of Flame Effects Before an Audience, 2011 edition, as published by the National Fire Protection Association, except as amended by provisions listed in R710-2-10, et seq.

~~1.5 North American Fire Arts Association (NAFAA), Performer Safety Guidelines, Revision 2.1, updated July 5, 2005, as published by the North American Fire Arts Association, except as amended by provisions listed in R710-2-10, et seq.~~

~~1.6 Incendiary Circus, Safety Manual, September 2006, as published by the Incendiary Circus, LLC, except as amended by provisions listed in R710-2-10, et seq.~~

] 1.[7]5 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal's Office.

R710-2-2. Definitions.

2.1 "Authority having jurisdiction (AHJ)" means such county and municipal officers who are charged with the enforcement of state and municipal laws; consisting of all fire enforcement officials including designated staff from the Utah State Department of Public Safety.

2.2 "Aerial device" means a cake that is a collection of mine/shell tubes that has a single covered fuse which is used to light several tubes in sequence. A cake may also be defined as an aerial repeater or multi-shot aerial and does not exceed more than 500 grams of pyrotechnic composition.

2.3 "Covered fuse" means a fuse or designed point of ignition that is protected against accidental ignition by contact with a spark, smoldering item or small open flame.

2.[2]4 "Flame Effects" means Flame Effects Operator or Flame Effects Performing Artist.

2.[3]5 "Flame Effects Performing Artist" means a fire spinner, fire dancer or fire performer who is paid to perform professionally in a public location.

2.[4]6 "ICC" means International Code Council, Inc.

2.[5]7 "IFC" means International Fire Code.

2.[6]8 "Licensed Operator" means any person who discharges, ignites, supervises, manages, oversees or directs the discharge of display fireworks, special effects fireworks, flame effects or flame effects performing artist.

2.[7]9 "NAFAA" means the North American Fire Arts Association.

2.[8]10 "NFPA" means National Fire Protection Association.

2.[9]11 "Permanent structure" means a non-movable building, securely attached to a foundation, housing a business.

2.[10]12 "Person" means an individual, company, partnership or corporation.

2.[11]13 "Pre-packaged means that the product is wrapped in a clear plastic wrap or other equivalent material to prevent the fuse of the class C common state approved explosive from being accessible to the customer.

2.[12]14 "Resale" means the act of reselling class B or C explosives to a new party.

2.[13]15 "SFM" means the State Fire Marshal.

2.[14]16 "Tent" means a temporary structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects.

2.[15]17 "Temporary Stands and Trailers" means a non-permanent structure used exclusively for the sale of fireworks.

2.[16]18 "UCA" means Utah Code Annotated.

R710-2-3. General Requirements.

3.1 No person shall engage in any type of retail storage or sale of class C common state approved explosives, without first having obtained a license to sell fireworks from the authority having jurisdiction, if required.

3.2 If a municipality or county in which fireworks are offered for sale, requires a seller to obtain a license, it shall be available at the store or stand for presentation upon request to authorized public safety officials.

3.3 All fireworks retail sales locations shall be under the direct supervision of a responsible person who is 18 years of age or older.

3.4 Those selling fireworks at retail sales locations shall be at least 16 years of age or older.

3.5 A salesperson shall remain at the sales location at all times unless suitable locking devices or secured metal storage containers are provided to prevent the unauthorized access to the merchandise by others.

3.6 Class C common state approved explosives shall not be sold to any person under the age of 16 years, unless accompanied by an adult.

3.7 All retail sales locations shall be kept clear of dry grass or other combustible material for a distance of at least 25 feet in all directions.

3.8 Storage of class C common state approved explosives shall not be located in residences to include attached garages.

3.9 "No Smoking" signs shall be conspicuously posted at all sales and storage locations.

3.10 A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks.

3.11 All retail sales locations shall be equipped with an approved, portable fire extinguisher having a minimum 2A rating.

3.12 Class C common state approved explosives shall only be stored, handled, displayed, and sold as packaged units with covered fuses.

R710-2-4. Indoor Sales.

4.1 Display of class C common state approved explosives inside of buildings shall be so located to ensure constant visual supervision.

4.2 In all retail sales locations in permanent structures, the area where class C common state approved explosives are displayed or stored shall be at least 50 feet from any flammable liquid or gas, or other highly combustible material.

4.3 In permanent structures, retail sales displays of Class C common state approved explosives shall not be placed in locations that would impede egress from the building.

~~4.4 Class C common state approved explosives shall only be stored, handled, displayed, and sold as packaged units, with unexposed fuses, within a permanent structure.~~

4.~~5~~⁴ Display of Class C common state approved explosives inside of buildings protected throughout with an automatic fire sprinkler system shall not exceed 25 percent of the area of the retail sales floor or exceed 600 square feet, whichever is less.

4.~~6~~⁵ Display of Class C common state approved explosives inside of buildings not protected with an automatic fire sprinkler system shall not exceed 125 pounds of pyrotechnic composition. Where the actual weight of the pyrotechnic composition is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

4.~~7~~⁶ Display of Class C common state approved explosives inside of buildings shall not exceed a height greater than six feet above the floor surface.

4.~~8~~⁷ Rack storage of Class C common state approved explosives inside of buildings is prohibited.

~~[R710-2-6. List of Approved Class C Common State Approved Explosives.~~

~~6.1 The State Fire Marshal shall test and approve any Class C common state approved explosive before it is placed on the approved list as required in UCA 53-7-222(1).~~

~~6.2 The State Fire Marshal shall publish a list of approved class C common state approved explosives each year as required in UCA 53-7-222(1)(b).~~

~~6.3 The testing shall be conducted annually or as needed.~~

~~6.4 Any firework that bears the "California State Fire Marshal Safe and Sane Registered Fireworks Seal" is exempted from the testing process and can be placed on the approved list.~~

~~[R710-2-6. Display, Sale, and Signage of Aerial Devices.~~

~~6.1 In addition to those requirements in R710-2-3, R710-2-4 and R710-2-5, all aerial devices shall be packaged and displayed for sale in a manner that would provide public safety by completing the following:~~

~~6.1.1 Aerial devices shall be placed in an area that is physically separated from the public so that the customer cannot handle the aerial devices without the assistance of an employee. There shall be signage placed at the aerial device display directing customers that aerial devices cannot be attained without the assistance of a store employee.~~

~~6.1.2 Where aerial devices are sold in permanent structures or other approved locations, the aerial device display shall be placed in a location that gives the customer access to the aerial devices just before the customer checks out and exits the store.~~

~~6.1.3 Wherever aerial devices are sold, there shall be signage with a minimum font of one inch, to warn and inform the customer of the dangers of aerial devices and the signage shall state the following:~~

~~6.1.3.1. Aerial fireworks are designed to travel up to 150 feet into the air and then explode.~~

6.1.3.2 Aerial fireworks shall be placed on a hard level surface outdoors, in a clear and open area prior to ignition.

6.1.3.3 Anyone under the age of 16 shall not handle or operate aerial fireworks.

6.1.3.4 Ignition of aerial fireworks shall be a minimum of 30 feet from any structure or vertical obstruction.

6.1.3.5 Aerial fireworks shall not be ignited within 150 feet of the point of sale.

6.1.3.6 Please read and obey all safe handling instructions before using aerial fireworks."

R710-2-7. Display Operator, Special Effects Operator, Flame Effects Operator, or Flame Effects Performing Artist Licenses.

7.1 Application for a display operator, special effects operator, flame effects operator, or flame effects performing artist license shall be made in writing on forms provided by the SFM.

7.2 Application for a license shall be signed by the applicant.

7.3 Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Original licenses issued on or after October 1st, will be valid through December 31st of the following year.

7.4 Application for renewal of license shall be made before January 1st of each year. Application for renewal shall be made in writing on forms provided by the SFM.

7.5 The SFM may refuse to renew any license pursuant to Section 9 of these rules. The applicant, upon such refusal, shall also have those rights as are granted by Section 9 of these rules.

7.6 Every licensee shall notify the SFM, in writing, within thirty (30) days, of any change of his address or location.

7.7 No licensee shall conduct his licensed business under a name other than the name which appears on his license.

7.8 No license shall be issued to any person as licensee who is under twenty-one (21) years of age.

7.9 The holder of any license shall submit such license for inspection upon request of the SFM, his duly authorized deputies, or any authorized enforcement official.

7.10 The applicant shall indicate on the application which license the applicant wishes to apply for:

7.10.1 Display Operator

7.10.2 Special Effects Operator

7.10.3 Flame Effects Operator

7.10.4 Flame Effects Performing Artist

7.11 Every person who wishes to secure a display licensed operator, special effects licensed operator, or flame effects licensed operator original license shall demonstrate proof of competence by:

7.11.1 Successfully passing an open book written examination and obtaining a minimum grade of seventy percent (70%).

7.11.2 The applicant is allowed to use the statute, the administrative rule, and the NFPA standard that applies to the certification examination.

7.11.3 Submit written verification with the application of having completed a display operators safety class, a special effects operators safety class, a flame effects operator safety class or demonstrate previous experience acceptable to the SFM.

7.11.4 Submit written verification with the application that the applicant has worked with a licensed display operator,

special effects operator, or a flame effects operator for at least three shows or demonstrate previous experience acceptable to the SFM.

7.12 Every person who wishes to secure an original flame effects performing artist operator license shall demonstrate proof of competence by:

7.12.1 Successfully passing an open book written examination and obtaining a minimum grade of seventy percent (70%).

7.12.2 The applicant is allowed to use the statute, the administrative rule, NFPA 160, ~~[the NAFAA Performer Safety Guidelines, and the Incendiary Circus Safety Manual]~~ and the Artisan and Performer Safety Standards prepared by the SFM.

7.12.3 Submit written verification with the application of having received a flame effects performing artist safety class or demonstrate previous experience acceptable to the SFM.

7.12.4 Submit written verification with the application that the applicant has worked with a licensed flame effects performing artist for at least five training meetings or practice sessions or demonstrate previous experience acceptable to the SFM.

7.13 The written examination stated in Section 7.11.1 or 7.12.1 shall be valid for five years from the date of the examination.

7.14 Applicants seeking an original license as stated in Sections 7.11 of these rules, may perform the various acts while under the direct supervision of a person holding a valid license for a period not to exceed 45 days. By the end of the 45 day period, the applicant shall have taken and passed the required examination and completed all other licensing requirements.

7.15 At the end of the five year period the licensed display operator, special effects operator, flame effects operator, or flame effects performing artist shall take a re-examination. The re-examination shall be open book and sent to the license holder at least 60 days before the renewal date. The re-examination shall focus on the changes in the last 5 years to the adopted standards. The license holder is responsible to complete the re-examination and return it to the Division in time to renew and also comply with the requirements listed in Section 7.16 of these rules.

7.16 After the issuance of the original license, and each year thereafter, the display operator, special effects operator, flame effects operator, or flame effects performing artist shall complete a minimum of one of the following:

7.16.1 Complete one show or performance annually

7.16.2 Attend an operator safety class or flame effects performing artist meeting annually

7.16.3 Work with another licensed display operator, special effects operator, flame effects operator, or flame effects performing artist with a show annually to demonstrate proof of competence.

7.17 When the license has expired for more than one year, an application shall be made for an original license and the initial requirements shall be completed as required in Sections 7.11 or 7.12 of these rules.

7.18 Every person who wishes to secure a display operator, special effects operator, flame effects operator, or flame effects performing artist license shall be at least 21 years of age.

7.19 Every licensed display operator, special effects operator, flame effects operator, or flame effects performing artist shall complete an After Action Report within ten (10) working days after the conclusion of any show and send it to the State Fire Marshal. If there are more than one licensed operator involved in

the show, only one After Action Report needs to be sent to the State Fire Marshal for that show.

R710-2-8. Importer or Wholesaler License.

8.1 Application for an importer or wholesaler license shall be made in writing on forms provided by the SFM.

8.2 Application for a license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by all partners. If the application is made by a corporation or association, it shall be signed by a principal officer.

8.3 Original licenses shall be valid from the date of issuance through December 31st of the year in which issued. Original licenses issued on or after October 1st, will be valid through December 31st of the following year.

8.4 The SFM may refuse to renew any license pursuant to Section [8]9 of these rules. The applicant, upon such refusal, shall also have those rights as are granted by Section [8]9 of these rules.

8.5 Every licensee shall notify the SFM within thirty (30) days of any change of address or location.

8.6 No licensee shall conduct his licensed business under a name other than the name which appears on his license.

8.7 No license shall be issued to any person as licensee who is under twenty-one (21) years of age.

8.8 The holder of any license shall submit such license for inspection upon request of the SFM, his duly authorized deputies, or any authorized enforcement official.

KEY: fireworks

Date of Enactment or Last Substantive Amendment: May 17, 2011

Notice of Continuation: June 4, 2007

Authorizing, and Implemented or Interpreted Law: 53-7-204

**Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification
R722-300**

**Concealed Firearm Permit and
Instructor Rule**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34800

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Based on the passage of H.B. 214, H.B. 257 1st Sub, and S.B. 36 1st Sub, 2011 General Legislative Session, which made substantial changes to the Concealed Firearm Act, this emergency rule is necessary to avoid conflicts between new statute and language in current rule. A rule has

been submitted through the regular DAR process and is currently in the public comment process. The earliest this amended rule will be effective is 06/07/2011. (DAR NOTE: H.B. 214, H.B. 257, and S.B. 36 were all effective 05/10/2011. The proposed amendment to Rule R722-300 is under DAR No. 34679 in the May 1, 2011, Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This emergency rule provides procedures that are consistent with the new statute.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53, Chapter 5

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: Based on the passage of H.B. 214, H.B. 257 1st Sub, and S.B. 36 1st Sub, which made substantial changes to the Concealed Firearm Act, this emergency rule is necessary to avoid conflicts between new statute and language in current rule. This emergency rule provides procedures that are consistent with the new statute.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No aggregate anticipated cost or savings to the state budget. This emergency rule addresses the changes in the actual process of applying for a Concealed Firearm Permit (CFP), the renewal of the permit, and the changes in fees. The statutory changes made will not affect the state budget nor are there any anticipated costs or savings.

◆ **LOCAL GOVERNMENTS:** No aggregate anticipated cost or savings to local government. This emergency rule addresses the changes in the actual process of applying for a Concealed Firearm Permit (CFP), the renewal of the permit, and the changes in fees. The statutory changes made will not affect local government nor are there any anticipated costs or savings.

◆ **SMALL BUSINESSES:** No aggregate anticipated cost or savings to small businesses. This emergency rule addresses the changes in the actual process of applying for a Concealed Firearm Permit (CFP), the renewal of the permit, and the changes in fees. The statutory changes made will not affect small businesses nor are there any anticipated costs or savings.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This emergency rule addresses the changes in the actual process of applying for a Concealed Firearm Permit (CFP), the renewal of the permit, and the changes in fees. The statutory changes made will not affect persons other than small businesses, businesses, or local government entities nor are there any anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs. As this emergency rule addresses

changes in the actual process for applying for a CFP, the renewal of the CFP, and the changes in fees there are not anticipated compliance costs for any of the persons addressed in aggregate cost information above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This emergency rule does not have any fiscal impact on businesses because it only describes the procedures necessary for an individual to obtain a concealed firearms permit or a concealed firearm instructor certification.

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

PUBLIC SAFETY
CRIMINAL INVESTIGATIONS AND TECHNICAL
SERVICES, CRIMINAL IDENTIFICATION
3888 W 5400 S
TAYLORSVILLE, UT 84118
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Alice Moffat by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

EFFECTIVE: 05/10/2011

AUTHORIZED BY: Alice Moffat, Bureau Chief

R722. Public Safety, Criminal Identifications and Technical Services, Criminal Identification.

R722-300. Concealed Firearm Permit and Instructor Rule.

R722-300-1. Purpose.

The purpose of this rule is to establish procedures whereby the bureau administers the Concealed Firearms Act in accordance with Title 53, Chapter 5, Part 7.

R722-300-2. Authority.

This rule is authorized by Section ~~[53-5-704(16)]~~53-5-704(17) which provides that the commissioner may make rules necessary to administer Title 53, Chapter 5.

R722-300-3. Definitions.

(1) Terms used in this rule are defined in Sections 53-5-702, 53-5-711, 76-10-501.

(2) In addition:

(a) "applicant" means an individual seeking to obtain or renew a permit, a temporary permit, an instructor certification, or a LEOJ permit from the bureau;

(b) "certified firearms instructor" means an individual certified by the bureau pursuant to Section ~~[53-5-704(8)]~~53-5-704(9) who can certify that an applicant meets the general firearm familiarity requirement under Section ~~[53-5-704(7)]~~53-5-704(8);

(c) "certified firearms instructor official seal" means a red, self-inking stamp containing the information required in Subsection ~~[53-5-704(10)(a)(iii)(C)]~~53-5-704(11)(a)(iii) which meets the design requirements described on the bureau's website;

(d) "crime of violence" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States which has, as an element, the use, threatened use, or attempted use of physical force or a dangerous weapon;

(e) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;

(f) "FBI" means the Federal Bureau of Investigation;

(g) "instructor certification" means a concealed firearm instructor certification issued by the bureau pursuant to Section ~~53-5-704(8)~~53-5-704(9);

(h) "LEOJ permit" means a permit to carry a concealed firearm issued to a judge or law enforcement official by the bureau pursuant to 53-5-711;

(i) "nonresident" means a person who:

(i) does not live in the state of Utah; or

(ii) has established a domicile outside Utah, as that term is defined in Section 41-1a-202.

~~(j)~~(j) "NRA" means the National Rifle Association;

~~(k)~~(k) "offense involving domestic violence" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving any of the conduct described in:

(i) Section 77-36-1; or

(ii) 18 U.S.C Section 921(a)(33);

~~(l)~~(l) "offense involving moral turpitude" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving conduct which:

(i) is done knowingly contrary to justice, honesty, or good morals;

(ii) has an element of falsification or fraud; or

(iii) contains an element of harm or injury directed to another person or another's property;

~~(m)~~(m) "offense involving the use of alcohol" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States involving any of the conduct described in:

(i) Section 32A-12-209;

(ii) Section 32A-12-220;

(iii) Section 41-6a-501(2) related to the use of alcohol;

(iv) Section 41-6a-526; or

(v) Section 76-10-528 related to carrying a dangerous weapon while under the influence of alcohol;

~~(n)~~(n) "offense involving the unlawful use of narcotics or controlled substances" means:

(i) any offense listed in Section 41-6a-501(2) involving the use of a controlled substance;

(ii) any offense involving the use or possession of any controlled substance found in Title 58, Chapters 37, 37a, or 37b; or

(iii) the crime of carrying a dangerous weapon while under the influence of a controlled substance pursuant to Section 76-10-528;

~~(o)~~(o) "past pattern of behavior involving unlawful violence" means verifiable incidents, regardless of whether there has been an arrest or conviction, that would lead a reasonable person to believe that an individual has a violent nature and would

be a danger to themselves or others, including an attempt or threat to commit suicide.

~~(p)~~(p) "permit" means a permit to carry a concealed firearm issued by the bureau pursuant to Section 53-5-704;

~~(q)~~(q) "POST" means the Utah Department of Public Safety, Division of Peace Officer Standards and Training;

~~(r)~~(r) "revocation" means the permanent deprivation of a permit, instructor certification, or certificate of qualification. Revocation of a permit, instructor certification, or certificate of qualification does not preclude an individual from applying for a new permit, instructor certification, or certificate of qualification if the reason for revocation no longer exists;

~~(s)~~(s) "suspension" means the temporary deprivation, for a specified period of time, of a permit, instructor certification, or certificate of qualification; and

~~(t)~~(t) "temporary permit" means a temporary permit to carry a concealed firearm issued by the bureau pursuant to Section 53-5-705.

R722-300-4. Application for a Permit to Carry a Concealed Firearm.

(1)(a) An applicant seeking to obtain a permit must submit a completed permit application packet to the bureau.

(b) The permit application packet shall include:

(i) a written application form provided by the bureau which shall include the address of the applicant's permanent residence;

(ii) a photocopy of a state-issued driver license or identification card;

(iii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph;

(iv) one completed FBI applicant fingerprint card (Form FD-258) with the applicant's legible fingerprints;

~~(v) a non-refundable processing fee of \$65.25, in the form of cash, check, money order, or credit card, which consists of a \$35.00 fee established by Section 53-5-707 and a \$30.25 FBI fingerprint processing fee;~~(v) a non-refundable processing fee of \$60.00 for Utah residents and \$65.00 for nonresidents, in the form of cash, check, money order, or credit card, which consists of the fee established by Section 53-5-704 and 53-5-707, along with the FBI fingerprint processing fee;

(vi) evidence indicating that the applicant has general familiarity with the types of firearms to be concealed as required by Subsection ~~53-5-704(5)(d)~~53-5-704(6)(d); ~~and~~

(vii) any mitigating information that the applicant wishes the bureau to consider when determining whether the applicant meets the qualifications set forth in Subsection 53-5-704(2)(a); and

(viii) if the applicant is a nonresident who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law, a copy of the applicant's current concealed firearm permit or concealed weapon permit issued by the applicant's state of residency.

(2) An applicant may establish evidence of general familiarity with the types of firearms to be concealed as required in Subsection ~~53-5-704(5)(d)~~53-5-704(6)(d) by submitting a signed certificate, issued within one year of the date of the application, bearing a certified firearms instructor's official seal, certifying that

the applicant has completed the required firearms course of instruction established by the bureau.

(3) If the applicant is employed as a law enforcement officer, the applicant:

(i) shall not be required to pay the application fee; and

(ii) may establish evidence of general familiarity with the types of firearms to be concealed as required in Subsection ~~[53-5-704(5)(d)]~~53-5-704(6)(d) by submitting documentation from a law enforcement agency located within the state of Utah indicating that the applicant has successfully completed the firearm qualification requirements of that agency within the last five years.

(4)(a) Upon receipt of a complete permit application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements found in Subsections 53-5-704(2) and (3).

(b) The background investigation shall consist of the following:

(i) sending the fingerprint card to the FBI for a review of the applicant's criminal history record pursuant to Section 53-5-706; and

(ii) verifying the accuracy of the information provided in the application packet through a search of local, state and national records which may include, but is not limited to, the following:

(A) the Utah Computerized Criminal History database;

(B) the National Crime Information Center database;

(C) the Utah Law Enforcement Information Network;

(D) state driver license records;

(E) the Utah Statewide Warrants System;

(F) juvenile court criminal history files;

(G) expungement records maintained by the bureau;

(H) the National Instant Background Check System;

(I) the Utah Gun Check Inquiry Database;

(J) Immigration and Customs Enforcement records; and

(K) Utah Department of Corrections Offender Tracking System; and

(L) the Mental Gun Restrict Database.

(5)(a) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-5-704(2)(a), the bureau shall consider any mitigating circumstances submitted by the applicant.

(b) If the applicant does not meet the qualifications set forth in Subsection 53-5-704(2)(a) because the applicant has been convicted of a crime, the bureau may find that mitigating circumstances exist if the applicant was not convicted of a registerable sex offense, as defined in Subsection 77-27-21.5(1)(n), and the following time periods have elapsed from the date the applicant was convicted or released from incarceration, parole, or probation, whichever occurred last:

(i) five years in the case of a class A misdemeanor;

(ii) four years in the case of a class B misdemeanor; or

(iii) three years in the case of any other misdemeanor or infraction.

(c) Notwithstanding any other provision, the bureau may not grant a permit if the applicant does not meet the qualifications in Subsection 53-5-704(2)(a)(viii).

(6)(a) If the bureau determines that the applicant meets the requirements found in Subsection 53-5-704(2) and (3), the bureau shall issue a permit to the applicant within 60 days.

(b) The permit shall be mailed to the applicant at the address listed on the application.

(7)(a) If the bureau determines that the applicant does not meet the requirements found in Subsection 53-5-704(2) and (3), the bureau shall mail a letter of denial to the applicant, return receipt requested.

(b) The denial letter shall state the reasons for denial and indicate that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Section ~~[53-5-704(15)]~~53-5-704(16).

R722-300-5. Application for a Concealed Firearms Instructor Certification.

(1)(a) An applicant seeking to be certified as a Utah concealed firearms instructor must submit a completed instructor certification application packet to the bureau.

(b) The instructor certification application packet shall include:

(i) a written instructor certification application form provided by the bureau;

(ii) a photocopy of a state-issued driver license or identification card;

(iii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph;

(iv) a non-refundable processing fee of \$50.00, in the form of cash, check, money order, or credit card;

(v) evidence that the applicant has completed a firearm instructor training course from the NRA or POST, or received training equivalent to one of these courses, [a current NRA certification or its equivalent] as required by Subsection ~~[53-5-704(8)(a)(iii)]~~53-5-704(9)(a)(iii); and

(vi) evidence that the applicant has completed the course of instruction provided under the direction of the bureau and passed the certification test provided in Subsection ~~[53-5-704(8)(e)]~~53-5-704(9)(c), within one year of the date of the application.

~~[(2) An applicant may meet the requirements of Subsection 53-5-704(8)(a)(iii) by providing a certificate of completion from one of the following:~~

~~(a) a NRA firearms instructor training program; or~~

~~(b) a POST firearms instructor training program.~~

~~(4) When reviewing an application for certification the bureau shall conduct a background investigation to ensure that the instructor is eligible to possess a firearm under Section 76-10-503 and federal law.~~

~~[(5)]~~(2)(a) If the bureau determines that an applicant meets the requirements found in Subsection ~~[53-5-704(8)]~~53-5-704(9), the bureau shall issue an instructor certification to the applicant.

(b) An instructor certification identification card shall be mailed to the applicant at the address listed on the application.

~~[(6)]~~(3)(a) If the bureau determines that the applicant does not meet the requirements found in Subsection ~~[53-5-704(8)]~~53-5-704(9), the bureau shall mail a denial letter to the applicant, return receipt requested.

(b) The denial letter shall state the reasons for denial and indicate that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Section ~~[53-5-704(15)]~~53-5-704(16).

R722-300-6. Renewal of a Concealed Firearms Permit or Concealed Firearms Instructor Certification.

(1)(a) An applicant seeking to renew a permit or an instructor certification must submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau which shall include the current address of the applicant's permanent residence;

(ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph; and

(iv) a non-refundable processing fee in the form of cash, check, money order, or credit card which is [~~\$10.00~~]\$15.00 fee to renew a permit or \$25.00 fee to renew an instructor certification.

(2) In addition to the items listed in Subsection (1)(b), an instructor seeking to renew an instructor certification must submit evidence that the instructor has completed the course of instruction provided under the direction of the bureau and passed the certification test provided in Subsection [~~53-5-704(8)(c)~~]53-5-704(9)(c), within one year of the date of the application.

(3) A renewal packet may be submitted no earlier than 60 days prior to the expiration of a current permit or certification.

(4) A fee consisting of \$7.50 will be collected for renewal packets submitted on a permit or an instructor certification that has been expired for more than thirty days but less than one year.

(b) Renewal packets for a permit or an instructor certification which has been expired for more than one year will not be accepted and the applicant will have to re-apply for a permit or an instructor certification.

(5) When renewing a permit or an instructor certification the bureau shall conduct a background investigation.

(6)(a) If the bureau determines that the applicant meets the requirements to renew a permit or an instructor certification, the bureau shall mail the renewed permit or instructor certification identification card to the applicant.

(b) The renewed permit or instructor certification identification card shall be mailed to the applicant at the address listed on the renewal application.

(7)(a) If the bureau determines that the applicant does not meet the requirements to renew a permit or an instructor certification, the bureau shall mail a denial letter to the applicant, return receipt requested.

(b) The denial letter shall state the reasons for denial and indicate that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Section [~~53-5-704(15)~~]53-5-704(16).

R722-300-8. Application for a LEOJ Permit.

(1)(a) In order to obtain a LEOJ permit under Section 53-5-711, an applicant must submit a completed permit application packet to the bureau as provided by R722-300-4.

(b) In addition, the applicant must provide written documentation to establish to the satisfaction of the bureau that:

(i) the applicant is a law enforcement official or judge as defined in Section 53-5-711; and

(ii) that the applicant has completed the course of training required by Subsection 53-5-711(2)(b).

(2) When reviewing an application for a LEOJ permit the bureau shall conduct the same background investigation as if the individual were seeking a permit.

(3)(a) If the bureau finds that the applicant meets the requirements found in Subsection 53-5-711(2), the bureau shall issue a LEOJ permit to the applicant.

(b) The LEOJ permit shall be mailed to the applicant at the address listed on the application.

(4)(a) If the bureau finds that the applicant does not meet the requirements found in Subsection 53-5-711(2), the bureau shall mail a denial letter to the applicant, return receipt requested.

(b) The denial letter shall state the reasons for denial and indicate that the applicant has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Subsection [~~53-5-704(15)~~]53-5-704(16).

R722-300-10. Suspension or Revocation of a Permit to Carry a Concealed Firearm, Concealed Firearms Instructor Certification, or a LEOJ Permit.

(1) A permit may be suspended or revoked for any of the following reasons:

(a) the bureau determines that the permit holder does not meet the requirements found in Subsection 53-5-704(2);

(b) the bureau determines that the permit holder has committed a violation under Subsection 53-5-704(3); or

(c) the permit holder knowingly and willfully provided false information on an application for a permit, or a renewal of a permit.

(2) An instructor certification may be suspended or revoked for any of the following reasons:

(a) the bureau determines that the instructor has become ineligible to possess a firearm under Section 76-10-506 or federal law; or

(b) the instructor knowingly and willfully provided false information to the bureau.

(3) A LEOJ permit may be suspended or revoked for any of the following reasons:

(a) the bureau determines that a LEOJ permit holder is no longer employed as a law enforcement official or judge; or

(b) a LEOJ permit holder fails to provide proof of annual requalification by November 30 of each year as required by Section 53-5-711.

(4)(a) If the bureau suspends or revokes a permit, an instructor certification, or a LEOJ permit, the bureau shall mail a notice of agency action to the permit holder, instructor, or LEOJ permit holder, return receipt requested,

(b) The notice of agency action shall state the reasons for suspension or revocation and indicate that the permit holder, instructor, LEOJ permit holder has a right to request a review hearing before the board by filing a petition for review within 60 days as provided in Section [~~53-5-704(15)~~]53-5-704(16).

KEY: concealed firearm permit, concealed firearm permit instructor

Date of Enactment or Last Substantive Amendment: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 53-5-701 through 53-5-711

**Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification
R722-330
Licensing of Private Investigators**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34799

FILED: 05/10/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Based on the passage of S.B. 177, 2011 General Legislative Session, which made substantial changes to the Private Investigator Act, this emergency rule is necessary to avoid conflicts between new statute and language in current rule. (DAR NOTE: S.B. 177 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This emergency rule provides procedures that are consistent with the new statute.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53, Chapter 9

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: Based on the passage of S.B. 177, 2011 General Legislative Session, which made substantial changes to the Private Investigator Act, this emergency rule is necessary to avoid conflicts between new statute and language in current rule. This emergency rule provides procedures that are consistent with the new statute.

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** No aggregate anticipated cost or savings to the state budget. This emergency rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect the state budget nor are there any anticipated costs or savings.

♦ **LOCAL GOVERNMENTS:** No aggregate anticipated cost or savings to local government. This emergency rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect local government nor are there any anticipated costs or savings.

♦ **SMALL BUSINESSES:** No aggregate anticipated cost or savings to small businesses. This emergency rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The

statutory changes made will not affect small businesses nor are there any anticipated costs or savings.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This emergency rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect persons other than small businesses, businesses, or local government entities nor are there any anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs. As this emergency rule addresses changes in the actual process for applying for a Private Investigator License or the renewal of the license there are not anticipated compliance costs for any of the persons addressed in aggregate cost information above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not have any fiscal impact on businesses because it only describes the procedures necessary for an individual to obtain a Private Investigator License or the renewal of the license.

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

PUBLIC SAFETY
CRIMINAL INVESTIGATIONS AND TECHNICAL
SERVICES, CRIMINAL IDENTIFICATION
3888 W 5400 S
TAYLORSVILLE, UT 84118
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alice Moffat by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

EFFECTIVE: 05/10/2011

AUTHORIZED BY: Alice Moffat, Bureau Chief

R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

[R722-330. Licensing of Private Investigators.

R722-330-1. Purpose.

~~_____The purpose of this rule is to define the licensing and regulation standards of private investigators as set forth in Title 53, Chapter 9, the "Private Investigator Regulation Act."~~

R722-330-2. Authority.

~~_____This rule is authorized by Subsection 53-9-103(6).~~

R722-330-3. Definitions.

~~_____A. Terms used in this rule are defined in Section 53-9-102.~~

- ~~_____ B. In addition:~~
- ~~_____ 1. "Act constituting dishonesty or fraud" as used in Subsection 53-9-108(1)(a)(iv), means conviction of any crime as itemized in R724-4-3(M).~~
- ~~_____ 2. "Act involving illegally using, carrying, or possessing a dangerous weapon" as used in Subsection 53-9-108(1)(a)(ii), means conviction of any firearms violation involving a crime of violence.~~
- ~~_____ 3. "Act of personal violence or force on any person or threatening to commit any act of personal violence or force against another person" as used in Subsection 53-9-108(1)(a)(iii), means conviction of any crime in Subsection 76-10-501(2)(b).~~
- ~~_____ 4. "Division" means the Division of Law Enforcement and Technical Services of the Department of Public Safety.~~
- ~~_____ 5. "Moral turpitude" as used in Subsection 53-9-108(1)(a)(v), means conviction of any crime in R724-4-3(M).~~

R722-330-4. Application.

- ~~_____ A. Applicants must use the application form provided by the division.~~
- ~~_____ B. Applicants will be classified into three categories as set forth in Section 53-9-107: agencies, registrants, and apprentices.~~
 - ~~_____ 1. If approved for licensure, an agency applicant will receive one private investigation agency license and one identification card.~~
 - ~~_____ 2. Registrants and apprentices must be employed or contracted by a licensed agency.~~
- ~~_____ C. Applicants must meet the qualifications set forth in Section 53-9-108 and will be required to provide all of the information and fees as set forth in Sections 53-9-109 through 111. Previous work experience must be verifiable for it to apply to the work experience requirement.~~

R722-330-5. Fees.

- ~~_____ A. The information regarding license and registration fees as established by Section 53-9-111, shall apply to this rule.~~
- ~~_____ B. In addition, in accordance with Section 53-9-111, a fee of \$24 shall be charged for fingerprint processing and background investigation for each applicant. This fee is non-refundable.~~

R722-330-6. Issuance and Expiration of Identification Cards.

- ~~_____ A. Information regarding the issuance and expiration of identification cards is set forth in Section 53-9-112.~~
- ~~_____ B. In addition:~~
 - ~~_____ 1. The board shall not issue licenses or registrations, but rather shall review applications and then make recommendations to the commissioner for approval or disapproval.~~
 - ~~_____ 2. Upon approval by the commissioner, the division shall issue to the applicant an identification card that will expire two years from the issue date.~~

R722-330-7. Records Access.

- ~~_____ A. Information supplied to the division by an applicant, including the completed application form, shall be considered "private" information in accordance with Section 63G-2-302.~~
- ~~_____ B. Information gathered by the division in the course of investigating an application or complaint shall be considered "protected" information in accordance with Subsections 53-9-118(2)(c) and 63G-2-305(8). However, if such information is used as the~~

~~basis for denial of a license or registration or discipline of a licensee or registrant, such information shall be considered "private" information in accordance with Section 63G-2-302 and the applicant shall have access to it.~~

R722-330-8. Adjudicative Proceedings.

- ~~_____ A. The adjudicative proceedings set forth in this section shall be conducted informally as authorized by Section 63G-4-202 and as set forth in Section 63G-4-203.~~
- ~~_____ B. Denials of initial and renewal licenses or registrations are appealable as set forth in Section 53-9-113.~~
- ~~_____ C. The board may take disciplinary action against a licensee or registrant for violation of Subsection 53-9-118(1).~~
 - ~~_____ 1. Except for summary suspension in emergency cases, disciplinary action will be taken only after the issuance of a notice of intent to discipline and an opportunity for hearing. A letter of caution is not considered to be disciplinary action and is not appealable.~~
 - ~~_____ 2. The notice of intent to discipline will be issued by the commissioner, and will notify the licensee or registrant of the charge(s) and the right to a hearing before the board within 60 days.~~
 - ~~_____ 3. Following the hearing, the board may take any of the actions set forth in Subsection 53-9-118(6).~~
- ~~_____ D. Appeals to the Commissioner on denials of initial and renewal licenses or registrations are provided for in Subsection 53-9-113(4). Appeals to the commissioner on disciplinary action are provided for in Subsection 53-9-118(8). Such appeals to the commissioner shall not result in de novo hearings before the commissioner, but rather shall result in a review of the board's findings by the department's administrative law judge, who shall review the board's findings and issue a recommendation to the commissioner for the commissioner's approval and decision. The decision of the commissioner is appealable to the district court in accordance with Subsection 53-9-113(5) and Subsection 53-9-118(9) pursuant to Section 63G-4-402.]~~

R722-330. Licensing of Private Investigators.

R722-330-1. Purpose.

The purpose of this rule is to establish procedures for the licensing of private investigator agencies, registrants, and apprentices.

R722-330-2. Authority.

This rule is authorized by Subsection 53-9-103(6) which provides that the commissioner may make rules as necessary to administer the Private Investigator Regulation Act.

R722-330-3. Definitions.

- ~~_____ (1) Terms used in this rule are defined in Section 53-9-102.~~
- ~~_____ (2) In addition:~~
 - ~~_____ (a) "act involving moral turpitude" means conduct which:~~
 - ~~_____ (i) is done knowingly contrary to justice, honesty, or good morals;~~
 - ~~_____ (ii) has an element of falsification or fraud; or~~
 - ~~_____ (iii) contains an element of harm or injury directed to another person or another's property;~~
 - ~~_____ (b) "FBI" means the Federal Bureau of Investigation;~~
 - ~~_____ (c) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or~~

territory of the United States for which the penalty is a term of imprisonment in excess of one year;

(d) "legal resident of this state" means a person who has established a domicile in Utah, as that term is defined in Section 41-1a-202;

(e) "license" means a private investigator agency, registrant, or apprentice license;

(f) "revocation" means the permanent deprivation of a private investigator license, however revocation of a private investigator license does not preclude an individual from applying for a new private investigator license if the reason for revocation no longer exists; and

(g) "suspension" means the temporary deprivation, for a specified period of time, of a private investigator license.

R722-330-4. Application for Licensure.

(1)(a) An applicant seeking to obtain a license must submit a completed application packet to the bureau.

(b) The application packet shall include:

(i) a written application form provided by the bureau which shall include the applicant's residential address;

(ii) one recent color photographs of passport quality which contains the applicant's name written on the back of the photograph

(iii) a photocopy of a state-issued driver license or identification card;

(iv) one completed FBI applicant fingerprint card (Form FD-258) with the applicant's legible fingerprints; and

(v) the non-refundable license and registration fee in the amount indicated in Section 53-9-111 plus the \$30.25 FBI fingerprint processing fee, in the form of cash, check, money order, or credit card.

(2) If an applicant is applying for an agency license, the applicant must also provide:

(a) the name under which the applicant intends to do business;

(b) the applicant's business address;

(c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 10,000 hours of investigative experience as provided in Section 53-9-108(3);

(d) a certificate of liability insurance in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(e) a certificate of workers' compensation insurance, if applicable.

(3) If the applicant is applying for a registrant license, the applicant must also provide:

(a) the name of the licensed agency for which the applicant will be an employee or contract registrant;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant;

(c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 2,000 hours of investigative experience as provided in Section 53-9-108(3); and

(d) a surety bond in the amount of \$10,000 as described in Subsection 53-9-110(3).

(4) If the applicant is applying for a apprentice license, the applicant must also provide:

(a) the name of the licensed agency for which the applicant will be an employee or apprentice;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant; and

(c) a surety bond in the amount of \$10,000 as described in Subsection 53-9-110(3).

R722-330-5. Verification of Investigative Experience

(1)(a) When completing the Verifying of Investigative Experience Form which must be submitted for an agency or registrant license, the applicant must describe, in detail, the number of hours and the type of investigative work which the applicant performed.

(b) The investigative experience must have been performed within ten years from the date of the application while the applicant was working as a licensed private investigator or an investigator for a governmental entity.

(c) The Verification of Investigative Experience Form must be certified by the private investigator or governmental employer for whom the applicant performed the investigative work.

(d) If the applicant is unable to provide certification from a private investigator or governmental employer, the applicant may provide certification from the individual for whom the applicant performed the investigative work.

(2) An applicant seeking to receive credit towards the investigative experience requirement for licensure under Section 53-9-108(5), must provide written documentation of the degree or certification for which the applicant is seeking credit.

R722-330-6. Issuance of License.

(1)(a) Upon receipt of a completed application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements for licensure.

(b) Once the background check is complete, the bureau shall submit the completed application packet to the board for review, unless the application is for an apprentice license.

(c) The bureau shall review all applications for apprentice licenses to determine whether the applicants meet the requirements for licensure.

(d) If the bureau finds that an applicant for an apprentice license meets the requirements for licensure, the bureau shall issue the apprentice license within 5 days.

(e) If the bureau finds that an applicant for an apprentice license does not meet the requirements for licensure, the bureau shall submit the application to the board.

(2)(a) The board shall review all application packets submitted by the bureau to determine whether applicants meet the requirements for licensure.

(b) If the board determines that an applicant meets the requirements for licensure, the board shall direct the bureau to issue the license.

(3) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-9-108(1)(b), the board shall consider any mitigating circumstances submitted by the applicant.

(4)(a) If the board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.

(b) The board shall issue a written denial which states the reasons why the license was denied and indicates that the applicant may request a hearing before the board by filing a written request within thirty days from the date the board's written denial was issued.

(5)(a) If the applicant requests a hearing, the board shall conduct an informal hearing during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within 10 business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 days.

(6)(a) If the applicant requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the applicant, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 days from the date of the request for review, which states the reasons for the decision and indicates that the applicant may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-7. Renewal of a License.

(1)(a) A licensee seeking to renew a license must submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau which shall include the applicant's residential address;

(ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph; and

(iii) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-9-111.

(2) If the licensee has an agency license, the licensee must also provide evidence that the licensee has a valid certificate of:

(a) liability insurance as described in Subsection 53-9-110(3); and

(b) workers' compensation insurance, if applicable.

(3) If the licensee has a registrant or an apprentice license, the licensee must provide evidence that the licensee has a valid surety bond as described in Subsection 53-9-109(3).

(4) A licensee whose license has been expired for more than ninety days, must reapply and meet all requirements found in R722-330-4.

(5) If the applicant meets the qualifications for renewal the bureau shall renew the license.

(6)(a) If the bureau determines that the applicant does not meet the qualifications for renewal the bureau shall deny the renewal.

(b) The bureau's written denial shall state the reasons why the renewal was denied and indicate that the licensee may request a hearing before the board by filing a written request within thirty days from the date the bureau's written denial was issued.

(7)(a) If the licensee requests review by the board, the board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within 10 business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 days.

(8)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-8. Suspension and Revocation of a License.

(1) The bureau shall conduct an investigation, as provided in Section 53-9-117, if the bureau is made aware of an allegation that a licensee has engaged in conduct in violation of Section 53-9-118.

(2) The bureau shall notify a licensee who is the subject of an investigation of the date and time of the board meeting where the board will consider the bureau's investigative findings.

(3) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.

(4) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision and indicates that the licensee may appeal to the commissioner by filing a written request within fifteen days from the date that the board's written decision was issued.

(5)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-9. Records Access.

(1) Information supplied to the division by an applicant or licensee, including a completed application or renewal form, shall be considered "private" information in accordance with Subsection 63G-2-302(2)(d).

(2)(a) Information gathered by the division in the course of investigating an application or complaint shall be considered "protected" information in accordance with 63G-2-305(9).

(b) If such information is used as the basis for the denial, suspension or revocation of a license, the applicant or licensee shall be entitled to access the information.

KEY: private investigators, license

Date of Enactment or Last Substantive Amendment: May 10, 2011

Notice of Continuation: April 22, 2010

Authorizing, and Implemented or Interpreted Law: 53-9-103(6)

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to remove obsolete rules from the Utah Administrative Code. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **NOTICE**. By filing a Notice, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. **NOTICES** are effective upon filing.

NOTICES are governed by Section 63G-3-305.

Alcoholic Beverage Control, Administration **R81-1** Scope, Definitions, and General Provisions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34787
FILED: 05/10/2011

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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Several sections in this rule have been amended in the past five years. Subsection R81-1-3(1) that required the department to affix state labels to liquor bottles was repealed (no public comments received). Subsection R81-1-3(5) dealt with returned checks and allows the agency to forfeit the violator's compliance bond and put him on "cash only" (no public comments were received). Another rule enacted procedures to implement Subsection 32A-12-212(1)(c) that allows a beneficiary who inherits an alcoholic beverage collection as part of an estate to bring the

alcohol into the state (no public comments received). The violation schedule rule (Section R81-1-6) was amended to clarify the penalties for repeat offenders, to add additional mitigating circumstances, and to require rulemaking to make any substantive change to the violation grid that would establish or adjust the degree of seriousness of a violation. These were passed at the urging of Representatives Dunnigan and Oda, and supported by the Utah Hospitality Association. The wine dispensing rule at Section R81-1-10 was repealed in its entirety (no public comments). The definition of "intoxication" in Section R81-1-24 was amended to be consistent with Subsection 32A-1-105(28) (no comments). Section R81-1-25 was passed regulating sexually oriented entertainers and stage approvals (no comments). A new rule at Section R81-1-26 dealing with criminal history background check procedures was passed (no public comments). Section R81-1-27 was enacted to fully implement the Flavored Malt Beverage Act (Sections 32A-1-801 to 809) passed by the Legislature in 2008 (most of the public comments both pro and con were aired during the legislative session. This rule merely established guidelines for approving the labels on these products. Thus, we received very few comments on this rule. Section R81-1-28 was enacted to allow the commission to charge an administrative fee for holding special meetings to approve temporary permits for events that will occur before the commission's regular monthly meeting (no comments). Section R81-1-29, procedures for commissioners to disclose potential conflicts of interest, and Section R81-1-30, factors the commission weighs in granting licenses, were enacted in response to recommendations in an audit performed by the Legislative Auditor General's Office (no public comments).

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 regulates the sale and service of alcoholic beverages within the state. It defines terms used within all of Title R81; establishes policies for payment of liquor; states that the department is an equal opportunity employer; establishes standards for providing notice of public

hearings and meetings; addresses procedures for the department's handling of violations by licensees including disciplinary hearings and consent calendar guidelines; establishes requirements for liquor dispensing; regulates multiple-licensed facilities; sets standards and record requirements for attendance of alcohol education seminars by licensees and their employees; and sets guidelines for compliance with the Government Records Access and Management Act (GRAMA) and the Americans with Disabilities Act (ADA). The rule also sets guidelines for commission declaratory orders; establishes procedures for disqualifying individuals with certain criminal backgrounds from being involved in the sale and service of alcoholic beverages; clarifies advertising prohibitions; sets guidelines for emergency, electronic, and special meetings; establishes rules for beer advertising at event venues; establishes guidelines for diplomatic embassy shipments and purchases; sets rules for the department's sale of limited-availability items; requires designated licensees to submit and implement a responsible alcohol service plan; regulates sexually-oriented entertainers and establishes guidelines for stage approvals; outlines procedures for doing criminal history background checks, and malt beverage label approvals; allows the commission to assess administrative fees for special commission meetings; sets guidelines for disclosing conflicts of interest; and lists factors the commission weighs in deciding to grant licenses.. As stated earlier, we received virtually no comments in opposition to the proposed rules. Some of the rules were in response direct response to requests from legislators and their views were fully implemented. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
◆ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-2
State Stores**

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

DAR FILE NO.: 34788
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

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 regulates operations in state liquor stores. It addresses procedures for making special orders of liquor by the public and for liquor returns, refunds and exchanges; requires that state stores post a warning sign; establishes guidelines to ensure employees acquire appropriate identification from customers; addresses what advertising is permitted; sets standards for refusal of service; restricts minors from the premises unless accompanied by a parent, legal guardian, or adult spouse; establishes standards for accepting checks and credit cards for the purchase of alcoholic beverages; establishes store hours; and designates how much access industry members may have to the stores' premises. All of the regulations set forth in this rule remain important and applicable to liquor store operations. Therefore, this rule should be continued.

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen , Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-3
Package Agencies**

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

DAR FILE NO.: 34789
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Sections R81-3-1 and R81-3-14 were amended to allow not only wineries, but distilleries and breweries to have a package agency on the manufacturing premises. Section R81-3-9 was amended to allow package

agencies on manufacturing premises to advertise the location of the package agency and the products produced by the manufacturer. Section R81-3-13 was amended to address the hours of operation in certain package agencies. No public comments were received on any of these changes.

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 regulates operations at liquor package agencies throughout the state. It defines the five package agency types; addresses requirements for a change of package agency operator or location; clarifies compliance bond requirements; establishes procedures for special orders of liquor by the public and procedures for the return, refund, or exchange of liquor; requires package agents to post a warning sign on the premises; establishes guidelines for appropriate identification for liquor purchases; addresses how each type of package agency may list and promote products; establishes requirements for package agents who sell liquor on consignment; establishes application and evaluation guidelines for persons requesting a package agency contract; sets the operational restrictions for each agency type; sets guidelines for refusal of service to patrons; addresses the issue of minors on the package agency premises; permits type 4 package agencies to provide room service; and sets guidelines for package agency personnel to accept credit cards for the purchase of liquor. All of the regulations set forth in this rule remain important and applicable to the operations of a liquor package agency. Therefore, this rule should be continued.

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-4A
Restaurant Liquor Licenses**

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

DAR FILE NO.: 34790
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Section R81-4A-2 was amended to allow for conditional restaurant licensing under Subsection 32A-1-107(5). Sections R81-4A-10 and 11 were amended to allow wine, beer and heavy beer to be served not only at a patron's table, but at a counter, or "grandfathered" bar structure. Section R81-4A-15 was enacted to further define "grandfathered" bar structures. No public comments received.

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 regulates operations at establishments holding full-service restaurant liquor licenses. It establishes operational guidelines for businesses that operate with a liquor license during some hours of the day and a beer license during other hours of the same day; requires license applicants to bring their completed applications before the ABC Commission for approval; clarifies compliance bond and insurance requirements; establishes procedures by which a restaurant licensee orders liquor from liquor stores; sets hours of operation; establishes food sales and record requirements; sets liquor storage requirements; establishes regulations for the use of alcoholic product flavorings; requires that alcoholic beverage service and consumption must be at a patron's table, counter, or "grandfathered" bar structure; sets requirements for alcoholic beverage menus and price lists; requires restaurant employees to wear an ID badge; permits brownbagging of alcoholic beverages onto the restaurant premises for use at privately hosted events; and further defines "grandfathered" bar structures. All of the regulations set forth in this rule remain important and applicable to the operations of a full-service restaurant. Therefore, this rule should be continued.

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

1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
- ◆ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen , Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-5
Private Clubs**

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

DAR FILE NO.: 34791
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Section R81-5-11 was amended to eliminate the need for alcohol price lists to be part of the house rules of a club. This change was urged by the Utah Hospitality Association and the Commission agreed to make the change. Section R81-5-18 was enacted to implement the new law that requires social and dining clubs to use age verification devices. We received three comments from suppliers and manufacturers of electronic scanning devices. One was concerned that his scanners could not read military IDs and passports. Another suggested that the scanners contain both a magnetic strip reader and a bar code reader, and that clubs be required to use electronic scanners first and that alternative means of checking ID be allowed only if the ID

is not readable by electronic means. The third company wanted the device to have a customer ban feature and have the ability to retain a full color digital image of the person's ID for a set period of time. The ABC Commission chose to allow the broadest spectrum of devices. Moreover, the new statute gave the clubs the option of using an electronic device or "an acceptable alternate process." Finally, Sections R81-5-2, 5, 6, 7, 9, 10, 13, 14, 15, 16, and 17 were amended but we received no public comments on them.

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 regulates operations at establishments licensed as clubs. It sets guidelines for license application procedures and establishes operational restrictions for the different club classifications; addresses bond and insurance requirements; sets advertising requirements for equity and fraternal clubs; establishes procedures for the purchase of liquor from state liquor stores; sets liquor sales hours; permits club customers to run a tab for the purchase of alcoholic beverages; permits liquor products used for all purposes including cooking and flavoring to be stored in a common storage area; identifies liquor price list requirements; establishes requirements for employee ID badges; allows patrons to bring alcoholic beverages onto the club's premises for privately hosted events; establishes procedures for assessing equity and fraternal club membership fees and monthly dues; prohibits minors from being in lounge or bar areas of dining, equity, or fraternal clubs, and prohibits them from being on the premises of a social club; defines the procedures for using electronic age verification devices in social and dining club. All of the regulations set forth in this rule remain important and applicable to the operations of a private club. Therefore, this rule should be continued.

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-6
Special Use Permits**

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

DAR FILE NO.: 34792
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates operations of those holding a special use permit. It underscores the fact that a special use permit applicant must present the department with a completed application before the ABC Commission may consider granting the permit; requires that a public service permittee post a warning sign in its hospitality room; allows industrial, manufacturing, scientific, educational, or health care permit holders to purchase alcohol directly from alcohol manufacturers; sets operational guidelines for public service permittees including provisions for making alcohol purchases and keeping records; sets operational restrictions for educational wine judging seminars; and establishes provisions by which those holding religious wine permits may purchase wine for religious ceremonies. All of the regulations set forth in this rule remain important and applicable to the operations of a special use permittee. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-7
Single Event Permits**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34793
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Section R81-7-1 was amended to define the terms "convention, civic or community enterprise." No written public comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates the alcoholic beverage operations of individuals and groups holding single event

permits. It establishes application requirements; it establishes guidelines and restrictions for alcoholic beverage sales and service at outdoor or large-scale events; and it sets requirements for printed alcoholic beverage price lists. All of the regulations set forth in this rule remain important and applicable to the operations of a single event permittee. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
Administration
R81-8
Manufacturers (Distillery, Winery,
Brewery)**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34794
FILED: 05/10/2011

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE

FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates operations of manufacturers who produce spirituous liquors, wines, and beers within the state. It underscores the need for those desiring a manufacturing license to bring a completed application before the ABC Commission for approval; requires brewers located outside the state to obtain a certificate of approval from the department before selling or delivering beer to licensed wholesalers or retailers in the state; and regulates the operations of wine tasting facilities on the premises of licensed wineries. All of the regulations set forth in this rule remain important and applicable to the operations of alcoholic beverage manufacturers located within the state. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
 ♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
 Administration
 R81-9
 Liquor Warehousing License**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 34795
 FILED: 05/10/2011**

**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates operations of liquor warehouses within the state. It underscores the requirement for persons who want to store liquor in warehouses in the state to file a completed application for the ABC Commission's consideration; regulates the transporting of liquor, wine and heavy beer to the DABC and federal military installations within the state; sets requirements and standards for maintaining shipping records; and mandates that liquor warehouse licensees permit audits and inspections by authorized DABC personnel. All of the regulations set forth in this rule remain important and applicable to the operations of liquor warehouses. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
 ♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

**Alcoholic Beverage Control,
 Administration
 R81-11
 Beer Wholesalers**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**DAR FILE NO.: 34796
FILED: 05/10/2011**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates operations of licensed beer wholesalers located in the state. It underscores the need for a license applicant to submit a completed application for ABC Commission approval; regulates the transfer of a license to another person; requires ABC Commission approval for a change of trade name; and establishes guidelines for transferring the license in the event of the death of a partner when the license is held by a partnership. All of the regulations set forth in this rule remain important and applicable to the operations of a beer wholesaler. Therefore, this rule should be continued.

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov
♦ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

Alcoholic Beverage Control,
Administration

R81-12

Manufacturer Representative (Distillery,
Winery, Brewery)

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**DAR FILE NO.: 34797
FILED: 05/10/2011**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 32A-1-107 authorizes the ABC Commission to adopt and issue rules; set policy by rule that establishes criteria and procedures for granting, denying, suspending, or revoking licenses and permits; and prescribe the conduct, management, and equipment of any premises where alcohol is sold, served, consumed, or stored.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule regulates persons licensed to represent manufacturers of spiritous liquors, wines, and beers within the state. It underscores the need for the applicant to file a completed application for ABC Commission approval; and regulates the activities of manufacturer representatives who choose to participate in educational seminars involving alcoholic beverage products. All of the regulations set forth in this rule remain important and applicable. Therefore, this rule should be continued.

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY, UT 84104-1630
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Earl Dorius by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at edorius@utah.gov

◆ Vickie Ashby by phone at 801-977-6801, by FAX at 801-977-6889, or by Internet E-mail at vickieashby@utah.gov

AUTHORIZED BY: Dennis Kellen, Director

EFFECTIVE: 05/10/2011

Commerce, Corporations And
Commercial Code
R154-2
Utah Uniform Commercial Code,
Revised Article 9 Rules

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

DAR FILE NO.: 34785
FILED: 05/10/2011

**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 70A, Chapter 9a, requires this rule to further explain the filing function of Uniform Commercial Code (UCC) filings. While the statute is in effect, the rule must remain in effect.

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.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: By agreement with the federal government, this rule remains in place to govern agricultural filings in the UCC/CFS (Central Filing System) area. Therefore, this rule should be continued.

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

COMMERCE
CORPORATIONS AND COMMERCIAL CODE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Kathy Berg by phone at 801-530-6216, by FAX at 801-530-6438, or by Internet E-mail at kberg@utah.gov

AUTHORIZED BY: Kathy Berg, Director

EFFECTIVE: 05/10/2011

Corrections, Administration
R251-702

Inmate Communication: Telephones

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

DAR FILE NO.: 34771
FILED: 05/03/2011

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 64-13-10 whereby the Department has rulemaking authority with regard to providing correctional facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments 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: The purpose of this rule is to provide the policy, procedures, and requirements for the use of and access to inmate communication systems in the Department's prison facilities. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Lori Worthington by phone at 801-545-5799, by FAX at 801-545-5702, or by Internet E-mail at lworthin@utah.gov

AUTHORIZED BY: Thomas Patterson , Executive Director

EFFECTIVE: 05/03/2011

**Corrections, Administration
R251-708
Perimeter Patrol**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34772
FILED: 05/03/2011

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Sections 64-13-10 and 64-13-14 whereby the Department has rulemaking authority to operate correctional facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received since the last five-year review of the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to provide the Department's policies and procedures for perimeter patrol of prison facilities. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lori Worthington by phone at 801-545-5799, by FAX at 801-545-5702, or by Internet E-mail at lworthin@utah.gov

AUTHORIZED BY: Thomas Patterson , Executive Director

EFFECTIVE: 05/03/2011

**Corrections, Administration
R251-711
Admission and Intake**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34773
FILED: 05/03/2011

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized under Sections 64-13-10, 64-13-14, and 64-13-15 whereby the Department has rulemaking authority with regard to operating correctional facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received since the last five year review of the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The purpose of this rule is to provide admission and intake policies applying to individuals committed to the Utah State Prison. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
CORRECTIONS
ADMINISTRATION
14717 S MINUTEMAN DR
DRAPER, UT 84020-9549
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lori Worthington by phone at 801-545-5799, by FAX at 801-545-5702, or by Internet E-mail at lworthin@utah.gov

AUTHORIZED BY: Thomas Patterson, Executive Director

EFFECTIVE: 05/03/2011

Natural Resources, Wildlife Resources

R657-48

Wildlife Species of Concern and Habitat Designation Advisory Committee

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34806
FILED: 05/12/2011

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: Under Section 23-14-19, the Wildlife Board is authorized and required to provide rules to regulate and prescribe the means by which protected wildlife and their habitat may be managed. The designation of a species of concern, which Rule R657-48 does, required approval from the Wildlife 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 written comments supporting or opposing Rule R657-48 were received since 06/13/2006, when the rule was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Utah Division of Wildlife Resources thinks Rule R657-48 should be continued. This rule: 1) establishes the Wildlife Species of Concern and Habitat Designation Advisory Committee; 2) defines the procedure for designating wildlife species of concern as part of a process to preclude listing under the federal Endangered Species Act; and 3) defines the procedure for review and identification of wildlife habitat and management recommendations relating to significant land use development projects.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: James Karpowitz, Director

EFFECTIVE: 05/12/2011

Workforce Services, Unemployment Insurance

R994-302

Employer Contribution Payments

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34776
FILED: 05/05/2011

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 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act. The rule is necessary for the administration of the Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has not received any comments during the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to explain how to file contributions, when contributions are due, and how to get an extension. Without this information, employers would not know how or when to file. Therefore, this rule should be continued.

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

WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 05/05/2011

**Workforce Services, Unemployment
Insurance
R994-308
Bond Requirement**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 34777
FILED: 05/05/2011

**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 35A-1-104 authorizes the Department of Workforce Services to adopt rules. Subsection 35A-1-104(4) authorizes the Department to establish eligibility standards for its programs. Subsection 35A-4-502(1)(b) authorizes the Department to make rules necessary for the administration of the Employment Security Act. The rule is

necessary to insure the solvency of the trust fund and for the administration of the Act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has not received any written comments on this rule in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is necessary to explain why an employer will be required to post a bond or provide a deposit and what methods will satisfy the deposit or bond requirements. Without this rule employers would not know when and how to satisfy the bond requirements. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Kristen Cox, Executive Director

EFFECTIVE: 05/05/2011

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 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 file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's 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 and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal & Reenact
REP = Repeal

Commerce

Real Estate
No. 34431 (AMD): R162-2c. Utah Residential Mortgage Practices and Licensing Rules
Published: 03/01/2011
Effective: 05/10/2011

Environmental Quality

Air Quality
No. 34351 (AMD): R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits
Published: 02/01/2011
Effective: 05/04/2011

Drinking Water

No. 34243 (AMD): R309-110-4. Definitions
Published: 12/01/2010
Effective: 05/09/2011

No. 34243 (CPR): R309-110-4. Definitions
Published: 04/01/2011
Effective: 05/09/2011

No. 34244 (AMD): R309-520. Facility Design and Operation: Disinfection
Published: 12/15/2010
Effective: 05/09/2011

No. 34244 (CPR): R309-520. Facility Design and Operation: Disinfection
Published: 04/01/2011
Effective: 05/09/2011

Health

Health Care Financing, Coverage and Reimbursement Policy
No. 34509 (AMD): R414-14A. Hospice Care
Published: 04/01/2011
Effective: 05/16/2011

Natural Resources

Parks and Recreation
No. 34511 (AMD): R651-215. Personal Flotation Devices
Published: 04/01/2011
Effective: 05/09/2011

No. 34512 (AMD): R651-216-2. Navigation Lights On Motorboats 40 Feet To Less than 65 Feet
Published: 04/01/2011
Effective: 05/09/2011

No. 34513 (AMD): R651-217-2. Fire Extinguishers Required
Published: 04/01/2011
Effective: 05/09/2011

No. 34514 (AMD): R651-219. Additional Safety Equipment
Published: 04/01/2011
Effective: 05/09/2011

No. 34515 (AMD): R651-221. Boat Liveries - Boat Rental Companies
Published: 04/01/2011
Effective: 05/09/2011

No. 34507 (AMD): R651-608-1. Permit Requirements
Published: 04/01/2011
Effective: 05/09/2011

Public Safety

Fire Marshal
No. 34502 (NEW): R710-10. Rules Pursuant to Fire Service Training, Education, and Certification
Published: 04/01/2011
Effective: 05/11/2011

NOTICES OF RULE EFFECTIVE DATES

Criminal Investigations and Technical Services, 911
Committee (Utah)
No. 34501 (NEW): R720-1. Utah 911 Committee Rule
Published: 04/01/2011
Effective: 05/11/2011

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, 2011 through May 16, 2011. 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).

DAR NOTE: A processing error caused the exclusion of 110 nonsubstantive changes from the Index. These nonsubstantive changes reflect changed agency names in the Department of Health. The Division is working to correct the error.

Questions regarding the index and the information it contains should be addressed to Nancy Lancaster (801-538-3218), Mike Broschinsky (801-538-3003), or Kenneth A. Hansen (801-538-3777).

A copy of the Rules Index is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-3	Americans with Disabilities Act Grievance Procedures	34347	AMD	03/10/2011	2011-3/4
R13-3-2	Definitions	34674	NSC	04/27/2011	Not Printed
<u>Facilities Construction and Management</u>					
R23-23	Health Reform - Health Insurance Coverage in State Contracts - Implementation	34801	EMR	05/10/2011	Not Printed
<u>Fleet Operations</u>					
R27-3	Vehicle Use Standards	34256	AMD	01/25/2011	2010-24/6
R27-4-11	Capital Credit or Reservation of Vehicle Allocation for Surrendered Vehicles	34257	AMD	01/25/2011	2010-24/7
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-3	Government Records Access and Management Act	34491	5YR	03/03/2011	2011-7/43
R51-4	ADA Complaint Procedure	34492	5YR	03/03/2011	2011-7/43
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry and Other Animals	34343	AMD	03/24/2011	2011-3/7
R58-2	Diseases, Inspections and Quarantines	34352	AMD	03/24/2011	2011-3/13
<u>Marketing and Development</u>					
R65-8	Management of the Junior Livestock Show Appropriation	34489	5YR	03/03/2011	2011-7/44
<u>Plant Industry</u>					
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	34414	5YR	02/08/2011	2011-5/107
R68-7	Utah Pesticide Control Act	34488	5YR	03/02/2011	2011-7/44
R68-8	Utah Seed Law	34345	5YR	01/05/2011	2011-3/55
R68-18	Quarantine Pertaining to Karnal Bunt	34412	5YR	02/08/2011	2011-5/107
R68-21-2	Authority	34558	NSC	04/27/2011	Not Printed
<u>Regulatory Services</u>					
R70-330	Raw Milk for Retail	34518	5YR	03/16/2011	2011-8/29
R70-370	Butter	34519	5YR	03/16/2011	2011-8/29
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey	34517	5YR	03/16/2011	2011-8/30
R70-410	Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes	34378	5YR	01/24/2011	2011-4/35

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1	Scope, Definitions, and General Provisions	34787	5YR	05/10/2011	Not Printed
R81-1-29	Disclosure of Conflicts of Interest	34337	AMD	02/24/2011	2011-2/4
R81-1-30	Factors for Granting Licenses	34336	AMD	02/24/2011	2011-2/5
R81-2	State Stores	34788	5YR	05/10/2011	Not Printed
R81-3	Package Agencies	34789	5YR	05/10/2011	Not Printed
R81-3-13	Operational Restrictions	34340	AMD	02/24/2011	2011-2/6
R81-4A	Restaurant Liquor Licenses	34790	5YR	05/10/2011	Not Printed
R81-5	Private Clubs	34791	5YR	05/10/2011	Not Printed
R81-6	Special Use Permits	34792	5YR	05/10/2011	Not Printed
R81-7	Single Event Permits	34793	5YR	05/10/2011	Not Printed
R81-8	Manufacturers (Distillery, Winery, Brewery)	34794	5YR	05/10/2011	Not Printed
R81-9	Liquor Warehousing License	34795	5YR	05/10/2011	Not Printed
R81-11	Beer Wholesalers	34796	5YR	05/10/2011	Not Printed
R81-12	Manufacturer Representative (Distillery, Winery, Brewery)	34797	5YR	05/10/2011	Not Printed

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-4	Capitol Preservation Board General Procurement Rule	34675	5YR	04/11/2011	2011-9/117
--------	---	-------	-----	------------	------------

COMMERCE

Administration

R151-4	Department of Commerce Administrative Procedures Act Rule	34479	NEW	04/21/2011	2011-6/4
R151-14	New Automobile Franchise Act Rule	34761	5YR	05/02/2011	2011-10/117
R151-46b	Department of Commerce Administrative Procedures Act Rules	34480	REP	04/21/2011	2011-6/18

Consumer Protection

R152-11-9	Direct Solicitations	34100	AMD	02/07/2011	2010-20/4
-----------	----------------------	-------	-----	------------	-----------

Corporations and Commercial Code

R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	34785	5YR	05/10/2011	Not Printed
--------	---	-------	-----	------------	-------------

Occupational and Professional Licensing

R156-1-102	Definitions	34323	AMD	02/24/2011	2011-2/7
R156-3a	Architect Licensing Act Rule	34396	5YR	01/31/2011	2011-4/35
R156-9a	Uniform Athlete Agents Act Rules	34499	5YR	03/10/2011	2011-7/45
R156-9a	Uniform Athlete Agents Act Rules	34496	NSC	04/06/2011	Not Printed
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	34409	AMD	03/24/2011	2011-4/6
R156-46b	Division Utah Administrative Procedures Act Rule	34397	5YR	01/31/2011	2011-4/36
R156-46b	Division Utah Administrative Procedures Act Rule	34469	AMD	04/25/2011	2011-6/33
R156-50	Private Probation Provider Licensing Act Rules	34282	NSC	01/06/2011	Not Printed
R156-55a	Utah Construction Trades Licensing Act Rule	34470	AMD	04/25/2011	2011-6/35
R156-55c-102	Definitions	34338	AMD	02/24/2011	2011-2/10
R156-55e-303a	Continuing Education - Standards	34673	NSC	04/27/2011	Not Printed
R156-60a	Social Worker Licensing Act Rule	34310	AMD	02/10/2011	2011-1/6
R156-60c	Professional Counselor Licensing Act Rule	34339	AMD	02/24/2011	2011-2/12
R156-60d	Substance Abuse Counselor Act Rule	34395	5YR	01/31/2011	2011-4/37
R156-63a	Security Personnel Licensing Act Contract Security Rule	34370	AMD	03/24/2011	2011-4/12
R156-63a-302f	Qualifications for Licensure - Good Moral Character - Disqualifying Convictions	34360	NSC	01/26/2011	Not Printed
R156-67	Utah Medical Practice Act Rule	34504	5YR	03/14/2011	2011-7/46
R156-69	Dentist and Dental Hygienist Practice Act Rule	34283	AMD	02/07/2011	2011-1/8
R156-69	Dentist and Dental Hygienist Practice Act Rule	34500	5YR	03/10/2011	2011-7/46
R156-73	Chiropractic Physician Practice Act Rule	34503	5YR	03/14/2011	2011-7/47

RULES INDEX

R156-78B	Prelitigation Panel Review Rule	34215	AMD	01/10/2011	2010-23/4
R156-83-306	Drugs Approved for Online Prescribing, Dispensing, and Facilitation	34237	AMD	01/10/2011	2010-23/14

Real Estate

R162-2a	Utah Housing Opportunity Restricted Account	34223	NEW	01/08/2011	2010-23/15
R162-2c	Utah Residential Mortgage Practices and Licensing Rules	34431	AMD	05/10/2011	2011-5/13
R162-2c-201	Licensing and Registration Procedures	34225	AMD	01/08/2011	2010-23/16
R162-2c-203	Utah-Specific Education Certification	34226	AMD	01/08/2011	2010-23/19
R162-2c-204	License Renewal	34227	AMD	01/08/2011	2010-23/23
R162-12	Utah Housing Opportunity Restricted Account	34224	REP	01/08/2011	2010-23/25
R162-103	Appraisal Education Requirements	34476	AMD	04/27/2011	2011-6/46

COMMUNITY AND CULTURE

History

R212-6	State Register for Historic Resources and Archaeological Sites	34717	5YR	04/26/2011	2011-10/117
R212-9	Board of State History as the Cultural Sites Review Committee Review Board	34716	5YR	04/26/2011	2011-10/118

Housing and Community Development

R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	34135	AMD	01/13/2011	2010-21/5
--------	--	-------	-----	------------	-----------

Olene Walker Housing Trust Fund

R235-1	Olene Walker Housing Loan Fund (OWHLF)	34463	5YR	02/24/2011	2011-6/101
R235-1	Olene Walker Housing Loan Fund (OWHLF)	34455	AMD	04/27/2011	2011-6/51

CORRECTIONS

Administration

R251-104	Declaratory Orders	34527	5YR	03/24/2011	2011-8/31
R251-702	Inmate Communication: Telephones	34771	5YR	05/03/2011	Not Printed
R251-708	Perimeter Patrol	34772	5YR	05/03/2011	Not Printed
R251-711	Admission and Intake	34773	5YR	05/03/2011	Not Printed
R251-712	Release	34528	5YR	03/24/2011	2011-8/31

EDUCATION

Administration

R277-400	School Emergency Response Plans	34331	AMD	02/22/2011	2011-2/17
R277-403-1	Definitions	34332	AMD	02/22/2011	2011-2/20
R277-419	Pupil Accounting	34230	AMD	01/10/2011	2010-23/26
R277-470-12	Charter School Oversight and Monitoring	34333	AMD	02/22/2011	2011-2/21
R277-503-1	Definitions	34457	NSC	03/10/2011	Not Printed
R277-510	Educator Licensing - Highly Qualified Assignment	34494	5YR	03/04/2011	2011-7/48
R277-513	Dual Certification	34537	5YR	03/30/2011	2011-8/32
R277-520	Appropriate Licensing and Assignment of Teachers	34334	AMD	02/22/2011	2011-2/22
R277-602	Special Needs Scholarships - Funding and Procedures	34335	AMD	02/22/2011	2011-2/26
R277-709	Education Programs Serving Youth in Custody	34429	AMD	04/08/2011	2011-5/17
R277-716	Alternative Language Services for Utah Students	34538	5YR	03/30/2011	2011-8/32
R277-733	Adult Education Programs	34231	AMD	01/10/2011	2010-23/31
R277-800-5	USDB or Student's District of Residence/Charter School as Designated LEA	34359	NSC	01/27/2011	Not Printed

Rehabilitation

R280-204	Utah State Office of Rehabilitation Employee Background Check Requirement	34539	5YR	03/30/2011	2011-8/33
----------	---	-------	-----	------------	-----------

ENVIRONMENTAL QUALITY

Air Quality

R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits	34351	AMD	05/04/2011	2011-3/25
R307-110-28	Regional Haze	34350	AMD	04/07/2011	2011-3/26
R307-210	Stationary Sources	34557	5YR	04/06/2011	2011-9/118

Drinking Water

R309-100-4	General	34112	AMD	02/03/2011	2010-20/51
R309-110-4	Definitions	34243	AMD	05/09/2011	2010-23/34
R309-110-4	Definitions	34243	CPR	05/09/2011	2011-7/28
R309-215-16	Groundwater Rule	34375	NSC	02/14/2011	Not Printed
R309-520	Facility Design and Operation: Disinfection	34244	AMD	05/09/2011	2010-24/8
R309-520	Facility Design and Operation: Disinfection	34244	CPR	05/09/2011	2011-7/33

Environmental Response and Remediation

R311-200	Underground Storage Tanks: Definitions	34270	AMD	02/14/2011	2010-24/19
R311-201	Underground Storage Tanks: Certification Programs and UST Operator Training	34271	AMD	02/14/2011	2010-24/23
R311-201-11	Work Performed by Licensed Engineers or Geologists	34739	LNR	05/01/2011	2011-10/123
R311-203	Underground Storage Tanks: Technical Standards	34272	AMD	02/14/2011	2010-24/27
R311-205	Underground Storage Tanks: Site Assessment Protocol	34275	AMD	02/14/2011	2010-24/30
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	34273	AMD	02/14/2011	2010-24/33
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks	34274	AMD	02/14/2011	2010-24/35
R311-207-9	Third Party Consultant	34740	LNR	05/01/2011	2011-10/123
R311-212	Administration of the Petroleum Storage Tank Loan Fund	34269	AMD	02/14/2011	2010-24/38

Radiation Control

R313-25-8	Technical Analyses	34240	AMD	04/04/2011	2010-23/48
R313-25-8	Technical Analyses	34240	CPR	04/04/2011	2011-5/102
R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	34555	5YR	04/06/2011	2011-9/118

Water Quality

R317-1-7	TMDLs	34437	AMD	04/13/2011	2011-5/26
----------	-------	-------	-----	------------	-----------

FAIR CORPORATION (UTAH STATE)

Administration

R325-1	Utah State Fair Competitive Exhibitor Rules	34464	5YR	02/24/2011	2011-6/101
R325-2	Utah State Fair Commercial Exhibitor Rules	34465	5YR	02/24/2011	2011-6/102
R325-3	Utah State Fair Patron Rules	34466	5YR	02/24/2011	2011-6/103
R325-4	Interim Patrons Rules (Other Than Utah State Fair)	34467	5YR	02/24/2011	2011-6/103
R325-5	Interim Renters Rules (Other Than Utah State Fair)	34468	5YR	02/24/2011	2011-6/104

FINANCIAL INSTITUTIONS

Administration

R331-26	Ownership of Real Estate Other Than Property Used for Institution Business or Held as an Investment by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	34207	NEW	02/01/2011	2010-22/61
---------	--	-------	-----	------------	------------

RULES INDEX

Banks

R333-11 Ownership by State-Chartered Banks of Real Estate Other Than Property Used for Bank Business or Held as an Investment 34206 REP 02/01/2011 2010-22/63

Industrial Loan Corporations

R339-6 Rule Clarifying Industrial Loan Corporation Investments 34205 AMD 02/01/2011 2010-22/65

GOVERNOR

Economic Development, Pete Suazo Utah Athletic Commission

R359-1-102 Definitions 34279 AMD 02/22/2011 2010-24/41
R359-1-301 Qualifications for Licensure 34407 AMD 03/28/2011 2011-4/18
R359-1-501 Promoter's Responsibilities in Arranging a Contest 34366 AMD 03/28/2011 2011-4/19
R359-1-501 Promoter's Responsibilities in Arranging a Contest 34408 AMD 03/28/2011 2011-4/21
R359-1-506 Drug Tests 34278 AMD 01/31/2011 2010-24/42
R359-1-511 Event Officials 34482 AMD 04/26/2011 2011-6/76
R359-1-512 Announcer 34483 AMD 04/26/2011 2011-6/78
R359-1-515 Competing in an Unsanctioned Unarmed Combat Event 34484 AMD 04/26/2011 2011-6/79

HEALTH

Center for Health Data, Vital Records and Statistics

R436-3 Amendment of Vital Records 34493 NSC 04/06/2011 Not Printed

Epidemiology and Laboratory Services, Environmental Services

R392-200 Design, Construction, Operation, Sanitation, and Safety of Schools 34144 AMD 02/16/2011 2010-21/17

Epidemiology and Laboratory Services, Epidemiology

R386-703 Injury Reporting Rule 34508 5YR 03/14/2011 2011-7/48

Health Care Financing

R410-14 Administrative Hearing Procedures 34147 R&R 04/25/2011 2010-21/19
R410-14 Administrative Hearing Procedures 34147 CPR 04/25/2011 2011-6/96

Health Care Financing, Coverage and Reimbursement Policy

R414-1 Utah Medicaid Program 34228 AMD 01/19/2011 2010-23/49
R414-1-5 Incorporations by Reference 34315 AMD 04/05/2011 2011-1/20
R414-14A Hospice Care 34509 AMD 05/16/2011 2011-7/5
R414-54-3 Services 34316 AMD 04/05/2011 2011-1/21
R414-59-4 Client Eligibility Requirements 34317 AMD 04/05/2011 2011-1/22
R414-61 Home and Community-Based Services Waivers 34314 AMD 04/05/2011 2011-1/23
R414-303-11 Prenatal and Newborn Medicaid 34229 AMD 01/27/2011 2010-23/52
R414-501 Preadmission Authorization, Retroactive Authorization, and Continued Stay Review 34267 AMD 04/05/2011 2010-24/44

Health Systems Improvement, Emergency Medical Services

R426-7 Emergency Medical Services Prehospital Data System Rules 34358 5YR 01/12/2011 2011-3/55
R426-8 Emergency Medical Services Per Capita Grants Program Rules 34346 5YR 01/05/2011 2011-3/56

Health Systems Improvement, Licensing

R432-101 Specialty Hospital - Psychiatric 34318 AMD 04/11/2011 2011-2/31
R432-150 Nursing Care Facility 34319 AMD 04/11/2011 2011-2/32
R432-600 Abortion Clinic Rule 34320 AMD 04/11/2011 2011-2/36
R432-700 Home Health Agency Rule 34321 AMD 04/11/2011 2011-2/37

Health Systems Improvement, Primary Care and Rural Health

R434-50 Assistance for People with Bleeding Disorders 34327 NEW 03/01/2011 2011-2/38

HUMAN RESOURCE MANAGEMENT

Administration

R477-4-12	Career Mobility Programs	34443	AMD	04/07/2011	2011-5/27
R477-6	Compensation	34442	AMD	04/07/2011	2011-5/29

HUMAN SERVICES

Administration

R495-862	Communicable Disease Control Act	34536	5YR	03/30/2011	2011-8/33
R495-879	Parental Support for Children in Care	34288	AMD	02/07/2011	2011-1/25

Administration, Administrative Services, Licensing

R501-21	Outpatient Treatment Programs	34212	AMD	01/24/2011	2010-22/81
---------	-------------------------------	-------	-----	------------	------------

Aging and Adult Services

R510-401	Utah Caregiver Support Program (UCSP)	34390	5YR	01/26/2011	2011-4/37
----------	---------------------------------------	-------	-----	------------	-----------

Child and Family Services

R512-1-6	Out-of-Home Care Services	34344	NSC	01/26/2011	Not Printed
R512-11	Accommodation of Moral and Religious Beliefs and Culture	34368	5YR	01/18/2011	2011-4/38
R512-203	Child Protective Services, Significant Risk Assessments	34369	5YR	01/18/2011	2011-4/38
R512-205	Child Protective Services, Investigation of Domestic Violence Related Child Abuse	34778	EMR	05/10/2011	Not Printed
R512-308	Out-of-Home Services, Guardianship Services and Placements	34471	5YR	02/28/2011	2011-6/104

Recovery Services

R527-200	Administrative Procedures	34529	5YR	03/25/2011	2011-8/34
R527-231	Review and Adjustment of Child Support Order	34522	5YR	03/17/2011	2011-8/35
R527-800	Acquisition of Real Property, and Medical Support Cooperation Requirements	34490	5YR	03/03/2011	2011-7/49
R527-936	Third Party Liability, Medicaid	34521	5YR	03/17/2011	2011-8/35

Substance Abuse and Mental Health

R523-21	Division of Substance Abuse and Mental Health Rules	34540	5YR	03/30/2011	2011-8/34
---------	---	-------	-----	------------	-----------

Substance Abuse and Mental Health, State Hospital

R525-8	Forensic Mental Health Facility	34720	5YR	04/26/2011	2011-10/118
--------	---------------------------------	-------	-----	------------	-------------

INSURANCE

Administration

R590-93	Replacement of Life Insurance and Annuities	34026	AMD	01/10/2011	2010-18/59
R590-93	Replacement of Life Insurance and Annuities	34026	CPR	01/10/2011	2010-22/116
R590-133	Variable Contracts	34175	AMD	01/10/2011	2010-22/98
R590-144	Commercial Aviation Insurance Exemption from Rate and Form Filings	34478	5YR	03/01/2011	2011-6/105
R590-148-24	Premium Rate Schedule Increases	34312	AMD	02/08/2011	2011-1/27
R590-152	Health Discount Programs and Value Added Benefit Rule	34236	AMD	01/20/2011	2010-23/57
R590-167-4	Establishment of Classes of Business	34169	AMD	01/10/2011	2010-22/100
R590-177	Life Insurance Illustrations Rule	34477	5YR	03/01/2011	2011-6/105
R590-186	Bail Bond Surety Business	34259	AMD	02/10/2011	2010-24/47
R590-200	Diabetes Treatment and Management	34485	5YR	03/01/2011	2011-6/106
R590-208	Uniform Application for Certificates of Authority	34714	5YR	04/25/2011	2011-10/119
R590-235	Medicare Prescription Drug Plan	34713	5YR	04/25/2011	2011-10/120
R590-259	Dependent Coverage to Age 26	34276	NEW	01/25/2011	2010-24/51
R590-259-13	Severability	34410	NSC	02/24/2011	Not Printed
R590-260	Utah Defined Contribution Risk Adjuster Plan of Operation	34362	NEW	03/22/2011	2011-3/36

RULES INDEX

Title and Escrow Commission

R592-3	Filing a Schedule of Minimum Charges for Escrow Services	34448	REP	04/11/2011	2011-5/32
R592-4	Standards for Minimum Charges for Escrow Services	34449	REP	04/11/2011	2011-5/34
R592-15	Submission of a Schedule of Minimum Charges for Escrow Services	34447	NEW	04/11/2011	2011-5/36

LABOR COMMISSION

Industrial Accidents

R612-12-2	Designation as Informal Proceedings	34294	NSC	01/06/2011	Not Printed
-----------	-------------------------------------	-------	-----	------------	-------------

Occupational Safety and Health

R614-1-4	Incorporation of Federal Standards	34260	AMD	01/27/2011	2010-24/54
----------	------------------------------------	-------	-----	------------	------------

MONEY MANAGEMENT COUNCIL

Administration

R628-10	Rating Requirements to be a Permitted Depository	34676	5YR	04/11/2011	2011-9/119
R628-11	Maximum Amount of Uninsured Public Funds Allowed to Be Held by Any Qualified Depository	34208	AMD	01/12/2011	2010-22/102

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-2	Sovereign Land Management Objectives	34433	5YR	02/14/2011	2011-5/114
R652-8	Adjudicative Proceedings	34432	5YR	02/14/2011	2011-5/115
R652-9	Consistency Review	34434	5YR	02/14/2011	2011-5/115
R652-41	Rights of Entry	34435	5YR	02/14/2011	2011-5/116
R652-80	Land Exchanges	34436	5YR	02/14/2011	2011-5/116
R652-122	County Cooperative Agreements with State for Fire Protection	34394	NEW	04/28/2011	2011-4/23
R652-123	Exemptions to Wildland Fire Suppression Fund	34376	5YR	01/24/2011	2011-4/45
R652-140	Utah Forest Practices Act	34313	AMD	02/07/2011	2011-1/30

Oil, Gas and Mining: Coal

R645-106	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	34550	5YR	04/04/2011	2011-9/119
----------	--	-------	-----	------------	------------

Oil, Gas and Mining: Oil and Gas

R649-10	Administrative Procedures	34551	5YR	04/04/2011	2011-9/120
---------	---------------------------	-------	-----	------------	------------

Parks and Recreation

R651-201	Definitions	34382	5YR	01/26/2011	2011-4/39
R651-202	Boating Advisory Council	34383	5YR	01/26/2011	2011-4/39
R651-203	Waterway Marking System	34384	5YR	01/26/2011	2011-4/40
R651-204	Regulating Waterway Markers	34385	5YR	01/26/2011	2011-4/40
R651-205	Zoned Waters	34386	5YR	01/26/2011	2011-4/41
R651-206	Carrying Passengers for Hire	34353	5YR	01/11/2011	2011-3/57
R651-207	Registration Fee	34388	5YR	01/26/2011	2011-4/42
R651-208	Backing Plates	34389	5YR	01/26/2011	2011-4/42
R651-210	Change of Address	34391	5YR	01/26/2011	2011-4/43
R651-211	Assigned Numbers	34392	5YR	01/26/2011	2011-4/43
R651-212	Display of Yearly Registration Decals and Month of Expiration Decals	34393	5YR	01/26/2011	2011-4/44
R651-213	Dealer Numbers and Registrations	34417	5YR	02/10/2011	2011-5/108
R651-214	Temporary Registration	34418	5YR	02/10/2011	2011-5/109
R651-215	Personal Flotation Devices	34355	5YR	01/11/2011	2011-3/57
R651-215	Personal Flotation Devices	34511	AMD	05/09/2011	2011-7/11
R651-216	Navigation Lights - Note: Figures 1 through 7 mentioned below are on file with the Utah Division of Parks and Recreation	34419	5YR	02/10/2011	2011-5/109
R651-216-2	Navigation Lights On Motorboats 40 Feet To Less than 65 Feet	34512	AMD	05/09/2011	2011-7/12
R651-217	Fire Extinguishers	34420	5YR	02/10/2011	2011-5/110

R651-217-2	Fire Extinguishers Required	34513	AMD	05/09/2011	2011-7/13
R651-218	Carburetor Backfire Flame Control	34421	5YR	02/10/2011	2011-5/110
R651-219	Additional Safety Equipment	34422	5YR	02/10/2011	2011-5/111
R651-219	Additional Safety Equipment	34514	AMD	05/09/2011	2011-7/14
R651-220	Registration and Numbering Exemptions	34423	5YR	02/10/2011	2011-5/111
R651-221	Boat Liveries - Boat Rental Companies	34424	5YR	02/10/2011	2011-5/112
R651-221	Boat Liveries - Boat Rental Companies	34515	AMD	05/09/2011	2011-7/15
R651-222	Muffling Requirements	34356	5YR	01/11/2011	2011-3/58
R651-224	Towed Devices	34357	5YR	01/11/2011	2011-3/59
R651-226	Regattas and Races	34425	5YR	02/10/2011	2011-5/112
R651-401	Off-Highway Vehicle and Registration Stickers	34531	5YR	03/28/2011	2011-8/36
R651-401-2	Display of OHV Registration Numbers	34416	AMD	04/07/2011	2011-5/39
R651-405	Off-Highway Implement of Husbandry Sticker Fee	34532	5YR	03/28/2011	2011-8/37
R651-406	Off-Highway Vehicle Registration Fees	34533	5YR	03/28/2011	2011-8/37
R651-601-15	Special Use Permit	34446	AMD	04/07/2011	2011-5/40
R651-608-1	Permit Requirements	34507	AMD	05/09/2011	2011-7/17
R651-611	Fee Schedule	34377	5YR	01/24/2011	2011-4/44
R651-611	Fee Schedule	34364	AMD	04/07/2011	2011-3/37
R651-611	Fee Schedule	34380	NSC	04/11/2011	Not Printed
R651-801	Swimming Prohibited	34426	5YR	02/10/2011	2011-5/113
R651-802	Scuba Diving	34427	5YR	02/10/2011	2011-5/113
<u>Water Rights</u>					
R655-4	Water Well Drillers	34413	R&R	04/11/2011	2011-5/41
R655-4	Water Well Drillers	34541	NSC	04/12/2011	Not Printed
R655-10	Dam Safety Classifications, Approval Procedures and Independent Reviews	34690	5YR	04/14/2011	2011-9/121
R655-11	Requirements for the Design, Construction and Abandonment of Dams	34691	5YR	04/14/2011	2011-9/121
R655-12	Requirements for Operational Dams	34692	5YR	04/14/2011	2011-9/122
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	34341	AMD	03/14/2011	2011-3/39
R657-13	Taking Fish and Crayfish	34167	AMD	01/04/2011	2010-22/103
R657-33	Taking Bear	34367	AMD	04/04/2011	2011-4/26
R657-44	Big Game Depredation	34299	AMD	02/07/2011	2011-1/32
R657-48	Wildlife Species of Concern and Habitat Designation Advisory Committee	34806	5YR	05/12/2011	Not Printed
R657-55	Wildlife Convention Permits	34303	AMD	02/07/2011	2011-1/35
R657-58	Fishing Contests and Clinics	34168	AMD	01/04/2011	2010-22/105
R657-58	Fishing Contests and Clinics	34379	AMD	04/04/2011	2011-4/29
R657-63	Self Defense Against Wild Animals	34354	NEW	03/14/2011	2011-3/49
PUBLIC SAFETY					
<u>Criminal Investigations and Technical Services, 911 Committee (Utah)</u>					
R720-1	Utah 911 Committee Rule	34501	NEW	05/11/2011	2011-7/22
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-300	Concealed Firearm Permit and Instructor Rule	34800	EMR	05/10/2011	Not Printed
R722-300-3	Definitions	34222	AMD	01/07/2011	2010-23/61
R722-330	Licensing of Private Investigators	34799	EMR	05/10/2011	Not Printed
R722-350	Certificate of Eligibility	34324	NEW	02/22/2011	2011-2/40
<u>Driver License</u>					
R708-16	Pedestrian Vehicle Rule	34398	5YR	01/31/2011	2011-4/46
R708-18	Regulatory and Administrative Fees	34399	5YR	01/31/2011	2011-4/46
R708-19	Automobile No-Fault Self-Insurance	34400	5YR	01/31/2011	2011-4/47
R708-20	Motor Vehicle Accident Prevention Course Standards	34401	5YR	01/31/2011	2011-4/47
R708-33	Electric Assisted Bicycle Headgear	34402	5YR	01/31/2011	2011-4/48
R708-38	Anatomical Gift	34403	5YR	01/31/2011	2011-4/48
R708-38	Anatomical Gift	34404	NSC	02/14/2011	Not Printed
R708-42	Driver Address Record	34371	5YR	01/20/2011	2011-4/49
R708-43	YES or NO Notification	34372	5YR	01/20/2011	2011-4/49
R708-44	Citation Monitoring Service	34374	5YR	01/20/2011	2011-4/50

RULES INDEX

R708-44	Citation Monitoring Service	34373	NSC	02/14/2011	Not Printed
<u>Fire Marshal</u>					
R710-2	Rules Pursuant to the Utah Fireworks Act	34247	AMD	01/21/2011	2010-24/57
R710-6	Liquefied Petroleum Gas Rules	34520	5YR	03/16/2011	2011-8/38
R710-6-4	LP Gas Certificates	34487	AMD	04/21/2011	2011-6/84
R710-9	Rules Pursuant to the Utah Fire Prevention Law	34242	AMD	01/09/2011	2010-23/58
R710-10	Rules Pursuant to Fire Service Training, Education, and Certification	34495	EXD	03/07/2011	2011-7/51
R710-10	Rules Pursuant to Fire Service Training, Education, and Certification	34505	EMR	03/14/2011	2011-7/37
R710-10	Rules Pursuant to Fire Service Training, Education, and Certification	34502	NEW	05/11/2011	2011-7/18
<u>Highway Patrol</u>					
R714-160	Equipment Standards for Passenger Vehicle and Light Truck Safety Inspections	34285	NEW	02/09/2011	2011-1/37
R714-161	Equipment Standards for Motorcycle and ATV Safety Inspections	34286	NEW	02/09/2011	2011-1/53
R714-162	Equipment Standards for Heavy Truck, Trailer and Bus Safety Inspections	34287	NEW	02/08/2011	2011-1/59
R714-600	Performance Standards for Tow-Truck Motor Carriers	34255	R&R	01/24/2011	2010-24/61
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-360-8	Calculation of Fund Distributions in Rate-of-Return Incumbent Telephone Corporation Territories	34176	AMD	01/19/2011	2010-22/109
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-608	Utah Engineering and Computer Science Loan Forgiveness Program	34441	AMD	04/11/2011	2011-5/93
R765-649	Utah Higher Education Assistance Authority (UHEAA) Privacy Policy	34530	5YR	03/25/2011	2011-8/39
<u>University of Utah, Administration</u>					
R805-2	Government Records Access and Management Act Procedures	34387	AMD	03/24/2011	2011-4/31
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-10	Expedited Rulemaking	34289	NSC	01/06/2011	Not Printed
R850-60	Cultural Resources	34261	AMD	01/24/2011	2010-24/64
R850-60-100	Authorities	34328	NSC	01/18/2011	Not Printed
TAX COMMISSION					
<u>Administration</u>					
R861-1A-43	Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207	34326	AMD	02/23/2011	2011-2/42
<u>Auditing</u>					
R865-11Q	Sales and Use Tax	34535	NSC	04/12/2011	Not Printed
R865-19S-78	Charges for Labor and Repair Under an Extended Warranty Agreement Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	34268	AMD	01/27/2011	2010-24/68
R865-19S-78	Service Plan Charges for Labor and Repair Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	34688	NSC	04/27/2011	Not Printed

TECHNOLOGY SERVICES

Administration

R895-1	Access to Records	34438	5YR	02/15/2011	2011-5/117
R895-2	Americans With Disabilities Act (ADA) Complaint Procedure	34439	5YR	02/15/2011	2011-5/117
R895-5	Acquisition of Information Technology	34722	5YR	04/27/2011	2011-10/120
R895-8	State Privacy Policy and Agency Privacy Policies	34723	5YR	04/27/2011	2011-10/121
R895-11	Technology Services Adjudicative Proceedings	34440	5YR	02/15/2011	2011-5/118

TRANSPORTATION

Motor Carrier, Ports of Entry

R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	34453	5YR	02/17/2011	2011-6/107
R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	34454	NSC	03/10/2011	Not Printed

Operations, Traffic and Safety

R920-50	Ropeway Operation Safety Rules	34241	AMD	01/10/2011	2010-23/63
---------	--------------------------------	-------	-----	------------	------------

Preconstruction

R930-5-13	Notice of Intended Action	34415	EMR	02/09/2011	2011-5/105
R930-5-13	Notice on Intended Action	34452	AMD	04/21/2011	2011-6/90

Preconstruction, Right-of-Way Acquisition

R933-1	Right of Way Acquisition	34363	AMD	03/10/2011	2011-3/51
--------	--------------------------	-------	-----	------------	-----------

Program Development

R926-6	Transportation Corridor Preservation Revolving Loan Fund	34451	AMD	04/21/2011	2011-6/87
R926-9	Establishment Designation and Operation of Tollways	34459	5YR	02/24/2011	2011-6/107
R926-9	Establishment Designation and Operation of Tollways	34460	AMD	04/21/2011	2011-6/89

TRANSPORTATION COMMISSION

Administration

R940-1	Establishment of Toll Rates	34461	5YR	02/24/2011	2011-6/108
R940-1	Establishment of Toll Rates	34462	AMD	04/21/2011	2011-6/91

WORKFORCE SERVICES

Employment Development

R986-100-122	Advance Notice of Department Action	34444	AMD	04/11/2011	2011-5/96
R986-200-246	Transitional Cash Assistance	34239	AMD	01/13/2011	2010-23/70
R986-200-247	Utah Back to Work Pilot Program (BWP)	34547	NSC	04/12/2011	Not Printed
R986-600	Workforce Investment Act	34277	AMD	01/26/2011	2010-24/69

Unemployment Insurance

R994-302	Employer Contribution Payments	34776	5YR	05/05/2011	Not Printed
R994-308	Bond Requirement	34777	5YR	05/05/2011	Not Printed
R994-403-113c	Work Search	34361	AMD	03/15/2011	2011-3/52
R994-508	Appeal Procedures	34445	AMD	04/11/2011	2011-5/97

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>access to information</u> Technology Services, Administration	34438	R895-1	5YR	02/15/2011	2011-5/117
<u>accident prevention</u> Public Safety, Driver License	34401	R708-20	5YR	01/31/2011	2011-4/47
<u>adjudicative proceedings</u> Commerce, Administration	34479	R151-4	NEW	04/21/2011	2011-6/4
	34480	R151-46b	REP	04/21/2011	2011-6/18
Natural Resources, Forestry, Fire and State Lands	34432	R652-8	5YR	02/14/2011	2011-5/115
<u>administrative law</u> Human Services, Recovery Services	34529	R527-200	5YR	03/25/2011	2011-8/34
<u>administrative procedures</u> Commerce, Administration	34479	R151-4	NEW	04/21/2011	2011-6/4
	34480	R151-46b	REP	04/21/2011	2011-6/18
Commerce, Occupational and Professional Licensing	34397	R156-46b	5YR	01/31/2011	2011-4/36
	34469	R156-46b	AMD	04/25/2011	2011-6/33
Environmental Quality, Drinking Water	34112	R309-100-4	AMD	02/03/2011	2010-20/51
Labor Commission, Industrial Accidents	34294	R612-12-2	NSC	01/06/2011	Not Printed
Natural Resources, Forestry, Fire and State Lands	34432	R652-8	5YR	02/14/2011	2011-5/115
	34434	R652-9	5YR	02/14/2011	2011-5/115
	34435	R652-41	5YR	02/14/2011	2011-5/116
	34436	R652-80	5YR	02/14/2011	2011-5/116
	34376	R652-123	5YR	01/24/2011	2011-4/45
School and Institutional Trust Lands, Administration	34289	R850-10	NSC	01/06/2011	Not Printed
<u>adult education</u> Education, Administration	34231	R277-733	AMD	01/10/2011	2010-23/31
<u>advertising</u> Commerce, Consumer Protection	34100	R152-11-9	AMD	02/07/2011	2010-20/4
<u>affidavit of merit</u> Commerce, Occupational and Professional Licensing	34215	R156-78B	AMD	01/10/2011	2010-23/4
<u>affordable housing</u> Community and Culture, Olene Walker Housing Trust Fund	34463	R235-1	5YR	02/24/2011	2011-6/101
	34455	R235-1	AMD	04/27/2011	2011-6/51
<u>air pollution</u> Environmental Quality, Air Quality	34351	R307-110-17	AMD	05/04/2011	2011-3/25
	34350	R307-110-28	AMD	04/07/2011	2011-3/26
	34557	R307-210	5YR	04/06/2011	2011-9/118
<u>alcoholic beverages</u> Alcoholic Beverage Control, Administration	34787	R81-1	5YR	05/10/2011	Not Printed
	34337	R81-1-29	AMD	02/24/2011	2011-2/4
	34336	R81-1-30	AMD	02/24/2011	2011-2/5
	34788	R81-2	5YR	05/10/2011	Not Printed

	34789	R81-3	5YR	05/10/2011	Not Printed
	34340	R81-3-13	AMD	02/24/2011	2011-2/6
	34790	R81-4A	5YR	05/10/2011	Not Printed
	34791	R81-5	5YR	05/10/2011	Not Printed
	34792	R81-6	5YR	05/10/2011	Not Printed
	34793	R81-7	5YR	05/10/2011	Not Printed
	34794	R81-8	5YR	05/10/2011	Not Printed
	34795	R81-9	5YR	05/10/2011	Not Printed
	34796	R81-11	5YR	05/10/2011	Not Printed
	34797	R81-12	5YR	05/10/2011	Not Printed
<u>alternative language services</u>					
Education, Administration	34538	R277-716	5YR	03/30/2011	2011-8/32
<u>alternative licensing</u>					
Education, Administration	34457	R277-503-1	NSC	03/10/2011	Not Printed
<u>amendments</u>					
Health, Center for Health Data, Vital Records and Statistics	34493	R436-3	NSC	04/06/2011	Not Printed
<u>anatomical gift</u>					
Public Safety, Driver License	34403	R708-38	5YR	01/31/2011	2011-4/48
	34404	R708-38	NSC	02/14/2011	Not Printed
<u>annuity replacement</u>					
Insurance, Administration	34026	R590-93	AMD	01/10/2011	2010-18/59
	34026	R590-93	CPR	01/10/2011	2010-22/116
<u>appellate procedures</u>					
Corrections, Administration	34527	R251-104	5YR	03/24/2011	2011-8/31
Technology Services, Administration	34440	R895-11	5YR	02/15/2011	2011-5/118
Workforce Services, Unemployment Insurance	34445	R994-508	AMD	04/11/2011	2011-5/97
<u>application procedures</u>					
Commerce, Real Estate	34223	R162-2a	NEW	01/08/2011	2010-23/15
<u>architects</u>					
Commerce, Occupational and Professional Licensing	34396	R156-3a	5YR	01/31/2011	2011-4/35
<u>assignments</u>					
Education, Administration	34334	R277-520	AMD	02/22/2011	2011-2/22
<u>athlete agent</u>					
Commerce, Occupational and Professional Licensing	34499	R156-9a	5YR	03/10/2011	2011-7/45
	34496	R156-9a	NSC	04/06/2011	Not Printed
<u>audiology</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	34317	R414-59-4	AMD	04/05/2011	2011-1/22
<u>automobiles</u>					
Commerce, Administration	34761	R151-14	5YR	05/02/2011	2011-10/117
<u>bait and switch</u>					
Commerce, Consumer Protection	34100	R152-11-9	AMD	02/07/2011	2010-20/4
<u>banking</u>					
Commerce, Corporations and Commercial Code	34785	R154-2	5YR	05/10/2011	Not Printed
<u>banking law</u>					
Money Management Council, Administration	34676	R628-10	5YR	04/11/2011	2011-9/119
	34208	R628-11	AMD	01/12/2011	2010-22/102
<u>banks and banking</u>					
Financial Institutions, Banks	34206	R333-11	REP	02/01/2011	2010-22/63

RULES INDEX

<u>bear</u>						
Natural Resources, Wildlife Resources	34367	R657-33	AMD	04/04/2011	2011-4/26	
<u>big game</u>						
Natural Resources, Wildlife Resources	34299	R657-44	AMD	02/07/2011	2011-1/32	
<u>big game seasons</u>						
Natural Resources, Wildlife Resources	34341	R657-5	AMD	03/14/2011	2011-3/39	
<u>bleeding disorders</u>						
Health, Health Systems Improvement, Primary Care and Rural Health	34327	R434-50	NEW	03/01/2011	2011-2/38	
<u>boating</u>						
Natural Resources, Parks and Recreation	34382	R651-201	5YR	01/26/2011	2011-4/39	
	34383	R651-202	5YR	01/26/2011	2011-4/39	
	34384	R651-203	5YR	01/26/2011	2011-4/40	
	34385	R651-204	5YR	01/26/2011	2011-4/40	
	34386	R651-205	5YR	01/26/2011	2011-4/41	
	34353	R651-206	5YR	01/11/2011	2011-3/57	
	34388	R651-207	5YR	01/26/2011	2011-4/42	
	34389	R651-208	5YR	01/26/2011	2011-4/42	
	34391	R651-210	5YR	01/26/2011	2011-4/43	
	34392	R651-211	5YR	01/26/2011	2011-4/43	
	34393	R651-212	5YR	01/26/2011	2011-4/44	
	34417	R651-213	5YR	02/10/2011	2011-5/108	
	34418	R651-214	5YR	02/10/2011	2011-5/109	
	34355	R651-215	5YR	01/11/2011	2011-3/57	
	34511	R651-215	AMD	05/09/2011	2011-7/11	
	34419	R651-216	5YR	02/10/2011	2011-5/109	
	34512	R651-216-2	AMD	05/09/2011	2011-7/12	
	34420	R651-217	5YR	02/10/2011	2011-5/110	
	34513	R651-217-2	AMD	05/09/2011	2011-7/13	
	34421	R651-218	5YR	02/10/2011	2011-5/110	
	34422	R651-219	5YR	02/10/2011	2011-5/111	
	34514	R651-219	AMD	05/09/2011	2011-7/14	
	34423	R651-220	5YR	02/10/2011	2011-5/111	
	34424	R651-221	5YR	02/10/2011	2011-5/112	
	34515	R651-221	AMD	05/09/2011	2011-7/15	
	34356	R651-222	5YR	01/11/2011	2011-3/58	
	34357	R651-224	5YR	01/11/2011	2011-3/59	
	34425	R651-226	5YR	02/10/2011	2011-5/112	
<u>bonding requirements</u>						
Workforce Services, Unemployment Insurance	34777	R994-308	5YR	05/05/2011	Not Printed	
<u>boxing</u>						
Governor, Economic Development, Pete Suazo Utah Athletic Commission	34279	R359-1-102	AMD	02/22/2011	2010-24/41	
	34407	R359-1-301	AMD	03/28/2011	2011-4/18	
	34366	R359-1-501	AMD	03/28/2011	2011-4/19	
	34408	R359-1-501	AMD	03/28/2011	2011-4/21	
	34278	R359-1-506	AMD	01/31/2011	2010-24/42	
	34482	R359-1-511	AMD	04/26/2011	2011-6/76	
	34483	R359-1-512	AMD	04/26/2011	2011-6/78	
	34484	R359-1-515	AMD	04/26/2011	2011-6/79	
<u>care receiver</u>						
Human Services, Aging and Adult Services	34390	R510-401	5YR	01/26/2011	2011-4/37	
<u>caregiver</u>						
Human Services, Aging and Adult Services	34390	R510-401	5YR	01/26/2011	2011-4/37	
<u>certificate of compliance</u>						
Commerce, Occupational and Professional Licensing	34215	R156-78B	AMD	01/10/2011	2010-23/4	

<u>charities</u>						
Tax Commission, Auditing	34268	R865-19S-78	AMD	01/27/2011	2010-24/68	
	34688	R865-19S-78	NSC	04/27/2011	Not Printed	
<u>charter schools</u>						
Education, Administration	34333	R277-470-12	AMD	02/22/2011	2011-2/21	
<u>child abuse</u>						
Human Services, Child and Family Services	34369	R512-203	5YR	01/18/2011	2011-4/38	
	34778	R512-205	EMR	05/10/2011	Not Printed	
<u>child support</u>						
Human Services, Administration	34288	R495-879	AMD	02/07/2011	2011-1/25	
Human Services, Recovery Services	34529	R527-200	5YR	03/25/2011	2011-8/34	
	34522	R527-231	5YR	03/17/2011	2011-8/35	
<u>child welfare</u>						
Human Services, Child and Family Services	34344	R512-1-6	NSC	01/26/2011	Not Printed	
	34368	R512-11	5YR	01/18/2011	2011-4/38	
	34369	R512-203	5YR	01/18/2011	2011-4/38	
<u>chiropractic physician</u>						
Commerce, Occupational and Professional Licensing	34503	R156-73	5YR	03/14/2011	2011-7/47	
<u>chiropractors</u>						
Commerce, Occupational and Professional Licensing	34503	R156-73	5YR	03/14/2011	2011-7/47	
<u>CIO</u>						
Technology Services, Administration	34723	R895-8	5YR	04/27/2011	2011-10/121	
<u>citation monitoring service</u>						
Public Safety, Driver License	34374	R708-44	5YR	01/20/2011	2011-4/50	
	34373	R708-44	NSC	02/14/2011	Not Printed	
<u>civil procedure</u>						
Human Services, Recovery Services	34490	R527-800	5YR	03/03/2011	2011-7/49	
<u>coal mining</u>						
Natural Resources, Oil, Gas and Mining; Coal	34550	R645-106	5YR	04/04/2011	2011-9/119	
<u>communicable diseases</u>						
Human Services, Administration	34536	R495-862	5YR	03/30/2011	2011-8/33	
<u>compliance determinations</u>						
Environmental Quality, Drinking Water	34375	R309-215-16	NSC	02/14/2011	Not Printed	
<u>concealed firearm permit</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34800	R722-300	EMR	05/10/2011	Not Printed	
	34222	R722-300-3	AMD	01/07/2011	2010-23/61	
<u>concealed firearm permit instructor</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34800	R722-300	EMR	05/10/2011	Not Printed	
	34222	R722-300-3	AMD	01/07/2011	2010-23/61	
<u>condemnation</u>						
Transportation, Preconstruction, Right-of-Way Acquisition	34363	R933-1	AMD	03/10/2011	2011-3/51	
<u>confidentiality of information</u>						
Technology Services, Administration	34438	R895-1	5YR	02/15/2011	2011-5/117	
<u>consumer protection</u>						
Commerce, Consumer Protection	34100	R152-11-9	AMD	02/07/2011	2010-20/4	

RULES INDEX

contract requirements

Administrative Services, Facilities Construction and Management 34801 R23-23 EMR 05/10/2011 Not Printed

contractors

Administrative Services, Facilities Construction and Management 34801 R23-23 EMR 05/10/2011 Not Printed

Commerce, Occupational and Professional Licensing 34470 R156-55a AMD 04/25/2011 2011-6/35

contracts

Administrative Services, Facilities Construction and Management 34801 R23-23 EMR 05/10/2011 Not Printed

Capitol Preservation Board (State), Administration 34675 R131-4 5YR 04/11/2011 2011-9/117

cooperative agreement

Natural Resources, Forestry, Fire and State Lands 34394 R652-122 NEW 04/28/2011 2011-4/23

corrections

Corrections, Administration 34527 R251-104 5YR 03/24/2011 2011-8/31
 34771 R251-702 5YR 05/03/2011 Not Printed
 34772 R251-708 5YR 05/03/2011 Not Printed
 34773 R251-711 5YR 05/03/2011 Not Printed
 34528 R251-712 5YR 03/24/2011 2011-8/31

counselors

Commerce, Occupational and Professional Licensing 34339 R156-60c AMD 02/24/2011 2011-2/12

coverage groups

Health, Health Care Financing, Coverage and Reimbursement Policy 34229 R414-303-11 AMD 01/27/2011 2010-23/52

criminal background checks

Education, Rehabilitation 34539 R280-204 5YR 03/30/2011 2011-8/33

crossing

Transportation, Preconstruction 34415 R930-5-13 EMR 02/09/2011 2011-5/105
 34452 R930-5-13 AMD 04/21/2011 2011-6/90

cultural resources

School and Institutional Trust Lands, Administration 34261 R850-60 AMD 01/24/2011 2010-24/64
 34328 R850-60-100 NSC 01/18/2011 Not Printed

custody of children

Human Services, Administration 34288 R495-879 AMD 02/07/2011 2011-1/25

dairy inspections

Agriculture and Food, Regulatory Services 34518 R70-330 5YR 03/16/2011 2011-8/29

dam safety

Natural Resources, Water Rights 34690 R655-10 5YR 04/14/2011 2011-9/121
 34692 R655-12 5YR 04/14/2011 2011-9/122

dams

Natural Resources, Water Rights 34690 R655-10 5YR 04/14/2011 2011-9/121
 34691 R655-11 5YR 04/14/2011 2011-9/121
 34692 R655-12 5YR 04/14/2011 2011-9/122

debt

Human Services, Recovery Services 34521 R527-936 5YR 03/17/2011 2011-8/35

definitions

Environmental Quality, Drinking Water 34243 R309-110-4 AMD 05/09/2011 2010-23/34
 34243 R309-110-4 CPR 05/09/2011 2011-7/28

dental hygienists

Commerce, Occupational and Professional Licensing 34283 R156-69 AMD 02/07/2011 2011-1/8
 34500 R156-69 5YR 03/10/2011 2011-7/46

<u>dentists</u>						
Commerce, Occupational and Professional Licensing	34283	R156-69	AMD	02/07/2011	2011-1/8	
	34500	R156-69	5YR	03/10/2011	2011-7/46	
<u>depleted uranium</u>						
Environmental Quality, Radiation Control	34240	R313-25-8	AMD	04/04/2011	2010-23/48	
	34240	R313-25-8	CPR	04/04/2011	2011-5/102	
<u>depository</u>						
Money Management Council, Administration	34676	R628-10	5YR	04/11/2011	2011-9/119	
<u>depredation</u>						
Natural Resources, Wildlife Resources	34299	R657-44	AMD	02/07/2011	2011-1/32	
<u>developmentally disabled</u>						
Agriculture and Food, Administration	34492	R51-4	5YR	03/03/2011	2011-7/43	
Tax Commission, Administration	34326	R861-1A-43	AMD	02/23/2011	2011-2/42	
Technology Services, Administration	34439	R895-2	5YR	02/15/2011	2011-5/117	
<u>direct solicitations</u>						
Commerce, Consumer Protection	34100	R152-11-9	AMD	02/07/2011	2010-20/4	
<u>disabilities act</u>						
Technology Services, Administration	34439	R895-2	5YR	02/15/2011	2011-5/117	
<u>disabled persons</u>						
Administrative Services, Administration	34347	R13-3	AMD	03/10/2011	2011-3/4	
	34674	R13-3-2	NSC	04/27/2011	Not Printed	
<u>disasters</u>						
Education, Administration	34331	R277-400	AMD	02/22/2011	2011-2/17	
<u>disclosure requirements</u>						
Tax Commission, Administration	34326	R861-1A-43	AMD	02/23/2011	2011-2/42	
<u>discrimination</u>						
Agriculture and Food, Administration	34492	R51-4	5YR	03/03/2011	2011-7/43	
<u>disease control</u>						
Agriculture and Food, Animal Industry	34343	R58-1	AMD	03/24/2011	2011-3/7	
<u>disinfection monitoring</u>						
Environmental Quality, Drinking Water	34375	R309-215-16	NSC	02/14/2011	Not Printed	
<u>diversion programs</u>						
Commerce, Occupational and Professional Licensing	34323	R156-1-102	AMD	02/24/2011	2011-2/7	
<u>domestic violence</u>						
Human Services, Child and Family Services	34344	R512-1-6	NSC	01/26/2011	Not Printed	
	34778	R512-205	EMR	05/10/2011	Not Printed	
<u>drinking water</u>						
Environmental Quality, Drinking Water	34112	R309-100-4	AMD	02/03/2011	2010-20/51	
	34243	R309-110-4	AMD	05/09/2011	2010-23/34	
	34243	R309-110-4	CPR	05/09/2011	2011-7/28	
	34375	R309-215-16	NSC	02/14/2011	Not Printed	
	34244	R309-520	AMD	05/09/2011	2010-24/8	
	34244	R309-520	CPR	05/09/2011	2011-7/33	
<u>driver address record</u>						
Public Safety, Driver License	34371	R708-42	5YR	01/20/2011	2011-4/49	
<u>driver education</u>						
Public Safety, Driver License	34399	R708-18	5YR	01/31/2011	2011-4/46	

RULES INDEX

<u>driver license</u>					
Public Safety, Driver License	34374	R708-44	5YR	01/20/2011	2011-4/50
	34373	R708-44	NSC	02/14/2011	Not Printed
<u>driver license verification</u>					
Public Safety, Driver License	34372	R708-43	5YR	01/20/2011	2011-4/49
<u>earthquakes</u>					
Natural Resources, Water Rights	34691	R655-11	5YR	04/14/2011	2011-9/121
<u>education</u>					
Commerce, Real Estate	34476	R162-103	AMD	04/27/2011	2011-6/46
Education, Administration	34333	R277-470-12	AMD	02/22/2011	2011-2/21
	34429	R277-709	AMD	04/08/2011	2011-5/17
<u>education finance</u>					
Education, Administration	34230	R277-419	AMD	01/10/2011	2010-23/26
<u>educational administration</u>					
Education, Administration	34359	R277-800-5	NSC	01/27/2011	Not Printed
<u>educators</u>					
Education, Administration	34494	R277-510	5YR	03/04/2011	2011-7/48
	34334	R277-520	AMD	02/22/2011	2011-2/22
<u>effluent standards</u>					
Environmental Quality, Water Quality	34437	R317-1-7	AMD	04/13/2011	2011-5/26
<u>elderly</u>					
Human Services, Aging and Adult Services	34390	R510-401	5YR	01/26/2011	2011-4/37
<u>electric assisted bicycle headgear</u>					
Public Safety, Driver License	34402	R708-33	5YR	01/31/2011	2011-4/48
<u>elevator mechanics</u>					
Commerce, Occupational and Professional Licensing	34673	R156-55e-303a	NSC	04/27/2011	Not Printed
<u>eligibility</u>					
Human Services, Child and Family Services	34344	R512-1-6	NSC	01/26/2011	Not Printed
<u>eligibility certificate</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34324	R722-350	NEW	02/22/2011	2011-2/40
<u>emergency medical services</u>					
Health, Health Systems Improvement, Emergency Medical Services	34358	R426-7	5YR	01/12/2011	2011-3/55
	34346	R426-8	5YR	01/05/2011	2011-3/56
<u>emergency preparedness</u>					
Education, Administration	34331	R277-400	AMD	02/22/2011	2011-2/17
<u>employee benefit plans</u>					
Human Resource Management, Administration	34442	R477-6	AMD	04/07/2011	2011-5/29
<u>employer liability</u>					
Workforce Services, Unemployment Insurance	34776	R994-302	5YR	05/05/2011	Not Printed
<u>employment</u>					
Human Resource Management, Administration	34443	R477-4-12	AMD	04/07/2011	2011-5/27
<u>employment support procedures</u>					
Workforce Services, Employment Development	34444	R986-100-122	AMD	04/11/2011	2011-5/96
<u>enforcement</u>					
Commerce, Real Estate	34431	R162-2c	AMD	05/10/2011	2011-5/13
	34225	R162-2c-201	AMD	01/08/2011	2010-23/16

	34226	R162-2c-203	AMD	01/08/2011	2010-23/19
	34227	R162-2c-204	AMD	01/08/2011	2010-23/23
Human Services, Recovery Services	34490	R527-800	5YR	03/03/2011	2011-7/49
<u>environmental protection</u>					
Environmental Quality, Drinking Water	34112	R309-100-4	AMD	02/03/2011	2010-20/51
<u>equipment leasing</u>					
Commerce, Corporations and Commercial Code	34785	R154-2	5YR	05/10/2011	Not Printed
<u>exemptions to wildland fire suppression fund</u>					
Natural Resources, Forestry, Fire and State Lands	34376	R652-123	5YR	01/24/2011	2011-4/45
<u>exhibitions</u>					
Agriculture and Food, Marketing and Development	34489	R65-8	5YR	03/03/2011	2011-7/44
<u>expungement</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34324	R722-350	NEW	02/22/2011	2011-2/40
<u>facilities</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	34720	R525-8	5YR	04/26/2011	2011-10/118
<u>fair employment practices</u>					
Human Resource Management, Administration	34443	R477-4-12	AMD	04/07/2011	2011-5/27
<u>fairs</u>					
Fair Corporation (Utah State), Administration	34464	R325-1	5YR	02/24/2011	2011-6/101
	34465	R325-2	5YR	02/24/2011	2011-6/102
	34466	R325-3	5YR	02/24/2011	2011-6/103
	34467	R325-4	5YR	02/24/2011	2011-6/103
	34468	R325-5	5YR	02/24/2011	2011-6/104
<u>family employment program</u>					
Workforce Services, Employment Development	34239	R986-200-246	AMD	01/13/2011	2010-23/70
	34547	R986-200-247	NSC	04/12/2011	Not Printed
<u>fathers</u>					
Health, Center for Health Data, Vital Records and Statistics	34493	R436-3	NSC	04/06/2011	Not Printed
<u>fees</u>					
Environmental Quality, Environmental Response and Remediation	34272	R311-203	AMD	02/14/2011	2010-24/27
Natural Resources, Parks and Recreation	34377	R651-611	5YR	01/24/2011	2011-4/44
	34364	R651-611	AMD	04/07/2011	2011-3/37
	34380	R651-611	NSC	04/11/2011	Not Printed
Public Safety, Driver License	34399	R708-18	5YR	01/31/2011	2011-4/46
<u>filing deadlines</u>					
Workforce Services, Unemployment Insurance	34361	R994-403-113c	AMD	03/15/2011	2011-3/52
<u>filing documents</u>					
Commerce, Corporations and Commercial Code	34785	R154-2	5YR	05/10/2011	Not Printed
<u>financial institutions</u>					
Financial Institutions, Administration	34207	R331-26	NEW	02/01/2011	2010-22/61
Financial Institutions, Industrial Loan Corporations	34205	R339-6	AMD	02/01/2011	2010-22/65
Money Management Council, Administration	34208	R628-11	AMD	01/12/2011	2010-22/102
<u>financial responsibility</u>					
Environmental Quality, Environmental Response and Remediation	34274	R311-207	AMD	02/14/2011	2010-24/35
	34740	R311-207-9	LNR	05/01/2011	2011-10/123

RULES INDEX

<u>fire prevention</u>						
Public Safety, Fire Marshal	34242	R710-9	AMD	01/09/2011	2010-23/58	
<u>fire training</u>						
Public Safety, Fire Marshal	34495	R710-10	EXD	03/07/2011	2011-7/51	
	34505	R710-10	EMR	03/14/2011	2011-7/37	
	34502	R710-10	NEW	05/11/2011	2011-7/18	
<u>fireworks</u>						
Public Safety, Fire Marshal	34247	R710-2	AMD	01/21/2011	2010-24/57	
<u>fish</u>						
Natural Resources, Wildlife Resources	34167	R657-13	AMD	01/04/2011	2010-22/103	
	34168	R657-58	AMD	01/04/2011	2010-22/105	
	34379	R657-58	AMD	04/04/2011	2011-4/29	
<u>fishing</u>						
Natural Resources, Wildlife Resources	34167	R657-13	AMD	01/04/2011	2010-22/103	
	34168	R657-58	AMD	01/04/2011	2010-22/105	
	34379	R657-58	AMD	04/04/2011	2011-4/29	
<u>fleet expansion</u>						
Administrative Services, Fleet Operations	34257	R27-4-11	AMD	01/25/2011	2010-24/7	
<u>floods</u>						
Natural Resources, Water Rights	34691	R655-11	5YR	04/14/2011	2011-9/121	
<u>food inspections</u>						
Agriculture and Food, Plant Industry	34414	R68-4	5YR	02/08/2011	2011-5/107	
Agriculture and Food, Regulatory Services	34519	R70-370	5YR	03/16/2011	2011-8/29	
	34517	R70-380	5YR	03/16/2011	2011-8/30	
	34378	R70-410	5YR	01/24/2011	2011-4/35	
<u>forensic</u>						
Human Services, Substance Abuse and Mental Health, State Hospital	34720	R525-8	5YR	04/26/2011	2011-10/118	
<u>forest practices</u>						
Natural Resources, Forestry, Fire and State Lands	34313	R652-140	AMD	02/07/2011	2011-1/30	
<u>franchises</u>						
Commerce, Administration	34761	R151-14	5YR	05/02/2011	2011-10/117	
<u>freedom of information</u>						
Agriculture and Food, Administration	34491	R51-3	5YR	03/03/2011	2011-7/43	
Technology Services, Administration	34438	R895-1	5YR	02/15/2011	2011-5/117	
<u>game laws</u>						
Natural Resources, Wildlife Resources	34341	R657-5	AMD	03/14/2011	2011-3/39	
	34367	R657-33	AMD	04/04/2011	2011-4/26	
<u>government documents</u>						
Agriculture and Food, Administration	34491	R51-3	5YR	03/03/2011	2011-7/43	
<u>government hearings</u>						
Commerce, Administration	34479	R151-4	NEW	04/21/2011	2011-6/4	
	34480	R151-46b	REP	04/21/2011	2011-6/18	
Commerce, Occupational and Professional Licensing	34397	R156-46b	5YR	01/31/2011	2011-4/36	
	34469	R156-46b	AMD	04/25/2011	2011-6/33	
<u>GRAMA</u>						
Regents (Board Of), University of Utah, Administration	34387	R805-2	AMD	03/24/2011	2011-4/31	
<u>grants</u>						
Community and Culture, Housing and Community Development	34135	R199-8	AMD	01/13/2011	2010-21/5	

Health, Health Systems Improvement, Primary Care and Rural Health	34327	R434-50	NEW	03/01/2011	2011-2/38
<u>grievance procedures</u>					
Administrative Services, Administration	34347	R13-3	AMD	03/10/2011	2011-3/4
	34674	R13-3-2	NSC	04/27/2011	Not Printed
Tax Commission, Administration	34326	R861-1A-43	AMD	02/23/2011	2011-2/42
<u>grievances</u>					
Agriculture and Food, Administration	34492	R51-4	5YR	03/03/2011	2011-7/43
<u>guardianship</u>					
Human Services, Child and Family Services	34471	R512-308	5YR	02/28/2011	2011-6/104
<u>habitat designation</u>					
Natural Resources, Wildlife Resources	34806	R657-48	5YR	05/12/2011	Not Printed
<u>hazardous substances</u>					
Environmental Quality, Environmental Response and Remediation	34271	R311-201	AMD	02/14/2011	2010-24/23
	34739	R311-201-11	LNR	05/01/2011	2011-10/123
	34272	R311-203	AMD	02/14/2011	2010-24/27
	34273	R311-206	AMD	02/14/2011	2010-24/33
	34269	R311-212	AMD	02/14/2011	2010-24/38
<u>health facilities</u>					
Health, Health Systems Improvement, Licensing	34318	R432-101	AMD	04/11/2011	2011-2/31
	34319	R432-150	AMD	04/11/2011	2011-2/32
	34320	R432-600	AMD	04/11/2011	2011-2/36
	34321	R432-700	AMD	04/11/2011	2011-2/37
<u>health insurance</u>					
Administrative Services, Facilities Construction and Management	34801	R23-23	EMR	05/10/2011	Not Printed
Insurance, Administration	34169	R590-167-4	AMD	01/10/2011	2010-22/100
<u>health insurance open enrollment</u>					
Insurance, Administration	34276	R590-259	NEW	01/25/2011	2010-24/51
	34410	R590-259-13	NSC	02/24/2011	Not Printed
<u>higher education</u>					
Regents (Board Of), Administration	34441	R765-608	AMD	04/11/2011	2011-5/93
	34530	R765-649	5YR	03/25/2011	2011-8/39
Regents (Board Of), University of Utah, Administration	34387	R805-2	AMD	03/24/2011	2011-4/31
<u>highly qualified</u>					
Education, Administration	34494	R277-510	5YR	03/04/2011	2011-7/48
<u>highways</u>					
Transportation, Program Development	34459	R926-9	5YR	02/24/2011	2011-6/107
	34460	R926-9	AMD	04/21/2011	2011-6/89
<u>hiring practices</u>					
Human Resource Management, Administration	34443	R477-4-12	AMD	04/07/2011	2011-5/27
<u>historic preservation</u>					
Community and Culture, History	34716	R212-9	5YR	04/26/2011	2011-10/118
<u>historic sites</u>					
Community and Culture, History	34717	R212-6	5YR	04/26/2011	2011-10/117
<u>honey</u>					
Agriculture and Food, Plant Industry	34558	R68-21-2	NSC	04/27/2011	Not Printed
<u>HOT lanes</u>					
Transportation Commission, Administration	34461	R940-1	5YR	02/24/2011	2011-6/108

RULES INDEX

	34462	R940-1	AMD	04/21/2011	2011-6/91
<u>housing development</u>					
Community and Culture, Olene Walker Housing Trust Fund	34463	R235-1	5YR	02/24/2011	2011-6/101
	34455	R235-1	AMD	04/27/2011	2011-6/51
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	34212	R501-21	AMD	01/24/2011	2010-22/81
<u>import requirements</u>					
Agriculture and Food, Animal Industry	34343	R58-1	AMD	03/24/2011	2011-3/7
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	34229	R414-303-11	AMD	01/27/2011	2010-23/52
<u>independent foster care adolescent</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	34229	R414-303-11	AMD	01/27/2011	2010-23/52
<u>industrial waste</u>					
Environmental Quality, Water Quality	34437	R317-1-7	AMD	04/13/2011	2011-5/26
<u>information technology</u>					
Technology Services, Administration	34440	R895-11	5YR	02/15/2011	2011-5/118
<u>injury</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	34508	R386-703	5YR	03/14/2011	2011-7/48
<u>inmates</u>					
Corrections, Administration	34771	R251-702	5YR	05/03/2011	Not Printed
<u>inspections</u>					
Agriculture and Food, Plant Industry	34488	R68-7	5YR	03/02/2011	2011-7/44
	34345	R68-8	5YR	01/05/2011	2011-3/55
<u>insurance</u>					
Human Resource Management, Administration	34442	R477-6	AMD	04/07/2011	2011-5/29
Insurance, Administration	34478	R590-144	5YR	03/01/2011	2011-6/105
	34312	R590-148-24	AMD	02/08/2011	2011-1/27
	34236	R590-152	AMD	01/20/2011	2010-23/57
	34477	R590-177	5YR	03/01/2011	2011-6/105
	34259	R590-186	AMD	02/10/2011	2010-24/47
<u>insurance certificate of authority</u>					
Insurance, Administration	34714	R590-208	5YR	04/25/2011	2011-10/119
<u>insurance law</u>					
Insurance, Administration	34175	R590-133	AMD	01/10/2011	2010-22/98
	34485	R590-200	5YR	03/01/2011	2011-6/106
<u>Internet facilitators</u>					
Commerce, Occupational and Professional Licensing	34237	R156-83-306	AMD	01/10/2011	2010-23/14
<u>IT bid committee</u>					
Technology Services, Administration	34722	R895-5	5YR	04/27/2011	2011-10/120
<u>IT standards</u>					
Technology Services, Administration	34722	R895-5	5YR	04/27/2011	2011-10/120
<u>juvenile courts</u>					
Education, Administration	34429	R277-709	AMD	04/08/2011	2011-5/17

<u>land exchanges</u>						
Natural Resources, Forestry, Fire and State Lands	34436	R652-80	5YR	02/14/2011	2011-5/116	
<u>law</u>						
Public Safety, Fire Marshal	34242	R710-9	AMD	01/09/2011	2010-23/58	
<u>law enforcement</u>						
Public Safety, Highway Patrol	34255	R714-600	R&R	01/24/2011	2010-24/61	
<u>license</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	34799	R722-330	EMR	05/10/2011	Not Printed	
<u>licenses</u>						
Education, Administration	34334	R277-520	AMD	02/22/2011	2011-2/22	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	34323	R156-1-102	AMD	02/24/2011	2011-2/7	
	34396	R156-3a	5YR	01/31/2011	2011-4/35	
	34499	R156-9a	5YR	03/10/2011	2011-7/45	
	34496	R156-9a	NSC	04/06/2011	Not Printed	
	34282	R156-50	NSC	01/06/2011	Not Printed	
	34470	R156-55a	AMD	04/25/2011	2011-6/35	
	34338	R156-55c-102	AMD	02/24/2011	2011-2/10	
	34673	R156-55e-303a	NSC	04/27/2011	Not Printed	
	34310	R156-60a	AMD	02/10/2011	2011-1/6	
	34339	R156-60c	AMD	02/24/2011	2011-2/12	
	34395	R156-60d	5YR	01/31/2011	2011-4/37	
	34370	R156-63a	AMD	03/24/2011	2011-4/12	
	34360	R156-63a-302f	NSC	01/26/2011	Not Printed	
	34504	R156-67	5YR	03/14/2011	2011-7/46	
	34283	R156-69	AMD	02/07/2011	2011-1/8	
	34500	R156-69	5YR	03/10/2011	2011-7/46	
	34503	R156-73	5YR	03/14/2011	2011-7/47	
	34237	R156-83-306	AMD	01/10/2011	2010-23/14	
Commerce, Real Estate	34431	R162-2c	AMD	05/10/2011	2011-5/13	
	34225	R162-2c-201	AMD	01/08/2011	2010-23/16	
	34226	R162-2c-203	AMD	01/08/2011	2010-23/19	
	34227	R162-2c-204	AMD	01/08/2011	2010-23/23	
Governor, Economic Development, Pete Suazo Utah Athletic Commission	34279	R359-1-102	AMD	02/22/2011	2010-24/41	
	34407	R359-1-301	AMD	03/28/2011	2011-4/18	
	34366	R359-1-501	AMD	03/28/2011	2011-4/19	
	34408	R359-1-501	AMD	03/28/2011	2011-4/21	
	34278	R359-1-506	AMD	01/31/2011	2010-24/42	
	34482	R359-1-511	AMD	04/26/2011	2011-6/76	
	34483	R359-1-512	AMD	04/26/2011	2011-6/78	
	34484	R359-1-515	AMD	04/26/2011	2011-6/79	
Human Services, Administration, Administrative Services, Licensing	34212	R501-21	AMD	01/24/2011	2010-22/81	
Public Safety, Driver License	34399	R708-18	5YR	01/31/2011	2011-4/46	
<u>life insurance</u>						
Insurance, Administration	34026	R590-93	AMD	01/10/2011	2010-18/59	
	34026	R590-93	CPR	01/10/2011	2010-22/116	
<u>life jackets</u>						
Natural Resources, Parks and Recreation	34422	R651-219	5YR	02/10/2011	2011-5/111	
	34514	R651-219	AMD	05/09/2011	2011-7/14	
<u>liquefied petroleum gas</u>						
Public Safety, Fire Marshal	34520	R710-6	5YR	03/16/2011	2011-8/38	
	34487	R710-6-4	AMD	04/21/2011	2011-6/84	
<u>livestock</u>						
Agriculture and Food, Marketing and Development	34489	R65-8	5YR	03/03/2011	2011-7/44	

RULES INDEX

loan origination

Commerce, Real Estate	34431	R162-2c	AMD	05/10/2011	2011-5/13
	34225	R162-2c-201	AMD	01/08/2011	2010-23/16
	34226	R162-2c-203	AMD	01/08/2011	2010-23/19
	34227	R162-2c-204	AMD	01/08/2011	2010-23/23

management

Natural Resources, Forestry, Fire and State Lands	34435	R652-41	5YR	02/14/2011	2011-5/116
---	-------	---------	-----	------------	------------

Medicaid

Health, Health Care Financing	34147	R410-14	R&R	04/25/2011	2010-21/19
	34147	R410-14	CPR	04/25/2011	2011-6/96
Health, Health Care Financing, Coverage and Reimbursement Policy	34228	R414-1	AMD	01/19/2011	2010-23/49
	34315	R414-1-5	AMD	04/05/2011	2011-1/20
	34509	R414-14A	AMD	05/16/2011	2011-7/5
	34316	R414-54-3	AMD	04/05/2011	2011-1/21
	34317	R414-59-4	AMD	04/05/2011	2011-1/22
	34314	R414-61	AMD	04/05/2011	2011-1/23
	34267	R414-501	AMD	04/05/2011	2010-24/44
Human Services, Recovery Services	34490	R527-800	5YR	03/03/2011	2011-7/49
	34521	R527-936	5YR	03/17/2011	2011-8/35

medical discount program

Insurance, Administration	34236	R590-152	AMD	01/20/2011	2010-23/57
---------------------------	-------	----------	-----	------------	------------

medical malpractice

Commerce, Occupational and Professional Licensing	34215	R156-78B	AMD	01/10/2011	2010-23/4
---	-------	----------	-----	------------	-----------

mental health

Commerce, Occupational and Professional Licensing	34339	R156-60c	AMD	02/24/2011	2011-2/12
Human Services, Substance Abuse and Mental Health, State Hospital	34720	R525-8	5YR	04/26/2011	2011-10/118

methadone programs

Human Services, Substance Abuse and Mental Health	34540	R523-21	5YR	03/30/2011	2011-8/34
---	-------	---------	-----	------------	-----------

minimum standards

Natural Resources, Forestry, Fire and State Lands	34394	R652-122	NEW	04/28/2011	2011-4/23
---	-------	----------	-----	------------	-----------

mothers

Health, Center for Health Data, Vital Records and Statistics	34493	R436-3	NSC	04/06/2011	Not Printed
--	-------	--------	-----	------------	-------------

motor carrier

Public Safety, Highway Patrol	34255	R714-600	R&R	01/24/2011	2010-24/61
-------------------------------	-------	----------	-----	------------	------------

motor vehicle record

Public Safety, Driver License	34374	R708-44	5YR	01/20/2011	2011-4/50
	34373	R708-44	NSC	02/14/2011	Not Printed

motor vehicle safety

Public Safety, Highway Patrol	34285	R714-160	NEW	02/09/2011	2011-1/37
	34286	R714-161	NEW	02/09/2011	2011-1/53
	34287	R714-162	NEW	02/08/2011	2011-1/59

motor vehicles

Commerce, Administration	34761	R151-14	5YR	05/02/2011	2011-10/117
Public Safety, Driver License	34401	R708-20	5YR	01/31/2011	2011-4/47

motorboat noise

Natural Resources, Parks and Recreation	34356	R651-222	5YR	01/11/2011	2011-3/58
---	-------	----------	-----	------------	-----------

national register

Community and Culture, History	34717	R212-6	5YR	04/26/2011	2011-10/117
--------------------------------	-------	--------	-----	------------	-------------

<u>natural resources</u>						
Natural Resources, Forestry, Fire and State Lands	34435	R652-41	5YR	02/14/2011	2011-5/116	
<u>new source review</u>						
Environmental Quality, Air Quality	34557	R307-210	5YR	04/06/2011	2011-9/118	
<u>notification</u>						
Natural Resources, Forestry, Fire and State Lands	34313	R652-140	AMD	02/07/2011	2011-1/30	
<u>occupational licensing</u>						
Commerce, Occupational and Professional Licensing	34323	R156-1-102	AMD	02/24/2011	2011-2/7	
	34397	R156-46b	5YR	01/31/2011	2011-4/36	
	34469	R156-46b	AMD	04/25/2011	2011-6/33	
	34470	R156-55a	AMD	04/25/2011	2011-6/35	
	34338	R156-55c-102	AMD	02/24/2011	2011-2/10	
<u>off-highway vehicles</u>						
Natural Resources, Parks and Recreation	34531	R651-401	5YR	03/28/2011	2011-8/36	
	34416	R651-401-2	AMD	04/07/2011	2011-5/39	
	34532	R651-405	5YR	03/28/2011	2011-8/37	
	34533	R651-406	5YR	03/28/2011	2011-8/37	
	34446	R651-601-15	AMD	04/07/2011	2011-5/40	
<u>oil and gas law</u>						
Natural Resources, Oil, Gas and Mining; Oil and Gas	34551	R649-10	5YR	04/04/2011	2011-9/120	
<u>Olene Walker Housing Loan Fund</u>						
Community and Culture, Olene Walker Housing Trust Fund	34463	R235-1	5YR	02/24/2011	2011-6/101	
	34455	R235-1	AMD	04/27/2011	2011-6/51	
<u>online prescribing</u>						
Commerce, Occupational and Professional Licensing	34237	R156-83-306	AMD	01/10/2011	2010-23/14	
<u>operation and maintenance</u>						
Environmental Quality, Drinking Water	34244	R309-520	AMD	05/09/2011	2010-24/8	
	34244	R309-520	CPR	05/09/2011	2011-7/33	
<u>out-of-home care</u>						
Human Services, Child and Family Services	34471	R512-308	5YR	02/28/2011	2011-6/104	
<u>outpatient treatment programs</u>						
Human Services, Administration, Administrative Services, Licensing	34212	R501-21	AMD	01/24/2011	2010-22/81	
<u>ozone</u>						
Environmental Quality, Air Quality	34351	R307-110-17	AMD	05/04/2011	2011-3/25	
	34350	R307-110-28	AMD	04/07/2011	2011-3/26	
<u>parks</u>						
Natural Resources, Parks and Recreation	34382	R651-201	5YR	01/26/2011	2011-4/39	
	34386	R651-205	5YR	01/26/2011	2011-4/41	
	34353	R651-206	5YR	01/11/2011	2011-3/57	
	34355	R651-215	5YR	01/11/2011	2011-3/57	
	34511	R651-215	AMD	05/09/2011	2011-7/11	
	34420	R651-217	5YR	02/10/2011	2011-5/110	
	34513	R651-217-2	AMD	05/09/2011	2011-7/13	
	34422	R651-219	5YR	02/10/2011	2011-5/111	
	34514	R651-219	AMD	05/09/2011	2011-7/14	
	34424	R651-221	5YR	02/10/2011	2011-5/112	
	34515	R651-221	AMD	05/09/2011	2011-7/15	
	34446	R651-601-15	AMD	04/07/2011	2011-5/40	
	34507	R651-608-1	AMD	05/09/2011	2011-7/17	
	34377	R651-611	5YR	01/24/2011	2011-4/44	
	34364	R651-611	AMD	04/07/2011	2011-3/37	
	34380	R651-611	NSC	04/11/2011	Not Printed	

RULES INDEX

permits

Transportation, Motor Carrier, Ports of Entry 34453 R912-8 5YR 02/17/2011 2011-6/107
 34454 R912-8 NSC 03/10/2011 Not Printed

personnel management

Human Resource Management, Administration 34442 R477-6 AMD 04/07/2011 2011-5/29

pesticides

Agriculture and Food, Plant Industry 34488 R68-7 5YR 03/02/2011 2011-7/44

petroleum

Environmental Quality, Environmental Response and Remediation 34270 R311-200 AMD 02/14/2011 2010-24/19
 34271 R311-201 AMD 02/14/2011 2010-24/23
 34739 R311-201-11 LNR 05/01/2011 2011-10/123
 34272 R311-203 AMD 02/14/2011 2010-24/27
 34275 R311-205 AMD 02/14/2011 2010-24/30
 34273 R311-206 AMD 02/14/2011 2010-24/33
 34274 R311-207 AMD 02/14/2011 2010-24/35
 34740 R311-207-9 LNR 05/01/2011 2011-10/123
 34269 R311-212 AMD 02/14/2011 2010-24/38

physicians

Commerce, Occupational and Professional Licensing 34504 R156-67 5YR 03/14/2011 2011-7/46

plant disease

Agriculture and Food, Plant Industry 34412 R68-18 5YR 02/08/2011 2011-5/107

plumbers

Commerce, Occupational and Professional Licensing 34338 R156-55c-102 AMD 02/24/2011 2011-2/10

plumbing

Commerce, Occupational and Professional Licensing 34338 R156-55c-102 AMD 02/24/2011 2011-2/10

PM10

Environmental Quality, Air Quality 34351 R307-110-17 AMD 05/04/2011 2011-3/25
 34350 R307-110-28 AMD 04/07/2011 2011-3/26

PM2.5

Environmental Quality, Air Quality 34351 R307-110-17 AMD 05/04/2011 2011-3/25
 34350 R307-110-28 AMD 04/07/2011 2011-3/26

prelitigation

Commerce, Occupational and Professional Licensing 34215 R156-78B AMD 01/10/2011 2010-23/4

prescription drug plans

Insurance, Administration 34713 R590-235 5YR 04/25/2011 2011-10/120

primary disinfectants

Environmental Quality, Drinking Water 34244 R309-520 AMD 05/09/2011 2010-24/8
 34244 R309-520 CPR 05/09/2011 2011-7/33

prisons

Corrections, Administration 34771 R251-702 5YR 05/03/2011 Not Printed
 34772 R251-708 5YR 05/03/2011 Not Printed
 34773 R251-711 5YR 05/03/2011 Not Printed
 34528 R251-712 5YR 03/24/2011 2011-8/31

privacy

Technology Services, Administration 34723 R895-8 5YR 04/27/2011 2011-10/121

private investigators

Public Safety, Criminal Investigations and Technical Services, Criminal Identification 34799 R722-330 EMR 05/10/2011 Not Printed

private probation provider

Commerce, Occupational and Professional Licensing 34282 R156-50 NSC 01/06/2011 Not Printed

<u>private security officers</u>						
Commerce, Occupational and Professional Licensing	34370	R156-63a	AMD	03/24/2011	2011-4/12	
	34360	R156-63a-302f	NSC	01/26/2011	Not Printed	
<u>probation</u>						
Commerce, Occupational and Professional Licensing	34282	R156-50	NSC	01/06/2011	Not Printed	
<u>procurement</u>						
Capitol Preservation Board (State), Administration	34675	R131-4	5YR	04/11/2011	2011-9/117	
<u>professional competency</u>						
Education, Administration	34537	R277-513	5YR	03/30/2011	2011-8/32	
Money Management Council, Administration	34676	R628-10	5YR	04/11/2011	2011-9/119	
<u>professional counselors</u>						
Commerce, Occupational and Professional Licensing	34339	R156-60c	AMD	02/24/2011	2011-2/12	
<u>professional engineers</u>						
Commerce, Occupational and Professional Licensing	34409	R156-22	AMD	03/24/2011	2011-4/6	
<u>professional land surveyors</u>						
Commerce, Occupational and Professional Licensing	34409	R156-22	AMD	03/24/2011	2011-4/6	
<u>professional structural engineers</u>						
Commerce, Occupational and Professional Licensing	34409	R156-22	AMD	03/24/2011	2011-4/6	
<u>proficiency</u>						
Education, Administration	34332	R277-403-1	AMD	02/22/2011	2011-2/20	
<u>public buildings</u>						
Capitol Preservation Board (State), Administration	34675	R131-4	5YR	04/11/2011	2011-9/117	
<u>public health</u>						
Health, Epidemiology and Laboratory Services, Environmental Services	34144	R392-200	AMD	02/16/2011	2010-21/17	
<u>public information</u>						
Technology Services, Administration	34438	R895-1	5YR	02/15/2011	2011-5/117	
<u>public investments</u>						
Money Management Council, Administration	34676	R628-10	5YR	04/11/2011	2011-9/119	
<u>public records</u>						
Agriculture and Food, Administration	34491	R51-3	5YR	03/03/2011	2011-7/43	
<u>public utilities</u>						
Public Service Commission, Administration	34176	R746-360-8	AMD	01/19/2011	2010-22/109	
<u>pump installers</u>						
Natural Resources, Water Rights	34413	R655-4	R&R	04/11/2011	2011-5/41	
	34541	R655-4	NSC	04/12/2011	Not Printed	
<u>quarantines</u>						
Agriculture and Food, Animal Industry	34352	R58-2	AMD	03/24/2011	2011-3/13	
<u>radiation</u>						
Environmental Quality, Radiation Control	34240	R313-25-8	AMD	04/04/2011	2010-23/48	
	34240	R313-25-8	CPR	04/04/2011	2011-5/102	
<u>radioactive waste disposal</u>						
Environmental Quality, Radiation Control	34240	R313-25-8	AMD	04/04/2011	2010-23/48	
	34240	R313-25-8	CPR	04/04/2011	2011-5/102	
<u>radioactive waste generator permit</u>						
Environmental Quality, Radiation Control	34555	R313-26	5YR	04/06/2011	2011-9/118	

RULES INDEX

<u>railroad</u>					
Transportation, Preconstruction	34415	R930-5-13	EMR	02/09/2011	2011-5/105
	34452	R930-5-13	AMD	04/21/2011	2011-6/90
<u>ratings</u>					
Transportation, Motor Carrier, Ports of Entry	34453	R912-8	5YR	02/17/2011	2011-6/107
	34454	R912-8	NSC	03/10/2011	Not Printed
<u>raw milk</u>					
Agriculture and Food, Regulatory Services	34518	R70-330	5YR	03/16/2011	2011-8/29
<u>reading</u>					
Education, Administration	34332	R277-403-1	AMD	02/22/2011	2011-2/20
<u>real estate</u>					
Financial Institutions, Administration	34207	R331-26	NEW	02/01/2011	2010-22/61
Financial Institutions, Banks	34206	R333-11	REP	02/01/2011	2010-22/63
<u>real estate appraisals</u>					
Commerce, Real Estate	34476	R162-103	AMD	04/27/2011	2011-6/46
<u>real estate investing</u>					
Financial Institutions, Administration	34207	R331-26	NEW	02/01/2011	2010-22/61
<u>real estate investment</u>					
Financial Institutions, Banks	34206	R333-11	REP	02/01/2011	2010-22/63
<u>reclamation</u>					
Natural Resources, Oil, Gas and Mining; Coal	34550	R645-106	5YR	04/04/2011	2011-9/119
<u>records</u>					
Regents (Board Of), University of Utah, Administration	34387	R805-2	AMD	03/24/2011	2011-4/31
<u>recreational vehicles</u>					
Commerce, Administration	34761	R151-14	5YR	05/02/2011	2011-10/117
<u>registration</u>					
Natural Resources, Forestry, Fire and State Lands	34313	R652-140	AMD	02/07/2011	2011-1/30
Workforce Services, Unemployment Insurance	34361	R994-403-113c	AMD	03/15/2011	2011-3/52
<u>religious activities</u>					
Tax Commission, Auditing	34268	R865-19S-78	AMD	01/27/2011	2010-24/68
	34688	R865-19S-78	NSC	04/27/2011	Not Printed
<u>reporting</u>					
Labor Commission, Industrial Accidents	34294	R612-12-2	NSC	01/06/2011	Not Printed
<u>reservoirs</u>					
Natural Resources, Water Rights	34690	R655-10	5YR	04/14/2011	2011-9/121
	34691	R655-11	5YR	04/14/2011	2011-9/121
	34692	R655-12	5YR	04/14/2011	2011-9/122
<u>residential mortgage</u>					
Commerce, Real Estate	34431	R162-2c	AMD	05/10/2011	2011-5/13
	34225	R162-2c-201	AMD	01/08/2011	2010-23/16
	34226	R162-2c-203	AMD	01/08/2011	2010-23/19
	34227	R162-2c-204	AMD	01/08/2011	2010-23/23
<u>respite</u>					
Human Services, Aging and Adult Services	34390	R510-401	5YR	01/26/2011	2011-4/37
<u>right of petition</u>					
Corrections, Administration	34527	R251-104	5YR	03/24/2011	2011-8/31
Natural Resources, Forestry, Fire and State Lands	34434	R652-9	5YR	02/14/2011	2011-5/115

<u>right of way</u>						
Transportation, Program Development	34451	R926-6	AMD	04/21/2011	2011-6/87	
<u>right of way acquisition</u>						
Transportation, Preconstruction, Right-of-Way Acquisition	34363	R933-1	AMD	03/10/2011	2011-3/51	
<u>risk adjuster plan operation</u>						
Insurance, Administration	34362	R590-260	NEW	03/22/2011	2011-3/36	
<u>ropeways</u>						
Transportation, Operations, Traffic and Safety	34241	R920-50	AMD	01/10/2011	2010-23/63	
<u>rulemaking procedures</u>						
School and Institutional Trust Lands, Administration	34289	R850-10	NSC	01/06/2011	Not Printed	
<u>rules and procedures</u>						
Fair Corporation (Utah State), Administration	34464	R325-1	5YR	02/24/2011	2011-6/101	
	34465	R325-2	5YR	02/24/2011	2011-6/102	
	34466	R325-3	5YR	02/24/2011	2011-6/103	
	34467	R325-4	5YR	02/24/2011	2011-6/103	
	34468	R325-5	5YR	02/24/2011	2011-6/104	
Health, Epidemiology and Laboratory Services, Epidemiology	34508	R386-703	5YR	03/14/2011	2011-7/48	
Natural Resources, Forestry, Fire and State Lands	34433	R652-2	5YR	02/14/2011	2011-5/114	
<u>safety</u>						
Education, Administration	34331	R277-400	AMD	02/22/2011	2011-2/17	
Labor Commission, Occupational Safety and Health	34260	R614-1-4	AMD	01/27/2011	2010-24/54	
Transportation, Preconstruction	34415	R930-5-13	EMR	02/09/2011	2011-5/105	
	34452	R930-5-13	AMD	04/21/2011	2011-6/90	
<u>safety education</u>						
Education, Administration	34331	R277-400	AMD	02/22/2011	2011-2/17	
<u>safety inspection manual</u>						
Public Safety, Highway Patrol	34285	R714-160	NEW	02/09/2011	2011-1/37	
	34286	R714-161	NEW	02/09/2011	2011-1/53	
	34287	R714-162	NEW	02/08/2011	2011-1/59	
<u>salaries</u>						
Human Resource Management, Administration	34442	R477-6	AMD	04/07/2011	2011-5/29	
<u>sales tax</u>						
Tax Commission, Auditing	34268	R865-19S-78	AMD	01/27/2011	2010-24/68	
	34688	R865-19S-78	NSC	04/27/2011	Not Printed	
<u>scholarships</u>						
Education, Administration	34335	R277-602	AMD	02/22/2011	2011-2/26	
Regents (Board Of), Administration	34441	R765-608	AMD	04/11/2011	2011-5/93	
<u>school enrollment</u>						
Education, Administration	34230	R277-419	AMD	01/10/2011	2010-23/26	
<u>school personnel</u>						
Education, Administration	34537	R277-513	5YR	03/30/2011	2011-8/32	
<u>schools</u>						
Health, Epidemiology and Laboratory Services, Environmental Services	34144	R392-200	AMD	02/16/2011	2010-21/17	
<u>secondary disinfectants</u>						
Environmental Quality, Drinking Water	34244	R309-520	AMD	05/09/2011	2010-24/8	
	34244	R309-520	CPR	05/09/2011	2011-7/33	
<u>security guards</u>						
Commerce, Occupational and Professional Licensing	34370	R156-63a	AMD	03/24/2011	2011-4/12	

RULES INDEX

	34360	R156-63a-302f	NSC	01/26/2011	Not Printed
<u>security measures</u>					
Corrections, Administration	34772	R251-708	5YR	05/03/2011	Not Printed
<u>self insurance plans</u>					
Public Safety, Driver License	34400	R708-19	5YR	01/31/2011	2011-4/47
<u>self-insured employer</u>					
Tax Commission, Auditing	34535	R865-11Q	NSC	04/12/2011	Not Printed
<u>settlements</u>					
Labor Commission, Industrial Accidents	34294	R612-12-2	NSC	01/06/2011	Not Printed
<u>social services</u>					
Human Services, Administration	34536	R495-862	5YR	03/30/2011	2011-8/33
Human Services, Child and Family Services	34344	R512-1-6	NSC	01/26/2011	Not Printed
<u>social workers</u>					
Commerce, Occupational and Professional Licensing	34310	R156-60a	AMD	02/10/2011	2011-1/6
<u>special needs students</u>					
Education, Administration	34335	R277-602	AMD	02/22/2011	2011-2/26
<u>species of concern</u>					
Natural Resources, Wildlife Resources	34806	R657-48	5YR	05/12/2011	Not Printed
<u>speech-language pathology services</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	34316	R414-54-3	AMD	04/05/2011	2011-1/21
<u>state register</u>					
Community and Culture, History	34717	R212-6	5YR	04/26/2011	2011-10/117
<u>state vehicle use</u>					
Administrative Services, Fleet Operations	34256	R27-3	AMD	01/25/2011	2010-24/6
<u>stationary sources</u>					
Environmental Quality, Air Quality	34557	R307-210	5YR	04/06/2011	2011-9/118
<u>student eligibility</u>					
Workforce Services, Unemployment Insurance	34361	R994-403-113c	AMD	03/15/2011	2011-3/52
<u>student loans</u>					
Regents (Board Of), Administration	34530	R765-649	5YR	03/25/2011	2011-8/39
<u>students</u>					
Education, Administration	34332	R277-403-1	AMD	02/22/2011	2011-2/20
	34429	R277-709	AMD	04/08/2011	2011-5/17
<u>substance abuse counselors</u>					
Commerce, Occupational and Professional Licensing	34395	R156-60d	5YR	01/31/2011	2011-4/37
<u>supervision</u>					
Commerce, Occupational and Professional Licensing	34323	R156-1-102	AMD	02/24/2011	2011-2/7
<u>surface water treatment plant monitoring</u>					
Environmental Quality, Drinking Water	34375	R309-215-16	NSC	02/14/2011	Not Printed
<u>tax exemptions</u>					
Tax Commission, Auditing	34268	R865-19S-78	AMD	01/27/2011	2010-24/68
	34688	R865-19S-78	NSC	04/27/2011	Not Printed
<u>taxation</u>					
Tax Commission, Administration	34326	R861-1A-43	AMD	02/23/2011	2011-2/42
Tax Commission, Auditing	34535	R865-11Q	NSC	04/12/2011	Not Printed

<u>teacher certification</u>						
Education, Administration	34537	R277-513	5YR	03/30/2011	2011-8/32	
<u>teachers</u>						
Education, Administration	34457	R277-503-1	NSC	03/10/2011	Not Printed	
<u>technology best practices</u>						
Technology Services, Administration	34722	R895-5	5YR	04/27/2011	2011-10/120	
<u>technology purchases</u>						
Technology Services, Administration	34722	R895-5	5YR	04/27/2011	2011-10/120	
<u>telecommunications</u>						
Public Service Commission, Administration	34176	R746-360-8	AMD	01/19/2011	2010-22/109	
<u>title escrow charges</u>						
Insurance, Title and Escrow Commission	34449	R592-4	REP	04/11/2011	2011-5/34	
<u>title escrow filings</u>						
Insurance, Title and Escrow Commission	34448	R592-3	REP	04/11/2011	2011-5/32	
	34447	R592-15	NEW	04/11/2011	2011-5/36	
<u>tolls</u>						
Transportation, Program Development	34459	R926-9	5YR	02/24/2011	2011-6/107	
	34460	R926-9	AMD	04/21/2011	2011-6/89	
Transportation Commission, Administration	34461	R940-1	5YR	02/24/2011	2011-6/108	
	34462	R940-1	AMD	04/21/2011	2011-6/91	
<u>tollways</u>						
Transportation, Program Development	34459	R926-9	5YR	02/24/2011	2011-6/107	
	34460	R926-9	AMD	04/21/2011	2011-6/89	
Transportation Commission, Administration	34461	R940-1	5YR	02/24/2011	2011-6/108	
	34462	R940-1	AMD	04/21/2011	2011-6/91	
<u>towing</u>						
Public Safety, Highway Patrol	34255	R714-600	R&R	01/24/2011	2010-24/61	
<u>traffic regulations</u>						
Public Safety, Driver License	34398	R708-16	5YR	01/31/2011	2011-4/46	
<u>tramway permits</u>						
Transportation, Operations, Traffic and Safety	34241	R920-50	AMD	01/10/2011	2010-23/63	
<u>tramways</u>						
Transportation, Operations, Traffic and Safety	34241	R920-50	AMD	01/10/2011	2010-23/63	
<u>transportation</u>						
Transportation, Motor Carrier, Ports of Entry	34453	R912-8	5YR	02/17/2011	2011-6/107	
	34454	R912-8	NSC	03/10/2011	Not Printed	
Transportation, Preconstruction	34415	R930-5-13	EMR	02/09/2011	2011-5/105	
	34452	R930-5-13	AMD	04/21/2011	2011-6/90	
Transportation, Program Development	34451	R926-6	AMD	04/21/2011	2011-6/87	
	34459	R926-9	5YR	02/24/2011	2011-6/107	
	34460	R926-9	AMD	04/21/2011	2011-6/89	
Transportation Commission, Administration	34461	R940-1	5YR	02/24/2011	2011-6/108	
	34462	R940-1	AMD	04/21/2011	2011-6/91	
<u>transportation corridor preservation revolving loan fund</u>						
Transportation, Program Development	34451	R926-6	AMD	04/21/2011	2011-6/87	
<u>transportation planning</u>						
Transportation, Program Development	34451	R926-6	AMD	04/21/2011	2011-6/87	
<u>transportation safety</u>						
Transportation, Operations, Traffic and Safety	34241	R920-50	AMD	01/10/2011	2010-23/63	

RULES INDEX

unarmed combat

Governor, Economic Development, Pete Suazo Utah Athletic Commission	34407	R359-1-301	AMD	03/28/2011	2011-4/18
	34366	R359-1-501	AMD	03/28/2011	2011-4/19
	34408	R359-1-501	AMD	03/28/2011	2011-4/21
	34482	R359-1-511	AMD	04/26/2011	2011-6/76
	34483	R359-1-512	AMD	04/26/2011	2011-6/78
	34484	R359-1-515	AMD	04/26/2011	2011-6/79

underground storage tanks

Environmental Quality, Environmental Response and Remediation	34270	R311-200	AMD	02/14/2011	2010-24/19
	34271	R311-201	AMD	02/14/2011	2010-24/23
	34739	R311-201-11	LNR	05/01/2011	2011-10/123
	34272	R311-203	AMD	02/14/2011	2010-24/27
	34275	R311-205	AMD	02/14/2011	2010-24/30
	34273	R311-206	AMD	02/14/2011	2010-24/33
	34274	R311-207	AMD	02/14/2011	2010-24/35
	34740	R311-207-9	LNR	05/01/2011	2011-10/123
	34269	R311-212	AMD	02/14/2011	2010-24/38

unemployment compensation

Workforce Services, Unemployment Insurance	34776	R994-302	5YR	05/05/2011	Not Printed
	34777	R994-308	5YR	05/05/2011	Not Printed
	34361	R994-403-113c	AMD	03/15/2011	2011-3/52
	34445	R994-508	AMD	04/11/2011	2011-5/97

universal service

Public Service Commission, Administration	34176	R746-360-8	AMD	01/19/2011	2010-22/109
---	-------	------------	-----	------------	-------------

Utah 911 Committee

Public Safety, Criminal Investigations and Technical Services, 911 Committee (Utah)	34501	R720-1	NEW	05/11/2011	2011-7/22
---	-------	--------	-----	------------	-----------

Utah Housing Opportunity Restricted Account

Commerce, Real Estate	34223	R162-2a	NEW	01/08/2011	2010-23/15
	34224	R162-12	REP	01/08/2011	2010-23/25

vehicle replacement

Administrative Services, Fleet Operations	34257	R27-4-11	AMD	01/25/2011	2010-24/7
---	-------	----------	-----	------------	-----------

vital statistics

Health, Center for Health Data, Vital Records and Statistics	34493	R436-3	NSC	04/06/2011	Not Printed
--	-------	--------	-----	------------	-------------

waste disposal

Environmental Quality, Water Quality	34437	R317-1-7	AMD	04/13/2011	2011-5/26
--------------------------------------	-------	----------	-----	------------	-----------

water pollution

Environmental Quality, Water Quality	34437	R317-1-7	AMD	04/13/2011	2011-5/26
--------------------------------------	-------	----------	-----	------------	-----------

water safety rules

Natural Resources, Parks and Recreation	34426	R651-801	5YR	02/10/2011	2011-5/113
	34427	R651-802	5YR	02/10/2011	2011-5/113

water skiing

Natural Resources, Parks and Recreation	34357	R651-224	5YR	01/11/2011	2011-3/59
---	-------	----------	-----	------------	-----------

water wells

Natural Resources, Water Rights	34413	R655-4	R&R	04/11/2011	2011-5/41
	34541	R655-4	NSC	04/12/2011	Not Printed

website

Technology Services, Administration	34723	R895-8	5YR	04/27/2011	2011-10/121
-------------------------------------	-------	--------	-----	------------	-------------

weight

Transportation, Motor Carrier, Ports of Entry	34453	R912-8	5YR	02/17/2011	2011-6/107
---	-------	--------	-----	------------	------------

	34454	R912-8	NSC	03/10/2011	Not Printed
<u>welfare fraud</u>					
Human Services, Recovery Services	34490	R527-800	5YR	03/03/2011	2011-7/49
<u>well drillers license</u>					
Natural Resources, Water Rights	34413	R655-4	R&R	04/11/2011	2011-5/41
	34541	R655-4	NSC	04/12/2011	Not Printed
<u>white-collar contests</u>					
Governor, Economic Development, Pete Suazo Utah Athletic Commission	34279	R359-1-102	AMD	02/22/2011	2010-24/41
	34407	R359-1-301	AMD	03/28/2011	2011-4/18
	34366	R359-1-501	AMD	03/28/2011	2011-4/19
	34408	R359-1-501	AMD	03/28/2011	2011-4/21
	34278	R359-1-506	AMD	01/31/2011	2010-24/42
	34482	R359-1-511	AMD	04/26/2011	2011-6/76
	34483	R359-1-512	AMD	04/26/2011	2011-6/78
	34484	R359-1-515	AMD	04/26/2011	2011-6/79
<u>wildland urban interface</u>					
Natural Resources, Forestry, Fire and State Lands	34394	R652-122	NEW	04/28/2011	2011-4/23
<u>wildlife</u>					
Natural Resources, Wildlife Resources	34341	R657-5	AMD	03/14/2011	2011-3/39
	34167	R657-13	AMD	01/04/2011	2010-22/103
	34367	R657-33	AMD	04/04/2011	2011-4/26
	34299	R657-44	AMD	02/07/2011	2011-1/32
	34303	R657-55	AMD	02/07/2011	2011-1/35
	34168	R657-58	AMD	01/04/2011	2010-22/105
	34379	R657-58	AMD	04/04/2011	2011-4/29
	34354	R657-63	NEW	03/14/2011	2011-3/49
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	34167	R657-13	AMD	01/04/2011	2010-22/103
	34168	R657-58	AMD	01/04/2011	2010-22/105
	34379	R657-58	AMD	04/04/2011	2011-4/29
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	34303	R657-55	AMD	02/07/2011	2011-1/35
<u>workers' compensation</u>					
Labor Commission, Industrial Accidents	34294	R612-12-2	NSC	01/06/2011	Not Printed
<u>Workforce Investment Act</u>					
Workforce Services, Employment Development	34277	R986-600	AMD	01/26/2011	2010-24/69

