

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 02, 2011, 12:00 a.m. through June 15, 2011, 11:59 p.m.

Number 2011-13
July 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

| | |
|--|----------|
| EXECUTIVE DOCUMENTS..... | 1 |
| Governor | |
| Administration | |
| Governor's Executive Order EO/006/2011: Wildland Fire Management..... | 1 |
| Governor's Proclamation 2011/02/E: Calling the Fifty-Ninth Legislature into the Second Extraordinary Session..... | 2 |
| NOTICES OF PROPOSED RULES..... | 3 |
| Commerce | |
| Occupational and Professional Licensing | |
| No. 34912 (Amendment): R156-78 Vocational Rehabilitation Counselor Licensing Act Rule..... | 4 |
| Real Estate | |
| No. 34907 (Amendment): R162-2c Utah Residential Mortgage Practices and Licensing Rules..... | 6 |
| No. 34908 (Amendment): R162-2f-102 Definitions..... | 8 |
| No. 34909 (Amendment): R162-2f-205 Registration of Entity..... | 10 |
| No. 34910 (Amendment): R162-2f-401a Affirmative Duties Required of all Licensed Individuals..... | 12 |
| No. 34911 (Amendment): R162-2f-403 Trust Accounts..... | 14 |
| No. 34917 (New Rule): R162-2g Real Estate Appraiser Licensing and Certification Administrative Rules..... | 16 |
| Corrections | |
| Administration | |
| No. 34904 (Amendment): R251-107 Executions..... | 34 |
| No. 34903 (Amendment): R251-710 Search..... | 40 |
| Education | |
| Administration | |
| No. 34922 (New Rule): R277-405 Requirements for Assessment Pilot Programs..... | 42 |
| No. 34923 (Amendment): R277-436 Gang Prevention and Intervention Programs in the Schools..... | 44 |
| No. 34924 (Amendment): R277-473 Testing Procedures..... | 46 |
| No. 34925 (Amendment): R277-474 School Instruction and Human Sexuality..... | 50 |
| No. 34926 (Amendment): R277-478 Block Grant Funding..... | 53 |
| No. 34927 (Amendment): R277-491 School Community Councils..... | 55 |
| No. 34928 (Amendment): R277-616 Education for Homeless and Emancipated Students and State Funding for Homeless and Disadvantaged Minority Students..... | 58 |
| No. 34936 (Amendment): R277-705 Secondary School Completion and Diplomas..... | 60 |
| No. 34937 (New Rule): R277-707 Enhancement for Accelerated Students Program..... | 63 |
| Governor | |
| Economic Development | |
| No. 34930 (New Rule): R357-6 Technology and Life Science Economic Development and Related Tax Credits..... | 65 |
| Insurance | |
| Administration | |
| No. 34931 (Amendment): R590-99 Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices..... | 66 |
| Workforce Services | |
| Administration | |
| No. 34934 (Amendment): R982-301 Councils..... | 68 |
| Employment Development | |
| No. 34933 (Amendment): R986-100 Employment Support Programs..... | 69 |
| No. 34935 (Amendment): R986-500-506 Safeguarding Records..... | 72 |

TABLE OF CONTENTS

NOTICES OF CHANGES IN PROPOSED RULES..... 73

- Insurance
 - Title and Escrow Commission
 - No. 34510: R592-6-4 Unfair Methods of Competition, Acts and Practices..... 74
- Regents (Board Of)
 - University of Utah, Administration
 - No. 34808: R805-5 Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics..... 76

NOTICES 120-DAY (EMERGENCY) RULES..... 79

- Agriculture and Food
 - Animal Industry
 - No. 34906: R58-20 Domesticated Elk Hunting Park..... 79
- Governor
 - Economic Development
 - No. 34929: R357-6 Technology and Life Science Economic Development and Related Tax Credits..... 80

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION..... 83

- Community and Culture
 - History
 - No. 34918: R212-3 Memberships, Sales, Gifts, Bequests, Endowments..... 83
 - No. 34919: R212-8 Preservation Easements..... 83
- Environmental Quality
 - Solid and Hazardous Waste
 - No. 34920: R315-12 Administrative Procedures..... 84
- Insurance
 - Administration
 - No. 34921: R590-206 Privacy of Consumer Financial and Health Information Rule..... 84
 - Title and Escrow Commission
 - No. 34932: R592-11 Title Insurance Producer Annual and Controlled Business Reports..... 85

NOTICES OF RULE EFFECTIVE DATES..... 87

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)..... 89**

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/006/2011: 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 June 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 7th day of June 2011.

(State Seal)

Gary R. Herbert
Governor

Attest:

Lieutenant Governor
Greg Bell

EO/006/2011

Governor's Proclamation 2011/02/E: Calling the Fifty-Ninth Legislature into the Second 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 Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of June 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 13th day of June 2011.

(State Seal)

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

2011/02/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 June 02, 2011, 12:00 a.m., and June 15, 2011, 11:59 p.m. are included in this, the July 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 August 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 October 29, 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

**Commerce, Occupational and
Professional Licensing
R156-78
Vocational Rehabilitation Counselor
Licensing Act Rule**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34912

FILED: 06/09/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change implements changes made by the 2011 Legislature in H.B. 243 and a requested change made by the Vocational Rehabilitation Counselors Licensing Board. (DAR NOTE: H.B. 243 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-78-102, the proposed amendment is intended to allow the Board and Division to exercise discretion in cases when a licensee has a master's degree in a field not specifically listed as a "related field" if the degree is found to be substantially related to the practice of rehabilitation counseling. In Section R156-78-303, the renewal cycle is updated from one year to a two year period as the result of H.B. 243. In Section R156-78-304, the proposed amendments make changes necessitated by the passing of H.B. 243, which change the renewal period from one year to a two year period and double the continuing education hours listed since the renewal period is now for a two year period. A new Subsection R156-78-304(8) is added to allow licensees not to lose credit for up to 10 extra contact hours of continuing education completed during a renewal period.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-78-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Under H.B. 243, the 217 currently licensed vocational rehabilitation counselors (LVRC) will pay a \$47 renewal fee every two years rather than once a year. As a result, the Division will lose approximately \$10,199 in revenue every two years. The Division will incur minimal costs of approximately \$100 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to LVRCs and applicants for licensure in that

classification. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendments only apply to LVRCs and applicants for licensure in that classification. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments only apply to LVRCs and applicants for licensure in that classification. The change from a one-year to a two-year renewal cycle will save LVRCs \$47 every two years. The Division currently has 204 LVRCs for an aggregate savings of \$9,588. A licensee will also save money by being able to count up to 10 extra hours of continuing education completed during a renewal cycle toward the continuing education requirement of the subsequent renewal cycle. The Division is not able to determine an exact savings amount due to varying types of continuing education courses that can be taken.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to LVRCs and applicants for licensure in that classification. The change from a one-year to a two-year renewal cycle will save LVRCs \$47 every two years. A licensee will also save money by being able to count up to 10 extra hours of continuing education completed during a renewal cycle toward the continuing education requirement of the subsequent renewal cycle. The Division is not able to determine an exact savings amount due to varying types of continuing education courses that can be taken.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing implements recent statutory changes made during the 2011 General Session with respect to a two-year renewal cycle for which fiscal impact to businesses has already been addressed. The rule also amends the reference to education in a "related field" allowing the Division and the licensing Board to consider other substantially similar fields of study. No fiscal impact to businesses is anticipated from that amendment.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Rich Oborn by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at roborn@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 07/07/2011 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 464, Salt Lake City, UT

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

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-78. Vocational Rehabilitation Counselors Licensing Act Rule.**

R156-78-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 78, as used in Title 58, Chapters 1 and 78 or in this rule:

(1) "Disability related work experience", as used in Subsection 58-78-302(1)(e), means the practice of providing vocational rehabilitation services as defined in Subsection 58-78-102(3).

(2) "In-service" means a continuing education course that meets the requirements in Subsection R156-78-304(4) and is hosted or sponsored by an employer and not by a professional association, society or organization related to the profession.

(3) "LVRC" means a licensed vocational rehabilitation counselor.

(4) "Related field", as used in Subsection 58-78-302(1)(d), includes any of the following:

- (a) [(+)] psychology;
- [(+)]b clinical psychology;
- [(+)]c counseling psychology;
- [(+)]d professional guidance and counseling;
- [(+)]e social work;
- [(+)]f educational counseling;
- [(+)]g educational psychology with rehabilitation counseling emphasis; [~~and~~]
- [(+)]h special education with rehabilitation counseling emphasis; and
- (i) any other field deemed substantially related to the practice of rehabilitation counseling by the Board and Division. [(+)] before January 1, 2011, rehabilitation studies and marriage and family therapy.]

(5) "Supervision", as used in Subsections 58-78-302(1)(e) and 58-78-304(1) means general supervision in that the supervising licensee:

(a) has authorized the work to be performed by the person being supervised;

(b) is available for consultation with the person being supervised by personal face-to-face contact, or direct voice contact by telephone, radio, or some other means, whether or not the supervising licensee is located on the same premises as the person being supervised;

(c) provides necessary consultation within a reasonable period of time; and

(d) maintains routine personal contact with the person being supervised.

(6) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 78, is further defined in accordance with Subsection 58-1-203(1)(e) in Section R156-78-502.

(7) "Vocational assessment", as used in Subsection 58-78-102(3)(c), includes the performance of forensic evaluations.

(8) "Vocational assessment", as used in Subsection 58-78-102(3)(c), includes the performance of forensic evaluations.

R156-78-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the [~~one~~]two-year renewal cycle applicable to licensees under Title 58, Chapter 78 is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-78-304. Continuing Education.

(1) In accordance with Subsection 58-78-303(3), there is established a continuing education requirement for all individuals licensed under Title 58, Chapter 78 as an LVRC.

(2) During the [~~annual~~]two-year license renewal period commencing April 1 of each odd-numbered year, an LVRC shall be required to complete not less than [~~20~~]40 hours of continuing education directly related to the licensee's professional practice of which a minimum of [~~two~~]four hours must be completed in ethics/law.

(3) The required number of hours of continuing education for an individual who first becomes licensed during the [~~one~~]two-year period shall be decreased in a pro-rata amount equal to any part of that [~~one~~]two-year period preceding the date on which that individual first became licensed.

(4) Continuing education under this Section shall:

- (a) be relevant to the licensee's professional practice;
- (b) be prepared and presented by individuals who are qualified by education, training and experience to provide continuing education relevant to the practice of vocational rehabilitation counseling; and
- (c) have a method of verification of attendance and completion.

(5) Credit for continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, conferences or training sessions which meet the criteria listed in Subsection (4) above, and which are approved by, conducted by, or under the sponsorship of:

- (i) universities and colleges; or
- (ii) professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of vocational rehabilitation counselors;

(b) a maximum of [~~ten~~]20 hours per [~~one~~]two-year period may be recognized for:

- (i) teaching courses under Subsection (5)(a); or
- (ii) supervision of an individual completing the experience requirement for licensure as an LVRC;

(c) a maximum of [~~six~~]12 hours per [~~one~~]two-year period may be recognized for [~~clinical readings or~~]in-service directly related to practice as an LVRC; and

(d) a maximum of [12]24 hours of continuing education per ~~one~~ two-year period may be recognized for internet or distance-learning courses that include an examination and issuance of a completion certificate.

(6) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of four years.

(7) A licensee requesting a waiver of the continuing education requirement must comply with requirements as established by rule in Section R156-1-308d.

(8) If a licensee completes more than the required number of hours of continuing education during a two-year renewal cycle specified in Subsection (2), up to ten hours of the excess over the required number may be carried over to the next two-year renewal cycle. No education received prior to a license being granted may be carried forward to apply towards the continuing education required after the license is granted.

KEY: licensing, vocational rehabilitation counselor

Date of Enactment or Last Substantive Amendment: ~~June 21, 2010~~ 2011

Authorizing, and Implemented or Interpreted Law: 58-78-101; 58-1-106(1)(a); 58-1-202(1)(a)

Commerce, Real Estate R162-2c

Utah Residential Mortgage Practices and Licensing Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34907

FILED: 06/08/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to implement new statutory requirement regarding the duty of a mortgage professional to safeguard personal information of consumers.

SUMMARY OF THE RULE OR CHANGE: In Section R162-2c-102, definitions are provided for the terms "personal information" and "safeguard". In Section R162-2c-301, language is added to clarify that a mortgage entity must safeguard records that it is required to keep, and must destroy all personal information at the end of the retention period.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2c-103(3) and Subsection 61-2c-302(2)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These amendments are for clarification. They do not require the state to implement or enforce anything new. Therefore, no impact to the state budget is anticipated.

♦ **LOCAL GOVERNMENTS:** Local government is required neither to comply with, nor to enforce, these mortgage rules. No fiscal impact to local government is anticipated.

♦ **SMALL BUSINESSES:** Small businesses that are licensed as mortgage entities will incur costs to ensure that retained records are not subject to unauthorized access, use, disclosure, or dissemination. They will also incur costs to ensure that personal information is shredded, erased, or otherwise made indecipherable at the end of the retention period. These costs were considered by the Legislature in passing H.B. 91 (2011 General Session), where the requirement for mortgage entities to safeguard records was imposed. (DAR NOTE: H.B. 91 (2011) was effective 05/10/2011.)

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments apply strictly to businesses that are licensed as mortgage entities. No other persons will be affected, financially or otherwise.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply, affected persons will pay the costs to secure mortgage records and to destroy personal information. These costs will vary depending on the method of security and destruction that is chosen.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing implements new statutory requirements for safeguarding records in the possession of licensees. No fiscal impact to businesses is anticipated beyond those already addressed by the Legislature in passing the statutory amendments.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.

R162-2c. Utah Residential Mortgage Practices and Licensing Rules.

R162-2c-102. Definitions.

(1) The acronym "ALM" stands for associate lending manager.

(2) "Branch lending manager" means the person assigned to oversee a branch office. As of November 1, 2010:

(a) a branch office registering in the nationwide database or renewing its registration shall identify an ALM to serve as the branch lending manager; and

(b) the individual identified by the branch office must be qualified for licensure as a PLM.

(3) The acronym "BLM" stands for branch lending manager.

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

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

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

(5) "Credit hour" means 50 minutes of instruction within a 60-minute time period, allowing for a ten-minute break.

(6) "Control person" means any individual identified by an entity within the nationwide database as being primarily responsible for directing the management or policies of a company and may be:

(a) a manager;

(b) a managing partner;

(c) a director;

(d) an executive officer; or

(e) an individual who performs a function similar to an individual listed in this Subsection (6).

(7) "Individual applicant" means any individual who applies to obtain or renew a license to practice as a mortgage loan originator, principal lending manager, branch lending manager, or associate lending manager.

(8) "Instruction method" means the forum through which the instructor and student interact and may be:

(a) classroom: traditional instruction where instructors and students are located in the same physical location;

(b) classroom equivalent: an instructor-led course where the instructor and students may be in two or more physical locations; or

(c) online: instructor and student interact through an online classroom.

(9) "Instructor applicant" means any individual who applies to obtain or renew certification as an instructor of Utah-specific pre-licensing or continuing education courses.

(10) "Mortgage entity" means any entity that:

(a) engages in the business of residential mortgage lending;

(b) is required to be licensed under Section 61-2c-201; and

(c) operates under a business name or other trade name that is registered with the Division of Corporations and Commercial Code.

(11) "Nationwide database" means the Nationwide Mortgage Licensing System and Registry.

(12) "Other trade name" means any assumed business name under which an entity does business.

(13) "Personal information" means a person's first name or first initial and last name, combined with any one or more of the following data elements relating to that person when either the name or data element is unencrypted or not protected by another method that renders the data unreadable or unusable:

(a) Social Security number;

(b) financial account number, or credit or debit card number; or

(c) driver license number or state identification card number.

~~(13)~~(14) The acronym "PLM" stands for principal lending manager.

~~(14)~~(15) "Qualifying individual" means the PLM, managing principal, or qualified person who is identified on the MU1 form in the nationwide database as the person in charge of an entity.

~~(15)~~(16) As used in Subsection R162-2c-201, "relevant information" includes:

(a) court dockets;

(b) charging documents;

(c) orders;

(d) consent agreements; and

(e) any other information the division may require.

~~(16)~~(17) "Restricted license" means any license that is issued subject to a definite period of suspension or terms of probation.

(18) "Safeguard" means to prevent unauthorized access, use, disclosure, or dissemination.

~~(17)~~(19) "School" means

(a) any college or university accredited by a regional accrediting agency that is recognized by the United States Department of Education;

(b) any community college;

(c) any vocational-technical school;

(d) any state or federal agency or commission;

(e) any nationally recognized mortgage organization that has been approved by the commission;

(f) any Utah mortgage organization that has been approved by the commission;

(g) any local mortgage organization that has been approved by the commission; or

(h) any proprietary mortgage education school that has been approved by the commission.

~~(18)~~(20) "School applicant" means a director or owner of a school who applies to obtain or renew a school's certification.

R162-2c-302. Requirements for Record Retention and Disposal.

(1) Record Retention.

(a) An entity licensed under the Utah Residential Mortgage Practices Act shall maintain and safeguard for the period set forth in Section 61-2c-302 the following records:

(i) application forms;
(ii) disclosure forms;
(iii) truth-in-lending forms;
(iv) credit reports and the explanations therefor;
(v) conversation logs;
(vi) verifications of employment, paycheck stubs, and tax returns;
(vii) proof of legal residency, if applicable;
(viii) appraisals, appraisal addenda, and records of communications between the appraiser and the registrant, licensee, and lender;
(ix) underwriter denials;
(x) notices of adverse action;
(xi) loan approval; and
(xii) all other records required by underwriters involved with the transaction or provided to a lender.

(b) Records may be maintained electronically if the storage system complies with Title 46 Chapter 04, Utah Uniform Electronic Transactions Act.

(c) A licensed entity shall make all records available to the division pursuant to Section 61-2c-302(3).

(d) An individual who terminates sponsorship with an entity shall turn over to the entity any records in the individual's possession at the time of termination.

(2) Record Disposal. A person who disposes of records at the end of the retention period shall ~~[take reasonable measures to safeguard personal information as that term is defined in Section 13-44-102]~~ destroy personal information by shredding, erasing, or otherwise making the information indecipherable.

(3) Responsible Party.

(a) If a licensed entity is actively engaged in the business of residential mortgage loans, the PLM is responsible for proper retention, maintenance, safeguarding, and disposal of records.

(b) If a licensed entity ceases doing business in Utah, the control person(s) as of its last day of operation are responsible for proper retention, maintenance, safeguarding, and disposal of records.

KEY: residential mortgage, loan origination, licensing, enforcement

Date of Enactment or Last Substantive Amendment: [January 8, 2011]

Authorizing, and Implemented or Interpreted Law: 61-2c-103(3); 61-2c-302(2)

Commerce, Real Estate **R162-2f-102** Definitions

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 34908
FILED: 06/08/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to define the term "residential property" so that the term may be used in an amendment to Section R162-2f-401a. (DAR NOTE: The proposed amendment to Section R162-2f-401a is under DAR No. 34910 in this issue, July 1, 2011, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: "Residential property" is defined as real property consisting of, or improved by, a single-family one to four-unit dwelling.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This definition is proposed to facilitate an amendment to Section R162-2f-401a, which would require a licensee who is selling residential property to disclose the source of any square footage data used in marketing. These amendments help to clarify an existing rule that requires a licensee to take reasonable steps to verify the accuracy of listing information. They do not create new requirements that the Division will be required to administer or enforce. Therefore, no impact to the state budget is anticipated.

◆ **LOCAL GOVERNMENTS:** Local governments are not subject to the Real Estate rules. Therefore, no fiscal impact to local governments is anticipated.

◆ **SMALL BUSINESSES:** This rule amendment imposes no new costs or fees on small businesses. Therefore, no fiscal impact to small businesses is anticipated.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule amendment imposes no new costs or fees on affected persons. Therefore, no fiscal impact to small businesses is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance is required. This rule amendment is for definitional purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated from this filing, which defines a term used in another provision.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.

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

R162-2f-102. Definitions.

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

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

(b) pays all applicable nonrefundable license fees; and

(c) affiliates with a principal brokerage.

(2) "Advertising" means solicitation through:

(a) newspaper;

(b) magazine;

(c) Internet;

(d) e-mail;

(e) radio;

(f) television;

(g) direct mail promotions;

(h) business cards;

(i) door hangers;

(j) signs; or

(k) any other medium.

(3) "Affiliate":

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

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

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

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

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

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

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

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

(c) licensing records;

(d) banking and other financial records;

(e) independent contractor agreements;

(f) trust account records; and

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

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

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

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

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

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

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

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

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

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

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

(a) computer conferencing;

(b) satellite teleconferencing;

(c) interactive audio;

(d) interactive computer software;

(e) Internet-based instruction; and

(f) other interactive online courses.

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

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

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

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

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

(17) "Guaranteed sales plan" means:

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

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

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

(ii) within some other specified period of time.

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

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

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

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

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

- (a) subject to the terms of a limited agency agreement; and
- (b) with the informed consent of all principals to the transaction.

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

(22) "Nonresident applicant" means a person:

- (a) whose primary residence is not in Utah; and
- (b) who qualifies under Title 61, Chapter 2f et seq. and these rules for licensure as a principal broker, associate broker, or sales agent.

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

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

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

(25) "Property management" is defined in Subsection 61-2f-102(18).

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

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

(27) "Reinstatement" is defined in Subsection 61-2f-102(21).

(28) "Reissuance" is defined in Subsection 61-2f-102(22).

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

(30) "Renewal" is defined in Subsection 61-2f-102(23).

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

~~[(31)]~~(32) "School" means:

- (a) any college or university accredited by a regional accrediting agency that is recognized by the United States Department of Education;
- (b) any community college or vocational-technical school;

(c) any local real estate organization that has been approved by the commission as a school; or

(d) any proprietary real estate school.

~~[(32)]~~(33) "Sponsor" means the party that is the seller of an undivided fractionalized long-term estate.

~~[(33)]~~(34) "Third party service provider" means an individual or entity that provides a service necessary to the closing of a specific transaction and includes:

- (a) mortgage brokers;
- (b) mortgage lenders;
- (c) loan originators;
- (d) title service providers;
- (e) attorneys;
- (f) appraisers;
- (g) providers of document preparation services;
- (h) providers of credit reports;
- (i) property condition inspectors;
- (j) settlement agents;
- (k) real estate brokers;
- (l) marketing agents;
- (m) insurance providers; and
- (n) providers of any other services for which a principal or investor will be charged.

~~[(34)]~~(35) "Traditional education" means education in which instruction takes place between an instructor and students where all are physically present in the same classroom.

~~[(35)]~~(36) "Undivided fractionalized long-term estate" is defined in Subsection 61-2f-102(25).

KEY: real estate business, licensing, enforcement

Date of Enactment or Last Substantive Amendment:
~~[December 22, 2010]~~2011

Authorizing, and Implemented or Interpreted Law: 61-2f-103(1)

Commerce, Real Estate R162-2f-205 Registration of Entity

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 34909
FILED: 06/08/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to respond to industry concerns, as explained more fully in the summary.

SUMMARY OF THE RULE OR CHANGE: This amendment states that an entity may not register under a business name that closely resembles the name of another registered entity

or that the division determines might otherwise prove confusing or misleading to the public.

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This amendment clarifies an existing rule, which states that the Division must approve an entity's name before a registration may be issued. It does not create a new requirement that the Division will be required to administer or enforce. Therefore, no impact to the state budget is anticipated.
- ◆ LOCAL GOVERNMENTS: Local governments are not subject to the Real Estate rules. Therefore, no fiscal impact to local governments is anticipated.
- ◆ SMALL BUSINESSES: No new fees are imposed on small businesses as a result of this rule amendment, nor is any incidental cost associated with a small business being required to choose a unique business name. Therefore, no fiscal impact to small businesses is anticipated.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No new fees are imposed on persons as a result of this rule amendment, nor is any incidental cost associated with a person being required to choose a unique business name. Therefore, no fiscal impact to persons is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply, an affected person must choose a unique business name. No costs are associated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated in the rule summary, this rule filing clarifies existing provisions and standards and is not expected to have any fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.

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

R162-2f-205. Registration of Entity.

- (1) A principal broker shall not conduct business through an entity, including a branch office, dba, or separate property management company, without first registering the entity with the division.
- (2) Exemptions. The following locations may be used to conduct real estate business without being registered as branch offices:
 - (a) a model home;
 - (b) a project sales office; and
 - (c) a facility established for twelve months or less as a temporary site for marketing activity, such as an exhibit booth.
- (3) To register an entity with the division, a principal broker shall:
 - (a) evidence that the name of the entity is registered with the Division of Corporations;
 - (b) certify that the entity is affiliated with a principal broker who:
 - (i) is authorized to use the entity name; and
 - (ii) will actively supervise the activities of all sales agents, associate brokers, branch brokers, and unlicensed staff;
 - (c) if registering a branch office, identify the branch broker who will actively supervise all licensees and unlicensed staff working from the branch office;
 - (d) submit an application that includes:
 - (i) the physical address of the entity;
 - (ii) if the entity is a branch office, the name and license number of the branch broker;
 - (iii) the names of associate brokers and sales agents assigned to the entity; and
 - (iv) the location and account number of any real estate trust account in which funds received at the registered location will be deposited; and
 - (e) pay a nonrefundable application fee.
 - (4) Restrictions.
 - (a)(i) The division shall not register an entity proposing to use a business name that:
 - _____ (A) is likely to mislead the public into thinking that the entity is not a real estate brokerage or property management company[-];
 - _____ (B) closely resembles the name of another registered entity; or
 - _____ (C) the division determines might otherwise be confusing or misleading to the public.
 - (ii) Approval by the division of an entity's business name does not ensure or grant to the entity a legal right to use or operate under that name.
 - (b) A branch office shall operate under the same business name as the principal brokerage.
 - (c) An entity may not designate a post office box as its business address, but may designate a post office box as a mailing address.
- (5) Registration not transferable.
 - (a) A registered entity shall not transfer the registration to any other person.

(b) A registered entity shall not allow an unlicensed person to use the entity's registration to perform work for which licensure is required.

(c) If a change in corporate structure of a registered entity creates a separate and unique legal entity, that entity shall obtain a unique registration, and shall not operate under an existing registration.

(d) The dissolution of a corporation, partnership, limited liability company, association, or other entity registered with the division terminates the registration.

KEY: real estate business, licensing, enforcement
Date of Enactment or Last Substantive Amendment:
[December 22, 2010]2011
Authorizing, and Implemented or Interpreted Law: 61-2f-103(1)

Commerce, Real Estate
R162-2f-401a
Affirmative Duties Required of all
Licensed Individuals

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 34910
 FILED: 06/08/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to respond to industry concerns, as explained more fully in the summary.

SUMMARY OF THE RULE OR CHANGE: This amendment is proposed to outline standards that a licensee must follow in disclosing to a buyer in a residential purchase transaction the source from which the licensee obtains square footage data of a property.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment establishes standards for complying with an existing rule, which mandates that a licensee take reasonable steps to verify information used in listing a property. It does not create new requirements that the Division will be required to administer or enforce. Therefore, no impact to the state budget is anticipated.

◆ **LOCAL GOVERNMENTS:** Local governments are not subject to the Real Estate rules. Therefore, no fiscal impact to local governments is anticipated.

◆ **SMALL BUSINESSES:** No new fees are imposed on small businesses as a result of this rule amendment, nor are any incidental costs associated with a small business being required to provide a square footage disclosure to a buyer in a residential purchase transaction. Therefore, no fiscal impact to small businesses is anticipated.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No new fees are imposed on persons as a result of this rule amendment, nor are any incidental costs associated with a person being required to provide a square footage disclosure to a buyer in a residential purchase transaction. Therefore, no fiscal impact to persons is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply, an affected person who advertises square footage data in the marketing of a residential property must disclose the square footage data source to the buyer. No costs are associated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated in the rule summary, this rule filing clarifies existing provisions and standards and is not expected to have any fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.
R162-2f. Real Estate Licensing and Practices Rules.
R162-2f-401a. Affirmative Duties Required of All Licensed Individuals.

An individual licensee shall:

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

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

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

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

(i) the other party; or

(ii) the transaction;

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

(i) a defect in the property; or

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

(e) reasonable care and diligence;

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

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

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

(a) a seller the individual represents;

(b) a buyer the individual represents;

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

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

(e) a tenant whom the individual represents;

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

(a) clearly explaining in writing to both parties:

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

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

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

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

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

(i) undivided loyalty;

(ii) absolute confidentiality; and

(iii) full disclosure from the licensee; and

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

(4) when acting under a limited agency agreement:

(a) act as a neutral third party; and

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

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

(ii) reasonable care and diligence;

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

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

(5) prior to executing a binding agreement, disclose in writing to clients, agents for other parties, and unrepresented parties:

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

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

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

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

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

(6) ~~[when completing a listing agreement, make reasonable efforts to verify the accuracy and content of the listing; in order to offer any property for sale or lease, make reasonable efforts to verify the accuracy and content of the information and data to be used in the marketing of the property;~~

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

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

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

~~[(7)](8)~~ upon initial contact with another agent in a transaction, disclose the agency relationship between the licensee and the client;

~~[(8)](9)~~ when executing a binding agreement in a sales transaction, confirm the prior agency disclosure:

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

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

~~[(9)](10)~~ when executing a lease or rental agreement, confirm the prior agency disclosure by:

(a) incorporating it into the agreement; or

(b) attaching it as a separate document;

~~[(10)](11)~~ when offering an inducement to a buyer who will not pay a real estate commission in a transaction:

(a) obtain authorization from the licensee's principal broker to offer the inducement;

(b) comply with all underwriting guidelines that apply to the loan for which the borrower has applied; and

(c) provide notice of the inducement, using any method or form, to:

(i) the principal broker of the seller's agent, if the seller paying a commission is represented; or

(ii) the seller, if the seller paying a commission is not represented;

~~(11)~~(12) if the licensee desires to act as a sub-agent for the purpose of showing property owned by a seller who is under contract with another brokerage, prior to showing the seller's property:

- (a) notify the listing brokerage that sub-agency is requested; and
- (b) enter into a written agreement with the listing brokerage with which the seller has contracted:
 - (i) consenting to the sub-agency; and
 - (ii) defining the scope of the agency;
- (c) obtain from the listing brokerage all available information about the property; and
- (d) uphold the same fiduciary duties outlined in this Subsection (1);

~~(12)~~(13) provide copies of a lease or purchase agreement, properly signed by all parties, to the party for whom the licensee acts as an agent;

~~(13)~~(14)(a) in identifying the seller's brokerage in paragraph 5 of the approved Real Estate Purchase Contract, use:

- (i) the principal broker's individual name; or
- (ii) the principal broker's brokerage name; and
- (b) personally fulfill the licensee's agency relationship with the client, notwithstanding the information used to complete paragraph 5;

~~(14)~~(15) timely inform the licensee's principal broker or branch broker of real estate transactions in which:

- (a) the licensee is involved as agent or principal;
- (b) the licensee has received funds on behalf of the principal broker; or
- (c) an offer has been written;

~~(15)~~(16)(a) disclose in writing to all parties to a transaction any compensation in addition to any real estate commission that will be received in connection with a real estate transaction; and

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

~~(16)~~(17) in negotiating and closing transactions, use:

- (a)(i) the standard forms approved by the commission and identified in Section R162-2f-401f;
- (ii) standard supplementary clauses approved by the commission; and
- (iii) as necessary, other standard forms including settlement statements, warranty deeds, and quit claim deeds;

(b) forms prepared by an attorney for a party to the transaction, if:

(i) a party to the transaction requests the use of the attorney-drafted forms; and

(ii) the licensee first verifies that the forms have in fact been drafted by the party's attorney; or

(c) if no state-approved form exists to serve a specific need, any form prepared by an attorney, regardless of whether the attorney is employed for the purpose by:

- (i) the principal; or
- (ii) an entity in the business of selling blank legal forms;

~~(17)~~(18) use an approved addendum form to make a counteroffer or any other modification to a contract;

~~(18)~~(19) in order to sign or initial a document on behalf of a principal:

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

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

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

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

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

~~(19)~~(20) if employing an unlicensed individual to provide assistance in connection with real estate transactions, adhere to the provisions of Section R162-2f-401g;

~~(20)~~(21) strictly adhere to advertising restrictions as outlined in Section R162-2f-401h;

~~(21)~~(22) as to a guaranteed sales agreement, provide full disclosure regarding the guarantee by executing a written contract that contains:

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

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

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

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

~~(22)~~(23) immediately deliver money received in a real estate transaction to the principal broker for deposit; and

~~(23)~~(24) as contemplated by Subsection 61-2f-401(18), when notified by the division that information or documents are required for investigation purposes, respond with the required information or documents in full and within ten business days.

KEY: real estate business, licensing, enforcement

Date of Enactment or Last Substantive Amendment:
~~December 22, 2010~~2011

Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-307

Commerce, Real Estate R162-2f-403 Trust Accounts

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 34911

FILED: 06/08/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to respond to industry concerns, as explained more fully in the summary.

SUMMARY OF THE RULE OR CHANGE: This amendment clarifies that a principal broker may not pay a commission out of a trust account without first depositing the withdrawn funds into an operating account, unless the parties who have an interest in the trust funds have otherwise agreed pursuant to Subsection R162-2f-403(6)(a).

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This amendment establishes standards for complying with existing rules governing trust funds. It does not create new requirements that the Division will be required to administer or enforce. Therefore, no impact to the state budget is anticipated.
- ◆ **LOCAL GOVERNMENTS:** Local governments are not subject to the Real Estate rules. Therefore, no fiscal impact to local governments is anticipated.
- ◆ **SMALL BUSINESSES:** No new fees are imposed on small businesses as a result of this rule amendment, nor are any incidental costs associated with a small business being required to deposit a principal broker's commission into an operating account before further disbursing the money. Therefore, no fiscal impact to small businesses is anticipated.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No new fees are imposed on persons as a result of this rule amendment, nor are any incidental costs associated with a person being required to deposit a principal broker's commission into an operating account before further disbursing the money. Therefore, no fiscal impact to persons is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply, an affected person must transfer commissions held in trust into an operating account before treating them as income. No costs are associated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to businesses is anticipated from this rule filing, which establishes standards relating to existing requirements governing trust funds.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.

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

R162-2f-403. Trust Accounts.

- (1) A principal broker shall:
 - (a) maintain a trust account in a bank or credit union located within the state of Utah;
 - (b) notify the division in writing of:
 - (i) the account number; and
 - (ii) the address of the bank or credit union where the account is located; and
 - (c) use the account for the purpose of securing client[s] funds:
 - (i) deposited with the principal broker in connection with a real estate transaction regulated under Title 61, Chapter 2f et seq.;
 - (ii) if the principal broker is also a builder or developer, deposited under a Real Estate Purchase Contract, construction contract, or other agreement that provides for the construction of a dwelling; and
 - (iii) collected in the performance of property management duties as specified in this Subsection (4)(b).
- (2) A principal broker who deposits in any trust account more than \$500 of the principal broker's own funds violates Subsection 61-2f-401(4)(b).
- (3) A principal broker may not deposit into the principal broker's real estate trust account funds received in connection with rental of tourist accommodations where the rental period is less than 30 consecutive days.
 - (4)(a) A principal broker who regularly engages in property management on behalf of seven or more individual units shall establish a property management trust account separate from the real estate trust account.
 - (b) A principal broker who collects rents or otherwise manages property for no more than six individual units at any given time may use the real estate trust account to secure funds received in connection with the principal broker's property management activities.
 - (5) A trust account maintained by a principal broker shall be non-interest-bearing, unless:
 - (a) the parties to the transaction agree in writing to deposit the funds in an interest-bearing account;
 - (b) the parties to the transaction designate in writing the person to whom the interest will be paid upon completion or failure of the sale;
 - (c) the person designated under this Subsection (5)(b):
 - (i) qualifies at the time of payment as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code; and
 - (ii) operates exclusively to provide grants to affordable housing programs in Utah; and

(d) the affordable housing program that is the recipient of the grant under this Subsection (5)(c)(ii) qualifies at the time of payment as a non-profit organization under Section 501(c)(3) of the Internal Revenue Code.

(6) Disbursement of funds held in trust.

(a) A principal broker may disburse funds only in accordance with:

(i) specific language in the Real Estate Purchase Contract authorizing disbursement;

(ii) other proper written authorization of the parties having an interest in the funds; or

(iii) court order.

(b) A principal broker may not release for construction purposes those funds held as deposit money under an agreement that provides for the construction of a dwelling unless the purchaser authorizes such disbursement in writing.

(c) A principal broker may not withdraw any portion of the principal broker's sales commission:

(i) without written authorization from the seller and buyer; or

(ii)(A) until after the settlement statements have been delivered to the buyer and seller; and

(B) the buyer or seller has been paid for the amount due as determined by the settlement statement.

(d) ~~[A]Unless otherwise agreed pursuant to this Subsection (6)(a), a principal broker may not pay a commission from the real estate trust account without first:~~

(i) ~~[until after]closing or otherwise terminating the transaction [has closed or otherwise terminated]; [and]~~

(ii) ~~[without]making a record of each disbursement[-];~~
~~and~~

~~(iii) depositing the withdrawn funds into the principal broker's operating account.~~

(e) A principal broker may not release earnest money or other trust funds associated with a failed transaction unless:

(i) a condition in the Real Estate Purchase Contract authorizing disbursement has occurred; or

(ii) the parties execute a separate signed agreement containing instructions and authorization for disbursement.

(f) If both parties to a contract make a written claim to the earnest money or other trust funds and the principal broker cannot determine from any signed agreement which party's claim is valid, the principal broker may:

(i) interplead the funds into court and thereafter disburse:

(A) upon written authorization of the party who will not receive the funds; or

(B) pursuant to the order of a court of competent jurisdiction; or

(ii) within 15 days of receiving written notice that both parties claim the funds, refer the parties to mediation if:

(A) no party has filed a civil suit arising out of the transaction; and

(B) the parties have contractually agreed to submit disputes arising out of their contract to mediation.

(g) If a principal broker is unable to disburse trust funds within five years after the failure of a transaction, the principal broker shall remit the funds to the State Treasurer's Office as unclaimed property pursuant to Title 67, Chapter 4a et seq.

KEY: real estate business, licensing, enforcement

Date of Enactment or Last Substantive Amendment:
~~[December 22, 2010]2011~~

Authorizing, and Implemented or Interpreted Law: 61-2f-103(1); 61-2f-105; 61-2f-307

Commerce, Real Estate **R162-2g** Real Estate Appraiser Licensing and Certification Administrative Rules

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34917

FILED: 06/13/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to reorganize the rules into a statutory outline format and clarify certain provisions regarding scope of work and trainee requirements.

SUMMARY OF THE RULE OR CHANGE: The existing regulatory provisions are reorganized to mirror the organization and numbering of the appraiser statute, which was renumbered as Title 61, Chapter 2g, in the 2011 General session. The following provisions, which are not included in the existing body of rules, are also proposed: state-licensed appraisers and state-certified residential appraisers are prohibited from performing appraisals of vacant land if the highest and best use of the land is for five or more one to four-family units. Trainees are required to document in their experience logs all experience hours completed from the date of trainee registration to the date of application for licensure. A trainee may not stop logging experience once the trainee documents 2,000 hours. Nor may a trainee leave an assignment off the log so as to avoid having that assignment reviewed as part of the licensing process. The appraisals submitted by mass appraisers and mass appraiser trainees for consideration by the Experience Review Committee and the Board must be selected from an applicant's most recent work.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2g-201(2)(h) and Subsection 61-2g-202(1) and Subsection 61-2g-205(5)(c)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Few additions are proposed to the rules that are currently in effect. As to those additions, they do not implement a new licensing or regulatory scheme that

will require a change in the budget already allocated to the Division of Real Estate. Therefore, no fiscal impact to the state budget is anticipated.

◆ LOCAL GOVERNMENTS: Local government is not required to comply with or enforce the rules governing the appraisal industry. Therefore, no fiscal impact to the local government is anticipated.

◆ SMALL BUSINESSES: Few additions are proposed to the rules that are currently in effect. Those additions clarify existing rule provisions, but do not create new requirements or procedures that affect small businesses. Therefore, no fiscal impact to small businesses is anticipated.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Few additions are proposed to the rules that are currently in effect. Those additions clarify existing rule provisions, but do not create new requirements or procedures for affected persons. Therefore, no fiscal impact to affected persons is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance is accomplished through an affected person acting properly in performing appraisals and in logging and submitting experience hours. No costs are associated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing renumbers the Division rules to mirror the new statutory numbering scheme. A few minor additions are proposed to clarify existing provisions relating to the scope of work and trainee requirements. No fiscal impact to businesses is anticipated from these additions.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jennie Jonsson by phone at 801-530-6706, by FAX at 801-526-4387, or by Internet E-mail at jjonsson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Deanna Sabey, Director

R162. Commerce, Real Estate.

R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules.

R162-2g-101. Authority.

(1) The authority to promulgate rules governing the appraisal industry is granted by Section 61-2g-201(2)(h).

(2) The authority to establish and collect fees is granted by Section 61-2g-202(1).

(3) The authority to exempt specific persons from complying with USPAP standards is granted by Section 61-2g-205(5)(c) within certain limitations as imposed by Section 61-2g-403(1)(c).

R162-2g-102. Definitions.

(1) "Affiliation" means an ongoing business association:

(a) between:

(i) two individuals registered, licensed, or certified under Section 61-2g; or

(ii) an individual registered, licensed, or certified under Section 61-2g and:

(A) an appraisal entity; or

(B) a government agency;

(b) for the purpose of providing an appraisal service; and

(c) regardless of whether an employment relationship exists between the parties.

(2) The acronym "AOB" stands for the Appraiser Qualifications Board of the Appraisal Foundation.

(3) "Board" means the Utah Real Estate Appraiser Licensing and Certification Board.

(4) "Business day" means a day other than:

(a) a Saturday;

(b) a Sunday; or

(c) a federal or state holiday.

(5) "Classification" means the type of license or certification held by an appraiser.

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

(7) "Desk review" means review of an appraisal:

(a) including verification of the data; but

(b) not including a physical inspection of the property.

(8) "Distance education" means an education process based on the geographical separation of student and instructor, including:

(a) computer conferencing;

(b) satellite teleconferencing;

(c) interactive audio;

(d) interactive computer software;

(e) Internet-based instruction; and

(f) other interactive online courses.

(9) "Division" means the Division of Real Estate of the Department of Commerce.

(10) "Draft report" means an appraisal report that is distributed prior to being completed, as provided in Subsection R162-2g-502b(1).

(11) "Entity" means:

- (a) a corporation;
- (b) a partnership;
- (c) a sole proprietorship;
- (d) a limited liability company;
- (e) another business entity; or
- (f) a subsidiary or unit of an entity described in this Subsection (11).

(12) "Field review" means review of an appraisal, including:

- (a) a physical inspection of the property; and
- (b) verification of the data.

(13) "Person" means an individual or an entity.

(14) "Reinstatement" means renewing a license or certification for an additional period after its expiration date has passed, but prior to 12 months after the expiration date.

(15) The acronym "RELMS" stands for Real Estate Licensing and Management System, which is the online database through which individuals registered, licensed, or certified under these rules must submit certain information to the division.

(16) "Renewal" means reissuing a license or certification upon its expiration for an additional period.

(17) "School" means:

- (a) an accredited college, university, junior college, or community college;
- (b) any state or federal agency or commission;
- (c) a nationally recognized real estate appraisal or real estate related organization, society, institute, or association; or
- (d) any school or organization approved by the board.

(18) "School director" means an authorized individual in charge of the educational program at a school.

(19) "Trainee" means a person who is working under the direct supervision of a state-certified residential appraiser or a state-certified general appraiser to earn experience hours for licensure, and who meets the requirements of Subsection R162-2g-302.

(20) "Transaction value" means:

- (a) for loans or other extensions of credit, the amount of the loan or extension of credit;
- (b) for sales, leases, purchases, and investments in, or exchanges of, real property, the market value of the real property interest involved; and
- (c) for the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(21) The acronym "USPAP" stands for the current edition of the Uniform Standards of Professional Appraisal Practice published by the Appraisal Foundation.

R162-2g-302. Application for Trainee Registration.

(1) Registration required.

- (a) An individual who intends to obtain a license to practice as a state-licensed appraiser shall first register with the division as a trainee.
- (b) The division and the board shall not award or recognize experience hours toward licensure for any appraisal work that is performed by an individual during a period of time when the individual is not registered as a trainee.

(2) Character. An individual registering with the division as a trainee shall evidence honesty, integrity, and truthfulness.

- (a) A trainee applicant shall be denied registration for:
 - (i) a felony that resulted in:
 - (A) a conviction occurring within five years of the date of application; or
 - (B) a jail or prison release date falling within five years of the date of application; or
 - (ii) a misdemeanor involving fraud, misrepresentation, theft, or dishonesty that resulted in:
 - (A) a conviction occurring within three years of the date of application; or
 - (B) a jail or prison release date falling within three years of the date of application.
- (b) A trainee applicant may be denied registration upon consideration of the following:
 - (i) criminal convictions and pleas entered at any time prior to the date of application;
 - (ii) the circumstances that led to any criminal convictions or pleas under consideration;
 - (iii) past acts related to honesty or moral character, with particular consideration given to any such acts involving the appraisal business;
 - (iv) dishonest conduct that would be grounds under Utah law for sanctioning an existing licensee;
 - (v) civil judgments in lawsuits brought on grounds of fraud, misrepresentation, or deceit;
 - (vi) court findings of fraudulent or deceitful activity in civil lawsuits;
 - (vii) evidence of non-compliance with court orders or conditions of sentencing;
 - (viii) evidence of non-compliance with terms of a probation agreement, plea in abeyance, or diversion agreement; and
 - (ix) failure to pay taxes or child support obligations.

(3) Competency. An individual registering with the division as a trainee shall evidence competency. In evaluating an applicant for competency, the division and board may consider any evidence, including the following:

- (a) civil judgments, with particular consideration given to any such judgments involving the appraisal business;
- (b) failure to satisfy a civil judgment that has not been discharged in bankruptcy;
- (c) the extent and quality of the applicant's training and education in appraisal;
- (d) the extent of the applicant's knowledge of the Utah Real Estate Appraiser Licensing and Certification Act;
- (e) evidence of disregard for licensing laws;
- (f) evidence of drug or alcohol dependency; and
- (g) the amount of time that has passed since any incident under consideration.

(4)(a) Pre-licensing education. Within the five-year period preceding the date of application, an applicant shall successfully complete 75 classroom hours:

- (i) approved by the AQB; and
- (ii)(A) certified by the division pursuant to Subsection R162-2g-307b(1)-(3); or
- (B) not required to be certified by the division pursuant to Subsection R162-2g-307b(6).

(b) The 75 hours of required education shall include:
(i) 30 hours of appraisal principles;
(ii) 30 hours of appraisal procedures; and
(iii) the 15-hour National USPAP course, or its equivalent.

(c) The 15-hour National USPAP Course or its equivalent may not be accepted by the division as qualifying education unless it is:

(i) taught by an instructor who:
(A) is a state-certified residential or state-certified general appraiser; and

(B) has been certified by the AQB; or
(ii) approved as a distance education course by the AQB and International Distance Education Certification Center.

(d) Examination. An applicant shall evidence having passed the final examination in all pre-licensing courses.

(5) Application to the division. An applicant shall submit the following to the division:

(a) a completed application as provided by the division;
(b) course completion certificates for the 75 hours of pre-licensing education;

(c)(i) two fingerprint cards in a form acceptable to the division; or

(ii) evidence that the applicant's fingerprints have been successfully scanned at a testing center;

(d) all court documents related to any past criminal proceeding;

(e) complete documentation of any sanction taken against any license in any jurisdiction;

(f) a signed letter of waiver authorizing the division to:

(i) obtain the fingerprints of the applicant;

(ii) review past and present employment records;

(iii) review education records; and

(iv) conduct a criminal background check;

(g) the fee for the criminal background check;

(h) the name of the state-certified appraiser(s) with whom the trainee is affiliated;

(i) the name and business address of any appraisal entity or government agency with which the trainee is affiliated; and

(j) the nonrefundable application fee.

(6) Affiliation with certified appraiser(s). Applicants shall affiliate with at least one supervising certified appraiser and evidence that affiliation by:

(a) identifying each supervising certified appraiser on a form supplied by the division; and

(b) obtaining each supervising certified appraiser's signature on the application.

(7) Re-registration of existing trainees.

(a) A trainee registration that was granted by the division prior to January 1, 2008 expired on January 1, 2011.

(b) A trainee registration that is not expired pursuant to this Subsection (7)(a), but that did not include a background check, shall expire unless the trainee re-registers with the division according to the following schedule:

(i) a trainee who registered during the 2008 calendar year shall re-register in 2011 by the anniversary of the trainee's registration date; and

(ii) a trainee who registered on or after January 1, 2009 shall re-register on the two-year anniversary of the registration date.

(c) To re-register, a trainee shall submit the following to the division:

(i) a completed application as provided by the division;

(ii)(A) two fingerprint cards in a form acceptable to the division; or

(B) evidence that the applicant's fingerprints have been successfully scanned at a testing center;

(iii) all court documents related to any past criminal proceeding;

(iv) complete documentation of any sanction taken against any license in any jurisdiction;

(v) a signed letter of waiver authorizing the division to:

(A) obtain the fingerprints of the applicant;

(B) review past and present employment records;

(C) review education records; and

(D) conduct a criminal background check;

(vi) the fee for the criminal background check;

(vii) evidence of having completed:

(A) the pre-licensing education required by this Subsection (4); and

(B) 28 hours of continuing education or AQB qualifying education as required for renewal under Subsection R162-2g-306a(2)(b);

(viii) the name of the state-certified appraiser(s) with whom the trainee is affiliated;

(ix) the name and address of any appraisal entity or government agency with which the trainee is affiliated; and

(x) a nonrefundable application fee.

(d) A division hearing officer shall review the application of any trainee re-registering under this Subsection (7) who fails to meet the character and competency requirements of this Subsection (2) and (3). The hearing officer may:

(i) approve the application with the concurrence of the board;

(ii) approve the application subject to probation or restriction; or

(iii) refer the application to the board for decision.

R162-2g-304a. Application to Sit for the State-Licensed Appraiser Exam.

(1) An applicant to sit for the state-licensed appraiser exam shall provide the following to the division:

(a) completed experience forms, as required by the division;

(i) documenting all experience hours completed by the applicant from the date of trainee registration to the date of application for licensure; and

(ii) evidencing at least 2,000 hours of appraisal experience:

(A) pursuant to Subsection R162-2g-304d;

(B) completed during the time when the applicant was registered with the division as a trainee; and

(C) accrued in no fewer than 12 months; and

(b) a nonrefundable application fee.

(2)(a) Upon determining that the applicant satisfies the education and experience requirements, the division shall issue to the applicant a form permitting the applicant to register for the examination.

(b) Upon being approved to register for the examination pursuant to this Subsection (2)(a), an applicant shall:

(i) return the examination application form to the testing service designated by the division; and

(ii) pay a nonrefundable examination fee to the testing service designated by the division.

(c) The permission to register to sit for the examination shall be valid for 24 months after issuance.

R162-2g-304b. Application to Sit for the State-Certified Residential Appraiser Exam.

(1) An applicant to sit for the state-licensed residential appraiser exam shall provide the following to the division:

(a) completed experience forms, as required by the division, evidencing at least 2,500 hours of total appraisal experience, at least 500 of which:

(i) meet the requirements of Subsection R162-2g-304d;

(ii) are completed during the time when the applicant is licensed as a state-licensed appraiser:

(A) with the division; or

(B) in another state, if licensure was required in that state at the time the appraisal was performed; and

(iii) are accrued in no fewer than 24 months; and

(b) a nonrefundable application fee.

(2)(a) Upon determining that the applicant satisfies the education and experience requirements, the division shall issue to the applicant a form permitting the applicant to register for the examination.

(b) Upon being approved to register for the examination pursuant to this Subsection (2)(a), an applicant shall:

(i) return the examination application form to the testing service designated by the division; and

(ii) pay a nonrefundable examination fee to the testing service designated by the division.

(c) The permission to register to sit for the examination shall be valid for 24 months after issuance.

R162-2g-304c. Application to Sit for the State-Certified General Appraiser Exam.

(1) An applicant to sit for the state-certified general appraiser exam shall provide the following to the division:

(a) completed experience forms, as required by the division, evidencing at least 3,000 hours of total appraisal experience, 1,000 hours of which:

(i) meet the requirements of Subsection R162-2g-304d;

(ii) are completed during the time when the applicant is licensed as a state-licensed appraiser or state-certified residential appraiser:

(A) with the division; or

(B) in another state, if licensure was required in that state at the time the appraisal was performed; and

(iii) are accrued in no fewer than 30 months; and

(b) except as provided in this Subsection (3)(a), a nonrefundable application fee.

(2)(a) Upon determining that the applicant satisfies the education and experience requirements, the division shall issue to the applicant a form permitting the applicant to register for the examination.

(b) Upon being approved to register for the examination pursuant to this Subsection (2)(a), an applicant shall:

(i) return the examination application form to the testing service designated by the division; and

(ii) pay a nonrefundable examination fee to the testing service designated by the division.

(c) The permission to register to sit for the examination shall be valid for 24 months after issuance.

(3)(a) A state-licensed appraiser who, within six months of renewing the license, meets the requirements for certification and files a completed application shall pay a transfer fee rather than an application fee.

(b) A certification that is obtained under this Subsection (3)(a) shall expire on the same date that the license was due to expire prior to transfer.

R162-2g-304d. Experience Hours.

(1)(a) Except as provided in this Subsection (1)(b), appraisal experience shall be measured in hours according to the appraisal experience hours schedules found in Appendices 1 through 3.

(b)(i) An applicant who has experience in categories other than those shown on the appraisal experience hours schedules, or who believes the schedules do not adequately reflect the applicant's experience or the complexity or time spent on an appraisal, may petition the board on an individual basis for evaluation and approval of the experience as being substantially equivalent to that required for licensure or certification.

(ii) Upon a finding that an applicant's experience is substantially equivalent to that required for licensure or certification, the board may award the applicant an appropriate number of hours for the alternate experience.

(2) General restrictions.

(a) An applicant may not accrue more than 2,000 experience hours in any 12-month period.

(b) The board may not award credit:

(i) for appraisal experience earned more than five years prior to the date of application;

(ii) for appraisals that were performed in violation of:

(A) Utah law;

(B) the law of another jurisdiction; or

(C) the administrative rules adopted by the division and the board;

(iii) for appraisals that fail to comply with USPAP;

(iv) for appraisals of the value of a business as distinguished from the appraisal of commercial real estate; or

(v) for personal property appraisals.

(c) At least 50% of the appraisals submitted for experience credit shall be appraisals of properties located in Utah.

(d) With regard to experience hours claimed from the schedules found in Appendices 1 and 2:

(i) appraisals where only an exterior inspection of the subject property is performed shall be granted 25% of the credit awarded an appraisal that includes an interior inspection of the subject property; and

(ii) no more than 25% of the total experience required for licensure or certification may be earned from appraisals where the interior of the subject property is not inspected.

(e) A maximum of 250 experience hours may be earned from appraisal of vacant land.

(f) Appraisals on commercial or multi-unit form reports shall be awarded 75% of the credit normally awarded for the appraisal.

(g)(i) If an applicant's education was approved prior to January 1, 2008 and his or her experience was approved prior to January 1, 2011 (under a system referred to by the division and industry as a segmented application), but the applicant did not pass the applicable examination required for licensure or certification by December 31, 2010, the applicant shall, by December 31, 2011:

(A) complete all additional education, as required under the AQB standards;

(B) pass the required examination applicable to the license or certification being sought by the individual; and

(C) submit a complete application to the division.

(ii) An applicant who fails to comply with the December 31, 2011 deadline established in this Subsection (2)(g)(i) shall:

(A) complete all additional education as required under the AQB standards;

(B) pass the required examination applicable to the license or certification sought by the individual;

(C) submit recent appraisals that meet the requirements of all applicable statutes and rules for review by the experience review committee; and

(D) submit a complete application to the division according to deadlines established in Subsection R162-2g-304f(1).

(3) Specific restrictions applicable to trainees applying for licensure.

(a) A trainee and the trainee's supervisor who signs the experience log shall document on the log the specific duties that the trainee performs for each appraisal.

(b) For each duty performed, the trainee shall be awarded a percentage of the total experience hours that may be awarded for the property type being appraised:

(i) pursuant to the appraisal experience hour schedules found in Appendices 1 through 3; and

(ii) with the following limitations:

(A) participation in highest and best use analysis: 10% of total hours;

(B) participation in neighborhood description and analysis: 10% of total hours;

(C) property inspection: 20% of total hours, pursuant to this Subsection (3)(c);

(D) participation in land value estimate: 20% of total hours;

(E) participation in sales comparison property selection and analysis: 30% of total hours;

(F) participation in cost analysis: 20% of total hours;

(G) participation in income analysis: 30% of total hours;

(H) participation in the final reconciliation of value: 10% of total hours; and

(I) participation in report preparation: 20% of total hours.

(c) In order for a trainee to claim credit for an inspection pursuant to this Subsection (3)(b)(ii)(C):

(i) as to the first 100 residential appraisals or first 20 non-residential appraisals completed, as applicable to the license or certification being sought, the inspection must include:

(A) measurement of the exterior of a property that is the subject of an appraisal; and

(B) inspection of the exterior of a property that is used as a comparable in an appraisal; and

(ii) as to appraisals after the first 100 residential appraisals or first 20 non-residential appraisals completed, as applicable to the license or certification being sought, the inspection must satisfy all scope of work requirements.

(d) No more than one-third of the experience hours submitted toward licensure may come from any one of the categories identified in this Subsection (3)(b)(ii).

(4) Specific restrictions applicable to applicants for certification.

(a) An individual who obtained a license from the division through reciprocity shall provide to the division all records necessary for the division to verify that the individual satisfies the experience requirements outlined in these rules.

(b) The board may not award credit:

(i) for any appraisal where the applicant cannot prove more than 50% participation in the:

(A) data collection;

(B) verification of data;

(C) reconciliation;

(D) analysis;

(E) identification of property and property interests;

(F) compliance with USPAP standards; and

(G) preparation and development of the appraisal report;

or

(ii) to more than one licensed appraiser per completed appraisal, except as provided in this Subsection (5).

(c)(i) An individual applying for certification as a state-certified residential appraiser shall document at least 75% of the hours submitted from:

(A) the residential experience hours schedule found in Appendix 1; or

(B) the residential portion of the mass appraisal hours schedule found in Appendix 3.

(ii) No more than 25% of the total hours submitted may be from:

(A) the general experience hours schedule found in Appendix 2; or

(B) properties other than 1- to 4-unit residential properties identified in the mass appraisal hours schedule found in Appendix 3.

(d) An individual applying for certification as a state-certified general appraiser shall document at least 1,500 experience hours as having been earned from:

(i) the general experience hours schedule found in Appendix 2; or

(ii) properties other than 1- to 4-unit residential properties identified in the mass appraisal hours schedule found in Appendix 3.

(5) Specific restrictions applicable to mass appraisers.

(a) Single-property appraisals performed under USPAP Standards 1 and 2 by mass appraisers shall be awarded full credit pursuant to Appendices 1 and 2.

(b) Review and supervision of appraisals by mass appraisers shall be awarded credit pursuant to this Subsection (6) (b)-(c).

_____ (c)(i) Mass appraisers and mass appraiser trainees who perform 60% or more of the appraisal work shall be awarded full credit pursuant to Appendix 3.

_____ (ii) Mass appraisers and mass appraiser trainees who perform between 25% and 59% of the appraisal work shall be awarded 50% credit pursuant to Appendix 3.

_____ (iii) Mass appraisers and mass appraisal trainees who perform less than 25% of the appraisal work shall be awarded no credit for the appraisal assignment.

_____ (d) In addition to submitting proof of required experience and samples, randomly selected from the experience log, of work conforming to USPAP Standard 6:

_____ (i) a state-licensed appraiser applicant whose experience is earned primarily through mass appraisal shall submit proof of having performed at least five appraisals conforming to USPAP Standards 1 and 2;

_____ (ii) a state-certified residential appraiser applicant whose experience is earned primarily through mass appraisal shall submit proof of having performed at least eight one-unit residential appraisals conforming to USPAP Standards 1 and 2; and

_____ (iii) a state-certified general appraiser applicant whose experience is earned primarily through mass appraisal shall submit proof of having performed at least eight appraisals from Appendix 2 conforming to USPAP Standards 1 and 2.

_____ (e) No more than 60% of the total hours submitted for licensure or certification may be earned from any combination of appraisals of:

_____ (i) property types identified in Appendix 3(a)(i) and (ii);

_____ (ii) property types identified in Appendix 3 (b)(i) and (ii);

_____ (iii) property types identified in Appendix 3 (c)(i) and (ii);

_____ (iv) property types identified in Appendix 3 (d)(i) and (ii);

_____ (v) property types identified in Appendix 3 (e)(i) and (ii), and

_____ (vi) property types identified in Appendix 3 (f)(i).

_____ (f) No more than 25% of the total hours submitted for licensure or certification may be earned from appraisals of property types identified in Appendix 3(f)(iii) and (iv) combined.

_____ (g) No more than 20% of the total hours submitted for licensure or certification may have been earned from appraisals of property types identified in Appendix 3(g).

_____ (h)(i) Mass appraisal of property with a personal property component of less than 50% of value shall be awarded full credit pursuant to Appendix 3 for the type of property appraised.

_____ (ii) Mass appraisal of property with a personal property component of 50% to 85% of value shall be awarded 50% credit pursuant to Appendix 3 for the type of property appraised.

_____ (iii) Mass appraisal of property with a personal property component greater than 85% shall be awarded no credit.

_____ (i) The appraisals submitted for review pursuant to this Subsection (5) shall be selected from the applicant's most recent work.

_____ (6) Special circumstances - condemnation appraisals, review appraisals, supervision of appraisers, other real estate experience, and government agency experience.

_____ (a) Condemnation appraisals. A condemnation appraisal shall be awarded an additional 50% of the hours normally awarded

for the appraisal if the condemnation appraisal includes a before-and-after appraisal because of a partial taking of the property.

_____ (b) Review appraisals.

_____ (i) Review appraisals shall be awarded experience credit when the appraiser performs technical reviews of appraisals prepared by employees, associates, or others, provided the appraiser complies with USPAP Standards Rule 3 when the appraiser is required to comply with the rule.

_____ (ii) Except as provided in this Subsection (6)(e)(i), the following credit shall be awarded for review of appraisals:

_____ (A) desk review: 30% of the hours that would be awarded if a separate written review appraisal report were prepared, up to a maximum of 500 hours; and

_____ (B) field review: 50% of the hours that would be awarded if a separate written review appraisal report were prepared, up to a maximum of 500 hours.

_____ (c) Supervision of appraisers. Except as provided in this Subsection (6)(e)(i), supervision of appraisers shall be awarded 20% of the hours that would be awarded to the appraisal, up to a maximum of 500 hours.

_____ (d) Other real estate experience acceptable for certification.

_____ (i) Provided that an applicant demonstrates to the satisfaction of the board that the applicant has the ability to arrive at a fair market value of property and to properly document value conclusions, the following activities may be used to satisfy up to 50% of the experience required for certification:

_____ (A) preliminary valuation estimates;

_____ (B) range of value estimates or similar studies;

_____ (C) other real estate-related experience gained by:

_____ (I) bankers;

_____ (II) builders;

_____ (III) city planners and managers; or

_____ (IV) other individuals.

_____ (ii) A comparative market analysis by an individual licensed under Section 61-2f et seq. may be granted up to 100% experience credit toward certification if:

_____ (A) the analysis conforms with USPAP Standards Rules 1 and 2; and

_____ (B) the individual demonstrates to the board that the individual uses similar techniques as appraisers to value properties and effectively utilize the appraisal process.

_____ (iii) The following activities, if performed in accordance with USPAP Standards Rules 4 and 5, may be used to satisfy up to 50% of the experience required for certification:

_____ (A) appraisal analysis;

_____ (B) real estate counseling or consulting services; and

_____ (C) feasibility analysis/study.

_____ (iv) Except as provided in this Subsection (6)(e)(i), no more than 50% of the total experience required for certification may be earned through any combination of experience described in this Subsection (6)(b)-(d).

_____ (e) Government agency experience.

_____ (i) An individual who obtains experience hours in conjunction with investigation by a government agency is not subject to the hour limitations of this Subsection (6).

_____ (ii) In addition to submitting proof of required experience, an applicant whose experience is earned primarily in

conjunction with investigations by government agencies and through review of appraisals, with no opinion of value developed, shall submit proof of having complied with USPAP Standards 1 and 2 in performing appraisals as follows:

(A) if applying for state-licensed appraiser with experience reviewing residential appraisals, five appraisals of one-unit dwellings;

(B) if applying for state-certified residential appraiser with experience reviewing residential appraisals, eight appraisals of one-unit dwellings; and

(C) if applying for state-certified general appraiser with experience reviewing appraisals of property types listed in Appendix 2, at least eight appraisals of property types identified in Appendix 2.

(7) The board, at its discretion, may request the division to verify the claimed experience by any of the following methods:

(a) verification with the clients;

(b) submission of selected reports to the board; and

(c) field inspection of reports identified by the applicant at the applicant's office during normal business hours.

R162-2g-304e. Experience Review Committee.

(1) The board may appoint a committee to review the experience claimed by applicants for licensure or certification.

(2) The committee shall:

(a) review each application for completion of the experience hours required for licensure or certification;

(b) correspond with applicants concerning submissions, if necessary; and

(c) make recommendations to the division and the board for licensure or certification approval or disapproval.

(3) The committee shall be composed of appraisers selected from among the following categories:

(a) residential appraisers;

(b) commercial appraisers;

(c) farm and ranch appraisers;

(d) right-of-way appraisers; and

(e) mass appraisers.

(4) The chairperson of the committee shall be appointed by the board.

(5) Meetings may be called upon:

(a) the request of the chairperson; or

(b) the written request of a quorum of committee members.

(6) If the board denies the application on the recommendation of an experience review committee member, the applicant may, within thirty days after the denial, make a written request for board review of the applicant's experience, stating specific grounds upon which relief is requested. The board shall thereafter consider the request and issue a written decision.

R162-2g-304f. Final Application for Licensure or Certification.

(1) Within 90 days after successfully completing the exam for licensure or certification, the applicant shall return to the division:

(a) a report from the testing service indicating successful completion of the exam within 24 months of the date on which the applicant obtains authorization to sit for the exam;

(b) an application form as required by the division and including:

(i) the applicant's business, home, and e-mail addresses;

(ii) the name and business address of any appraisal entity or government agency with which the applicant is affiliated; and

(iii) if the applicant is applying for certification, the fee for the federal registry.

(2)(a) A post office box without a street address is unacceptable as a business or home address.

(b) An applicant may designate any address to be used as a mailing address.

R162-2g-306a. Renewal and Reinstatement of a Registration, License, or Certification.

(1)(a) A registration, license, or certification is valid for two years and expires unless it is renewed according to this Subsection R162-2g-306a before the expiration date printed on the registration, license, or certificate.

(b) It shall be grounds for disciplinary sanction if, after an individual's registration, license, or certification has expired, the individual continues to perform work for which the individual is required to be registered, licensed, or certified.

(2) To timely renew a registration, license, or certification, an applicant shall, prior to the expiration date of the registration, license, or certification, submit to the division:

(a) a completed renewal application as provided by the division;

(b) proof of completion of the following continuing education taken during the preceding two years:

(i)(A) the 7-hour National USPAP Update Course, taught by an instructor or instructors, at least one of whom is a state-certified residential or state-certified general appraiser and has been certified by the AQB; or

(B) equivalent education, as determined through the course approval program of the AQB; and

(ii)(A) 21 additional hours of continuing education:

(I) certified by the division for the appraisal industry at the time the courses are taught; or

(II) not required to be certified, pursuant to Subsection R162-2g-307c(3); or

(B) if the renewal applicant is also working toward certification, 21 hours of pre-licensing education credit applicable to the certification being sought; and

(c) the applicable nonrefundable renewal fee.

(3)(a) In order to renew on time, an applicant shall complete continuing education hours by the 15th day of the month in which the registration, license, or certification expires.

(b) An applicant who complies with this Subsection (3) (a), but whose credits are not banked by the education provider pursuant to Subsection R162-2g-502a(5)(c), may obtain credit for the course(s) taken by:

(i) submitting to the division the original course completion certificates; and

(ii) filing a complaint against the provider.

(4) A license, certification, or registration may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of this Subsection (2).

(5)(a) After the 30-day period described in this Subsection (4) and until six months after the expiration date, an individual may reinstate an expired license, certification, or registration by:

- (i) complying with this Subsection (2);
- (ii) paying a late fee; and
- (iii) paying a reinstatement fee.

(b) After the six-month period described in this Subsection (5)(a) and until one year after the expiration date, an individual may reinstate an expired license, certification, or registration by:

- (i) complying with this Subsection (2);
- (ii) paying a late fee;
- (iii) paying a reinstatement fee; and
- (iv) completing 24 hours of additional continuing education as approved by the division.

(c)(i) An individual who does not reinstate an expired license, certification, or registration within 12 months of the expiration date shall:

- (A) reapply with the division as a new applicant;
- (B) retake and pass the 15-hour USPAP course; and
- (C) retake and pass any applicable licensing or certification examination.

(ii) An individual reapplying under this Subsection (4)(c) (i) shall receive credit for previously credited pre-licensing education if:

(A) it was completed within the five-year period prior to the date of reapplication; and

(B) it was either:

(I) completed after January 1, 2008; or

(II) certified by the division and the AOB prior to January 1, 2008, as approved, qualified pre-licensing education.

(6) If the division receives renewal documents in a timely manner, but the information is incomplete, the appraiser or trainee may be extended a 15-day grace period to complete the application.

(7) Renewal while on active military service.

(a) An appraiser or trainee who is unable to renew a registration, license, or certification because active military service has prevented the completion of the appraiser's or trainee's required continuing education may:

(i) submit a timely application for renewal that is complete, except for proof of continuing education; and

(ii) request that the application for renewal be held in suspense pending the completion of the continuing education requirement.

(b) The appraiser or trainee shall have 120 days after completion of active military service to complete the continuing education required for the renewal and submit proof of the continuing education to the division.

(c) An individual may not act as an appraiser or trainee in Utah:

(i) after the expiration of the registration, license, or certification; or

(ii) while the individual's application for renewal is held in suspense by the division pending the completion of military service and the completion of the continuing education required for renewal.

R162-2g-306b. Notification of Changes.

(1) An individual registered, licensed, or certified under these rules shall notify the division of any status change, including the following:

(a) creation or termination of an affiliation, except as provided in this Subsection (2);

(b) change of name; and

(c) change of business, home, mailing, or e-mail address.

(2) An individual is not required to report the creation or termination of an affiliation that:

(a) facilitates a single transaction; and

(b) is not part of an ongoing business association.

(3) Notification procedure.

(a) To report a change of name, an individual shall complete a paper change form and attach to it official documentation such as a:

(i) marriage certificate;

(ii) divorce decree; or

(iii) driver license.

(b)(i) To report a change in affiliation or address, and individual shall complete and submit an electronic change form through RELMS.

(ii) A post office box without a street address is unacceptable as a business or home address. Any address may be designated as a mailing address.

(c) All change forms shall be accompanied by a nonrefundable processing fee.

(4) Deadlines and effective dates.

(a)(i) An individual shall comply with the notification requirements outlined in this Subsection R162-2g-306b within ten business days of making a status change.

(ii) If a deadline for notification falls on a day when the division is closed, the deadline shall be extended to the next business day.

(b) Status changes are effective on the date the properly executed forms and appropriate fees are received by the division.

R162-2g-307a. School Certification.

(1) Application. A school requesting certification shall:

(a) submit an application form as prescribed by the division, including:

(i) name, telephone number, and address of:

(A) the school;

(B) the school director; and

(C) all owners of the school; and

(ii) as to each school director or owner, disclosure of criminal history and adverse regulatory actions;

(b) provide a description of:

(i) the type of school; and

(ii) the school's physical facilities; and

(c) provide a statement outlining the:

(i) days, times and locations of classes;

(ii) number of quizzes and examinations in each course offered;

(iii) grading system, including methods of testing and standards of grading;

(iv) requirements for attendance; and

(v) school's refund policy.

(2) Standards for operation.

(a) All courses shall be taught in an appropriate classroom facility and not in a private residence, except for a course approved for distance education.

(b) A school shall teach the approved course of study as outlined in the state-approved outline.

(c) At the time of registration, a school shall provide to each student:

(i) the statement described in this Subsection (1)(c); and

(ii) a copy of the qualifying questionnaire that the student will be required by the division to answer as part of the pre-licensing or precertification examination.

(d) A school shall require each student to attend 100% of the scheduled class time in order to earn credit for the course.

(e)(i) A school may not award credit to any student who fails the final examination.

(ii) A student who fails a school final examination must wait three days before retesting and may not retake the same final examination.

(iii) A student who fails a final examination a second time must wait two weeks before retesting and may not retake either exam that the student previously failed.

(iv) A student who fails a final exam a third time shall fail the course.

(f) A school may not allow a student to challenge a course or any part of a course by taking an exam in lieu of attendance.

(g) Credit hours.

(i) For a course that is taught outside of a college or university setting, one credit hour may be awarded for 50 minutes of instruction within a 60-minute period, allowing for a ten-minute break.

(ii) For a course that is taught in a college or university setting:

(A) one quarter hour is equivalent to 10 credit hours; and

(B) one semester hour is equivalent to 15 credit hours.

(iii) A school may not award more than eight credit hours per day per student.

(3) A school shall report to the division within 10 calendar days of:

(a) any change in the information provided pursuant to this Subsection (1)(a)(i); and

(b) a school director or owner being convicted, or entering a plea in abeyance or diversion agreement, as to a criminal offense, excluding class C misdemeanors.

(4)(a) A school certification is valid for two years from the date of issuance.

(b) To renew a school certification, an individual shall, prior to the date of expiration:

(i) submit a properly completed application as provided by the division; and

(ii) pay a nonrefundable applicable fee.

R162-2g-307b. Pre-licensing Course Certification.

(1) To certify a pre-licensing course, an applicant shall:

(a) submit a completed application form as prescribed by the division;

(b) provide a course outline, including:

(i) a description of the course;

(ii) the length of time to be spent on each subject area, broken into segments of no more than 30 minutes each; and

(iii) three to five learning objectives for every three hours;

(c) describe any method of instruction that will be used other than lecture method, including:

(i) webinar;

(ii) satellite broadcast; or

(iii) other form of distance education;

(d) provide copies of at least three final examinations administered in the course and the answer keys that will be used to determine if a student passes the course;

(e) explain the school procedure for maintaining the security of the final exams and answer keys;

(f) list the titles, authors, and publishers of all required textbooks;

(g)(i) list the instructor(s) who will teach each class; and

(ii) provide evidence that each instructor is:

(A) certified by the division;

(B) qualified to serve as a guest lecturer; or

(C) a college or university faculty member who has academic training or appraisal experience satisfactory to the division and the board;

(h) list the days, times, and location of classes; and

(i) pay a nonrefundable applicable fee.

(2) Standards for approval of traditional classroom courses. Each course shall:

(a) meet the minimum standards set forth in the state-approved course outline governing the course, including minimum hourly requirements;

(b) be approved through the AOB course approval program;

(c) allow a maximum of 10% of the required class time for testing, including review test and final examination;

(d) use texts, workbooks, supplement pamphlets, and other materials that are appropriate and current in their application to the required course outline.

(3) Standards for approval of distance education

(a) A distance education course shall:

(i) comply with this Subsection (2);

(ii) provide interaction between the student and instructor;

(iii) include a written examination personally proctored by an official approved by the presenting entity;

(iv) meet the course delivery requirements established by the AOB and the International Distance Education Certification Center; and

(v) offer at least 15 credit hours.

(b) A distance education course offered by a college or university may be deemed acceptable to meet the credit hour requirement if the course content is approved by:

(i) the AOB;

(ii) a state licensing jurisdiction; or

(iii) a college or university that:

(A) offers distance education programs in other disciplines; and

(B) is approved or accredited by:

(I) the Commission on Colleges;

(II) a regional or national accreditation association; or

(III) an accrediting agency that is recognized by the United States Secretary of Education.

(4) Within 10 business days after the occurrence of any material change in a course that could affect approval, the school shall give the division written notice of the change.

(5) A course certification is valid for no more than 24 months.

(6) Credit for non-certified pre-licensing education.

(a) Division certification is not required for a pre-licensing course that is offered by a school, as defined in Subsection R162-2g-102(17) as long as:

(i) the course content:

(A) meets the minimum standards set forth in the Utah state-approved course outline; and

(B) is approved by the AQB course approval program;

(ii) the course provides at least 15 credit hours, including examination(s);

(iii) a closed-book, closed-note final examination is administered at the end of each course;

(iv) students are not allowed to earn credit from the course provider by challenge examination without first attending the course;

(v) credit is not awarded for duplicate or highly comparable classes;

(vi) where multiple classes are offered, they represent a progression in a student's knowledge; and

(vii) in order to receive credit, a student is required to:

(A) attend 100% of the scheduled class hours;

(B) complete all required exercises and assignments; and

(C) pass the course final examination.

(b) Hourly credit for a course taken from a professional appraisal organization shall be granted according to the division approved list.

(c) An applicant who wishes to be awarded credit for non-certified pre-licensing education shall:

(i) provide to the division a list of the cours(es) taken, including:

(A) course title(s);

(B) name(s) of the sponsoring organization(s);

(C) number of classroom hours completed;

(D) date(s) of course completion; and

(E) evidence that the cours(es) meet the requirements of:

(I) the AQB; and

(II) if distance education, the International Distance Education Certification Center;

(ii) request review of the course by the division and board;

(iii) establish that the criteria outlined in this Subsection (6)(a) are met;

(iv) attest on a notarized affidavit that the courses have been completed as documented; and

(v) if requested by the division, provide proof of completion of the courses in the form of certificates, transcripts, report cards, letters of verification, or similar proof.

R162-2g-307c. Continuing Education Course Certification.

(1) To certify a continuing education course, an applicant shall, at least 30 days prior to the course being taught, submit a completed application as required by the division, including:

(a) name and contact information of the course sponsor and the entity through which the course will be provided;

(b) description of the physical facility where the course will be taught;

(c) the proposed number of credit hours for the course;

(d) identification of whether the method of instruction will be traditional education or distance education;

(e) title of the course;

(f) statement defining how the course will meet the objectives of continuing education by increasing the licensee's knowledge, professionalism, and ability to protect and serve the public;

(g) course outline including:

(i) a description of the subject matter covered in each 15-minute segment; and

(ii) a minimum of one learning objective for every hour of class time;

(h) the name and certification number of each certified instructor who will teach the course;

(i) copies of all materials that will be distributed to the participants;

(j) the procedure for pre-registration;

(k) the tuition or registration fee and a copy of the cancellation and refund policy;

(l) except for courses approved for distance education, the procedure for taking and maintaining control of attendance during class time;

(m) sample of the completion certificate;

(n) signed statement agreeing that the course provider will, within 10 business days of completing the class, upload to the division the following information:

(i) course name;

(ii) course certificate number assigned by the division;

(iii) date the course was taught;

(iv) number of credit hours; and

(v) names and license numbers of all students receiving continuing education credit;

(o) signed statement agreeing not to market personal sales products; and

(p) other information the division might require.

(2) Standards for approval.

(a)(i) A distance education course shall:

(A) provide interaction between the student and instructor;

(B) include a written examination that requires a student to demonstrate mastery and fluency; and

(C) meet the requirements established by the AQB.

(ii) The division may approve a distance education course offered by a college or university if the college or university:

(A) offers distance education programs in other disciplines; and

_____ (B)(I) is accredited by the Commission on Colleges or a regional accreditation association; or

_____ (II) is approved by the International Distance Education Certification Center.

_____ (b) The course topic must be AQB-approved.

_____ (c) The procedure for taking and maintaining control of attendance shall be more extensive than having the students sign a class roll.

_____ (d) The completion certificate shall allow for entry of:

_____ (i) licensee's name;

_____ (ii) type of license;

_____ (iii) license number;

_____ (iv) date of course;

_____ (v) name of the course provider;

_____ (vi) course title;

_____ (viii) course certification number and expiration date;

_____ (ix) credit hours awarded; and

_____ (x) signatures of the course sponsor and the licensee.

_____ (e) A real estate appraisal-related field trip that is submitted for continuing education credit may not include transit time to or from the field trip location as part of the credit hours awarded.

_____ (3) Non-certified continuing education credit. The board may award continuing education credit on a case-by-case basis for the following:

_____ (a) participation, other than as a student, in an appraisal practicum course;

_____ (b) teaching, program development, authorship of textbooks, or similar activities that are determined by the board to be equivalent to obtaining continuing education, up to one-half of an individual's continuing education credit requirement;

_____ (c) service as a member of the experience review committee, or the technical advisory panel, if approved by the board and offered in accordance with AQB standards as a:

_____ (i) practicum course under this Subsection (3)(a); or

_____ (ii) course under this Subsection (3)(b); and

_____ (d) completion of any course that:

_____ (i) meets the continuing education objectives of increasing the licensee's knowledge, professionalism, and ability to protect and serve the public;

_____ (ii) is taught outside the state of Utah; and

_____ (iii) is not marketed to appraisers or appraiser trainees in Utah.

R162-2g-307d. Instructor Certification for Pre-licensing Education.

_____ (1) To certify as a pre-licensing education instructor, an individual shall:

_____ (a) evidence that the applicant meets the character and competency requirements outlined in Subsection R162-2g-302(2)-(3);

_____ (b) submit a completed application as provided by the division;

_____ (c) demonstrate knowledge of the subject matter to be taught as evidenced by:

_____ (i) a minimum of five years active experience in appraising;

_____ (ii) college or other appropriate courses specific to the topic proposed to be taught; or

_____ (iii) other experience, education, or credentials acceptable to the board;

_____ (d) evidence having passed an examination designed to test knowledge of the subject matter proposed to be taught;

_____ (e) if the individual proposes to teach a course in USPAP, evidence that the individual is an AQB-certified USPAP instructor; and

_____ (f) pay a nonrefundable application fee.

_____ (2) A pre-licensing instructor certification is valid for 24 months from the date of issuance.

_____ (3) To renew a pre-licensing instructor certification, an individual shall:

_____ (a) submit a completed application, as provided by the division;

_____ (b) evidence having taught at least 20 hours of in-class instruction in certified course(s) during the preceding term of certification;

_____ (c) evidence having attended a real estate instructor development workshop sponsored or approved by the division during the preceding two years; and

_____ (d) pay a nonrefundable application fee.

_____ (4)(a) To reinstate an expired pre-licensing instructor certification within 30 days following the expiration date, an individual shall:

_____ (i) comply with this Subsection (3); and

_____ (ii) pay a nonrefundable late fee.

_____ (b) To reinstate an expired pre-licensing instructor certification after 30 days and within three months following the expiration date, an individual shall:

_____ (i) comply with this Subsection (3);

_____ (ii) pay a nonrefundable reinstatement fee; and

_____ (iii) submit proof of having completed six classroom hours of education related to real estate appraisal or teaching techniques.

_____ (c) After a pre-licensing instructor certification has been expired for three months, an individual is required to apply as an original applicant and obtain a new certification.

_____ (5) A certified instructor shall inform the division within 10 calendar days of:

_____ (a) being convicted for a criminal offense, with the exception of a class C misdemeanor; or

_____ (b) entering a plea in abeyance, diversion agreement, or other agreement that holds a criminal charge in suspense, except as to a class C misdemeanor.

R162-2g-307e. Instructor Certification for Continuing Education.

_____ (1) A continuing education course that is required to be certified shall be taught by a certified instructor.

_____ (2) To obtain a continuing education instructor certification, and individual shall, at least 30 days prior to the date on which instruction is proposed to begin:

_____ (a) evidence that the applicant meets the character and competency requirements outlined in Subsection R162-2g-302(2)-(3);

_____ (b) submit a completed application form, as provided by the division;

_____ (c) evidence;

_____ (i) at least three years of full-time experience in the course subject;

_____ (ii) college-level education related to the course subject;
or

_____ (iii) a combination of experience and education acceptable to the division;

_____ (d) evidence:

_____ (i) at least 12 months of full-time teaching experience;

_____ (ii) part-time teaching experience equivalent to 12 months of full-time teaching experience; or

_____ (iii) attendance at the division's Instructor Development Workshop;

_____ (e) provide a signed statement agreeing to allow the instructor's courses to be randomly audited on an unannounced basis by the division or its representative;

_____ (f) provide a signed statement agreeing not to market personal sales products;

_____ (g) provide any other information the division requires;
and

_____ (h) pay a nonrefundable application fee.

_____ (3) A continuing education instructor certification is valid for two years.

_____ (4) To renew a continuing education instructor certification, an individual shall, prior to the date of expiration:

_____ (a) submit a completed renewal application, as provided by the division;

_____ (b)(i) evidence having taught a minimum of 12 continuing education credit hours during the past term of certification; or

_____ (ii) provide a written explanation outlining the reason for not meeting the requirement having taught 12 continuing education credit hours and provide evidence satisfactory to the division that the applicant maintains an appropriate level of expertise; and

_____ (c) pay a nonrefundable renewal fee.

_____ (5)(a) To reinstate an expired continuing instructor certification within 30 days following the expiration date, an individual shall:

_____ (i) comply with this Subsection (4); and

_____ (ii) pay a nonrefundable late fee.

_____ (b) To reinstate an expired continuing instructor certification after 30 days and within six months following the expiration date, an individual shall:

_____ (i) comply with this Subsection (4); and

_____ (ii) pay a nonrefundable reinstatement fee;

_____ (c) After a continuing instructor certification has been expired for three months, an individual is required to apply as an original applicant and obtain a new certification.

R162-2g-308. Application for a Six-Month Temporary Permit.

_____ (1) A non-resident of this state who is licensed or certified in another state and who wishes to apply for a six-month temporary permit to perform one or more specific appraisal assignments in Utah shall:

_____ (a) evidence that each specific appraisal assignment is covered by a contract to provide appraisals;

_____ (b) submit an application as provided by the division and including the following:

_____ (i) name of the client;

_____ (ii) specific property address(es) to be appraised;

_____ (iii) type(s) of property being appraised; and

_____ (iv) estimated time to complete each assignment;

_____ (c) complete and submit a qualifying questionnaire as provided by the division;

_____ (d) sign an irrevocable consent to service authorizing the division to receive service of any lawful process on behalf of the applicant in any non-criminal proceeding arising out of the applicant's practice as an appraiser in this state;

_____ (e) pay a nonrefundable application fee in the amount established by the division; and

_____ (f) provide the starting date of the appraisal assignment for which the temporary permit is being sought.

_____ (2)(a) A non-resident is limited to two temporary permits per calendar year, each of which may be extended one time for an additional six-month period if the assignment(s) for which the permit is issued have not been completed within the original six-month term of the temporary permit.

_____ (b) A temporary permit may be extended by submitting the forms required by the division.

R162-2g-310. Application for Licensure or Certification Through Reciprocity.

_____ An individual who is licensed or certified as an appraiser by another state may be licensed or certified in Utah by reciprocity on the following conditions:

_____ (1) The applicant shall provide evidence that:

_____ (a) the state in which the applicant is licensed requires appraisal pre-licensing education that is:

_____ (i) approved by that state; and

_____ (ii) substantially equivalent in number to the hours required for the license or certification for which the applicant is applying in Utah;

_____ (b) the applicant's pre-licensing education included either:

_____ (i) the 15-hour National USPAP Course; or

_____ (ii) equivalent education as determined through the course approval program of the AQB; and

_____ (c) the applicant has passed an examination that has been approved by the AQB for the license or certification for which the applicant is applying.

_____ (2) The applicant shall:

_____ (a) obtain and study the Utah Real Estate Appraiser Licensing and Certification Act and the rules promulgated thereunder; and

_____ (b) sign an attestation that the applicant understands and will abide by both the statute and the rules.

_____ (3) If the applicant resides outside of the state of Utah, the applicant shall sign an irrevocable consent to service authorizing the division to receive service of any lawful process on behalf of the applicant in any noncriminal proceeding arising out of the applicant's practice as an appraiser in this state.

_____ (4) The board may not issue a license or certification to an applicant who has been convicted of a criminal offense involving moral turpitude relating to the applicant's ability to provide services as an appraiser.

R162-2g-311. Scope of Authority.

(1) Trainees.

(a) An individual who has properly qualified as a trainee as pursuant to Subsection R162-2g-302 may perform the following appraisal-related duties:

(i) participating in property inspections;

(ii) measuring or assisting in the measurement of properties;

(iii) performing appraisal-related calculations;

(iv) participating in the selection of comparables for an appraisal assignment;

(v) making adjustments to comparables; and

(vi) drafting or assisting in the drafting of an appraisal report.

(b) The supervising appraiser shall be responsible to determine the point at which a trainee is competent to participate in each of the activities identified in this Subsection (1)(a), within the following limitations:

(i) As to the trainee's first 100 inspections of residential properties:

(A) the trainee shall be accompanied and supervised by a state-certified appraiser;

(B) both the interior and the exterior of the properties shall be inspected; and

(C) the appraisal report shall comply with the requirements of Subsection R162-2g-502a(1)(g).

(ii) As to the trainee's first 20 inspections of non-residential properties:

(A) the trainee shall be accompanied and supervised by a state-certified general appraiser;

(B) both the interior and the exterior of the properties shall be inspected; and

(C) the appraisal report shall comply with the requirements of Subsection R162-2g-502a(1)(g).

(c) A trainee may not:

(i) solicit or accept an assignment on behalf of anyone other than:

(A) the trainee's supervisor; or

(B) the supervisor's appraisal firm;

(ii) sign an appraisal report or discuss an appraisal assignment with anyone other than:

(A) the appraiser responsible for the assignment;

(B) state enforcement agencies;

(C) third parties as may be authorized by due process of law; and

(D) a duly authorized professional peer review committee.

(d) The following are not subject to the scope of authority limitations of this Subsection (1):

(i) full-time elected county assessors; and

(ii) any person performing an appraisal for the purposes of establishing the fair market value of real estate for the assessment roll.

(2) State-licensed appraisers. In a federally-related transaction, state-licensed appraisers may appraise:

(a) non-complex one- to four-residential units having a transaction value of less than \$1,000,000;

(b) complex one- to four- residential units having a transaction value of less than \$250,000; and

(c) vacant or unimproved land that is utilized for one- to four-family purposes, or for which the highest and best use is one- to four-family purposes, so long as net income capitalization analysis is not required by the terms of the assignment.

(3) State-licensed appraisers and state-certified residential appraisers may not perform appraisals of the following:

(a) subdivisions for which:

(i) a development analysis/appraisal is necessary; or

(ii) a discounted cash flow analysis is required by the terms of the assignment; and

(b) vacant land if the highest and best use of the land is for five or more one- to four-family units.

R162-2g-502a. Standards of Conduct and Practice.

(1) Affirmative duties in general. A person registered, licensed, or certified by the division shall:

(a) if employing an unlicensed assistant who is not registered as a trainee pursuant to Subsection R162-2g-302:

(i) actively supervise the unlicensed assistant; and

(ii) ensure that the assistant performs only clerical duties, including:

(A) typing research notes or reports completed by a trainee or an appraiser;

(B) taking photographs of properties; and

(C) obtaining copies of public records;

(b)(i) except as provided in this Subsection (2)(a), comply with the current edition of USPAP; and

(ii) observe the advisory opinions of USPAP;

(c) in order to authorize another individual to sign an appraisal report on behalf of the individual who completes the report:

(i) grant authority to the signer in writing;

(ii) limit the signing authority to a specific property address;

(iii) explicitly disclose within the appraisal report that the signer is authorized by the appraiser to sign the report on the appraiser's behalf;

(iv) attach a copy of the written permission required pursuant to this Subsection (1)(c)(i) to the report; and

(v) ensure that the signer signs the appraiser's name, followed by the word "by," and then followed by the signer's own name;

(d) if using a digital signature in place of a handwritten signature, ensure that:

(i) the software program that generates the digital signature has a security feature; and

(ii) no one other than the appraiser has control of the signature;

(e) retain a photocopy or other exact copy of each report as it is provided to the client, including the appraiser's signature;

(f) analyze and report the sales and listing history of the subject property for the three years preceding the appraisal if such information is available to the appraiser from a multiple listing service, listing agent(s), property owner, or other verifiable source(s);

(g)(i) include in each appraisal report a statement indicating whether or not the subject property was inspected as part of the appraisal process; and

(ii) if any inspections were done, include the following information concerning each inspection:

(A) the names of all appraisers and trainees who participated in the inspection;

(B) whether the inspection was an exterior inspection only or both an exterior and an interior inspection; and

(C) the date that the inspection was performed; and

(h) unless Subsection (2)(b) applies, respond within ten business days to division notification:

(i) of a complaint against the individual; or

(ii) that information is needed from the individual.

(2) Exceptions.

(a) An individual is exempt from complying with all provisions of USPAP when acting in an official capacity as:

(i) a division staff member or employee;

(ii) a member of the experience review committee as appointed and approved by the board;

(iii) a member of the technical review panel as appointed and approved by the board;

(iv) a hearing officer;

(v) a member of a county board of equalization;

(vi) an administrative law judge;

(vii) a member of the Utah State Tax Commission; or

(viii) a member of the board.

(b) If a deadline for response under this Subsection (1)(h) falls on a day when the division is closed, the deadline shall be extended to the next business day.

(3) A trainee shall:

(a) using forms provided by the division, maintain a separate log of experience hours for each supervising appraiser with whom the trainee works; and

(b) include in each log the following information for each appraisal:

(i) file number;

(ii) report date;

(iii) subject address;

(iv) client name;

(v) type of property;

(vi) report form number or type;

(vii) number of work hours;

(viii) description of work performed by the trainee; and

(ix) scope of the review and supervision of the supervising appraiser.

(4) A supervising appraiser shall:

(a) delegate to a trainee only such duties as the trainee is authorized to perform under Subsection R162-2g-311(1);

(b) directly train and supervise the trainee in the performance of assigned duties by:

(i) critically observing and directing all aspects of the appraisal process; and

(ii) accepting full responsibility for the appraisal and the contents of the appraisal report;

(c) personally inspect:

(i) each property that is appraised with a trainee until the trainee has performed;

(A) 100 residential inspections as provided in Subsection R162-2g-311(1)(b)(i); and

(B) 20 non-residential inspections as provided in Subsection R162-2g-311(1)(b)(ii); and

(ii) any property for which the appraisal report scope of work or certification requires appraiser inspection.

(5) A school shall:

(a) maintain a record of each student's attendance for a minimum of five years after the student enrolls;

(b) display the certification number of all continuing education courses in advertising and marketing;

(c) as to each student who provides the school with an accurate name or license number, bank course completion information:

(i) within 10 days after the end of a course offering; and

(ii) to the database specified by the division; and

(d) upon request of the division, substantiate any claim made in advertising or marketing.

R162-2g-502b. Prohibited Conduct.

(1) An individual registered, licensed, or certified by the division may not:

(a) release to a client a draft report of a one- to four-unit residential real property;

(b) release to a client a draft report of a property other than a one- to four-unit residential real property unless:

(i) the first page of the report prominently identifies the report as a draft;

(ii) the draft report is signed by the appraiser; and

(iii) the appraiser complies with USPAP in the preparation of the draft report;

(c) affix a signature to an appraisal report by means of a signature stamp; or

(d) sign a blank or partially completed appraisal report that will be completed by anyone other than the appraiser who has signed the report;

(e) sign an appraisal report containing a statement indicating that an appraiser has inspected a property if the appraiser has not inspected the property; or

(f) split appraisal fees with any person who is not a state-licensed or state-certified appraiser, except that a supervising appraiser may pay a trainee reasonable compensation proportionate to the lawful services actually performed by the trainee in connection with appraisals.

(2) A trainee may not:

(a) solicit a client to address an engagement letter directly to the trainee; or

(b) accept payment for appraisal services from anyone other than:

(i) the trainee's supervisor; or

(ii) an appraisal or government entity with which the trainee is affiliated.

(3) A supervising appraiser may not:

(a) sign a report that is completed in response to an engagement letter that is addressed to a trainee;

(b) supervise more than three trainees at one time; or

(c) sign an appraisal report as the supervising appraiser without having given adequate supervision to the trainee, appraiser, or assistant being supervised.

(4) A state-licensed appraiser may not place a seal on an appraisal report or use a seal in any other manner likely to create the impression that the appraiser is a state-certified appraiser.

(5) A school may not:
(a) in advertising and marketing:
(i) make a misrepresentation about any course of instruction;
(ii) make statements or implications that disparage the dignity and integrity of the appraisal profession;
(iii) disparage a competitor's services or methods of operation;
(iv) as to a continuing education course, use language that indicates division approval is pending or otherwise forthcoming; or
(b) attempt by any means to obtain or use the questions on the state licensure or certification exam unless those questions have been dropped from the current exam bank.

R162-2g-504. Administrative Proceedings.

(1) Formal adjudicative proceedings. An adjudicative proceeding conducted subsequent to the issuance of a cease and desist order or other emergency order shall be conducted as a formal adjudicative proceeding.
(2) Informal adjudicative proceedings.
(a) An adjudicative proceeding as to any matter not specifically designated as requiring a formal adjudicative proceeding shall be conducted as an informal adjudicative proceeding.
(b) A hearing shall be held in an informal adjudicative proceeding only if required or permitted by the Utah Real Estate Appraiser Licensure and Certification Act or by these rules.
(3)(a) A hearing before the board will be held in:
(i) a proceeding conducted subsequent to the issuance of a cease and desist order or other emergency order;
(ii) a case where the division seeks to deny an application for original or renewed registration, licensure, or certification for failure of the applicant to meet the criteria of good moral character, honesty, integrity or truthfulness;
(iii) a case where the division seeks disciplinary action pursuant to Sections 61-2g-501 and 502 against a trainee or an appraiser; and
(iv) an appeal from an automatic revocation under Section 61-2g-302(2)(d), if the appellant requests a hearing.
(b) If properly requested by the applicant, a hearing will be held before the board to consider an application:
(i) that is denied by the division on the grounds that the instructor's attestation to upstanding moral character is false;
(ii) for an initial appraiser license or certification that is denied by the board on the recommendation of the experience review committee; and
(iii) for a temporary permit that is denied by the division for any reason.
(c) A hearing is not required and will not be held in the following informal adjudicative proceedings:
(i) the issuance, renewal, or reinstatement of a trainee registration or an appraiser license or certification by the division;
(ii) the issuance or renewal of an appraisal course, school, or instructor certification;
(iii) the issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the division; and

(iv) the denial of renewal or reinstatement of a trainee registration or an appraiser license or certification for failure to complete any continuing education required by statute or rule; and
(v) the denial of an application for an original or renewed school, instructor, or course certification on the ground that it does not comply with the requirements stated in these rules.
(4)(a) Request for agency action. The following applications shall be deemed a request for agency action:
(i) registration as an expert witness;
(ii) registration as a trainee;
(iii) licensure or certification as an appraiser;
(iv) certification of a course, school, or instructor; and
(v) issuance of a temporary permit.
(b) Any other request for agency action shall be in writing, signed by the requestor, and shall contain the following:
(i) the names and addresses of all persons to whom a copy of the request for agency action is being sent;
(ii) the agency's file number or other reference number, if known;
(iii) the date of mailing of the request for agency action;
(iv) a statement of the legal authority and jurisdiction under which the agency action is requested, if known;
(v) a statement of the relief or action sought from the division; and
(vi) a statement of the facts and reasons forming the basis for relief or agency action.
(c) A complaint against a trainee, an appraiser, or the holder of a temporary permit requesting that the division commence an investigation or a disciplinary action is not a request for agency action.
(5) Procedures for hearings in informal adjudicative proceedings.
(a) All informal adjudicative proceedings shall adhere to procedures as outlined in:
(i) Utah Administrative Procedures Act Title 63G, Chapter 4;
(ii) Utah Administrative Code Rule R151-4 et seq.; and
(iii) the rules promulgated by the division.
(b) Except as provided in this Subsection (6)(b), a party is not required to file a written answer to a notice of agency action from the division in an informal adjudicative proceeding.
(c) In any proceeding under this Subsection R162-2g-504, the board and division may at their discretion delegate a hearing to an administrative law judge or request that an administrative law judge assist the board and the division in conducting the hearing. Any delegation of a hearing to an administrative law judge shall be in writing.
(d)(i) Upon the scheduling of a hearing by the division and at least 30 days prior to the hearing, the division shall, by first class postage-prepaid delivery, mail written notice of the date, time, and place scheduled for the hearing, to the respondent at the address last provided to the division pursuant to Subsection R162-2g-306b.
(ii) The notice shall set forth the matters to be addressed in the hearing.
(e) Formal discovery is prohibited.
(f) The division may issue subpoenas or other orders to compel production of necessary evidence:
(i) on its own behalf; or
(ii) on behalf of a party where the party:

(A) makes a written request;
 (B) assumes responsibility for effecting service of the subpoena; and
 (C) bears the costs of the service, any witness fee, and any mileage to be paid to a witness.
 (g) Upon ordering a licensee to appear for a hearing, the division shall provide to the licensee the information that the division will introduce at the hearing.
 (h) Intervention is prohibited.
 (i) Hearings shall be open to all parties unless the presiding officer closes the hearing pursuant to:
 (i) Title 63G, Chapter 4, the Utah Administrative Procedures Act; or
 (ii) Title 52, Chapter 4, the Open and Public Meetings Act.
 (j) Upon filing a proper entry of appearance with the division pursuant to Utah Administrative Code Section R151-4-110(1)(a), an attorney may represent a party.
 (6) Additional procedures for disciplinary proceedings.
 (a) The division shall commence a disciplinary proceeding by filing and serving on the respondent:
 (i) a notice of agency action;
 (ii) a petition setting forth the allegations made by the division;
 (iii) a witness list, if applicable; and
 (iv) an exhibit list, if applicable.
 (b) Answer.
 (i) At the time the petition is filed, the presiding officer, upon a determination of good cause, may require the respondent to file an answer to the petition by so ordering in the notice of agency action.
 (ii) The respondent may file an answer, even if not ordered to do so in the notice of agency action.
 (iii) Any answer shall be filed with the division no later than 30 days following the mailing date of the notice of agency action pursuant to this Subsection (6)(a).
 (c) Witness and exhibit lists.
 (i) Where applicable, the division shall provide its witness and exhibit lists to the respondent at the time it mails its notice of agency action.
 (ii) Any witness list shall contain:
 (A) the name, address, and telephone number of each witness; and
 (B) a summary of the testimony expected from the witness.
 (iii) Any exhibit list:
 (A) shall contain an identification of each document or other exhibit that the party intends to use at the hearing; and
 (B) shall be accompanied by copies of the exhibits.
 (d) Pre-hearing motions.
 (i) Any pre-hearing motion permitted under the Administrative Procedures Act or the rules promulgated by the Department of Commerce shall be made in accordance with those rules.
 (ii) The division director shall receive and rule upon any pre-hearing motions.
 Table 1. Residential Experience Hours Schedule. The hours shown in the following schedule shall be awarded to form

appraisals. Fifteen hours may be added to the hours shown if the appraisal is a narrative appraisal instead of a form appraisal.

TABLE 1

| Property Type | Hours that may be earned |
|---|---|
| (a) one-unit dwelling, above-grade: | |
| (i) living area less than 4,000 square feet, including a site | 5 hours |
| (ii) living area 4,000 square feet or more, including a site | 7.5 hours |
| (b) multiple one-unit dwellings in the same subdivision or condominium project, which dwellings are substantially similar: | |
| (i) 1-25 dwellings | 5 hours per dwelling, up to a maximum of 30 hours |
| (ii) over 25 dwellings | 50 hours maximum |
| (c) two to four-unit dwelling | 20 hours |
| (d) employee relocation counsel reports completed on currently accepted Employee Relocation Counsel form | 10 hours |
| (e) residential lot, 1-4 unit | 5 hours |
| (f) multiple lots in the same subdivision, which lots are substantially similar: | |
| (i) 1-25 lots | 5 hours per lot, up to a maximum of 30 hours |
| (ii) Over 25 lots | 50 hours maximum |
| (g) small parcel up to 5 acres | 5 hours |
| (h) vacant land, 20-500 acres | 20-40 hours, per board decision |
| (i) recreational, farm, or timber acreage suitable for a house site: | |
| (i) up to 10 acres | 10 hours |
| (ii) over 10 acres | 15 hours |
| (j) all other unusual structures or acreage which are much larger or more complex than typical properties | 5-35 hours, per board decision |
| (k) review of residential appraisals with no opinion of value developed as part of the review performed in conjunction with investigations by government agencies | 10-50 hours |

Table 2. General Experience Hours Schedule. All appraisal reports claimed for property types identified in sections (a) through (k) of the following schedule shall be narrative appraisal reports. Experience hours listed in this schedule may be increased by 50% for unique and complex properties if the applicant notes the number of extra hours claimed on the appraiser experience log submitted by the applicant, and if the applicant maintains in the workfile for the appraisal an explanation as to why the extra hours are claimed.

TABLE 2

| Property Type | Hours that may be earned |
|---|--------------------------|
| (a) Apartment buildings: | |
| (i) 5-100 units | 40 hours |
| (ii) over 100 units | 50 hours |
| (b) hotel or motels: | |
| (i) 50 units or fewer | 30 hours |
| (ii) 51-150 units | 40 hours |
| (iii) over 150 units | 50 hours |
| (c) nursing home, rest home, care facilities: | |
| (i) fewer than 80 beds | 40 hours |
| (ii) over 80 beds | 50 hours |

| | | |
|---|---|-----------|
| <u>(d) industrial or warehouse building:</u> | | |
| <u>(i) smaller than 20,000 square feet</u> | 30 hours | |
| <u>(ii) larger than 20,000 square feet, single tenant</u> | 40 hours | |
| <u>(iii) larger than 20,000 square feet, multiple tenants</u> | 50 hours | |
| <u>(e) office buildings:</u> | | |
| <u>(i) smaller than 10,000 square feet</u> | 30 hours | |
| <u>(ii) larger than 10,000 square feet, single tenant</u> | 40 hours | |
| <u>(iii) larger than 10,000 square feet, multiple tenants</u> | 50 hours | |
| <u>(f) entire condominium projects, using income approach to value:</u> | | |
| <u>(i) 5- to 30-unit project</u> | 30 hours | |
| <u>(ii) 31- or more-unit project</u> | 50 hours | |
| <u>(g) retail buildings:</u> | | |
| <u>(i) smaller than 10,000 square feet</u> | 30 hours | |
| <u>(ii) larger than 10,000 square feet, single tenant</u> | 40 hours | |
| <u>(iii) larger than 10,000 square feet, multiple tenants</u> | 50 hours | |
| <u>(h) commercial, multi-unit, industrial, or other nonresidential use acreage:</u> | | |
| <u>(i) 1 to 99 acres</u> | 20-40 hours | |
| <u>(ii) 100 acres or more, income approach to value</u> | 50-60 hours | |
| <u>(i) all other unusual structures or assignments that are much larger or more complex than the properties described in (a) to (h) herein.</u> | | |
| <u>(i) all other unusual structures or assignments that are much larger or more complex than the properties described in (a) to (h) herein.</u> | 5 to 100 hours per board decision | |
| <u>(j) entire subdivisions or planned unit developments (PUDs):</u> | | |
| <u>(i) 1- to 25-unit subdivision or PUD</u> | 30 hours | |
| <u>(ii) over 25-unit subdivision or PUD</u> | 50 hours | |
| <u>(k) feasibility or market analysis</u> | | |
| | 5 to 100 hours, each per board decision, up to a maximum of 500 hours | |
| <u>(l) farm and ranch appraisals:</u> | | |
| <u>(i) separate grazing privileges or permits</u> | Form | Narrative |
| <u>(ii) irrigated cropland, pasture other than rangeland:</u> | 20 hours | 25 hours |
| <u>(A) 1 to 10 acres</u> | 10 hours | 15 hours |
| <u>(B) 11-50 acres</u> | 12.5 hours | 20 hours |
| <u>(C) 51-200 acres</u> | 15 hours | 25 hours |
| <u>(D) 201-1000 acres</u> | 25 hours | 40 hours |
| <u>(E) more than 1000 acres</u> | 40 hours | 50 hours |
| <u>(iii) dry farm:</u> | | |
| <u>(A) 1 to 1000 acres</u> | 15 hours | 25 hours |
| <u>(B) more than 1000 acres</u> | 20 hours | 40 hours |
| <u>(m) Improvements on properties other than a rural residence, maximum 10 hours:</u> | | |
| <u>(i) dwelling</u> | 5 hours | 5 hours |
| <u>(ii) shed</u> | 2.5 hours | 2.5 hours |
| <u>(n) cattle ranches</u> | | |
| <u>(i) 0-200 head</u> | 15 hours | 20 hours |
| <u>(ii) 201-500 head</u> | 25 hours | 30 hours |
| <u>(iii) 501-1000 head</u> | 30 hours | 40 hours |
| <u>(iv) more than 1000 head</u> | 40 hours | 50 hours |
| <u>(o) sheep ranches</u> | | |
| <u>(i) 0-2000 head</u> | 25 hours | 30 hours |
| <u>(ii) more than 2000 head</u> | 35 hours | 45 hours |
| <u>(p) dairy, including all improvements except a dwelling</u> | | |
| <u>(i) 1-100 head</u> | 20 hours | 25 hours |
| <u>(ii) 101-300 head</u> | 25 hours | 30 hours |
| <u>(iii) more than 300 head</u> | 30 hours | 35 hours |
| <u>(q) orchards</u> | | |
| <u>(i) 5-50 acres</u> | 30 hours | 40 hours |
| <u>(ii) more than 50 acres</u> | 40 hours | 50 hours |
| <u>(r) rangeland/timber</u> | | |
| <u>(i) 0-640 acres</u> | 20 hours | 25 hours |
| <u>(ii) more than 640 acres</u> | 30 hours | 35 hours |

| | | |
|--|--------------|----------|
| <u>(s) poultry</u> | | |
| <u>(i) 0-100,000 birds</u> | 30 hours | 40 hours |
| <u>(ii) more than 100,000 birds</u> | 40 hours | 50 hours |
| <u>(t) mink</u> | | |
| <u>(i) 0-5000 cages</u> | 30 hours | 35 hours |
| <u>(ii) more than 5000 cages</u> | 40 hours | 50 hours |
| <u>(u) fish farm</u> | | |
| <u>(i) fish farm</u> | 40 hours | 50 hours |
| <u>(v) hog farm</u> | | |
| <u>(i) hog farm</u> | 40 hours | 50 hours |
| <u>(w) review of appendix 2 appraisals with no opinion of value developed as part of the review, performed in conjunction with investigations by government agencies</u> | | |
| | 20-100 hours | |

Table 3. Mass Appraisal Experience Hours Schedule.

TABLE 3

| Property Type | Hours that may be earned |
|---|--------------------------|
| <u>(a) one-unit dwelling, above-grade living area less than 4,000 square feet:</u> | |
| <u>(i) exterior inspection, highest and best use analysis, data collection only</u> | 0.5 hours |
| <u>(ii) interior and exterior inspection, highest and best use analysis, data collection only</u> | 1 hour |
| <u>(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report</u> | 3.75 hours |
| <u>(b) one-unit dwelling, above-grade living area 4,000 square feet or more:</u> | |
| <u>(i) exterior inspection, highest and best use analysis, data collection only</u> | 0.75 hours |
| <u>(ii) interior and exterior inspection, highest and best use analysis, data collection only</u> | 1.5 hours |
| <u>(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report</u> | 5 hours |
| <u>(c) two to four unit dwelling:</u> | |
| <u>(i) exterior inspection, highest and best use analysis, data collection only</u> | 1.5 hours |
| <u>(ii) interior and exterior inspection, highest and best use analysis, data collection only</u> | 3 hours |
| <u>(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report</u> | 15 hours |
| <u>(d) commercial and industrial buildings, depending on complexity:</u> | |
| <u>(i) exterior inspection, highest and best use analysis, data collection only</u> | 1-5 hours |
| <u>(ii) interior and exterior inspection, highest and best use analysis, data collection only</u> | 2-10 hours |
| <u>(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report</u> | 3-37.5 hours |
| <u>(e) agricultural and other improvements, depending on complexity:</u> | |
| <u>(i) exterior inspection, highest and best use analysis, data collection only</u> | 0.5-2.5 hours |
| <u>(ii) interior and exterior inspection, highest and best use analysis, data collection only</u> | 1-5 hours |
| <u>(iii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report</u> | 3.75-20 hours |
| <u>(f) vacant land, depending on complexity:</u> | |
| <u>(i) inspection, highest and best use analysis, data collection only</u> | 0.5-2.5 hours |
| <u>(ii) inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report</u> | 2.5-25 hours |

| | |
|--|--|
| <u>(iii) land segregation (division) analysis and processing, no field inspection</u> | 0.25 hours |
| <u>(iv) land segregation (division) analysis and processing, field inspection</u> | 0.5 hours |
| <u>(g) data input and review for experience hours claimed under property types(a) through (f)</u> | 0.25 hours |
| <u>(h) land valuation guideline:</u> | |
| <u>(i) 25 or fewer parcels</u> | 10 hours |
| <u>(ii) 26 to 500 parcels</u> | 30 hours |
| <u>(iii) over 500 parcels</u> | 25 additional hours for each 500 parcels, up to a maximum of 125 hours |
| <u>(i) assessment/sales ratio study, data collection, verification, sample inspection, analysis, conclusion, and implementation:</u> | |
| <u>(i) base study of 100 reviewed sales</u> | 125 hours |
| <u>(ii) additional increments of 100 sales</u> | 25 additional hours for each 100 additional sales, up to a maximum of 375 hours |
| <u>(j) multiple regression model, development and implementation:</u> | |
| <u>(i) fewer than 5,000 parcels</u> | 100 hours |
| <u>(ii) additional increments of 500 parcels</u> | 5 additional hours for each additional 500 parcels, up to a maximum of 375 hours |
| <u>(k) depreciation study and analysis</u> | 100 hours |
| <u>(l) reviews of "land value in use" in accordance with U.C.A. Section 59-2-505:</u> | |
| <u>(i) office review only</u> | 0.25 hours |
| <u>(ii) field review</u> | 0.5 hours |
| <u>(m) natural resource properties, depending on complexity:</u> | |
| <u>(i) sand and gravel</u> | 7.5-20 hours per site |
| <u>(ii) mine</u> | 7.5-110 hours |
| <u>(iii) oil and gas</u> | 1.65-50 hours per site |
| <u>(n) pipelines and gas distribution properties, depending on complexity</u> | 10-40 hours |
| <u>(o) telephone and electric properties, depending on complexity</u> | 5-80 hours |
| <u>(p) airline and railroad properties, depending on complexity</u> | 10-80 hours |
| <u>(q) appraisal review/audit, depending on complexity</u> | 2.5-125 hours |
| <u>(r) capitalization rate study</u> | 80 hours |

KEY: real estate appraisals, trainee registration, licensing and certification, enforcement

Date of Enactment or Last Substantive Amendment: 2011 Authorizing, and Implemented or Interpreted Law: 61-2g-201(2)(h); 61-2g-202(1); 61-2g-205(5)(c)

Corrections, Administration
R251-107
 Executions

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 34904
 FILED: 06/02/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments update statutory citations, as well as update the rule in terms of technological changes and changes in department policy surrounding execution operations.

SUMMARY OF THE RULE OR CHANGE: The amendment incorporates Sections 63G-3-201 and 64-13-10 into the rule authorization references. The definition of "news media" has been broadened to include new avenues of media coverage, such as the Internet and blogging. The rule has been amended in many sections where specific security processes are identified. Most of these security processes are internal in nature and have changed within current department policy. Other sections of the rule have been eliminated that identify specific locations involved in the execution operation. These locations may differ during each execution operation, so identifying them in rule is not helpful. Other sections of the rule that are eliminated surround particular law enforcement activities. These activities are inherent abilities of law enforcement officials, and do not need to be identified in rule in order for law enforcement to carry out their typical responsibilities. The remaining modifications simply clarify the processes and requirements surrounding execution operations either dictated via statute or department policy.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-13-10 and Section 77-19-10 and Section 77-19-11

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. Although there are many modifications within this amendment, they simply reflect current practice. The modifications eliminate language that expose internal security processes associated with an execution, clarify how media interacts with the execution operation, and eliminates many specific locations identified in the rule that actually are subject to change with each execution operation. Security processes are not changed, so there would be no financial impact to the state budget due to security. Media access remains the same as previous, and they are private entities, so there is no state financial impact. Eliminating the identification of specific locations for media updates, demonstrations, etc. would have no state budgetary impact, as these locations will still be in close proximity to the prison site.

♦ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. Although there are many modifications within this amendment, they simply reflect current practice. The modifications eliminate language that expose internal security processes associated with an execution, clarify how media interacts with the execution operation, and eliminates many specific locations identified in the rule that actually are subject to change with each execution operation. Local law enforcement assistance is provided during execution operations, but the amendment does not make any modification to their roles or

responsibilities. As such, there is no financial impact on local government.

♦ **SMALL BUSINESSES:** There is no anticipated cost or savings to small business. Although there are many modifications within this amendment, they simply reflect current practice. The modifications eliminate language that expose internal security processes associated with an execution, clarify how media interacts with the execution operation, and eliminates many specific locations identified in the rule that actually are subject to change with each execution operation. Media interaction with the execution operation is the only small business affected. However, the amendment simply clarifies when and how they have access to the operation. This should make it more clear, but it does not alter how they have been involved in these operations in the past. As such, there would be no impact on small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to other entities. Although there are many modifications within this amendment, they simply reflect current practice. The modifications eliminate language that expose internal security processes associated with an execution, clarify how media interacts with the execution operation, and eliminates many specific locations identified in the rule that actually are subject to change with each execution operation. In effect, the amendments reflect current policy and mirror the most recent execution operation. That operation had no comparable increase or decrease in financial impact on other entities when compared to prior execution operations. The proposed amendments would have no financial impact on any other entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for persons affected by the execution operation. Although there are many modifications within this amendment, they simply reflect current practice. The modifications eliminate language that expose internal security processes associated with an execution, clarify how media interacts with the execution operation, and eliminates many specific locations identified in the rule that actually are subject to change with each execution operation. The proposed amendments do not increase or decrease access or responsibilities of those affected by the execution operation. As such, there are no compliance costs associated with the amendments for persons affected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments proposed in this rule should have no fiscal impacts on businesses. The processes outlined within the amendments align with the most recent execution operation carried out by the department.

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:

♦ Michael Haddon by phone at 801-545-5913, by FAX at 801-545-5726, or by Internet E-mail at mhaddon@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2011

AUTHORIZED BY: Thomas Patterson, Executive Director

R251. Corrections, Administration.

R251-107. Executions.

R251-107-1. Authority and Purpose.

(1) This rule is authorized by Sections 63G-3-201, 64-13-10, 77-19-10, and 77-19-11, of the Utah Code, in which the Department shall adopt and enforce the rules governing procedures for the execution of judgments of death and attendance of persons at the execution.

(2) The purpose of this rule is to address public safety and security within prison facilities prior to, during and immediately following an execution.

R251-107-2. Definitions.

~~[(1)]~~ ~~"broadcast news media" means reference to a radio and television news media.~~

~~[(2)]~~(1) "Department" means Utah Department of Corrections.

~~[(3)]~~(2) "DIO" means Division of Institutional Operations.

~~[(4)]~~ ~~"news magazines" means magazines having a general circulation being distributed or sold to the general public by newsstands, by mail circulation, or both.~~

~~[(5)]~~(3) "news media" includes persons engaged in news gathering for newspapers, news magazines, radio, television, online news sources, excluding personal blogs, or other news services.

~~[(6)]~~(4) "news media members" means persons over the age of eighteen who are primarily employed in the business of gathering or reporting news for newspapers, news magazines, national or international news services, radio or television stations licensed by the Federal Communications Commission or other recognized news services, such as online media.

~~[(7)]~~(5) "newspaper" means a publication that circulates among the general public, and contains information of general interest to the public regarding political, commercial, religious or social affairs.

~~[(8)]~~(6) "press" means the print media, news media, or both.

~~[(9)]~~ ~~"Timpanogos Facility" means the inmate housing unit at North Point formerly called the Young Adult Correctional Facility.~~

~~[(10)]~~(7) "USP" means Utah State Prison.

R251-107-3. Crowd Control.

(1) Persons arriving at or driving past the USP shall be routed and controlled in a manner which does not compromise or inhibit:

- (a) security;
- (b) official escort or movement;
- (c) the functions necessary to carry out the execution; or
- (d) safety.

(2) Persons controlled/handled through this process shall[~~;~~

~~(a)] be handled in a manner with no more restriction than is necessary to carry out the legitimate interests of the Department.[~~;~~ and~~

~~(b) be dealt with in a courteous manner.]~~

(3) Procedures for crowd control shall be consistent with federal, state and local laws.

(4) Only persons specifically authorized [by security list or Department identification] shall be permitted on USP property, except those persons congregating at [the]a designated demonstration/public area.

(5) Persons entering USP property without authorization shall be ordered to leave and may be arrested if:

- (a) the trespass was intentional;
- (b) the individual failed to immediately leave the USP property following a warning;

(c) the trespass jeopardized safety or security (or) interfered with the lawful business of the Department or its staff or agents; or

(d) it involves entry onto areas clearly posted with signs prohibiting access or trespass.

[R251-107-4. Selection of Executioners.

~~(1) The Executive Director/designee shall ensure that the method of judgment of death specified in the warrant is carried out at a secure correctional facility operated by the Department in accordance with Section 77-19-10.~~

~~(2) If the judgment of death is to be carried out by lethal injection, at least two persons, including one alternate who is trained to administer intravenous injections, shall be selected.~~

~~(a) Two shall be selected to administer a continuous intravenous injection; one of which shall be a lethal quantity of sodium thiopental or other equally or more effective substance sufficient to cause death.~~

~~(b) The Warden shall be responsible for selecting the executioners.~~

~~(i) Executioners may be selected from within or outside of the state of Utah.~~

~~(ii) Selection as an executioner shall require knowledge and training in the accepted medical practices to administer intravenous injections.~~

~~(c) The Warden, DIO Director, and Executive Director shall review the qualifications and other relevant information concerning applicants who claim appropriate training and skills in administering intravenous injections.~~

~~(d) Following the examination and evaluation of candidates, the Warden, with the concurrence of the Executive Director and DIO Director, shall select the executioners.~~

~~(e) The Warden shall contact those chosen for the primary and back-up execution teams to notify them of their selection and to~~

~~verify their willingness and availability to perform the duties of execution by injection.~~

~~(f) If any person rescinds his original offer to participate, the Warden, DIO Director, and Executive Director will select a replacement.~~

~~(3) If the judgment of death is to be carried out by shooting, the Executive Director/designee shall select a five-person firing squad of peace officers.~~

~~(a) A five-person execution team, plus one alternate and a team leader, shall be chosen for the firing squad.~~

~~(b) The alternate shall be selected to replace any member of the firing squad who is unable to discharge his required functions.~~

~~(c) Persons selected for the firing squad shall be POST-certified peace officers.~~

~~(d) The Executive Director and Warden shall be responsible for the selection process.~~

~~(e) The final choice of firing squad members shall be the responsibility of the Warden with the concurrence of the Executive Director/designee.~~

~~(f) The Warden shall contact those chosen for the firing squad, alternates and team leader to notify them of their selection and to verify their willingness and availability to perform the execution duties.~~

~~(g) If any person rescinds his original offer to participate, the selection team shall select a replacement.]~~**R251-107-4.**

Location and Procedures.

(1) The executive director of the Department of Corrections or his designee shall ensure that the method of judgment of death specified in the warrant is carried out at a secure correctional facility operated by the department and at an hour determined by the department on the date specified in the warrant.

(2) When the judgment of death is to be carried out by lethal intravenous injection, the executive director of the department or his designee shall select two or more persons trained in accordance with accepted medical practices to administer intravenous injections, who shall each administer a continuous intravenous injection, one of which shall be of a lethal quantity of sodium thiopental or other equally or more effective substance to cause death.

(3) If the judgment of death is to be carried out by firing squad under Subsection 77-18-5.5(3) or (4), of the Utah Code, the executive director or his designee shall select a five-person firing squad of peace officers.

(4) Death shall be certified by a physician.

R251-107-5. Demonstration and Public Access.

[(1) Parking or standing during the execution event from the designated start time in the authorized security plan until four hours after the execution is prohibited:

(a) on Pony Express Road between 13800 South and 14600 South;

(b) on Minuteman Drive between 14400 South and 14600 South;

(c) on 14600 South from the Utah Roses to Minuteman Drive;

(d) on the I-15 freeway or its ramps;

(e) on 13800 South from Pony Express Road to the railroad tracks; and

~~(f) in any other location posted for "no parking" or restricted parking.~~

~~(2) Parking on Pony Express Road between 13800 South and 14600 South is posted and prohibited 24 hours a day.~~

~~(3)(1) The Executive Director [and Warden] may permit limited access to a designated portion of [prison]state property on Minuteman Drive at or near the Fred House Academy for the public to gather [to observe the prison or] demonstrate during an execution event.~~

~~[(4) The demonstration/public staging area located north of the 14800 South road block on East Frontage Road shall be the location for demonstrators and the general public.~~

~~(5) If more people gather at the demonstration/public staging area than can be accommodated, an overflow area shall be made available in the park-and-ride parking area west of the southbound on-ramp on the Bluffdale interchange.~~

~~(6) Access shall be limited to the designated start time in the authorized security plan the day prior to the scheduled execution date and last up to six hours following the execution or any stay, unless permission is earlier withdrawn.~~

~~(7) Security shall be provided at the public area to try to prevent physical confrontations between observers/demonstrators with differing points of view.~~

~~(8) To avoid the possibility of any group raising First Amendment issues based on the Department favoring one group over another, demonstrators shall not be separated according to their views regarding capital punishment.~~

~~(9) Motor vehicles are not permitted at the designated location. Persons at the location or en route to or from the site are subject to all applicable state and federal laws, rules and regulations and local ordinances including, without limitations, those relating to traffic control, pedestrian traffic, parking, noise, and parade permits.~~

~~(10) No person may block, obstruct, or interfere with prison traffic or communication.~~

~~(11) No person may damage, destroy or take public property, nor may any person build or erect any structure nor leave behind any object, substance or material.~~

~~(12)(2) No person may violate the intent of clearly marked signs, fences, doors or other indicant relative to prohibitions against entering any prison property or facility for which permission to enter may not be marked.~~

~~[(13)(3) The Department neither recognizes, nor is bound by, the policies, allowances or arrangements which may have occurred at prior executions, events or on prior occasions, and by this rule any arrangement provided for public access at previous executions or demonstrations is invalidated.~~

~~[(14)(4) The Executive Director or Warden may at any time withdraw permission without notice in the event of riot, disturbance, or other factors that in the opinion of the Warden/designee or Executive Director/designee jeopardizes the security, peace, order or any function of the prison.~~

[R251-107-6. Visitor Parking.

~~(1) Parking shall be prohibited:~~

~~(a) on Pony Express Road, which is the West Frontage Road, from 13800 South, which is the Timpanogos Facility road, to 14600 South;~~

~~(b) on Minuteman Drive, which is the East Frontage Road, from Road Block #8 at 13800 South to the 14600 South;~~

~~(c) on 14600 South between Minuteman Drive and the west end of USP property;~~

~~(d) on 13800 South from Pony Express Road west to the USP property line; and~~

~~(e) anywhere on the I-15 freeway or its ramps between 13800 South and 14600 South.~~

~~(2) Parking instructions shall be given by officers at roadblocks to drivers entering controlled areas. Vehicles parked in violation of R251-107(1)(a-c) shall be impounded.~~

~~(3) Drivers disobeying traffic or parking instructions of peace officers shall be subject to arrest.~~

~~(4) Pedestrians entering or attempting to enter controlled or restricted areas shall be warned to leave and shall be subject to arrest if they fail to comply.~~

~~(5) Department officers and/or officers from requested allied agencies shall have the primary responsibility for traffic and parking enforcement.~~

[R251-107-7]6. Witnesses.

~~(1) The Department will implement the standards and procedures for inmate witnesses outlined in Section 77-19-11, of the Utah Code.~~

~~(2) As a condition to attending the execution, each designated witness shall be required by the Department to [execute]sign an agreement setting forth their willingness to conduct themselves while on prison property in a manner consistent with the legitimate penological, security and safety concerns as delineated by the Department.~~

~~(3) Witnesses shall be searched prior to being allowed to witness the execution. [(3) Witnesses wishing to have interviews with the news media may do so before arriving at the staging area or after the execution.]~~

[R251-107-8. Personal Searches.

~~(1) News media representatives and inmate-invited witnesses shall be searched at the staging area prior to being allowed into the escort vehicles.~~

~~(a) The search shall include a search by metal detector and rub search.~~

~~(b) News media representatives and witnesses shall be asked to remove all personal items from their clothing and persons.~~

~~(i) Unauthorized items shall be taken by the witness to his/her vehicle or left at the staging area until the witness returns from the execution.~~

~~(ii) Witnesses shall be responsible for locking their vehicle.~~

~~(2) Government officials, the physician, and the State Medical Examiner shall be searched by metal detector, but shall not be rub searched unless there is suspicion that an official is carrying contraband.~~

~~(3) Strip search of witnesses shall be permitted only if there is a reasonable suspicion that the witness is concealing contraband or anything which would jeopardize safety or security or violate Section 77-19-11, and may only be authorized by the Executive Director, DIO Director, or the Warden. If the witness does not consent to a search, they will be escorted off property.~~

~~(4) Cameras and recording devices shall not be allowed at the execution site except for two pool cameras, which may be~~

~~carried to the execution site waiting room, to be used after the execution has taken place.~~

~~(5) Department members may be searched upon a reasonable suspicion that a member is carrying contraband.~~

~~(6) Executioners shall not be searched or identified upon entry.~~

[R251-107-9]7. News Media.

(1) The Department shall permit press access to the execution and information concerning the execution consistent with the requirements of the constitutions and laws of the United States and State of Utah.

(2) The Department and the Utah Code recognize the need for the public to be informed concerning executions.

(a) The Department will participate and cooperate with the news media to inform the public concerning the execution; and

(b) information should be provided in a timely manner.

~~[(3) If the condemned person is willing, the Department may allow an opportunity for the condemned to speak with the news media.~~

~~(4)~~(3) The Executive Director shall be responsible for selecting the members of the news media who will be permitted to witness the execution.

(a) After the court sets a date for the execution of the death penalty, news directors or editors desirous to have a staff member witness the execution may submit, in writing, such request for no more than one news media staff member. ~~request permission for a member of their organization to witness the execution by directing the request, in writing, to the attention of the]~~The request shall be addressed to the Executive Director and received at least [21]30 days prior to the execution.

(b) When administrative convenience or fairness to the news media dictates, the Department, in its discretion, may extend the request deadline.

(c) Requests for consideration may be granted by the Executive Director provided they contain the following:

(i) a statement setting forth facts showing that the requesting individual falls within the definition of member of the "press" and "~~broadcast~~news media" as set forth in this rule;

(ii) an agreement to act as a pool representative for other news gathering agencies desiring information on the execution; and

(iii) an agreement that the media member will abide by all of the conditions, rules and regulations while in attendance at the execution. ~~[; and]~~

~~[(iv) agreement that they will conduct themselves consistent with existing press standards.~~

~~(d)~~ Upon receipt of ~~[media member's]~~a news director's or editor's request for permission for news media witnesses to attend the execution, the Executive Director may take the steps necessary to verify the statements made in the request. After verifying the information in the request, selection of witnesses shall be made by the Executive Director.

(e) As a condition to attending the execution, each designated media witness shall be required by the department to execute an agreement setting forth their willingness to conduct themselves while on prison property in a manner consistent with the legitimate penological, security and safety concerns as delineated by the department.

~~(f) Media witnesses shall be searched prior to being allowed to witness the execution.~~[(e) The Executive Director shall identify the media members who have been selected to witness the execution. Media members shall be selected on a rotating basis from the following organizations:

~~(i) Salt Lake City and Utah County daily newspapers;~~

~~(ii) television stations licensed and broadcasting daily in the State of Utah;~~

~~(iii) one newspaper of general circulation in the county in which the crime occurred;~~

~~(iv) one radio station licensed and broadcasting in the State of Utah; and~~

~~(v) the remainder from a pool of broadcast, print, and wire services news media organizations operating in Utah.~~

~~(f) In the event that the Executive Director is unable to name a media member from each of the above-described organizations, he shall name other qualifying media members to attend.~~

~~(g) No media members other than those named to attend the execution as described in this rule shall be permitted to witness the execution.~~

~~(h) Additional members of the press and broadcast news media who request and receive permission from the Executive Director shall be permitted on prison property during the execution at a location designated by the Executive Director.]~~

~~[(i)]~~(g) The Department shall arrange for pre-execution briefings, distribution of media briefing packages, briefings throughout the execution event, and post-execution briefings by the news media who witnessed the execution.

~~[(j) No special access nor briefings will be provided to members of the press who are not selected as witnesses nor selected for the alternate site.~~

~~(k) Two photographers shall be appointed as pool photographers to film the execution site following clean up.~~

~~(l) One photographer shall provide for the needs of the electronic media and the other shall take photos for the print media.~~

~~(m) The pool photographers should be selected from agencies other than those represented among the nine witnessing the execution.~~

~~(n) If any attempt is made to photograph in any area or at any time other than that specifically authorized, the photographer shall be expelled, film confiscated and criminal charges, if appropriate, filed.~~

~~(5) The Warden shall permit the members of the press and broadcast news media, selected by the Executive Director, to witness the execution.~~

~~(6) Each media member attending the execution shall be carefully searched prior to admittance to the execution chamber.~~

~~(a) No strip search of any media member shall be conducted unless and until the Warden has reasonable suspicion to believe the media member is concealing weapons, drugs, audio or visual recording devices, or any other item not expressly authorized.~~

~~(i) Electronic or mechanical recording devices include still, moving picture or videotape cameras, tape recorders or similar devices, broadcasting devices, or artistic paraphernalia, including notebooks, and drawing pencils or pens.~~

~~(ii) Only a small notebook and a pen or pencil issued by the Department shall be permitted.~~

~~_____ (b) In the event of a strip search, the search shall be conducted in private, away from the execution area.~~

~~_____ (i) If the media members are found not to be concealing any of the items described, they will be permitted to return to the execution site and attend the execution.~~

~~_____ (ii) Any media member found to possess prohibited items shall be escorted from the execution area, from prison property and shall be subject to criminal charges, if appropriate.~~

~~_____ (e)](4) Persons representing the news media witnessing the execution shall be required to sign a statement or release absolving the institution or any of its staff from any legal recourse resulting from the exercise of search requirements or other provisions of the witness agreement.~~

~~_____ [(d) The Warden shall not exclude any media member duly selected from attendance at the execution except as described in these policies, nor may the Warden cause a selected media member to be removed from the execution chamber unless the media member:~~

~~_____ (i) refuses to submit to a reasonable search as permitted in these policies;~~

~~_____ (ii) faints, becomes ill or requests to be allowed to leave during the execution;~~

~~_____ (iii) causes a disturbance within the execution chamber that disrupts the conduct of the execution; or~~

~~_____ (iv) refuses or fails to abide by the conditions and policies set forth by the Department.~~

~~_____ (e) The execution chamber shall be arranged so as to provide space for the attending media members and the space arranged shall have a view of the execution site, with the exception of:~~

~~_____ (i) a view of the members of the firing squad, if employed; or~~

~~_____ (ii) if lethal injection is chosen, those directly administering the method of execution, who shall be concealed from the view of the media members so that their identities will remain unknown.~~

~~_____ (f) The selected media members shall be transported as a group to the execution location prior to the execution and shall be allowed to remain there throughout the proceeding.~~

~~_____ (g) The Department shall designate a representative or representatives to remain with the media members throughout the execution proceedings for the purpose of supervising and answering questions related to the execution.~~

~~_____ (h) Media members shall be admitted to the execution area on the date set for the execution only after:~~

~~_____ (i) proof of identification has been presented to the Public Affairs Director/designee at the staging area;~~

~~_____ (ii) being issued special identification credentials;~~

~~_____ (iii) receiving an orientation by the Public Affairs Director/designee; and~~

~~_____ (iv) signing an agreement to abide by conditions required of media witnesses to the execution.~~

~~_____ (i) After the execution has been completed and the site has been restored to an orderly condition, news media members may be permitted to return to the execution chamber for purposes of filming, photographing and recording the site.~~

~~_____ (i) Re-entry to the site shall be permitted only after the site has been restored to an orderly condition, including:~~

~~_____ (A) removal of the body of the condemned;~~

~~_____ (B) evacuation of those involved in administering the execution; and~~

~~_____ (C) clean up of the execution site.~~

~~_____ (ii) Restoring the site to an "orderly condition" prior to the filming opportunity shall not unnecessarily disturb the physical arrangements for the execution.~~

~~_____ (iii) Media members permitted to return to the execution chamber for the filming and recording of the site shall include:~~

~~_____ (A) the news media members who were selected to witness the execution;~~

~~_____ (B) one pool television photographer; and~~

~~_____ (C) one pool newsprint photographer.~~

~~_____ (iv) The film/videotape shall not be used in any news or other broadcast until made available to all agencies participating in the pool. All agencies receiving the film/videotape will be permitted to use them in news coverage and to retain the film/videotape for file footage.~~

~~_____ (j)](5) News media representatives shall, after being returned from the execution to the staging area, act as pool representatives for other media representatives covering the event.~~

~~_____ [(+)](a) The pool representatives shall meet at the designated media center and provide an account of the execution and shall freely answer all questions put to them by other media members and shall not be permitted to report their coverage of the execution back to their respective news organizations until after the non-attending media members have had the benefit of the pool representatives' account of the execution.~~

~~_____ [(A)](b) News media members attending the post-execution briefing shall agree to remain in the briefing room and not leave nor communicate with persons outside the briefing room until the briefing is over.~~

~~_____ [(+)](c) The briefing shall end when the attending news media members are through asking questions or after 60 minutes, whichever comes first.~~

~~_____ (d) Any film/videotape obtained by a pool photographer shall not be used in any news or other broadcast until made available to all agencies participating in the pool. All agencies receiving the film/videotape will be permitted to use them in news coverage and to retain the film/videotape for file footage. [(ii) The media witnesses shall be transported as a group between the staging area and the execution chamber in Department transportation. Media members arriving late and missing the shuttle shall not be permitted to attend the execution.]~~

~~_____ [(k)](6) The Department may alter these [policies]processes to impose additional conditions, restrictions and limitations on media coverage of the execution when requirements become necessary for the preservation of prison security, personal safety or other legitimate interests which may be in jeopardy.~~

~~_____ [(+)](7) If extraordinary circumstances develop, additional conditions and restrictions shall be no more restrictive than required to meet the exigent circumstances.~~

[R251-107-10. Security Zones.

~~_____ (1) During the execution operation, the USP property and certain other areas shall be divided into four security zones, including:~~

~~_____ (a) the inner-perimeter zone;~~

~~_____ (b) the controlled-perimeter zone;~~

~~_____ (c) the restricted zone; and~~

- ~~(d) the extended zone.~~
- ~~(2) The extent of implementation of security zone requirements may be tailored to meet the security needs of the particular execution.~~
- ~~(3) Trespass or unauthorized entry into the controlled perimeter zone may be prosecuted.~~
- ~~(4) Only those controlled areas specifically identified as accessible to the public at large or specified individuals may be entered.~~
- ~~(5) Access to the inner perimeter, controlled, and restricted security zones shall be permitted only for persons whose names are on the security list or who have the proper Department ID.~~
- ~~(6) A request to restrict air space over USP property 500 feet above ground level shall be made to the Federal Aviation Administration for the duration of the execution.~~
- ~~(7) Extended security zones, though accessible to the public, shall be patrolled and observed for:~~
- ~~(a) criminal violations;~~
 - ~~(b) traffic violations;~~
 - ~~(c) parking violations; and~~
 - ~~(d) threatening or disruptive behavior.~~
- ~~(8) Persons engaged in unauthorized entry onto property west of I-15 may be prosecuted for trespass.~~
- ~~(9) Persons attempting to breach the inner security perimeter shall not only be prosecuted, but if the threat to prison security and/or public safety are great enough, may risk exposure to use of force, even deadly force, to prevent the defeat of inner perimeter security.~~
- ~~(10) Controlled areas east of I-15 shall be accessible to the general public to the extent specifically authorized by the Department.~~

R251-107-11. Regular Inmate Visiting.

~~All regular inmate visiting shall be suspended 24 hours prior to an execution and shall be resumed at the next scheduled visiting time after the execution.~~

]R251-107-[12]8. Authority of Executive Director.

The Executive Director/designee shall be authorized to make changes in policies and procedures that are necessary to ensure the interest of security, safety, and professionalism is maintained during the planning, training, and administering of the execution order.

KEY: corrections, executions, prisons

Date of Enactment or Last Substantive Amendment: ~~[May 1, 2007]~~**2011**

Notice of Continuation: September 19, 2006

Authorizing, and Implemented or Interpreted Law: 77-19-10; 77-19-11

Corrections, Administration R251-710 Search

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34903

FILED: 06/02/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule fall into three primary areas. First, the amendment updates statutory citations referenced in the rule. Second, clarification is provided by separating searches of visitors at correctional institutions from public searches. Finally, search procedures are updated to reflect the most current case law.

SUMMARY OF THE RULE OR CHANGE: The change incorporates Section 63G-3-201 into the rule authorization section. Within the definitions section of the rule, updates to the definitions of "exigent circumstances" and "reasonable suspicion" are provided that reflect the status of current case law. Where previously this rule, in an unclear manner, mixed the processes involved for searches of visitors at correctional institutions and searches of the public outside of a correctional institution, this amendment separates these two situations to better clarify the rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-13-10

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no cost to the state budget. The amendment clarifies the search procedures currently in effect based on Supreme Court case law. Primarily, this is a change in the definition of probable cause and reasonable suspicion, and there is no procedural changes. As processes are not changing, there is no impact on staff, and no budget impact.

◆ **LOCAL GOVERNMENTS:** There is no cost to local government. The amendment clarifies the search procedures currently in effect based on Supreme Court case law. Primarily, this is a change in the definition of probable cause and reasonable suspicion, and there is no procedural changes. The searches described are conducted by staff employed by the state and does not impact agents of local government. Therefore, there is no cost impact on local government.

♦ **SMALL BUSINESSES:** There is no cost to small business. The amendment clarifies the search procedures currently in effect based on Supreme Court case law. Primarily, this is a change in the definition of probable cause and reasonable suspicion, and there is no procedural changes. Small businesses are not involved at any point in the search processes conducted by Corrections' staff.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no other anticipated cost. The amendment clarifies the search procedures currently in effect based on Supreme Court case law. Primarily, this is a change in the definition of probable cause and reasonable suspicion, and there is no procedural changes. The searches conducted by the department are of offenders or visitors to the state's prisons. Searches may delay entry into the prison momentarily, but would not have a cost impact. Additionally, the modifications proposed in this amendment do not change current practices, which further indicates there would be no cost impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment clarifies the search procedures currently in effect based on Supreme Court case law. Primarily, this is a change in the definition of probable cause and reasonable suspicion, and there is no procedural changes. The persons affected by this amendment are offenders and visitors to the prison system. As this amendment simply clarifies definitions associated with when searches can be conducted, there is no financial impact on affected persons. The change proposed will not increase or decrease the extent or number of searches conducted by the department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule relates to search authority of visitors to correctional institutions and the public, typically those associated with probationers and parolees. There are no changes to the circumstances surrounding these searches, as the amendments simply reflect changes in an evolving body of case law. The primary impact of the amendment is to clarify the rule to separate searches in correctional institutions from searches in the public. As such, there are no anticipated impacts on the private sector.

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:

♦ Michael Haddon by phone at 801-545-5913, by FAX at 801-545-5726, or by Internet E-mail at mhaddon@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

THIS RULE MAY BECOME EFFECTIVE ON: 08/15/2011

AUTHORIZED BY: Thomas Patterson, Executive Director

R251. Corrections, Administration.

R251-710. Search.

R251-710-1. Authority and Purpose.

(1) This rule is authorized under Sections 63G-3-201 and 64-13-10, and Subsections 64-13-14(1) and 64-13-17(2), of the Utah Code.

(2) The purpose of this rule is to provide the Department's policy, procedures, and requirements for conducting searches.

R251-710-2. Definitions.

(1) "Contraband", for purposes of this rule, means:

(a) materials, substances or other items not approved by the Department, or which are in numbers or amounts that are not approved, and which are otherwise known as regular contraband;

(b) materials, substances or other items possessed in violation of state or federal law and which are otherwise known as illegal contraband; or

(c) items that are not illegal, but are not authorized for an inmate to possess including items made from scraps of paper, wood, plastic, metal, wire, etc. and which are otherwise known as nuisance contraband.

(2) "Exigent circumstances" means ~~[a situation wherein reasonable cause exists to believe that a clear and present danger to life and limb exists]~~ circumstances that would cause a reasonable person to believe that search is necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

(3) "Prison" means Utah State Prison in Draper and Central Utah Correctional Facility in Gunnison.

(4) "Probable cause" means sufficient knowledge of articulable facts or circumstances ~~[to]~~ that would lead a reasonable person to conclude that another person has committed, is committing, or is about to commit a crime or a violation of a legally enforceable policy or rule.

(5) "Public" means persons constituting the general population of a state.

(6) "Reasonable suspicion" means suspicion based on ~~[sufficient knowledge of]~~ specific articulable facts ~~[or]~~ drawn from the totality of the circumstances ~~[that would lead a reasonable person to suspect that there may be criminal activity and that the suspected person may be involved in that criminal activity]~~ facing the officer at the time.

(7) "Visitor" means members of the general public entering prison property.

R251-710-3. Policy.

(1) General Regulations

It is the policy of the Department that:

(a) search and seizure activities shall only be carried out by lawful means~~;~~.

~~[(b) real property, places of business and residences, with legally recognized exceptions shall be searched only with a search warrant, or reasonable cause and voluntary consent;~~

~~_____~~ (2) Visitor Search

It is the policy of the Department that:

~~_____~~ (a) the person, personal property, and/or vehicle of visitors are subject to limited, less-invasive searches by Department personnel, such as dog sniffs, metal detectors, and viewing the inside of vehicles, including trunks and compartments, as a condition of entering and remaining on the premises of the prison;

~~_____~~ (b) an officer may seize contraband or evidence pertinent to an ongoing investigation;

~~_____~~ (c) more invasive searches of the person, personal property, and/or vehicle of visitors may be conducted, and contraband and evidence pertinent to an ongoing investigation seized therefrom, by Department personnel upon reasonable suspicion coupled with voluntary consent;

~~_____~~ (d) any visitor who refuses to give consent to a search based upon reasonable suspicion may be denied entrance and required to leave the premises of the prison;

~~_____~~ (e) the alert of a police service dog shall constitute probable cause and an involuntary search may be legally conducted;

~~_____~~ (f) mandatory searches shall be conducted of all vehicles leaving the prison; vehicle trunks and compartments shall be searched prior to exit;

~~_____~~ (g) any person who refuses to give consent to a search of their vehicle upon exiting prison property shall have their vehicle detained until a regularly scheduled institutional count has cleared;

~~[(e)]~~ (h) notice shall be posted at the entrance to the prison that persons, their property and vehicles are subject to search while on prison property;

~~[(d)]~~ (i) an officer may assume the driver of a vehicle is the proprietary possessor and has the authority to consent to a search of the vehicle;

~~[(e)]~~ (j) vendors, construction workers, Department personnel, or other visitors whose presence is necessary and important to prison operation may have contraband confiscated and returned upon exiting prison property, may be asked to leave prison property, or may be arrested;

~~[(f)]~~ (k) all vehicles entering through a secure perimeter gate shall undergo a thorough search for contraband; discovery of contraband may result in arrest;

~~[(g)]~~ (l) mandatory searches shall be made of all vehicles accessing the double fence secure perimeters of the facilities; and

~~[(h)]~~ mandatory searches shall be conducted of all vehicles leaving the prison; vehicle trunks and compartments shall be searched prior to exit;

~~_____~~ (i) the alert of a police service dog shall constitute probable cause and an involuntary search may be legally conducted;

~~_____~~ (j) an officer may search and seize contraband or evidence without a warrant, in any public place open to public view; and

~~_____~~ (k) (m) a visitor to the prison who has an outstanding warrant may be arrested and searched or refused entry to the prison.

~~[(2)]~~ (3) [Visitor/]Public Search~~[-]~~

It is the policy of the Department that:

(a) the person and property of [visitors and] members of the general public may be searched, and contraband and evidence pertinent to an ongoing investigation seized therefrom, by Department personnel pursuant to the following limitations:

(i) their person, clothes, personal property, vehicle and residence based upon [~~reasonable suspicion coupled with~~] voluntary consent;

(ii) their person, clothes, and personal property immediately associated with their person [~~, and vehicle~~] may be involuntarily searched;

(A) ~~[based upon probable cause]~~ to the extent necessary for an officer to determine if a person is carrying weapons, if the officer has a reasonable suspicion that the person is armed and presently dangerous to the officer or others;

(B) incident to lawful arrest;

(C) pursuant to a valid search warrant; or

(D) under exigent circumstances; [~~or~~

~~_____~~ (E) pursuant to a vehicle inventory incident to the lawful impound thereof;]

(iii) their vehicle may be involuntarily searched;

(A) based upon probable cause if the vehicle is readily mobile;

(B) incident to lawful arrest if the arrestee can access the passenger compartment of the vehicle or if failure to search could result in the loss of evidence pertaining to the crime underlying the arrest;

(C) pursuant to a valid search warrant; or

~~_____~~ (D) pursuant to a vehicle inventory incident to the lawful impound thereof;

~~_____~~ [(iii)] (iv) their residence may be involuntarily searched;

(A) pursuant to a valid search warrant;

~~_____~~ (B) in the form of a protective sweep under exigent circumstances; or

(C) at the time of, or incident to, a lawful arrest of the owner or occupant thereof, but only that portion of the residence and personal property therein which is in the immediate control of the arrestee at that time[;].

~~_____~~ (b) any visitor who refuses to give consent to a search based upon reasonable suspicion may be denied entrance and required to leave the premises of the prison; and

~~_____~~ (c) any person who refuses to give consent to a search of their vehicle upon exiting prison property shall have their vehicle detained until a regularly scheduled institutional count has cleared.]

KEY: corrections, search and seizure, security measures, prisons

Date of Enactment or Last Substantive Amendment: [December 27, 2000]2011

Notice of Continuation: January 31, 2007

Authorizing, and Implemented or Interpreted Law: 64-13-7; 64-13-10; 64-13-14(1); 64-13-17(2)

Education, Administration
R277-405
Requirements for Assessment Pilot Programs

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34922

FILED: 06/15/2011

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 pilot assessment system for identified students as required by state law and to be consistent with federal law.

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, standards and procedures for the K-12 Pilot Assessment Program, High School Assessment Pilot Program, and Pilot Assessment to Large School Districts for Online Delivery of Utah Performance Assessment System for Students (U-PASS) Tests.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 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 additional costs or savings to the state budget. Legislative funding has been provided for development and implementation of assessment pilot programs.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Legislative funding has been provided for implementation of assessment pilot programs.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This new 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. Legislative funding has been provided for development and implementation of assessment pilot programs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Local education agencies will receive funding for participation in assessment pilot programs.

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 08/01/2011

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

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

R277. Education, Administration.**R277-405. Requirements for Assessment Pilot Programs.****R277-405-1. Definitions.**

A. "Adaptive testing" 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.

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

C. "EXPLORE, PLAN, ACT System (EPAS)" means assessments that are aligned to college and career ready common core standards for grades 8, 10 and 11.

D. "Large school district" means a public school district with a student enrollment greater than 29,000 students based on the October 1, 2010 enrollment count.

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

F. "Online writing" means an online test to measure writing performance.

G. "U-PASS testing requirements" as defined in Section 53A-1-602, include Criterion-Referenced tests (CRT) or Adaptive tests, Utah Basic Skills Competency Test and Direct Writing Assessment (DWA).

R277-405-2. 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 pilot assessment system for identified students as required by state law and consistent with federal law.

R277-405-3. K-12 Assessment Pilot Program.

A. The Board may exempt an LEA from U-PASS testing requirements if an LEA pilots an assessment system that incorporates:

(1) online classroom-based assessment that utilizes adaptive testing in all grades;

(2) online writing assessment in grades 4 through 12; or

(3) assessments administered in grades 8, 10, and 11 to determine readiness for postsecondary education.

B. The pilot assessment system is subject to an accountability plan and high school graduation standards that are based on the assessment system described in the Utah Code and as developed and adopted by the Board.

C. The K-12 Pilot Program shall extend until July 1, 2015.

R277-405-4. High School Assessment Pilot Program.

A. The Board shall implement the High School Assessment Pilot Program consistent with Section 53A-1-603(7) to allow LEAs to:

(1) administer the EPAS System (EXPLORE, PLAN and ACT) to secondary students for the 2010-11 and 2011-12 schools years; or

(2) administer a computer adaptive testing of basic skills, or both the EPAS and computer adaptive testing.

B. The High School Assessment Pilot Program shall extend until July 1, 2012.

C. The Board shall develop an application for LEAs choosing to participate in the High School Assessment Pilot Program.

D. The Board shall re-direct the money saved by not administering the UBSCT to fund implementation of the High School Assessment Pilot Program.

E. LEAs participating in the High School Assessment Pilot Program shall assure:

(1) the LEA will continue required CRT or summative adaptive testing;

(2) full participation and cooperation with evaluators and Board staff in implementing the High School Assessment Pilot Program;

(3) the local board or governing board has fully endorsed the LEA's participation in a public meeting; and

(4) the LEA agrees to provide participation data and results to the Board or the Utah State Legislature, or both, as a requirement of the High School Assessment Pilot Program.

R277-405-5. Pilot Assessment to Large School Districts for Online Delivery of U-PASS Tests.

A. Large school districts may submit an application for funds for online delivery of U-PASS.

B. Applicants shall provide the following:

(1) names of participating schools within the school district;

(2) U-PASS assessments that will be provided online;

(3) a budget for implementing online testing involving all students and all online assessments throughout the school district in the 2011-2012 school year;

(4) an assurance from the applicant that online testing shall be implemented at 100 percent of students and assessments during the pilot period; and

(5) a proposed evaluation for the pilot program.

C. Pilot online assessment funds may be used for the following:

(1) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;

(2) software;

(3) networking equipment;

(4) upgrades of existing equipment or software;

(5) upgrades of existing physical plant facilities;

(6) online adaptive assessments approved for U-PASS testing; and

(7) personnel to provide technical support, coordination, management, and professional development (combined expenditures shall not exceed 10 percent of the funds allotted to a school district).

D. Large school district applicants for the online pilot assessment shall be selected for participation only if applicants have fully complied with student assessment Board rules and requirements.

E. Applications shall be provided by the USOE by May 15, 2011 and school districts shall submit completed applications to the USOE by June 15, 2011.

F. Funds shall be distributed to selected school districts based on a per pupil basis and proposed budgets.

KEY: assessment, pilot programs

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
R277-436
Gang Prevention and Intervention
Programs in the Schools

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 34923

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is amended per specific funding provisions in H.B. 2 and S.B. 1, 2011 General Session, regarding gang prevention and to align with new Utah State Board of Education Rule for an At-Risk Students Block Grant Program. (DAR NOTE: H.B. 2 (2011) and S.B. 1 (2011) are effective 07/01/2011.)

SUMMARY OF THE RULE OR CHANGE: The changes update statutes, terminology, and reporting provisions.

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. Legislative funding continues to be provided for gang prevention and intervention programs and there is no cost or savings associated with updated terminology and reporting provisions.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Legislative funding is provided for school districts and charter schools for gang prevention and intervention programs.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and the amendments to this 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. School districts and charter schools will apply for and receive funding for gang prevention and intervention programs in the public schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. School districts and charter schools will receive funding for gang prevention and intervention programs in the public schools.

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 08/01/2011

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

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

R277. Education, Administration.

R277-436. Gang Prevention and Intervention Programs in the Schools.

R277-436-1. Definitions.

A. "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.

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

C. "Gang" (as defined in this rule) means a group of three or more people who form an allegiance and engage in a range of anti-social behaviors that may include violent or unlawful activity or both. These groups may have a name, turf, colors, symbols, or distinct dress, or any combination of the preceding characteristics.

D. "Gang prevention" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families. These components shall promote cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

E. "Gang intervention" means specially designed services required by an individual student experiencing difficulty in cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationships within or outside of the school which may impact the individual's susceptibility to gang membership or gang-like activities or both.

F. "Gang Prevention and Intervention Program" means specifically designed projects and activities to help at-risk students stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

G. "In kind services" means those materials, staff and equipment which are required to develop and implement gang prevention and intervention services, strategies, activities, programs, and curricula with individual students, families, or both. In kind services do not include office space and related office support.

H. "Superintendent" means the State Superintendent of Public Instruction.

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

R277-436-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and authority over public education in the Board, by [~~Section 53A-1-402(1)(c)(i) which directs the Board to adopt rules and minimum standards mandating school productivity and cost effective measures,~~]Section [53A-15-604]53A-17a-166(1)(b) which appropriates funds to be used for Gang Prevention and Intervention Programs in the [S]schools, [~~allows the Board to develop an application process, and to distribute funds,~~] 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 standards and procedures for distributing funding for gang prevention and intervention programs in ~~the~~ public schools.

R277-436-3. Application, ~~and~~ Distribution of Funds, and Administrative Support.

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

B. School districts may submit a single district-wide ~~application~~ proposal for one or more schools within the district. The ~~application~~ proposal shall:

(1) provide for distribution of funds to individual schools; and

~~(2) require individual schools included within the application to satisfy criteria designated in law and rule; and~~
~~_____](3) provide explanations of [program variation from school to school, if any] prevention and intervention activities and strategies planned for individual schools.~~

~~[F]C. Charter [S]schools may submit independent or joint [applications] proposals.~~

~~[E]D. School districts or charter schools or charter consortia may utilize up to ten percent of their funding under the rule for the following specific purposes:~~

(1) administrative oversight;

(2) professional development for licensed and non-licensed employees who work directly in gang prevention/intervention activities; and

(3) professional and technical services.

~~[D]E. [Applications] Proposals/applications shall be provided by the USOE.~~

~~[E. Schools shall submit applications to the Director of Services for At Risk Students or designee who shall make final funding recommendations to the USOE Finance Committee by June 30 of the year prior to the fiscal year in which the money is available.~~

~~_____F. Applicants shall provide evidence and intent of their ability to supply the required school contribution percentage as designated in 53A-15-601(5).~~

~~_____G. In kind services shall be provided consistent with Section 53A-15-601(5) and R277-436-1G.~~

~~_____H]E. Awards per school shall be based on funds available[and specific funding limits may be prescribed in the application provided by the USOE].~~

~~[F]G. Priority shall be given to applications reflecting interagency and intra-agency collaboration.~~

~~[K]H. [Projects] Proposals receiving funding shall be notified by July 1.~~

~~[E]I. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated [application] proposal form provided by the USOE[At Risk Director or designee].~~

~~[M]J. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:~~

(1) an amount not to exceed 2.5 percent for:

(a) site visits; and

(b) ~~inservice~~ professional development, as determined and guided by the USOE.

(2) an amount not to exceed 2.5 percent for:

(a) administrative oversight; and

(b) statewide coordination training.

~~[R277-436-4. Limitation on Funds.~~

~~_____A. Funds shall be used exclusively for purposes set forth in Section 53A-15-601.~~

~~_____B. Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the USOE At Risk Director or designee.~~

~~[R277-436-]5]4. Evaluation and Reports.~~

~~A. [A school in a district that accepts Gang Prevention and Intervention Program funds] School districts and charter schools or consortia shall provide the USOE with a year-end evaluation report by June 30 [of] for the previous fiscal year[in which the award was made].~~

~~B. The year-end report shall include:~~

(1) an expenditure report;

(2) a narrative description of all activities funded;

(3) copies of any and all products developed;

(4) effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement; and

~~[(5) verification that the required school contribution percentage of program costs were provided by the individual school; and~~

~~_____](6) other information or data as required by the USOE[At Risk Director].~~

~~C. The USOE may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.~~

R277-436-6. Waivers.

The Superintendent may grant a written request for a waiver of a requirement or deadline which a district or school finds unduly restrictive.

KEY: public schools, disciplinary problems, students at risk, gangs

Date of Enactment or Last Substantive Amendment: [October 8, 2008]2011

Notice of Continuation: June 2, 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1-401(4); 53A-15-601; 53A-17a-166(1)(b); 53A-1-401(3)]

Education, Administration
R277-473
 Testing Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34924

FILED: 06/15/2011

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

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to make it consistent with the proposed new Rule R277-404, Requirements for Assessments of Student Achievement. (DAR NOTE: The proposed new Rule R277-404 was published under DAR No. 34812 in the June 1, 2011, issue of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: The amendments include adding new and amended definitions and adding and changing language throughout the rule regarding specific assessments and administration of those assessments.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-1-603(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments to this rule are procedural to align the rule with 2011 legislation and a new rule which do not result in costs or savings.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Procedural changes align this rule with legislation and a new rule and do not result in costs or savings.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule and the amendments to this 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 to this rule are procedural and align the rule with new legislation and a new rule which do not result in cost or savings to individuals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendments to this rule are procedural to align the rule with legislation and a new rule which do not result in 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

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 08/01/2011

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

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

R277. Education, Administration.

R277-473. Testing Procedures.

R277-473-1. Definitions.

~~[A. "Advanced English Language Learner student" means the student understands and speaks conversational and academic English language. The student demonstrates reading comprehension and writing skills but may need continued support when engaged in complex academic tasks that require increasingly academic language. The student is identified at the A level on the UALPA but not proficiency on the English Language Arts (ELA) CRT.~~

~~_____ B. "Basic skills course" means those courses specified in Utah law for which CRT testing is required.~~

~~_____ C]A. "Board" means the Utah State Board of Education.~~

~~_____ B. "Computer Based Testing System (CBT system)" means the USOE designated technology system utilized to deliver U-PASS assessments to students online.~~

~~[D]C. "Criterion Reference 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.~~

~~[F]D. "Days" for purposes of this rule means calendar days unless specifically designated otherwise in this rule.~~

~~[G]E. "Direct Writing Assessment (DWA)" means a USOE-designated online test to measure writing performance for students in grades five and eight.~~

~~[E]E. ["CS" means the USOE Computer Services section]"IT" means the USOE Information Technology section.~~

~~[H. "Emergent English Language Learner student" means the student understands and responds to basic social conventions; simple questions, simple directions, and appropriate level text. In general, the student speaks, reads, and writes using single phrases or sentences with support. The student may begin to use minimal academic vocabulary with support and participates in classroom routines. The student is identified at the E level on the UALPA.~~

~~_____ I. "Intermediate English Language Learner student" means the student understands and speaks conversational and academic English with decreasing hesitancy and difficulty. The student is developing reading comprehension and writing skills, with support. The student's English literacy skills allow for demonstration of academic knowledge. The student reads and writes independently for personal and academic purposes, with~~

some persistent errors. The student is identified at the I level on the UALPA.

~~_____~~ ~~J]G.~~ "Last day of school" means the last day classes are held in each school district/charter school.

~~_____~~ ~~H.~~ "Midpoint of the school year" means on or before February 15 of the school year.

~~_____~~ ~~I.~~ "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.

~~_____~~ ~~[K.~~ "Norm-reference Test (NRT)" means a test where the scores are based on comparisons with a nationally representative group of students in the same grade. The meaning of the scores is tied specifically to student performance relative to the performance of the students in the norm group under very specific testing conditions.

~~_____~~ ~~L.~~ "Pre-Emergent English Language Learner student" means the student has limited or no understanding of oral or written English, therefore will be participating by listening. The student may demonstrate comprehension by using a few isolated words or expressions of speech. The student typically draws, copies, or responds verbally in his native language to simple commands, statements and questions. The student may begin to understand language in the realm of basic communication. Reading and writing is significantly below grade level. The student is identified at the P level on the UALPA.

~~_____~~ ~~M]J.~~ "Protected test materials" means consumable and nonconsumable test booklets, electronic test materials delivered and available through the USOE CBT system, test questions (items), directions for administering the assessments and supplementary assessment materials [~~e.g., videotapes~~] designated as protected test materials by the USOE. Protected test materials shall be used for authorized state testing only and shall be secured where they can be accessed by authorized personnel only.

~~[N]K.~~ "Raw test results" means number correct out of number possible, without scores being equated and scaled.

~~[O]L.~~ "Standardized tests" means tests required, consistent with [~~Sections 53A-1-601 through 53A-1-611;~~]~~R277-404-3~~ to be administered to all students in identified subjects at the specified grade levels.

~~[P]M.~~ "Utah Academic Proficiency Assessment (UALPA)" means a USOE-designated test to determine the academic proficiency and progress of English Language Learner students.

~~[Q]N.~~ "Utah Alternative Assessment (UAA)" means a USOE-designated test to [~~measure students with disabilities~~]assess the achievement or progress of students with severe cognitive disabilities.

~~[R]O.~~ "Utah Basic Skills Competency Test (UBSCT)" means a USOE-designated test to be administered to Utah students beginning in the tenth grade (suspended through at least the 2011-2012 school year) to include components in reading, writing, and mathematics. Utah students shall satisfy the requirements of the UBSCT, in addition to state and school district/charter school graduation requirements, prior to receiving a high school diploma that indicates a passing score on all UBSCT subtests unless exempted consistent with R277-705-11.

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

R277-473-2. 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-1-603(3) which directs the Board to adopt rules for the conduct and administration of the testing programs 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 specific standards and procedures by which school districts/charter schools shall handle receive, manage and administer standardized tests and related student data and materials.

R277-473-3. Time Periods for Administering and Returning Materials.

A. School districts/charter schools shall administer assessments required under [~~Section 53A-1-603 unless exempted consistent with Section 53A-1-603(5) and R277-705-11;~~]~~R277-404-3~~, and consistent with the following schedule:

(1) All CRTs and UAAs (elementary and secondary, English language arts, math, science) shall be given administered in a six week window beginning six weeks before the last Monday of the end of the course.

(2) The Utah Basic Skills Competency Test shall be given administered Tuesday, Wednesday, and Thursday of the first week of February and Tuesday, Wednesday, and Thursday of the third week of October (UBSCT requirements are suspended through at least the 2011-2012 school year).

(3) The fifth and eighth grade Direct Writing Assessment shall be given administered in a three week window beginning at least 14 weeks prior to the last day of school.

(4) The UALPA shall be administered to all English Language Learner students identified as [~~Pre-Emergent, Emergent, Intermediate and Advanced~~]Level 1 Entering, Level 2 Beginning, Level 3 Developing, Level 4 Expanding, or enrolled for the first time in the school district at any time during the school year. The test shall be administered once a year to show progress.~~[The testing window is the school year.]~~

(5) Pre-post kindergarten assessment for kindergarten-age students as determined by the LEA during testing windows determined by the LEA.

~~_____~~ (6) One benchmark reading assessment specifically and solely determined by the USOE for 1st, 2nd, and 3rd grade students shall be administered to students in the beginning, midpoint, and end of the school year.

~~_____~~ (7) Third grade summative end of year reading assessment determined specifically and solely by USOE to be administered by LEAs consistent with USOE procedures.

~~_____~~ (8) NAEP tests determined and required annually by the United States Department of Education and administered to students as directed by United States Department of Education.

~~_____~~ B. School districts/charter schools shall submit all paper answer sheets [~~for the CRT tests~~] to the [~~ES~~]IT Section of the USOE for scanning and scoring as follows:

(1) School districts/charter schools shall return [~~CRT, UAA and DWA~~]all answer sheets to the USOE no later than five working days after the last day of the testing window.

(2) School districts/charter schools shall return UBSCT answer sheets to the USOE no later than three days after the final

make-up day (UBSCT requirements are suspended through at least the 2011-2012 school year).

~~[(3) School districts/charter schools shall return UALPA answer sheets to the USOE no later than May 15 for traditional schedule schools and June 15 for year-round schedule schools.]~~ C. School districts/charter schools shall submit all electronic responses according to USOE established procedures.

~~[(D)E. When determining the date of CRT testing, schools on trimester schedules shall schedule the CRT testing at the point in the course where students have had approximately the same amount of instructional time as students on a [regular]traditional semester schedule and provide the schedule to the USOE. [Basic skills courses ending in the first trimester of the year shall be assessed with the previous year's form of the CRTs.]~~

~~[(D)E. Makeup opportunities shall be provided to students for the Utah Basic Skills Competency Test according to the following:~~

(1) Students shall be allowed to participate in makeup tests if they did not participate to any degree in the Utah Basic Skills Competency Test or subtest(s) of the Utah Basic Skills Competency Test.

(2) School districts/charter schools shall determine acceptable reasons for student makeup eligibility which may include absence due to serious illness, absence due to family emergency, or absence due to death of family member or close friend.

(3) School districts/charter schools shall provide a makeup window not to exceed five days immediately following the last day of each administration of the Utah Basic Skills Competency Test.

(4) School districts/charter schools shall determine and notify parents in an appropriate and timely manner of dates, times, and sites of makeup opportunities for the Utah Basic Skills Competency Test (UBSCT requirements are suspended through at least the 2011-2012 school year).

R277-473-4. Security of Testing Materials.

A. All test questions and answers for all standardized tests ~~[required under Sections 53A-1-601 through 53A-1-611,]as determined by the USOE~~ shall be designated protected, consistent with Section 63G-2-305(5), until released by the USOE. A student's individual answer sheet or CBT file shall be available to parents under the federal Family Educational Rights and Privacy Act (FERPA), 20 USC, Sec. 1232g; 34 CFR Part 99).

B. The USOE shall maintain a record of all of the protected test materials sent to the school districts/charter schools.

C. Each school district/charter school shall maintain a record~~[of the number of booklets]~~ of all protected test materials sent to each school in the district and charter school, and shall submit the record to USOE upon request.

D. Each school district/charter school shall ensure that all test materials are secured ~~[in an area where]~~so only authorized personnel have access, or are returned to USOE following testing as required by the USOE. Individual educators shall not retain test materials, in either paper or electronic form, beyond the time period allowed for test administration.

E. Individual schools within a school district and charter schools shall secure or return paper test materials within three working days of the completion of testing. Electronic testing

materials shall be secured between administrations of the test, and shall be removed from teacher and student access immediately following the final administration of the test.

F. The USOE shall ensure that all test materials sent to a school district/charter school are returned as required by USOE, and may periodically audit school districts/charter schools to confirm that test materials are properly accounted for and secured.

G. School district/charter school employees and school personnel may not copy or in any way reproduce protected test materials without the express permission of the specific test publisher, including the USOE.

R277-473-5. Format for Electronic Submission of Data.

A. ~~[(S)IT]~~ shall communicate regularly with school districts/charter schools regarding required formats for electronic submission of any required data.

B. School districts/charter schools shall ensure that any computer software for maintaining school district/charter school data is~~[, or can be made,]~~ compatible with ~~[(S)data reporting requirements [and shall report data as required by the USOE]as determined in R277-484.~~

R277-473-6. Format for Submission of CBT Files, Answer Sheets and Other Materials.

A. The USOE shall provide a checklist to each school district/charter school with directions detailing the format in which answer documents, including CBT files, are to be collected, reviewed, and returned to the USOE.

B. Each school district/charter school shall verify that all the requirements of the testing checklist have been met.

C. ~~[(CRT-d)]~~Data may be submitted in batches in cooperation with the assigned ~~[(S)IT]~~ data technician.

R277-473-7. Timing for Return of Results to School Districts/Charter Schools.

A. Scanning and scoring shall occur in the order data is received from the school districts/charter schools.

B. Consistent with Utah law, raw test results from all CRTs shall be returned to the school before the end of the school year.

C. Each school district/charter school shall check all test results for each school within the district and charter school and for the school district as a whole, verify their accuracy with ~~[(S)IT]~~, and certify that they are prepared for publication within two weeks of receipt of the data. Except in compelling circumstances, as determined by the USOE, no changes shall be made to school or school district data after this two week period. Compelling circumstances may include:

(1) a natural disaster or other catastrophic occurrence (e.g., school fire) that precludes timely review of data; and

(2) resolution of a professional practices issue that may impede reporting of the data.

D. School districts/charter schools shall not release data until authorized to do so by the USOE.

R277-473-8. USOE and School Responsibilities for Crisis Indicators in State Assessments.

A. Students participating in state assessments may reveal intentions to harm themselves or others, that the student is at risk of

harm from others, or may reveal other indicators that the student is in a crisis situation.

B. The USOE shall notify the school principal, counselor or other school or school district personnel who the USOE determines have legitimate educational interests, whenever the USOE determines, in its sole discretion, that a student answer indicates the student may be in a crisis situation.

C. As soon as practicable, the school district superintendent/charter school director, or designee shall be given the name of the individual contacted at the school regarding a student's potential crisis situation.

D. The USOE shall provide the school and district with a copy of the relevant written text.

E. Using their best professional judgment, school personnel contacted by USOE shall notify the student's parent, guardian or law enforcement of the student's expressed intentions as soon as practical under the circumstances.

F. The text provided by USOE shall not be part of the student's record and the school shall destroy any copies of the text once the school or district personnel involved in resolution of the matter determine the text is no longer necessary. The school principal shall provide notice to the USOE of the date the text is destroyed.

G. School personnel who contact a parent, guardian or law enforcement agency in response to the USOE's notification of potential harm shall provide the USOE with the name of the person contacted and the date of the contact within three business days from the date of contact.

R277-473-9. Standardized Testing Rules and Professional Development Requirements.

A. It is the responsibility of all educators to take all reasonable steps to ensure that standardized tests reflect the ability, knowledge, aptitude, or basic skills of each individual student taking standardized tests.

B. School districts/charter schools shall develop policies and procedures consistent with the law, ~~and~~ Board rules for standardized test administration, and the USOE Testing Ethics Policy, and make them available and provide training to all teachers and administrators who ~~shall~~ administer state tests.

C. At least once each school year, school districts/charter schools shall provide professional development for all teachers, administrators, and standardized test administrators concerning guidelines and procedures for standardized test administration, including teacher responsibility for test security and proper professional practices.

D. School district/charter school assessment staff shall use the ~~[Testing Ethics Policy Power Point presentation and the]USOE Testing Ethics Policy [booklet developed by the USOE, available on the USOE Assessment homepage]~~in providing training for all test administrators/proctors.

E. Each and every test administrator/proctor shall individually sign a Testing Ethics signature page ~~[also available on the USOE Assessment homepage]~~provided by the USOE.

F. All teachers and test administrators shall conduct test preparation, test administration, provide test results, and the return of all protected test materials in strict accordance with the procedures and guidelines specified in test administration manuals, school district/charter school rules and policies, Board rules, USOE

Testing Ethics Policy, and state application of federal requirements for funding.

G. Teachers, administrators, and school personnel shall use assessments specifically required and as directed under R277-404.

~~_____~~[G]H. Teachers, administrators, and school personnel shall not:

(1) provide students directly or indirectly with specific questions, answers, or the subject matter of any specific item in any standardized test prior to test administration;

(2) copy, print, or make any facsimile of protected testing material prior to test administration without express permission of the specific test publisher, including USOE, and school district/charter school administration;

(3) change, alter, or amend any student answer sheet, including CBT files, or any other standardized test materials at any time in such a way as to alter the student's intended response;

(4) use any prior form of any standardized test (including pilot test materials) that has not been released by the USOE in test preparation without express permission of the specific test publisher, including USOE, and school district/charter school administration;

(5) violate any specific test administration procedure ~~[or guideline]~~specified in the test administration manual, or violate any state or school district/charter school standardized testing policy or procedure, or violate any procedure specified in the USOE Testing Ethics Policy;

(6) knowingly and intentionally do anything that would inappropriately affect the security, validity, or reliability of standardized test scores of any individual student, class, or school;

(7) fail to administer a required assessment; and

(8) submit falsified data.

~~_____~~[H]I. Violation of any of these rules may subject licensed educators to possible disciplinary action under R277-515, Utah Educator Standards.

KEY: educational testing

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

Notice of Continuation: April 29, 2010

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

Education, Administration
R277-474
School Instruction and Human
Sexuality

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 34925

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to add language specific to maturation education, maturation instructional materials, and to include charter schools in the rule language.

SUMMARY OF THE RULE OR CHANGE: The amendments provide a new definition on maturation education, provide updated language on maturation education throughout the rule, include charter schools, and provide changes to reflect current terminology.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3) and Subsection 53A-13-101(1)(c)(ii)(B)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state. The rule now includes language on maturation education; changes in terminology do not result in costs or savings.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The rule now includes language on maturation education; changes in terminology do not result in costs or savings.
- ◆ **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. The rule now includes language on maturation education; changes in terminology do not result in costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The rule now includes language on maturation education; changes in terminology 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 08/01/2011

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

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

R277. Education, Administration.**R277-474. School Instruction and Human Sexuality.****R277-474-1. Definitions.**

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

B. "Curriculum materials review committee (committee)" means a committee formed at the district or school level, as determined by the local board of education or local charter board, that includes parents, health professionals, school health educators, and administrators, with at least as many parents as school employees. The membership of the committee shall be appointed and reviewed annually by August 1 of each year by the local board, shall meet on a regular basis as determined by the membership, shall select its own officers and shall be subject to Sections 52-4-1 through 52-4-10.

C. "Family Educational Rights and Privacy Act" is a state statute, Sections 53A-13-301 and 53A-13-302, that protects the privacy of students, their parents, and their families, and supports parental involvement in the public education of their children.

D. "Human sexuality instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, or HIV/AIDS and other sexually transmitted diseases. While these topics are most likely discussed in such courses as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this rule applies to any course or class in which these topics are the focus of discussion.

E. "[~~inservice~~]Professional development" means training in which Utah educators may participate to renew a license, receive information or training in a specific subject area, teach in another subject area or teach at another grade level.

F. "Instructional Materials Commission" means an advisory commission authorized under Section 53A-14-101.

G. "Medically accurate" means verified or supported by a body of research conducted in compliance with scientific methods and published in journals that have received peer-review, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the American Medical Association.

H. "Maturation education" means instruction and materials used to provide fifth or sixth grade students with age appropriate, accurate information regarding the physical and emotional changes associated with puberty to assist in protecting students from abuse and to promote hygiene and good health practices.

~~_____~~[H]L. "Parental notification form" means a form developed by the USOE and used exclusively by Utah public school districts or Utah public schools for parental notification of subject matter identified in this rule. Students may not participate in human sexuality instruction, maturation education, or instructional programs as identified in R277-474-1D without prior affirmative parent/guardian response on file. The form:

(1) shall explain a parent's right to review proposed curriculum materials in a timely manner;

(2) shall request the parent's permission to instruct the parent's student in identified course material related to human sexuality or maturation education;

(3) shall allow the parent to exempt the parent's student from attendance for class period(s) while identified course material related to human sexuality or maturation education is presented and discussed;

(4) shall be specific enough to give parents fair notice of topics to be covered;

(5) shall include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;

(6) shall be on file with affirmative parent/guardian response for each student prior to the student's participation in discussion of issues protected under Section 53A-13-101; and

(7) shall be maintained at the school for a reasonable period of time.

[F]J. "Utah educator" means an individual such as an administrator, teacher, counselor, teacher's assistant, or coach, who is employed by a unit of the Utah public education system and who provides teaching or counseling to students.

[F]K. "Utah Professional Practices Advisory Commission (Commission)" means a Commission authorized under 53A-6-301 and designated to review allegations against educators and recommend action against educators' licenses to the Board.

[K]L. "USOE" means the Utah State Office of Education.

R277-474-2. 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-13-101(1)(c)(ii)(B) which directs the Board to develop a rule to allow local boards to adopt human sexuality education materials or programs under Board rules and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purposes of this rule are:

(1) to provide requirements for the Board, school districts, charter schools, and individual educators [~~consistent with legislative intent and the Board Resolution of March 14, 2000 which addresses instruction about and materials used in discussing human sexuality in the public schools;~~

~~_____~~ (2) to provide a process for local boards to approve human sexuality instructional materials; and] to select instructional materials about human sexuality and maturation;

~~_____~~ (2) to provide notice to parents/guardians of proposed human sexuality and maturation discussions and instruction; and

~~_____~~ (3) to provide direction to public education employees regarding instruction and discussion of maturation and human sexuality with students.

R277-474-3. General Provisions.

A. The following may not be taught in Utah public schools ~~[courses]~~ through the use of instructional materials, ~~[-or five]~~ direct instruction, or online instruction:

(1) the intricacies of intercourse, sexual stimulation or erotic behavior;

(2) the advocacy of homosexuality;

(3) the advocacy or encouragement of the use of contraceptive methods or devices; or

(4) the advocacy of sexual activity outside of marriage.

B. Educators are responsible to teach the values and information identified under Section 53A-13-101(4).

C. Utah educators shall follow all provisions of state law including parent/guardian notification and prior written parental consent requirements under Sections 76-7-322 and 76-7-323 in teaching any aspect of human sexuality.

D. Course materials and instruction shall be free from religious, racial, ethnic, and gender bias.

R277-474-4. State Board of Education Responsibilities.

The Board shall:

A. develop and provide [~~inservice programs~~] professional development and assistance with training for educators on law and rules specific to human sexuality instruction and related issues.

B. develop and provide a parental notification form and timelines for use by school districts and charter schools.

C. establish a review process for human sexuality instructional materials and programs using the Instructional Materials Commission and requiring final Board approval of the Instructional Materials Commission's recommendations.

D. approve only medically accurate human sexuality instruction programs.

E. receive and track parent and community complaints and comments received from school districts and charter schools related to human sexuality instructional materials and programs.

R277-474-5. School District and Charter School Responsibilities.

A. Annually each school district and charter school shall require all newly hired or newly assigned Utah educators with responsibility for any aspect of human sexuality instruction to attend [~~a~~]-state-sponsored [~~inservice~~] professional development outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system.

B. Each school district and charter school shall provide training consistent with R277-474-5A at least once during every three years of employment for Utah educators.

C. Local school boards and local charter boards shall form curriculum materials review committees (committee) at the district or school level as follows:

(1) The committee shall be organized consistent with R277-474-1B.

(2) Each committee shall designate a chair and procedures.

(3) The committee shall review and approve all guest speakers and guest presenters and their respective materials relating to human sexuality instruction in any course and maturation education prior to their presentations.

(4) The committee shall not authorize the use of any human sexuality instructional program or maturation education program not previously approved by the Board, approved consistent with R277-474-6, or approved under Section 53A-13-101(1)(c)(ii).

(5) The district superintendent or charter school administrator shall report educators who willfully violate the provisions of this rule to the Commission for investigation and possible discipline.

(6) The district or charter school shall use the common parental notification form or a form that satisfies all criteria of the law and Board rules, and comply with timelines approved by the Board.

(7) Each district or charter school shall develop a logging and tracking system of parental and community complaints and comments resulting from student participation in human sexuality instruction, to include the disposition of the complaints, and provide that information to the USOE upon request.

D. If a student is exempted from course material required by the Board-approved Core Curriculum, the parent shall take responsibility, in cooperation with the teacher and the school, for the student learning the required course material consistent with Sections 53A-13-101.2(1), (2) and (3).

R277-474-6. Local Board or Local Charter Board Adoption of Human Sexuality Education and Maturation Education Instructional Materials.

A. A local board may adopt instructional materials under Section 53A-13-101(1)(c)(iii).

B. Materials that are adopted shall comply with the criteria of Section 53A-13-101(1)(c)(iii) and:

(1) shall be medically accurate as defined in R277-474-1G.

(2) shall be approved by a majority vote of the local board members or local charter board members present at a public meeting of the board.

(3) shall be available for reasonable review opportunities to residents of the district or parents/guardians of charter school students prior to consideration for adoption.

C. The local board or local charter board shall comply with the reporting requirement of Section 53A-13-101(1)(c)(iii)(D). The report to the Board shall include:

(1) a copy of the human sexuality instructional materials and maturation education materials not approved by the Instructional Materials Commission that the local board or local charter board seeks to adopt;

(2) documentation of the materials' adoption in a public board meeting;

(3) documentation that the materials or program meets the medically accurate criteria of R277-474-~~6B~~1G;

(4) documentation of the recommendation of the materials by the committee; and

(5) a statement of the local board's or local charter board's rationale for selecting materials not approved by the Instructional Materials Commission.

D. The local board's or local charter board's adoption process for human sexuality instructional materials and maturation education materials shall include a process for annual review of the board's decision.~~[This decision may be appealed by a designated~~

~~number or percentage of district patrons as defined by the local board.]~~

R277-474-7. Utah Educator Responsibilities.

A. Utah educators shall participate in training provided under R277-474-5A.

B. Utah educators shall use the common parental notification form or a form approved by their employing school district or charter school, and timelines approved by the Board.

C. Utah educators shall individually record parent and community complaints, comments, and the educators' responses regarding human sexuality instructional programs.

D. Utah educators may respond to spontaneous student questions for the purposes of providing accurate data or correcting inaccurate or misleading information or comments made by students in class regarding human sexuality.

KEY: schools, sex education

Date of Enactment or Last Substantive Amendment: ~~August 8, 2006~~2011

Notice of Continuation: July 1, 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-101(1)(c)(ii)(B); 53A-1-401(3)

Education, Administration
R277-478
Block Grant Funding

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34926

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to make it consistent with changes in H.B. 2 and S.B. 1, 2011 General Session, that repealed statutory language that established specific programs to serve at-risk students and created a block grant program entitled, Enhancement for At-Risk Students. (DAR NOTE: H.B. 2 (2011) and S.B. 1 (2011) are effective 07/01/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule remove Section R277-478-4, Interventions for Student Success Block Grant. Intervention programs are now provided for in statute and in a new rule.

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. Intervention programs and funding continue to be provided for in statute and in a new rule so there are no costs or savings due to this rule.
- ◆ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. Intervention programs and funding continue to be provided for in statute and in a new rule so there are no costs or savings.
- ◆ SMALL BUSINESSES: There are no anticipated costs or savings to small businesses. This rule and the amendments to this 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, business, or local government entities. Intervention programs and funding continue to be provided for in statute and in a new rule specific to public education so there are no costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Intervention programs and funding continue to be provided for in statute and in a new rule for public education entities.

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 08/01/2011

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

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

R277. Education, Administration.

R277-478. Block Grant Funding.

~~**R277-478-4. Interventions for Student Success Block Grant.**~~

~~A. Districts and charter schools shall use Interventions for Student Success Block Grant funds to improve student academic~~

~~success, with priority given to interventions on behalf of students not performing to standards as determined by U-PASS test results.~~

~~B. Each school district and charter school governing board shall develop a plan for the expenditure of Interventions for Student Success Block Grant funds. In developing the plan, districts should consider involving educators from Core areas identified in R277-700.~~

~~C. The plan shall specify anticipated results; it may include continuing existing programs to improve students' academic success for which funds were appropriated before FY 2003.~~

~~D. Each local school board and charter school governing board shall approve its plan for the expenditure of the block grant funds in an open public meeting under Sections 52-4-1 through 10 before the funds are designated for specific programs.~~

~~E. By September 1 of each year, each local school board and charter school governing board shall submit a copy of its plan, a letter of assurance to the Board that its plan was approved in an open and public meeting, and a copy of the local board minutes of the meeting in which the plan was approved.~~

~~F. If a local school board or charter school governing board fails to submit the documents specified in R277-478-4E to the Board by September 1, the Board shall withhold the distribution of Interventions for Student Success Block Grant funds until documentation required under this rule is provided.~~

~~G. Interventions for Student Success Block Grant funds shall be distributed using the following formula:~~

~~(1) Seventy seven percent of the total student success-block grant appropriation shall be allocated using the Local Discretionary Block Grant formula as outlined in R277-478-3B.~~

~~(2) The remaining portion of the Interventions for Student Success Block Grant funds (twenty three percent) shall be allocated on the basis of the number of LEP students as determined by Title IX, Part A, Section 9101(25) in each district or charter school for the prior fiscal year.~~

[R277-478-]54. Quality Teaching Block Grant.

A. Districts and charter schools shall use Quality Teaching Block Grant funds to implement school and school district comprehensive, long-term professional development plans required under Section 53A-3-701.

B. Each local school board shall, as provided by Section 53A-3-701, review and either approve or recommend modifications for each school's comprehensive, long-term professional development plan within the district so that each school's plan is compatible with the district's comprehensive, long-term professional development plan.

C. Each local school board and charter school governing board shall approve in an open public meeting a plan to spend Quality Teaching Block Grant funds to implement the school district's or charter school's comprehensive, long-term professional development plan. In developing the plan, districts and charter schools should consider involving educators from every core area.

D. By September 1 of each year, the local school board [and]or charter school governing board shall submit a copy of its plan, a letter of assurance to the Board that the plan was approved in an open and public meeting, and a copy of the local board minutes of the meeting in which the plan was approved.

E. If a local school board or charter school governing board fails to submit the documents specified in R277-478-5D to the Board by September 1, the Board shall withhold the distribution of Quality Teaching Block Grant funds until documentation required under this rule is provided.

F. Career Ladder Programs

(1) Districts and charter schools may choose to implement a career ladder program of their own design with money received under the Quality Teaching Block Grant.

(2) If a career ladder program is funded, districts and charter schools shall ensure that their school and district professional development plans are consistent with Section 53A-3-701(2)(iv).

(3) Districts and charters shall also report to the Board how the career ladder funds were spent consistent with Section 53A-9-106.

G. Quality Teaching Block Grant funds shall be distributed using the following formula: thirty percent of the total Quality Teaching Block Grant funds shall be distributed on the basis of the number of full-time equivalent teachers employed by the district or charter school for the immediately previous school year. The remaining seventy percent of the funds shall be distributed on the basis of the number of WPUs in the basic programs of the Minimum School Program for the immediately previous school year.

KEY: educational expenditures, block grant funding
Date of Enactment or Last Substantive Amendment:
[September 4, 2002]2011
Notice of Continuation: July 3, 2006
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)

Education, Administration
R277-491
School Community Councils

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 34927
 FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for changes to school community council statutory language in H.B. 152, 2011 General Session. (DAR NOTE: H.B. 152 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: The amendments include revised definitions, revised language regarding school community council member election provisions, revised

responsibilities of school community council school/school administrators, revised parent rights and responsibilities, and revised additional school community council information and provisions. All the changes make the rule consistent with statutory changes from the 2011 General Session.

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. The amendments to the rule reflect statutory changes that do not result in any cost or savings.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Any additional responsibilities for those involved in school community councils will be accomplished by existing staff and 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. Any additional responsibilities for those involved in school community councils will be accomplished by existing staff and within existing budgets.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Any additional responsibilities for those involved in school community councils will be done by existing staff and 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 08/01/2011

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

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

R277. Education, Administration.

R277-491. School Community Councils.

R277-491-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Candidate" means a parent or school employee who has filed for election to the school community council.
- C. "Contested race" means the election of members to a school community council when there are more candidates than open positions.
- D. "Days" means calendar days unless otherwise specifically designated.
- E. "Develop school improvement plan and school trust program and other programs" means to participate actively in the creation of plans, including analysis of school assessment data, development of School LAND Trust budgets, and review of School LAND Trust expenditures under Section 53A-16-101.5(5)(a)(iv) and 53A-16-101.5(6)(b)(ii). This may include establishing subcommittees where needed or assigning work to individuals.
- F. "Parent" means the parent or legal guardian of a student attending the non-charter public school or of a student who will be enrolled at the school in the next school year.
- G. "Parent or guardian member" ~~means a parent or guardian of a student who is attending the school or of a student who will be enrolled at the school in the next school year if the election is held in the spring. A parent member of a school community council may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week, consistent with Section 53A-1a-108(1)(a)(ii).~~
- (1) means a member of a school community council who is a parent or guardian of a student who is attending the school; will be enrolled at the school at any time during the parent's or guardian's initial term of office; or was enrolled at the school during the parent or guardian member's initial term of office;
- (2) may not include an educator who was employed by the school district in which the school is located unless the educator's employment does not exceed an average of six hours per week. The parent/guardian member includes a parent/guardian who had or who will have a student attending the school during the parent or guardian's initial term of service.
- H. "School administrator" means a school principal, school assistant principal or designee as specifically assigned by the school administrator.
- I. "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.
- J. "School employee member" means a ~~person employed at the school for more than an average of six hours per week by the school or school district; the principal is one school employee member~~ member of a school community council who is a person employed at a school by the school or school district, including the principal.

K. "Secure ballot box" means a closed container prepared by the school for the deposit of secret ballots for the school community council elections.

L. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report.

M. "Students attending the school" for purposes of this rule means students currently attending the school and those officially enrolled to attend the school in the next school year.

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

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

R277-491-3. School Community Council Member Election Provisions.

A. Notice of the school community council elections shall be provided at least 21 days prior to the elections. The notice shall include the dates and times of the election, the positions that are up for election and instructions about becoming a candidate.

~~[A]B. Parents may stand for election as parent members of a school community council at a school [if their child(ren) are attending the school or will be enrolled at the school in the next school year if the community council election is held in the spring]~~ consistent with the definition of parent member in R277-491-1G.

~~[B]C. Parents may vote for the school community council parent members if their child(ren) are enrolled or will be attending the school in the next school year when elections are held in the spring, consistent with the intent to encourage the greatest participation possible of all available parents. If elections are held at the beginning of the school year, parents of students enrolled at the school may vote.~~

~~[C]D. School community councils may establish procedures that allow for ballots to be clearly marked and mailed to the school in the case of geography or school distances that would otherwise discourage parent participation. Hand-delivered or mailed ballots shall meet the same timelines for voters voting in person.~~

~~[D]E. Entire school districts or schools may allow parents to vote by electronic ballot. If school districts/schools allow voting by electronic means, the opportunity shall be clearly explained on the school district/school website including:~~

- (1) directions for electronic voting;
- (2) security provisions for electronic voting;
- (3) statement to parents and community members that violations of a school district's/school's voting procedures may disqualify a parent's vote or invalidate a specific school election, or both.

~~[E]E. Ballots and voting are required only in the event of a school community council contested race.~~

~~[F]G. School community councils are encouraged to establish clear and written:~~

- (1) procedures that are consistent with state law, Board rules, and local board policies;
- (2) procedures for the [s]election of school community council chairs, co-chairs ~~[and]~~ or vice chairs;

(3) timelines and procedures for school community council elections that may include receiving information from applicants in a timely manner; and

(4) additional clarification and procedures to assist in the efficient operation of school community councils consistent with the law.

H. Elections shall be held no later than 30 days after the first day of school. Voting for parent/guardian members shall extend for at least three consecutive school days.

I. If an election is held in the spring, the council shall provide notice of the election defined in R277-491-3A to parents of incoming students and establish a process to ensure that parents who will no longer have children attending the school in the fall are not eligible to vote in the election.

J. School community council members who were duly elected prior to June 15, 2011 shall be allowed to complete the term for which they were elected. All school community council members shall satisfy requirements of Section 53A-1a-108 in subsequent terms.

R277-491-4. School Community Council School/School Administrator Responsibilities.

A. A school administrator may not serve as chair or co-chair of the school community council.

B. A school or school district administrator shall not prohibit or discourage a school community council from discussing any issue or concern not prohibited by law raised by any school community council member.

~~[B]~~C. The school community council chair shall provide the following information to the school community, with assistance from the school administration:

(1) Notice of dates and times of school community council elections at least ~~[14]~~21 days before the elections are held;

(2) Timely notice of school community council positions that are up for election;

(3) Instructions for applying to become a school community council member together with timelines for submitting information and applications;

(4) Posting the school community council meeting information (time, place and date of meeting; meeting agenda and previous meeting minutes) on the school's website at least one week prior to each meeting, and on the access door(s) of the school on the day of the meeting.

D. The school community council chair, assisted by the school administrator, shall provide the following information on the school website and in at least one other direct delivery method ensuring that all parents are notified as provided in Section 53A-1a-108(7)(a):

~~[4]~~1) Notice of the school community council meeting schedule, provided in the first 14 days of the school year;

~~[5]~~2) A summary of the school community council's actions and activities for the first half of the school year, provided mid-way through the school year;

~~[6]~~3) A summary of the annual expenditure report of all School LAND Trust Program funds provided to the school community and to the local board of education ~~[or State Charter School Board]~~ in the fall of the school year following the school year that the school plans were implemented; and

~~[(7) Posting the school community council meeting information (time, place and date of meeting; meeting agenda and previous meeting minutes) on the school's website at least one week prior to each meeting, and on the access door(s) of the school on the day of the meeting.]~~(4) A list of the members of the school community council and each member's direct email and phone number, if available.

~~[B. The school community council chair, assisted by the school administrator, shall provide information on the school website and in at least one other direct delivery method ensuring that all parents are notified as provided in Section 53A-1a-108(7)(a):~~

~~—~~~~[E]~~E. The school community council chair, assisted by the school administrator, shall act in compliance with the Utah Open and Public Meetings Act, Section 52-4-101 et seq., including:

(1) posting upcoming agendas and meeting locations;

(2) posting minutes of the most recent meeting;

(3) posting the agenda and location of the upcoming meeting on the school's website at least one week prior to the meeting;

(4) posting the agenda and location of the upcoming meeting on the school's access door on the day of the meeting;

(5) providing timely written minutes of the meeting; and

(6) recording the meeting, and other required or appropriate activities.

~~[D]~~E. School community council responsibilities do not allow for closed meetings, consistent with the purposes of Section 52-4-205.

~~[E]~~G. School community councils shall become familiar with and consider the following:

(1) Satisfying the meeting recording process with sensitivity for parents and community members whose primary language is not English; and

(2) The limitations of open and public meetings in secure or locked school settings and facilities.

R277-491-5. Parent Rights and Responsibilities.

A. Parents of students attending a school and ~~[to the extent possible,]~~parents whose children will attend the school in the next school year (for spring community council elections) shall receive notice of open school community council positions and of elections consistent with Section 53A-1a-108.

B. Parents of students attending a school shall have access to schedules, agendas, minutes and decisions consistent with Sections 53A-1a-108(7) and (8).

C. School community council parent members shall participate fully in the development of various school plans described in Section 53A-1a-108(3) including, at a minimum:

(1) School Improvement Plan;

(2) School LAND Trust Plan;

(3) Reading Achievement Plan (for elementary schools);

(4) Professional Development Plan; and

(5) Child Access Routing Plan; ~~and~~

~~—~~~~(6) Review of School Health Plans required under Section 53A-11-204].~~

D. Parents shall receive timely notice of school community council timelines and procedures that affect parent member elections, school community council meeting information

and other parent rights or opportunities, consistent with state law, Board rules, and local board policy.

R277-491-6. Additional School Community Council Information and Provisions.

A. School community councils shall set the beginning terms for school community council members consistent with Section 53A-1a-108(5)(g).

B. Training for members of school community councils shall be provided under the direction of local boards of education, including providing applicable sections of the statutes and Board rules to council members.

~~_____~~[B]C. School community councils shall report on plans, programs, and expenditures, including detailed descriptions of expenditures for professional development, at least annually to local boards of education and cooperate with the legislative and USOE monitoring, and audits.

[C]D. School community councils may establish procedures and requirements for parent notification and election timelines that are not inconsistent with Sections 53A-1a-108, 53A-16-101.5, 52-4-101 et. seq., this rule, or local board policy.

[D]E. Public schools that are secure facilities, juvenile detention facilities, hospital program schools, and other small special programs may receive all funds available to schools with school community councils if the schools demonstrate and document a good faith effort to recruit members, have meetings and publicize results as recognized and affirmed by local boards of education.

[E]E. School community councils [~~may designate districts, areas or grade levels in order to recruit school community council members from all areas of the school community. If parents from designated areas do not apply for the school community council positions, positions shall be filled with interested parents who do apply~~]shall encourage greater participation on the school community council and may recruit potential applicants to apply for open positions on the council.

[F]G. Local boards of education may ask school community councils to address local issues at the school community council level for discussion before bringing the issues to local boards of education. School community councils may be asked for information to inform local board decisions.

H. Local boards of education shall provide copies of statutory information (Section 53A-1a-108, School community councils authorized -- Duties -- Composition -- Election procedures and selection of members; Section 53A-1a-108.5, School improvement plan; Section 53A-16-101.5, School LAND Trust Program -- Purpose -- Distribution of funds -- School plans for use of funds) to school community council members.

~~_____~~[G]I. Local boards of education, and the State Charter School Board for state-sponsored charter schools, shall report approval dates of required plans to the USOE. School community councils are encouraged to advise and inform elected local board members.

[H]J. Local boards of education make decisions in governing school districts with superintendents and principals acting under the direction and in behalf of local board of education in all areas of governance, including implementing approved School Improvement and School LAND Trust Program plans.

KEY: school community councils

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

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

Education, Administration
R277-616
Education for Homeless and
Emancipated Students and State
Funding for Homeless and
Disadvantaged Minority Students

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34928

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is amended in response H.B. 2 and S.B. 1, 2011 General Session. H.B. 2 repealed the statutory language that established specific programs that serve at-risk students and created one new program entitled, Enhancement for At-Risk Students, which provides funding to support the academic achievement of students who are at risk of academic failure. It is necessary to remove Section R277-616-5 that includes language on funding homeless and economically disadvantaged ethnic minority students. Other unnecessary language is also removed from the rule. (DAR NOTE: H.B. 2 (2011) and S.B. 1 (2011) are effective 07/01/2011.)

SUMMARY OF THE RULE OR CHANGE: Section R277-616-5, School District Funding for Homeless Students and Economically Disadvantaged Ethnic Minority Students, has been removed from this rule.

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. The state provides funding to schools and school districts for students at risk of academic failure which may include homeless and economically disadvantaged ethnic minority students, consistent with a new Utah State Board of Education (Board) rule.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. School districts and schools will continue to receive funding for students at risk of

academic failure which may include homeless and economically disadvantaged ethnic minority students consistent with a new Board rule and 2011 legislation.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses. This rule applies to public education only 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. Funding for students at risk of academic failure is provided for in a newly enacted statute, Section 53A-17a-166, and in a new Board rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Funding is provided directly to school districts and schools for students at risk of academic failure.

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 08/01/2011

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

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

R277. Education, Administration.

R277-616. Education for Homeless and Emancipated Students [~~and State Funding for Homeless and Disadvantaged Minority Students~~].

R277-616-1. Definitions.

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

B. "Domicile" means the place which a person considers to be the permanent home, even though temporarily residing elsewhere.

~~C. "Economically disadvantaged" means a student who is eligible for reduced price or free school lunch.~~

~~D]C. "Emancipated minor" means:~~

(1) a child under the age of 18 who has become emancipated through marriage or by order of a court consistent with Section 78A-6-801 et seq.; or

(2) a child recommended for school enrollment as an emancipated or independent or homeless child/youth by an authorized representative of the Utah State Department of Social Services.

~~[E]D. "Enrolled" for purposes of this rule means a student has the opportunity to attend classes and participate fully in school and extracurricular activities based on academic and citizenship requirements of all students.~~

~~[F. "Ethnic minority student" means a student identified as belonging to one or more of the categories below:~~

- ~~(1) American Indian or Alaskan native;~~
- ~~(2) Hispanic/Latino;~~
- ~~(3) Asian;~~
- ~~(4) Pacific Islander;~~
- ~~(5) Black/African American;~~
- ~~(6) The total of ethnic minority students per school shall be determined annually on October 1.~~

~~G]E. "Homeless child/youth" means a child who:~~

(1) lacks a fixed, regular, and adequate nighttime residence;

(2) has primary nighttime residence in a homeless shelter, welfare hotel, motel, congregate shelter, domestic violence shelter, car, abandoned building, bus or train station, trailer park, or camping ground;

(3) sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;

(4) is, due to loss of housing or economic hardship, or a similar reason, living with relatives or friends usually on a temporary or emergency basis due to lack of housing; or

(5) is a runaway, a child or youth denied housing by his family, or school-age unwed mother living in a home for unwed mothers, who has no other housing available.

~~[H]E. "Parent" means a parent or guardian having legal custody of a minor child.~~

~~[H]G. "School district of residence for a homeless child/youth" means the school district in which the student or the student's legal guardian or both currently resides or the charter school that the student is attending for the period that the student or student's family satisfies the homeless criteria.~~

~~[H]H. "USOE" means the Utah State Office of Education.~~

R277-616-2. Authority and Purpose.

A. This rule is authorized under Article X, Section 3 of the Utah State Constitution, [~~Section 53A-17a-121(2) which directs the Board to develop rules for school districts and charter schools to spend monies for homeless and ethnic minority students,~~] Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, Section 53A-11-101.5 which requires that minors between the ages of 6 and 18 attend school during the school year [~~of the school district of residence~~], Section 53A-2-201(5) which makes each school district or charter school responsible for providing educational services for all children of school age who reside in the school district or attend the school, and the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. 11431 through 11435.

B. The purpose of this rule is to ensure that homeless children/youth have the opportunity to attend school with as little disruption as reasonably possible[~~and that funds for homeless and economically disadvantaged ethnic minority students are distributed equitably and efficiently to school districts and charter schools~~].

~~[R277-616-5. School District Funding for Homeless Students and Economically Disadvantaged Ethnic Minority Students.~~

~~A. Funds appropriated for homeless and economically disadvantaged ethnic minority students shall be distributed as outlined under 53A-17a-121(3).~~

~~B. For purposes of determining the homeless student count, a school district or a charter school shall count annually the number of homeless students served in the school district or charter school.~~

~~C. If a student satisfies the homeless criteria at more than one time during the school year in the same school district or charter school, the student shall be counted once by the school district or charter school.~~

]KEY: compulsory education, students' rights

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

Notice of Continuation: November 10, 2010

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-2-201(5); 53A-2-202];~~53A-17a-121(3)~~

Education, Administration
R277-705
 Secondary School Completion and
 Diplomas

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34936

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to remove all references to student state testing requirements. Testing requirements are provided for in existing and new Utah State Board of Education (Board) rules.

SUMMARY OF THE RULE OR CHANGE: The amendments include removing language throughout the rule that relate to student state testing.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments remove language relating to student state testing because that language is included in existing and new Board rules and unnecessary in this rule.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Removing language relating to student state testing from this rule does not cost or save school districts or schools money. Language removed is provided for in existing or new Board rule.

♦ **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. Removing language relating to student state testing from this rule does not cost or save individuals money. Language removed is provided for in existing or new Board rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Removing language from this rule and providing for the language in existing or new rules does not affect 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 08/01/2011

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

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

R277. Education, Administration.

R277-705. Secondary School Completion and Diplomas.

R277-705-1. Definitions.

~~[In addition to terms defined in Section 53A-1-602:~~

~~_____]~~A. "Accredited" means evaluated and approved under the Standards for Accreditation of the Northwest Accreditation Commission or the accreditation standards of the Board, available from the Utah State Office of Education Accreditation Specialist.

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

~~[C. "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.~~

~~_____]~~D. "Cut score" means the minimum score a student must attain for each subtest to pass the UBSCCT.

[E]D. "Demonstrated competence" means subject mastery as determined by LEA standards and review. LEA review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports or portfolios.

[F]E. "Diploma" means an official document awarded by an LEA consistent with state and LEA graduation requirements and the provisions of this rule.

[G]E. "Individualized Education Program (IEP)" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Utah Special Education Rules and Part B of the Individuals with Disabilities Education Act (IDEA).

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

[I]H. "Military child or children" means a K-12 public education student whose parent(s) or legal guardian(s) satisfies the definition of Section 53A-11-1401.

[J]I. "Secondary school" means grades 7-12 in whatever kind of school the grade levels exist.

[K]J. "Section 504 Plan" means a written statement of reasonable accommodations for a student with a qualifying disability that is developed, reviewed, and revised in accordance with Section 504 of the Rehabilitation Act of 1973.

[L]K. "Special purpose schools" means schools designated by regional accrediting agencies, such as the Northwest Accreditation Commission. These schools typically serve a specific population such as students with disabilities, youth in custody, or schools with specific curricular emphasis. Their courses and curricula are designed to serve their specific populations and may be modified from traditional programs.

[M]L. "Supplemental education provider" means a private school or educational service provider which may or may not be accredited, that provides courses or services similar to public school courses/classes.

[N]M. "Transcript" means an official document or record(s) generated by one or several schools which includes, at a minimum: the courses in which a secondary student was enrolled, grades and units of credit earned, UBSCCT scores and dates of testing, if applicable, citizenship and attendance records. The transcript is usually one part of the student's permanent or cumulative file which also may include birth certificate, immunization records and other information as determined by the school in possession of the record.

~~[O. "Utah Performance Assessment System for Students (U-PASS)" means:~~

~~_____ (1) criterion-referenced achievement testing of students in all grade levels in:~~

~~_____ (a) language arts (grades 3-11);~~

~~_____ (b) mathematics (grades 3-7) and pre-algebra, elementary Algebra 1, Algebra 2 and geometry;~~

~~_____ (c) science (grades 4-8) and earth systems, biology, chemistry, and physics; and~~

~~_____ (2) an online direct writing assessment in grades 5 and 8;~~

~~_____ (3) a tenth grade basic skills competency test as detailed in Section 53A-1-611 (suspended through at least the 2011-2012 school year); and~~

~~_____ (4) the use of student behavior indicators in assessing student performance.~~

~~_____ (5) The U-PASS Performance Report is suspended through at least the 2011-2012 school year.~~

~~_____]~~P]N. "Unit of credit" means credit awarded for courses taken consistent with this rule or upon LEA authorization or for mastery demonstrated by approved methods.

~~[Q. "Utah Alternative 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 instructional goals and objectives in the student's individual education program (IEP).~~

~~_____]~~R]O. "Utah Basic Skills Competency Test (UBSCT)" means a test to be administered to Utah students beginning in the tenth grade (suspended through at least the 2011-2012 school year) to include at a minimum components on English, language arts, reading and mathematics. Utah students shall satisfy the requirements of the UBSCT in addition to state and LEA graduation requirements prior to receiving a high school diploma indicating a passing score on all UBSCT subtests, for applicable school years (UBSCT requirements are suspended through at least the 2011-2012 school year).

[S]P. "UBSCT Advisory Committee" means a committee that is advisory to the Board with membership appointed by the Board, including appropriate representation of special populations from the following:

- (1) parents;
- (2) high school principal(s);
- (3) high school teacher(s);
- (4) school district superintendent(s);
- (5) Coalition of Minorities Advisory Committee;
- (6) Utah State Office of Education staff;
- (7) local school board(s);
- (8) higher education.

(UBSCT requirements are suspended through at least the 2011-2012 school year.)

R277-705-2. Authority and Purpose.

A. This rule is authorized by Article X, Section 3 of the Utah Constitution, which places general control and supervision of the public schools under the Board; Section 53A-1-402(1)(b) and (c) which direct the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; ~~[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, provide alternative methods for students to earn and schools to award credit, and to provide rules and procedures for the assessment of all students as required by law.

R277-705-4. Diplomas and Certificates of Completion.

A. LEAs shall award diplomas and certificates of completion.

B. Differentiated diplomas that reference the UBSCCT before the 2010-2011 school year and after the 2012-2013 school year shall include:

(1) a high school diploma indicating on the diploma that a student successfully completed all state and LEA course requirements for graduation and passed all subtests of the UBSCCT.

(2) a high school diploma indicating on the diploma that a student did not receive a passing score on all UBSCCT subtests; the student shall have:

(a) met all state and LEA course requirements for graduation; and

(b) beginning with the graduating class of 2007, participated in UBSCCT remediation consistent with LEA policies and opportunities; and

(c) provided documentation of at least three attempts to take and pass all subtests of the UBSCCT unless[:

~~(i)] the student took all subtests of the UBSCCT offered while the student was enrolled in Utah schools[; or~~

~~(ii) a student's IEP team has determined that the student's participation in statewide assessment is through the UAA.](UBSCCT requirements are suspended through at least the 2011-2012 school year).~~

C. LEAs shall establish criteria for students to earn a certificate of completion that may be awarded to students who have completed their senior year, are exiting the school system, and have not met all state or LEA requirements for a diploma.

R277-705-10. Student Rights and Responsibilities Related to Graduation, Transcripts and Receipt of Diplomas.

A. LEAs shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the LEA.

B. An LEA may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.

C. Diplomas or certificates, credit or unofficial transcripts may not be withheld from students for nonpayment of school fees.

D. LEAs shall establish consistent timelines for all students for completion of graduation requirements. Timelines shall be consistent with state law and this rule.

E. LEAs shall work with enrolled military children to evaluate the students' coursework or to assist students in completing coursework to allow military children to graduate with the students' age-appropriate graduating class consistent with Section 53A-11-1404.

F. Consistent with Section 53A-11-1404(3), if a Utah school is unable to facilitate a military child's receipt of diploma by evaluating coursework in Utah schools and previous schools attended, the Utah school shall contact the military child's previous local education agency and aid, to the extent possible, the receipt of a diploma.

G. Graduation [~~or U-PASS]~~requirements are not retroactive.

R277-705-11. Student Achievement Testing Exceptions.

~~A. The Board may exempt an LEA from U-PASS testing requirements if an LEA pilots an assessment system that incorporates:~~

~~(1) online classroom-based assessment that utilizes adaptive testing in all grades;~~

~~(2) online writing assessment in grades 4 through 12;~~

~~(3) assessments administered in grades 8, 10, and 11;~~

~~(4) college placement assessments in grades 11 to provide information for 12th grade high school course selections; and~~

~~(5) is subject to an accountability plan and high school graduation standards that are based on the assessment system described in R277-705-11A(1), (2), (3), and (4) above and developed and adopted by the Board.~~

~~B. Exemptions may not exceed three rural school districts, two urban school districts, and five charter schools.~~

~~C. Exemptions may not continue beyond July 1, 2010.~~

~~D. Students moving from an exempted LEA to a nonexempted LEA, or students moving from a nonexempted LEA to an exempted LEA during their 11th or 12th grade year may receive a diploma based on the requirements of their previous or new LEA as determined by the parents and school administrators of the LEA they attend at the time of graduation.~~

R277-705-12. High School Assessment Pilot Program.

~~A. The Board shall implement the High School Assessment Pilot Program (Program) consistent with Section 53A-1-603(7) to allow LEAs to:~~

~~(1) administer the ACT exam to secondary students for the 2010-11 and 2011-12 schools years; or~~

~~(2) administer a computer adaptive testing of basic skills, or both the ACT and computer adaptive testing.~~

~~B. The pilot Program shall extend until July 1, 2015.~~

~~C. The Board shall develop an application for LEAs choosing to participate in the Program.~~

~~D. The Board shall re-direct the money saved by not administering the UBSCCT to fund implementation of the Program.~~

~~E. LEAs participating in the Program shall assure:~~

~~(1) the LEA will continue required CRT testing;~~

~~(2) full participation and cooperation with evaluators and Board staff in implementing the Program;~~

~~(3) the local board or governing board has fully endorsed the LEA's participation in a public meeting; and~~

~~(4) the LEA agrees to provide participation data and results to the Board or the Utah State Legislature, or both, as a requirement of the Program.]~~

KEY: curricula

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

Notice of Continuation: February 2, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-1-603 through 53A-1-611; 53A-1-401(3)

**Education, Administration
R277-707**

Enhancement for Accelerated Students Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34937

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This new rule is in response to H.B. 2 and S.B. 1, 2011 General Session, that repealed the statutory language that established specific programs that serve accelerated students and created one new program entitled, Enhancements for Accelerated Students, which provides funding to support the academic achievement of students who achieve at above-average levels. The newly enacted statute, Section 53A-17a-165, Enhancement for Accelerated Students Program, and this new rule provide greater flexibility for using funds appropriated to local education agencies (LEAs) to enhance the academic growth of students whose academic achievement is accelerated. (DAR NOTE: H.B. 2 (2011) and S.B. 1 (2011) are effective 07/01/2011.)

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, procedures for eligibility, application, distribution, and use of funds, and requires performance criteria and reports.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-165 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 state will provide funding to schools and school districts for students whose academic achievement is accelerated, as appropriated.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. LEAs will continue to receive funding for students whose academic achievement is accelerated, but will have more flexibility in using funds for students.

♦ **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. LEAs will continue to receive funding for students whose academic achievement is accelerated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. LEAs will continue to receive funding for students whose academic achievement is accelerated.

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 08/01/2011

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

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

R277. Education, Administration.

R277-707. Enhancement for Accelerated Students Program.

R277-707-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Accelerated students" means children and youth whose superior academic performance or potential for accomplishment requires a differentiated and challenging instructional model that may include the following:
 - (1) Advanced placement courses: rigorous courses developed by College Board. Each course is developed by a committee composed of college faculty and AP teachers, and covers the breadth of information, skills, and assignments found in the corresponding college course. Students who perform well on the AP exam may be granted credit and/or advanced standing at participating colleges or universities.

(2) Gifted and talented programs: programs to assist individual students to develop their high potential and enhance their academic growth and identify students with outstanding abilities who are capable of high performance in the following areas:

- (a) general intellectual ability;
- (b) specific academic aptitude; and
- (c) creative or productive thinking.

(3) International Baccalaureate (IB) Program: a program established by the International Baccalaureate Organization. The Diploma Program is a rigorous pre-university course of study. Students who perform well on the IB exam may be granted credit and/or advanced standing at participating colleges or universities. The Middle Years Program (MYP) and Primary Years Program (PYP) emphasize an inquiry learning approach to instruction.

C. "Local Education Agency (LEA)" means a public school district or charter school, primarily intended to serve students grade K through 12.

D. "Weighted Pupil Unit (WPU)" means the basic state funding unit.

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

F. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the USOE through which local education agencies submit plans and budgets for USOE approval.

R277-707-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education system in the Board; Section 53A-17a-165 which allows the Board to adopt rules for the expenditure of funds appropriated for Enhancement for Accelerated Students Program; Section 53A-17a-165(5) which authorizes the Board to develop a funding formula and performance criteria to measure the effectiveness of the Enhancement for Accelerated Students Program; 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 specify the procedures for distributing funds appropriated under Section 53A-17a-165 to LEAs. The intent of this appropriation is to enhance the academic growth of students whose academic achievement is accelerated.

R277-707-3. Eligibility, Application, Distribution and Use of Funds.

A. All LEAs are eligible to apply for the Enhancement for Accelerated Students Program funds using the UCA.

B. LEAs shall have a process for identifying students whose academic achievement is accelerated based upon multiple assessment instruments. These instruments shall not be solely dependent upon English vocabulary or comprehension skills and shall take into consideration abilities of culturally diverse students and students with disabilities.

C. The distribution formula includes an allocation of money for:

(1) Advanced Placement courses:

(a) The designated funds for the Advanced Placement Program equal 0.38 multiplied by the difference between the funds

appropriated for the Enhancement for Accelerated Students Program less the allotment under Section 53A-17a-165(3).

(b) 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. This results in a fixed amount per exam passed. Each participating LEA shall receive that amount for each exam successfully passed by one of its students.

(2) Gifted and Talented programs:

(a) The designated funds for the Gifted and Talented Program equal 0.62 multiplied by the difference between the funds appropriated for the Enhancement for Accelerated Students Program less the allotment under Section 53A-17a-165(3).

(b) Each LEA shall receive its share of funds in the proportion that the LEA's number of weighted pupil units for kindergarten through grade twelve bears to the state total.

(3) international baccalaureate programs: LEAs shall have an IB authorized program to qualify for funds.

(i) Fifty percent of the total funds designated for IB consistent with Section 53A-17a-165(3) shall be equally distributed among all authorized IB programs in the state.

(ii) The remaining fifty percent of allocation shall be distributed to LEAs with Diploma Programs where students scored a grade of 4 or higher on IB exams, resulting in a fixed amount of dollars per exam passed.

R277-707-4. Performance Criteria and Reports.

A. LEAs receiving funds shall be required to submit an annual evaluation report to the USOE consistent with Section 53A-17a-165. The report shall include the following performance criteria related to the identified students whose academic achievement is accelerated:

(1) Number of identified students disaggregated by subgroups;

(2) Graduation rates for identified students;

(3) Number of AP classes taken, completed, and exams passed with a score of 3 or above by identified students;

(4) Number of IB classes taken, completed, and exams passed with a score of 4 or above by identified students;

(5) Number of Concurrent Enrollment classes taken and credit earned by identified students;

(6) ACT or SAT data (number of students participating, at or above the college readiness standards);

(7) Gains in proficiency in language arts; and

(8) Gains in proficiency in mathematics.

B. The USOE shall submit an annual report on program effectiveness to the Public Education Appropriations Subcommittee of the Utah State Legislature.

KEY: accelerated learning, enhancement program

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-165; 53A-17a-165(5); 53A-1-401(3)

Governor, Economic Development
R357-6
Technology and Life Science Economic
Development and Related Tax Credits

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 34930

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 63M-1-2907 requires a rule establishing the criteria to prioritize the issuance of tax credits and the procedures for documenting the Governor's Office of Economic Development's application of the criteria. This rule is being filed to address H.B. 496 from the 2011 General Session of the Utah State Legislature which funded tax credits for technology and life sciences companies. (DAR NOTE: H.B. 496 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This proposed new rule establishes the criteria for an entity to qualify for the technology and life sciences tax credit. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective 06/15/2011 is under DAR No. 34510 in this issue, July 1, 2011, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-2907

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no immediate anticipated costs or savings to the state budget due to this rule. However, should companies receive a tax credit, it will be paid out based on the criteria outlined in the rule which can result in costs to the state. It is worth noting that this incentive is post-performance and the percentage paid out is less than a company actually pays in to the economy.

◆ **LOCAL GOVERNMENTS:** There are no immediate anticipated costs or savings to local government. However, should these companies receive an incentive and do a project in Utah, the local government(s) where they decide to do their projects should greatly benefit economically.

◆ **SMALL BUSINESSES:** The rule anticipates issuing tax credit certificates up to \$1,300,000 to small businesses and investors in small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no direct anticipated costs or savings to persons other than small businesses. However, once projects are approved they could result in positive economic benefits for all persons in the state of Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons because the rule outlines an internal review procedure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule implements a statutory mandate to issue tax credits to qualifying technology and life sciences applicants. By design, the rule seeks to attract capital and investment into Utah's growing technology and life sciences industries. This rule will grow, expand, and capitalize Utah technology and life sciences companies.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 324 S STATE
 5TH FLOOR
 SALT LAKE CITY, UT 84111
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Greg Hartley by phone at 801-538-8743, by FAX at 801-538-8888, or by Internet E-mail at ghartley@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Spencer Eccles, Executive Director

R357. Governor, Economic Development.

R357-6. Technology and Life Science Economic Development and Related Tax Credits.

R357-6-1. Purpose.

(1) The purpose of these rules is to provide:

(a) the criteria upon which the Governor's Office of Economic Development will determine whether to award tax credits to applicants;

(b) the procedures for documenting the Governor's Office of Economic Development's application of this criteria;

(c) the procedures by which the Governor's Office of Economic Development issues tax credit certificates;

(d) the available tax credits for which applicants may apply.

R357-6-2. Authority.

(1) UCA 63M-1-2907 requires the office to make rules establishing criteria to prioritize the issuance of tax credits among applicants and to establish procedures for documenting the office's application of the criteria.

R357-6-3. Definitions.

(1) Terms in these rules are used as defined in UCA 63M-1-2902.

R357-6-4. Conditions.

(1) Applicants shall use the application form provided by the office and follow the procedures and requirements set forth in UCA 63M-1-2905 for obtaining a tax credit certificate.

(2) The office shall review and rank for approval accepted applications based upon the following criteria:

(a) The overall economic impact on the state related to providing tax credits, taking into account such factors as:

(i) the number of new incremental jobs to Utah; or

(ii) capital investment in the state; or

(iii) new state revenues; or

(iv) any combination of Subsections (i), (ii), or (iii); or

(v) other criteria as established by the office by policy publication.

(3) The office shall keep a record of the review and ranking of applications based on the criteria in subsection (2).

(4) The office, with advice from the board, may enter into an agreement with a business entity authorizing a tax credit if the business entity meets the standards under subsections (2) and (3) and according to the requirements and procedures set forth in UCA 63M-1-2909.

(5) A business entity is eligible for an economic development tax credit only if the office has entered into an agreement under subsection (4) with the business entity.

R357-6-5. Available Tax Credits

(1) An applicant may seek one of three types of tax credits, drawn from funds expressly set aside by the Legislature:

(a) a refundable tax credit for generating state tax revenue; or

(b) a non-refundable tax credit for investment in certain life sciences establishments; or

(c) a non-refundable tax credit for capital gains transactions related to a life sciences establishment.

(2) Eligibility shall be determined by:

(a) statutory requirements; and

(b) policy established by the office, with advice and consent of the board, which shall be posted on the office's public website; and

(c) the criteria listed in R357-6-4(2).

KEY: economic development, life sciences, new state revenue

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: 63M-1-2901

Insurance, Administration
R590-99
(Changed to R592-14)
 Delay or Failure to Record Documents
 and the Insuring of Properties with the
 False Appearance of Unmarketability
 as Unfair Title Insurance Practices

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34931

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The title number for the rule is changed from R590 to R592 making it a Title and Escrow Commission Rule. An enforcement date section has also been added.

SUMMARY OF THE RULE OR CHANGE: The rule changes include: changing the rule number to R592-14; replacing "commissioner" to "Title and Escrow Commission;" changing the code reference in the authority section; eliminating the background information in the first half of the purpose section; expanding the purpose section to include the scope of the rule noting that all title insurers and producers are affected; adding the words, "title insurance company or title insurance agent" to the end of Subsection R592-14-3(B); and adding an enforcement date section.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-404

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The changes to this rule will have no fiscal impact on the department or the state's budget since the major changes deal with ownership of the rule, elimination of background information in the purpose section, and the addition of an enforcement date section.

◆ **LOCAL GOVERNMENTS:** This rule will have no fiscal impact on local governments since it deals solely with the relationship between the department and its title licensees.

◆ **SMALL BUSINESSES:** There are no changes that will fiscally impact any of the department's licensees. Changes in the rule include the change in ownership of the rule; title insurance companies and agents being included in those that can call for a record to be delivered to the county recorder or other public official; and an enforcement date section.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no changes that will fiscally impact any of the department's licensees. Changes in the rule are a result of moving the rule from the jurisdiction of the department to that of the Title and Escrow Commission. Since there is no impact on the title industry, there will be no fiscal impact on insurance consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no changes that will fiscally impact any of the department's licensees. Changes in the rule are a result of moving the rule from the jurisdiction of the department to that of the Title and Escrow Commission. Since there is no impact on the title industry, there will be no fiscal impact on insurance consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no fiscal impact on the title industry or its consumers.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Jilene Whitby, Information Specialist

R[590]592. Insurance, [Administration]Title and Escrow Commission.

R[590-99]592-14. Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices.

R[590-99]592-14-1. Authority.

This rule is promulgated by the Title and Escrow Commission pursuant to ~~[the general authority vested in the commissioner by]~~ Section 31A-2-404(2), ~~[201(2)(3) to make reasonable rules necessary for, or as an aid to, the effectuation of any provision of the Utah Insurance Code, and pursuant to the specific authority of Section 31A-23a-402 allowing the commissioner to prescribe a classification of material inducements constituting unlawful trade practices, and to define unfair or deceptive acts or practices prohibited in the business of insurance.]~~

R[590-99]592-14-2. Purpose and Scope.

~~[Title insurance is designed to provide indemnification against loss, including a loss resulting from a determination of unmarketability of the insured's interest in real property. The burden of proving any loss, together with the measure of damages, is the obligation of the insured. Normally, a claim of unmarketability of title or a claim involving a "defect, lien or encumbrance" not excluded from coverage will arise in connection with a proposed sale or loan requiring a review of the insured property as to current marketability. The insured owner, as a potential seller or borrower, may then be placed in the position of being forced or coerced into dealing only with his prior insurer or agent purely as the result of time constraints in meeting the requirements of his transaction, and as the only practical alternative to processing his claim and proving his damage as an insured under his existing coverage. The commissioner is advised and is aware that, in some instances, this circumstance has resulted from the]~~ (1) The purpose of this rule is to prohibit intentional delay, neglect or refusal by insurers, through their agents, to record or deliver for recording documentation necessary to support policy insuring provisions, resulting in the false appearance of unmarketability, in the record only, of property which would otherwise be marketable. This practice is deemed to be an unfair or deceptive act or practice detrimental to free competition in the business of insurance and injurious to the public.

(2) This rule applies to all title insurers and producers.

R[590-99]592-14-3. Definitions.

For the purpose of this rule, the ~~[commissioner]~~Commission adopts the definitions as particularly set forth in Section 31A-1-301 and in addition the following:

A. "Document" means any instrument in writing relating to real property described in any title insurance policy, contract or commitment, and reasonably required for the support of the insuring provisions.

B. "Record" means to cause to be delivered to the county recorder, or other public official as may be appropriate, any document in the possession or control of any title insurance company or title insurance agent for which a request to record has been made by an insured party, title insurance company or title insurance agent.

R[590-99]592-14-4. Definition and Classification of Unfair or Deceptive Practices and Material Inducements.

A. Any knowing conduct by a title insurance company or title insurance agent which results in the failure, neglect, refusal to record, or to obtain for recording, any document which, unless recorded, results in the apparent unmarketability of title or a title which may not be insurable by another insurer, is defined as an unfair or deceptive act or practice as prohibited by Section 31A-23a-402.

B. The issuance or agreement to issue title insurance, or the affirmation of current marketability of title, when the possible recording of documents of title has not occurred, and the record does not manifest a title which would be insurable according to generally accepted title insurance standards, is classified and proscribed as an advantage and material inducement to obtaining title insurance business as prohibited under Section 31A-23a-402(2) (c)(i)(D).

R592-14-5. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

R[590-99-5]592-14-6. Severability.

If any provision or clause of this rule or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of this provision to other persons or circumstances may not be affected by it.

KEY: insurance law

Date of Enactment or Last Substantive Amendment:
[1994]2011

Notice of Continuation: January 27, 2007

Authorizing, and Implemented or Interpreted Law: 31A-2-
[201]404[; 31A-23-302]

Workforce Services, Administration R982-301 Councils

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 34934
FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to bring the rule into compliance with S.B. 19 from the 2011 General Session. (DAR NOTE: S.B. 19 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: S.B. 19 (2011) eliminated the regional councils. This change is being made to comply with that legislation. Additionally, state council members want to ensure that rural employers are represented on the state council. This rule change is being made at the council's request to ensure rural employers are represented.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This is a federally-funded program so there are no costs to the state budget. There may be a slight savings to the federal budget by the elimination of regional councils. Although support may still be needed for economic service areas, that support will not cost more than the support for the regional councils.

◆ **LOCAL GOVERNMENTS:** This is a federally-funded program so there are no costs of savings to local government.

◆ **SMALL BUSINESSES:** There are no costs or savings to any small businesses as there are no fees associated with this program and it is federally funded.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings to any other persons other than small businesses or local government entities as there are no fees associated with this program and it is federally funded.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact any employer's contribution rate.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employers contribution tax rate.

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

WORKFORCE SERVICES
ADMINISTRATION
140 E BROADWAY
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Kristen Cox, Executive Director

R982. Workforce Services, Administration.

R982-301. Councils.

R982-301-101. General Definitions.

1. Employer. This rule adopts the definition of employer as used in Section 35A-4-203 except that for purposes of this rule, and for purposes of membership on the State Council on Workforce Services, also known as the State Workforce Investment Board [~~or a Regional Council on Workforce Services;~~] an employer shall be a for-profit enterprise.

2. Median sized employer. The median sized employer shall be calculated, based on the previous calendar year, by the

~~[Division of Workforce Information and Payment Services] Workforce Research and Analysis Division~~ each June 30. The median sized employer ~~[in a region]~~ is determined by arranging the establishments in an array by number of employees including the number of employees in each employer size interval, and choosing the employer in the array that employs the middle number of employees.~~[The median sized employer in the state is determined similarly.]~~

3. Attendance. Pursuant to Subsection 35A-2-103(6)(b), a council member may be considered present at the meeting when given permission by the council chair to participate in the business of the meeting by videoconference or teleconference.

4. Conflict of Interest. Prior to voting on any matter before a council, a council member must disclose and declare for the council records any direct financial benefit the member would receive from a matter being considered by the council.

R982-301-102. State Council on Workforce Services.

1. Authority. As required by Subsections 35A-1-206(2)(a)(iv)(A) and 35A-1-206(2)(a)(iv)(B), this rule defines Small Employers and Large Employers for membership on the State Council on Workforce Services.

2. Definitions.

a. "Small employer" means an employer who employs fewer employees than the median sized employer in the state.

b. "Large employer" means an employer who employs a number of employees that is greater than or equal to the median sized employer in the state.

c. "Median Sized Employer" as used in R982-301-102(2)(a) and R982-301-102(2)(b) is based solely on the number of employees an employer has in his/her employ in the state during the calendar year.

d. "Rural employer" means an employer whose primary worksite is located in a rural area outside the Wasatch Front as determined by the Department.

e. Council membership shall include a large and a small rural employer.

~~**[R982-301-103. Regional Councils on Workforce Services.**~~

~~1. Authority. As required by Sections 35A-2-103(2)(a)(i) and 35A-2-103(2)(a)(ii) this rule defines small employers and large employers for membership on the Regional Councils on Workforce Services.~~

~~2. Definitions:~~

~~a. "Small employer" means an employer who employs fewer employees than the median sized employer in the region.~~

~~b. "Large employer" means an employer who employs a number of employees that is greater than or equal to the median sized employer in the region.~~

~~c. "Median Sized Employer" as used in R982-301-103(2)(a) and R982-301-103(2)(b) is based solely on the number of employees an employer has in his/her employ in the region during the calendar year.~~

~~3. Voting. A voting member of a regional council must either be present at a council meeting to vote or, if unable to attend a council meeting, may submit to a regional director in writing 24 hours in advance of a council meeting the member's vote on a specific matter or proposal before the council.~~

~~4. Council Leadership. A chair of a regional council may, in consultation with the regional director, appoint members of the council to be the vice chair or second vice chair to serve in leadership positions at the direction of the chair. The vice chair and second vice chair shall be representatives of private sector employers.~~

]KEY: councils

Date of Enactment or Last Substantive Amendment:

~~[November 4, 2002]~~**2011**

Notice of Continuation: June 26, 2007

Authorizing, and Implemented or Interpreted Law: 35A-1-104(1); 35A-1-206(2)(a)(iv)(A); 35A-1-206(2)(a)(iv)(B); 35A-2-103(2)(a)(i); 35A-2-103(2)(a)(ii)

**Workforce Services, Employment Development
R986-100
Employment Support Programs**

**NOTICE OF PROPOSED RULE
(Amendment)**

**DAR FILE NO.: 34933
FILED: 06/15/2011**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to meet federal guidelines and to streamline fair hearings.

SUMMARY OF THE RULE OR CHANGE: Pursuant to a recent audit by the Department of Agriculture, some issues were identified with the current language in the rules and one time limit. The food stamp regulations only allow 10 days for a client to request reopening for failure to participate in a hearing. The Department had allowed 30 days. This change is necessary to comply with federal regulations. Food stamp regulations use the term dismissal instead of default so that language has also been changed. Finally, the Department is asking clients to call 24 hours in advance of a hearing. This is because approximately 50% of clients do not participate in the hearing. If a client does not call in advance, another hearing can be scheduled for that time slot making better use of Department time and resources. A rehearing can be requested for clients who fail to call in advance.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 35A-1-303 and Subsection 35A-1-104(4) and Subsection 35A-3-302(5)(b)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: This applies to federally-funded programs so there are no costs or savings to the state budget.
- ◆ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to the local government.
- ◆ SMALL BUSINESSES: There will be no costs to small businesses to comply with these changes because this is a federally-funded program.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no costs to any persons or businesses other than small businesses or government entities to comply with these changes because there are no costs or fees associated with these proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with these changes for any persons because this is a federally-funded program and there are no fees or costs associated with these proposed changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 EMPLOYMENT DEVELOPMENT
 140 E 300 S
 SALT LAKE CITY, UT 84111-2333
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Kristen Cox, Executive Director

**R986. Workforce Services, Employment Development.
 R986-100. Employment Support Programs.
 R986-100-124. How Hearings Are Conducted.**

- (1) Hearings are held at the state level and not at the local level.
- (2) Where not inconsistent with federal law or regulation governing hearing procedure, the Department will follow the Utah Administrative Procedures Act.

(3) Hearings for all programs listed in R986-100-102 and overpayments and IPVs in Section 35A-3-601 et seq. are declared to be informal.

(4) Hearings are conducted by an ALJ or a Hearing Officer in the Division of Adjudication. A Hearing Officer has all of the same rights, duties, powers and responsibilities as an ALJ under these rules and the terms are interchangeable.

(5) Hearings are ~~usually~~ scheduled as telephone hearings. Every party wishing to participate in the telephone hearing must call the Division of Adjudication before the hearing and provide a telephone number where the party can be reached at the time of the hearing. If the client fails to call in advance, as required by the notice of hearing, the appeal will be dismissed.

(6) If a client requires an in-person hearing, the client must contact an ALJ and request that the hearing be scheduled as an in-person hearing. The request should be made sufficiently in advance of the hearing so that all other parties may be given notice of the change in hearing type and the opportunity to appear in person also. Requests will only be granted if the client can show that an in-person hearing is necessary to accommodate a special need or if the ALJ deems an in-person hearing is necessary to ensure an orderly and fair hearing which meets due process requirements. If the ALJ grants the request, all parties will be informed that the hearing will be conducted in person. Even if the hearing is scheduled as an in-person hearing, a party may elect to participate by telephone. In-person hearings are held in the office of the Appeals Unit unless the ALJ determines that another location is more appropriate. A[(6) If the client prefers an in-person hearing the client must contact the ALJ assigned to hear the case in advance of the hearing and request that the hearing be converted to an in-person hearing. An in-person hearing is conducted in one of the following ways, at the option of the client:

~~(a) the client can request that the hearing be conducted in the office of the ALJ and appear personally before the ALJ, but the Department representative and Department witnesses will be allowed to participate by telephone; or~~

~~(b) the client can participate from the local Employment Center [with the witnesses and Department employees who work in that particular Employment Center. The ALJ and any Department employees or witnesses who are in another location will participate from that location or locations by telephone].~~

(7) the Department is not responsible for any travel costs incurred by the client in attending an in-person hearing.

(8) the Division of Adjudication will permit collect calls from parties and their witnesses participating in telephone hearings.

R986-100-130. Default Order or Dismissal for Failure to Participate.

(1) The Department will issue a default order if an obligor in an IPV or IPV overpayment [and/or IPV] case fails to participate in the administrative process. Participation for an obligor means:

- (a) signing and returning to the Department an approved stipulation for repayment and making all of the payments as agreed,
 - (b) requesting and participating in a hearing, or
 - (c) paying the overpayment in full.
- (2) If a hearing has been scheduled at the request of a client or an obligor in a case not involving an IPV and the client or obligor fails to appear at or participate in the hearing, either in

person or through a representative, the ALJ will, unless a continuance or rescheduling has been requested, ~~[issue a default order]~~ dismiss the request for a fair hearing.

(3) A default order will be based on the record and best evidence available at the time of the order.

R986-100-131. Setting Aside A Default or Dismissal and/or Reopening the Hearing After the Hearing Has Been Concluded.

(1) Any party who fails to participate personally or by authorized representative as defined in R986-100-130 may request that the default order or dismissal be set aside and a hearing or a new hearing be scheduled. If a party failed to participate in a hearing but no decision has yet been issued, the party may request that the hearing be reopened.

(2) The request must be in writing, must set forth the reason for the request and must be mailed, faxed or delivered to the ALJ or presiding officer who issued the default order or dismissal within ten days of the issuance of the default or dismissal. If the request is made after the expiration of the ten-day time limit, the party requesting reopening must show good cause for not making the request within ten days.

(3) The ALJ has the discretion to schedule a hearing to determine if a party requesting that a default order or dismissal be set aside or a reopening satisfied the requirements of this rule or may grant or deny the request on the basis of the record in the case.

(4) If a presiding officer issued the default or dismissal, the officer shall forward the request to the Division of Adjudication. The request will be assigned to an ALJ who will then determine if the party requesting that the default or dismissal be set aside or that the hearing be reopened has satisfied the requirements of this rule.

(5) The ALJ may, on his or her own motion, reschedule, continue or reopen a case if it appears necessary to take continuing jurisdiction based on a mistake as to facts or if the denial of a hearing would be an affront to fairness. A presiding officer may, on his or her own motion, set aside a default or dismissal on the same grounds.

(6) If a request to set aside the default or dismissal or a request for reopening is not granted, the ALJ will issue a decision denying the request to reopen. A copy of the decision will be given or mailed to each party, with a clear statement of the right of appeal or judicial review. A defaulted party may appeal a denial of a request to set aside a default or dismissal by following the procedure in R986-100-135. The appeal can only contest the denial of the request to set aside the default and not the underlying merits of the case. If the default or dismissal is set aside on appeal, the Executive Director or designee may rule on the merits or remand the case to an ALJ for a ruling on the merits on an additional hearing if necessary.

R986-100-132. What Constitutes Grounds to Set Aside a Default or Dismissal.

(1) A request to reopen or set aside for failure to participate:

(a) will be granted if the party was prevented from participating and/or appearing at the hearing due to circumstances beyond the party's control;

(b) may be granted upon such terms as are just for any of the following reasons: mistake, inadvertence, surprise, excusable neglect or any other reason justifying relief from the operation of the decision. The determination of what sorts of neglect will be considered excusable is an equitable one, taking into account all of the relevant circumstances including:

(i) the danger that the party not requesting reopening will be harmed by reopening,

(ii) the length of the delay caused by the party's failure to participate including the length of time to request reopening,

(iii) the reason for the request including whether it was within the reasonable control of the party requesting reopening,

(iv) whether the party requesting reopening acted in good faith, and

(v) whether the party was represented by another at the time of the hearing. Because they are required to know and understand Department rules, attorneys and professional representatives are held to a higher standard, and

(vi) whether based on the evidence of record and the parties arguments or statements, setting aside the default and taking additional evidence might effect the outcome of the case.

(2) Requests to reopen or set aside are remedial in nature and thus must be liberally construed in favor of providing parties with an opportunity to be heard and present their case. Any doubt must be resolved in favor of granting reopening.

R986-100-133. Canceling an Appeal and Hearing.

When a client notifies the Division of Adjudication or the ALJ that the client wants to cancel the hearing and not proceed with the appeal, a decision dismissing the appeal will be issued. This decision will have the effect of upholding the Department decision. The client will have ~~[30]~~ten days in which to reinstate the appeal by filing a written request for reinstatement with the Division of Adjudication.

R986-100-135. Further Appeal From the Decision of the ALJ or Presiding Officer.

Either party has the option of appealing the decision of the ALJ or presiding officer to either the Executive Director or person designated by the Executive Director or to the District Court. The appeal must be filed, in writing, within 30 days of the issuance of the decision of the ALJ or presiding officer. If a request for a fair hearing is not timely filed under R986-100-123, there are no further appeal rights.

KEY: employment support procedures

Date of Enactment or Last Substantive Amendment: [~~April 11,~~ 2011

Notice of Continuation: September 8, 2010

Authorizing, and Implemented or Interpreted Law: 35A-3-101 et seq.; 35A-3-301 et seq.; 35A-3-401 et seq.

Workforce Services, Employment
Development
R986-500-506

Safeguarding Records

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 34935

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to safeguard adoption records.

SUMMARY OF THE RULE OR CHANGE: The Department previously kept hard copies of adoption records in one location under lock and key. Since the Department has basically gone electronic, scanning all documents, this is no longer possible. Instead of scanning the documents which might contain sensitive adoption information, a Department employee will verify the information and the documents will no longer be kept.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 35A-3-114 and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no anticipated costs of savings to the state budget as these proposed changes are nonsubstantive in nature and will not affect current funding levels.
- ◆ **LOCAL GOVERNMENTS:** These changes are nonsubstantive in nature and the program is state funded so there will be no costs or savings to local government.
- ◆ **SMALL BUSINESSES:** These proposed are nonsubstantive in nature so there will be no costs or savings to any small business.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These proposed nonsubstantive in nature so there will be no costs or savings to other persons, businesses other than small businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as these changes are nonsubstantive in nature and there are no costs for complying.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.

R986-500. Adoption Assistance.

R986-500-506. Safeguarding Records.

~~[Records pertaining to the adoption will not be kept in the client's case file but will be sent to the Department of Adoption Assistance Specialist and kept private. This includes verification of relinquishment and anything that would identify any agency, organization, or individual assisting with the adoption.]~~Records pertaining to the adoption will not be kept or imaged by the Department. This includes verification of relinquishment and anything that would identify any agency, organization, or individual assisting with the adoption.

The Department must, however, review required legal documentation verifying that the client has relinquished custody for the purposes of adoption. The legal documentation consists of either a court document or statement from the adoption agency.

The client's file will contain a Verification of Relinquishment form signed by the Department employee who viewed and verified the legal documentation.

KEY: adoption assistance

Date of Enactment or Last Substantive Amendment:
[September 29, 2008]2011

Notice of Continuation: September 8, 2010

Authorizing, and Implemented or Interpreted Law: 35A-3-114

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period, and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends August 1, 2011.

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

From the end of the 30-day waiting period through October 29, 2011, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses and the agency must start the process over.

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

The Changes in Proposed Rules Begin on the Following Page

**Insurance, Title and Escrow
Commission
R592-6-4
Unfair Methods of Competition, Acts
and Practices**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 34510

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule changes are to clarify provisions of Section R592-6-4 that identify unfair methods of competition or acts. The Title and Escrow Commission have proposed changes and discussed them in their monthly meetings with members of the public present and providing input. These meetings are open to the public and agendas and minutes are posted on the department's website.

SUMMARY OF THE RULE OR CHANGE: The changes to Section R592-6-4 include: changes to Subsection (9) clarifying that a title insurer cannot furnish a room to a client or trade association except to allow them to provide escrow or title services or meetings related to such; Subsection (14) notes that pre-payments do not include those for overnight delivery/mail fees; and Subsection (21) clarifies when loan and financing can and cannot be offered by a title licensee. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the April 1, 2011, issue of the Utah State Bulletin, on page 9. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-2-404

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The changes to this rule will have no impact on the work of the department or the revenue coming into it or the state. The changes simply clarify unfair methods of competition, acts, and practices already in the rule.
- ◆ **LOCAL GOVERNMENTS:** Local governments will not be affected by this rule. The rule continues to disallow anyone affiliated with the title and escrow transaction from also providing a loan for anyone involved in that transaction, and clarifies transactions in which a loan may be provided.

◆ **SMALL BUSINESSES:** Most title agencies that this rule regulates are small businesses. The three subsections amended restrict spending by the title agency to influence the building, real estate and mortgage lending entities from bringing their business to them. Subsection R592-6-4(14) restricts the fees that can be collected from the consumer and allows recovery of other expenses. Subsection R592-6-4(21) specifically prohibits inducements through loans.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes should have no fiscal impact on title customers. The changes are directed at the relationship between title agencies and agents and the way they obtain insurance from builders, real estate agents and mortgage lenders.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The three subsections that have been amended restrict spending by the title agency to influence the real estate and mortgage lending industries to bring business to them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Agencies should save money currently being spent attracting business from builders, real estate and mortgage lenders. They should put everyone on the same playing field and require competition in services provided by title agencies.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/01/2011

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

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R592. Insurance, Title and Escrow Commission.
R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.**

R592-6-4. Unfair Methods of Competition, Acts and Practices.

In addition to the acts prohibited under Section 31A-23a-402, the Commission finds that providing or offering to provide any of the following benefits by parties identified in Section R592-6-2 to any client, either directly or indirectly, except as specifically

allowed in Section R592-6-5 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(1) The furnishing of a title insurance commitment without one of the following:

(a) sufficient evidence in the file of the title insurer, agency or producer that a bona fide real estate transaction exists; or

(b) payment in full at the time the title insurance commitment is provided.

(2) The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

(3) Furnishing escrow services pursuant to Section 31A-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5); or

(b) the filing of charges for escrow services with the Utah Insurance Commissioner (commissioner), which are less than the actual cost of providing the services.

(4) Waiving all or any part of established fees or charges for services which are not the subject of rates or escrow charges filed with the commissioner.

(5) Deferring or waiving any payment for insurance or services otherwise due and payable, including a series of real estate transactions for the same parcel of property.

(6) Furnishing services not reasonably related to a bona fide title insurance, escrow, settlement, or closing transaction, including non-related delivery services, accounting assistance, or legal counseling.

(7) The paying for, furnishing, or waiving all or any part of the rental or lease charge for space which is occupied by any client.

(8) Renting or leasing space from any client, regardless of the purpose, at a rate which is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by any client.

(9) Furnishing any part of a title insurer's, title agency's, or title producer's facilities, for example, conference rooms or meeting rooms, to a client or its trade association, for anything other than the providing of escrow or title services, or meetings related to such, without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

(10) The co-habitation or sharing of office space with a client of a title insurer, title agency, or title producer.

(11) Furnishing all or any part of the time or productive effort of any employee of the title insurer, agency or producer, for example, secretary, clerk, messenger or escrow officer, to any client.

(12) Paying for all or any part of the salary of a client or an employee of any client.

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

(14) Paying for the fees or charges of a professional, for example, an appraiser, surveyor, engineer or attorney, or for the pre-

payment of fees and charges of a client or party to the transaction, for example subordination, loan or HOA payoff request fees, whose services are required by any party or client to structure or complete a particular transaction. This subsection does not include the prepayment of overnight delivery/mail fees that will be recovered through closing of a transaction.

(15) Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity of a client, except as allowed under Subsection R592-6-5(6). Activities include open houses at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

(16) Sponsoring, cosponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R592-6-5(2) or otherwise providing things of value for promotional activities of a client. Title insurers, agencies or producers may attend activities of a client if there is no additional cost to the title insurer, agency or producer other than their own entry fees, registration fees, meals, and provided that these fees are no greater than those charged to clients or others attending the function.

(17) Providing gifts or anything of value to a client in connection with social events such as birthdays or job promotions. A letter or card in these instances will not be interpreted as providing a thing of value.

(18) Furnishing or providing access to the following, even for a cost:

- (a) building plans;
- (b) construction critical path timelines;
- (c) "For Sale by Owner" lists;
- (d) surveys;
- (e) appraisals;
- (f) credit reports;
- (g) mortgage leads for loans;
- (h) rental or apartment lists; or
- (i) printed labels.

(19) Newsletters cannot be property specific or cannot highlight specific customers.

(20) A title insurer, agency or producer cannot provide a client access to any software accounts that are utilized to access real property information that the insurer, agency or producer pays for, develops, or pays to maintain. Closing software is exempt as long as it is used for a specific closing.

(21)(a) A title insurer, agency or producer cannot provide title or escrow services on real property where an existing or anticipated investment loan or financing has been or will be provided by said title insurer, agency or producer, including its owners~~[-]~~ or employees~~[-]~~ or affiliates~~[-]~~.

(b) Subsection (21)(a) does not apply to such transactions~~[-]~~:

~~(i) involving seller financing,[- of primary or secondary residences;~~

~~(ii) involving commercial office property owned and maintained by those persons or entities described in (a) herein;~~

~~(iii) obtained through a trustee's sale; or~~

~~(iv) re-acquired by the original owner by a stated default.]~~

(22) Paying for any advertising on behalf of a client.

(23) Advertising jointly with a client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title insurer, agency or producer may advertise independently that it has provided title insurance for a particular subdivision or condominium project but may not indicate that all future title insurance will be written by that title insurer, agency or producer.

(24) Advertisements may not be placed in a publication, including an internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a client.

(25) A donation may not be made to a charitable organization created, controlled or managed by a client.

(26) A direct or indirect benefit, provided to a client which is not specified in Section R592-6-5 below, will be investigated by the department for the purpose of determining whether it should be defined by the Commission as an unfair inducement under Section 31A-23a-402(8).

(27) Title insurers, agencies and producers who have ownership in, or control of, other business entities, including I.R.C. Section 1031 qualified intermediaries and escrow companies, may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid the provisions of this rule.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, and Implemented or Interpreted Law: 31A-2-404

Regents (Board of), University of Utah, Administration

R805-5

Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 34808

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Proposed Rule R805-5 has been changed in order to be more consistent with the Utah Indoor Clean Air Act's purpose of regulating secondhand tobacco smoke. Because the Utah Indoor Clean Air Act does not currently regulate the use of e-cigarettes which produce non-tobacco vapors, the proposed Rule R805-5 has been modified to eliminate e-cigarette use from its scope (at least those that don't produce tobacco vapors).

SUMMARY OF THE RULE OR CHANGE: The definition of "smoke" or "smoking" has been changed to no longer include

the use of e-cigarettes. An additional definition of "lighted tobacco" has been added to proposed Rule R805-5 in order to clarify that "smoke" or "smoking" in the rule includes circumstances where tobacco is ignited or heated to a point of smoking or vaporizing. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the June 1, 2011, issue of the Utah State Bulletin, on page 99. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 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:** There is no change from the original rule filing. No significant cost or savings to the state budget because UUHC facilities will not require additional state funds to initiate and enforce this rule.

♦ **LOCAL GOVERNMENTS:** There is no change from the original rule filing. No significant cost or savings to local governments because this rule applies to individual persons, not local governmental entities.

♦ **SMALL BUSINESSES:** There is no change from the original rule filing. No significant cost or savings to small businesses because this rule applies to individuals, not small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no change from the original rule filing. No significant cost or savings except for those individual persons who violate this rule and subject themselves to the possibility of monetary fines.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change from the original rule filing. Violators of the rule may be subject to monetary fines by University of Utah Hospitals and Clinics and/or the State Department of Health.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no change from the original rule filing. 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 08/01/2011

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

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.

.....

R805-5-3. Definitions.

1. "Designated smoking area" means an outdoor area equipped with signs indicating that smoking is permitted.

2. "Lighted tobacco" means both tobacco that is under self sustained combustion and tobacco that is heated to a point of smoking or vaporizing.

[2]3. "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]4. "Smoke" or "Smoking" means the possession of any lighted tobacco product[~~or activated electronic cigarette~~] in any form.

[4]5. "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]6. "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.

.....

R805-5-5. 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

End of the Notices of Changes in Proposed Rules Section

**NOTICES OF
120-DAY (EMERGENCY) RULES**

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that 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.

**Agriculture and Food, Animal Industry
R58-20
Domesticated Elk Hunting Park**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34906
FILED: 06/07/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to address the need to dissolve elk hunting parks that have been closed by the owner of the license and to remove any abandoned elk.

SUMMARY OF THE RULE OR CHANGE: A new Section R58-20-13 is added to Rule R58-20 to allow the Department of Agriculture and Food to remove elk that were abandoned on a hunting park licensed by the Department.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-39-103 and Section 4-39-106 and Title 4, Chapter 39

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: The issue of dissolving a hunting park is not addressed in current rule and all elk in a hunting park must be followed from relocation to the hunting park and

eventually to harvest. The state law that needs to be followed is the Domesticated Elk Act, Title 4, Chapter 39.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** State funds in a full time employee will be required to locate and remove abandoned elk.
- ◆ **LOCAL GOVERNMENTS:** No local government funds will be used or have been used for this program. They do not regulate Elk Hunting Parks.
- ◆ **SMALL BUSINESSES:** Licensed individuals that abandon elk will be asked to compensate the State of Utah for the elk's removal.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No other entities are affected by this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individuals that have licensed a premises as an elk hunting park must remove all elk upon dissolving the hunting park. Those individuals can pay to have it done before the dissolution of the park or will be required to pay costs associated with removal of elk by the Department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: When a licensed individual dissolves an elk hunting park, that individual is required to remove all elk from the premises. They must be ready to pay for the cost of removal before they turn over the premises.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
AGRICULTURE AND FOOD
ANIMAL INDUSTRY

350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Kyle Stephens by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at kylestephens@utah.gov

EFFECTIVE: 06/07/2011

AUTHORIZED BY: Leonard Blackham, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-20. Domesticated Elk Hunting Parks.

R58-20-13. Dissolution of an Elk Hunting Park.

(1) Before an elk hunting park can be dissolved all elk must be removed from the premises.

(2) Any abandoned elk will be removed by the Utah Department of Agriculture and Food using lethal means.

(a) Carcasses will be disposed of by either disposal in an approved landfill, incineration, or donated as a charitable food item in compliance with Section 4-34-2 of the Utah Agriculture Code.

(b) Costs for removal of abandoned elk will be charged to the owner of the elk hunting park.

R58-20-14[13]. Liability.

(1) All laws found in Section 4-39-401 concerning the escape of domesticated elk are applicable to hunting parks.

(2) A hunting park owner shall remove all wild big game animals prior to enclosing the park. If wild big game animals are found within the park after it has been licensed, the owner shall notify the Division of Wildlife Resources within 48 hours. A cooperative removal program may be designed by the parties involved to remove the animals.

(3) No person(s) may hunt domestic elk in an approved park without first being issued written permission to do so from the owner. The approval document shall be in the hunter's possession during hunting times. Hunting hours will be from 1/2 hour before sunrise to 1/2 hour after sunset.

(4) In accordance with the state's governmental immunity act, as found in Section 63G-7-101, et seq., the granting of a hunting park license or the imposing of a requirement to gain an owner's permission does not attach any liability to the state for any accident, mishap or injury that occurs on, adjacent to, or in connection with the hunting park.

KEY: inspections

Date of Enactment or Last Substantive Amendment: June 7, 2011

Notice of Continuation: February 23, 2009

Authorizing, and Implemented or Interpreted Law: 4-39-106

**Governor, Economic Development
R357-6
Technology and Life Science Economic
Development and Related Tax Credits**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 34929

FILED: 06/15/2011

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 63M-1-2907 requires a rule establishing the criteria to prioritize the issuance of tax credits and the procedures for documenting the Governor's Office of Economic Development's application of the criteria. This rule is being filed to address H.B. 496 from the 2011 General Session of the Utah State Legislature which funded tax credits for technology and life sciences companies. (DAR NOTE: H.B. 496 (2011) was effective 05/10/2011.)

SUMMARY OF THE RULE OR CHANGE: This rule establishes the criteria for an entity to qualify for the technology and life sciences tax credit. (DAR NOTE: A corresponding proposed new Rule R357-6 is under DAR No. 34930 in this issue, July 1, 2011, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-2907

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: While this tax credit became official on 05/10/2011, submissions for entities wishing to apply to receive it are due on 07/01/2011. Therefore this emergency rule is submitted in order to have it in place immediately so those wishing to apply can do so.

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no immediate anticipated costs or savings to the state budget due to this rule. However, should companies receive a tax credit, it will be paid out based on the criteria outlined in the rule which can result in costs to the state. It is worth noting that this incentive is post-performance and the percentage paid out is less than a company actually pays in to the economy.

◆ **LOCAL GOVERNMENTS:** There are no immediate anticipated costs or savings to local government. However, should these companies receive an incentive and do a project in Utah, the local government(s) where they decide to do their projects should greatly benefit economically.

- ◆ **SMALL BUSINESSES:** The rule anticipates issuing tax credit certificates up to \$1,300,000 to small businesses and investors in small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no direct anticipated costs or savings to persons other than small businesses. However, once projects are approved they could result in positive economic benefits for all persons in the state of Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons because the rule outlines an internal review procedure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The rule implements a statutory mandate to issue tax credits to qualifying technology and life sciences applicants. By design, the rule seeks to attract capital and investment into Utah's growing technology and life sciences industries. This rule will grow, expand, and capitalize Utah technology and life sciences companies.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 GOVERNOR
 ECONOMIC DEVELOPMENT
 324 S STATE
 5TH FLOOR
 SALT LAKE CITY, UT 84111
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Greg Hartley by phone at 801-538-8743, by FAX at 801-538-8888, or by Internet E-mail at ghartley@utah.gov

EFFECTIVE: 06/15/2011

AUTHORIZED BY: Spencer Eccles, Executive Director

R357. Governor, Economic Development.
R357-6. Technology and Life Science Economic Development and Related Tax Credits.
R357-6-1. Purpose.
 (1) The purpose of these rules is to provide:
 (a) the criteria upon which the Governor's Office of Economic Development will determine whether to award tax credits to applicants;
 (b) the procedures for documenting the Governor's Office of Economic Development's application of this criteria;
 (c) the procedures by which the Governor's Office of Economic Development issues tax credit certificates;
 (d) the available tax credits for which applicants may apply.

R357-6-2. Authority.
 (1) UCA 63M-1-2907 requires the office to make rules establishing criteria to prioritize the issuance of tax credits among applicants and to establish procedures for documenting the office's application of the criteria.

R357-6-3. Definitions.
 (1) Terms in these rules are used as defined in UCA 63M-1-2902.

R357-6-4. Conditions.
 (1) Applicants shall use the application form provided by the office and follow the procedures and requirements set forth in UCA 63M-1-2905 for obtaining a tax credit certificate.
 (2) The office shall review and rank for approval accepted applications based upon the following criteria:
 (a) The overall economic impact on the state related to providing tax credits, taking into account such factors as:
 (i) the number of new incremental jobs to Utah; or
 (ii) capital investment in the state; or
 (iii) new state revenues; or
 (iv) any combination of Subsections (i), (ii), or (iii); or
 (v) other criteria as established by the office by policy publication.

(3) The office shall keep a record of the review and ranking of applications based on the criteria in subsection (2).
 (4) The office, with advice from the board, may enter into an agreement with a business entity authorizing a tax credit if the business entity meets the standards under subsections (2) and (3) and according to the requirements and procedures set forth in UCA 63M-1-2909.
 (5) A business entity is eligible for an economic development tax credit only if the office has entered into an agreement under subsection (4) with the business entity.

R357-6-5. Available Tax Credits.
 (1) An applicant may seek one of three types of tax credits, drawn from funds expressly set aside by the Legislature:
 (a) a refundable tax credit for generating state tax revenue; or
 (b) a non-refundable tax credit for investment in certain life sciences establishments; or
 (c) a non-refundable tax credit for capital gains transactions related to a life sciences establishment.
 (2) Eligibility shall be determined by:
 (a) statutory requirements; and
 (b) policy established by the office, with advice and consent of the board, which shall be posted on the office's public website; and
 (c) the criteria listed in R357-6-4(2).

KEY: economic development, life sciences, new state revenue
Date of Enactment or Last Substantive Amendment: June 15, 2011
Authorizing, and Implemented or Interpreted Law: 63M-1-2901

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.

Community and Culture, History **R212-3** Memberships, Sales, Gifts, Bequests, Endowments

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34918
FILED: 06/14/2011

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: Authority is given to the Division of State History to publish an historical magazine, to furnish it to dues-paying members, and to deposit money from membership dues in the General Fund as restricted revenue of the Utah State Historical Society.

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 during the past five years either in support of or opposition to 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 "Utah Historical Quarterly," which began publication in 1928 and is now in its 79th volume, remains a popular history magazine with both professional historians and the interested public. The rule provides the mechanism

to collect, deposit, and expend membership dues. Therefore, this rule should be continued.

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

COMMUNITY AND CULTURE
HISTORY
300 RIO GRANDE
SALT LAKE CITY, UT 84101-1182
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Lynette Lloyd by phone at 801-533-3553, by FAX at 801-533-3567, or by Internet E-mail at lynettelloyd@utah.gov

AUTHORIZED BY: Wilson Martin, Associate Director

EFFECTIVE: 06/14/2011

Community and Culture, History **R212-8** Preservation Easements

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 34919
FILED: 06/14/2011

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 Sections 9-8-503 and 9-8-504, pertaining to preservation easements and ensuring the adequate handling of them.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received 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 rule ensures and provides necessary guidance and consistency for the adequate handling of preservation easements, as per Sections 9-8-503 and 9-8-504. Therefore, this rule should be continued

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 COMMUNITY AND CULTURE
 HISTORY
 300 RIO GRANDE
 SALT LAKE CITY, UT 84101-1182
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Lynette Lloyd by phone at 801-533-3553, by FAX at 801-533-3567, or by Internet E-mail at lynettelloyd@utah.gov

AUTHORIZED BY: Wilson Martin, Associate Director

EFFECTIVE: 06/14/2011

**Environmental Quality, Solid and
 Hazardous Waste
 R315-12
 Administrative Procedures**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 34920
 FILED: 06/14/2011**

**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 63G, Chapter 4, requires

these rules for all state agencies that determine legal interests of persons including all actions related to an authority, right, or license and the judicial review of all such actions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received during 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 for the Division of Solid and Hazardous Waste to set forth administrative procedures for persons seeking administrative review of an agency action on orders, notices of violation, and other administrative decisions. Therefore, this rule should be continued. This rule will be repealed and replaced in the future as part of a Department of Environmental Quality administrative procedures consolidation. Administrative procedures regulations will be found in the Department Rule R305-6.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 SOLID AND HAZARDOUS WASTE
 SECOND FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3097
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Susan Toronto by phone at 801-536-0233, by FAX at 801-536-0222, or by Internet E-mail at storonto@utah.gov

AUTHORIZED BY: Scott Anderson, Director

EFFECTIVE: 06/14/2011

**Insurance, Administration
 R590-206
 Privacy of Consumer Financial and
 Health Information Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION
 DAR FILE NO.: 34921
 FILED: 06/15/2011**

**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: Statutory provisions for this rule include: Sections 31A-2-201 and 31A-2-202 that give the commissioner the authority to administer and enforce the Insurance Code, Title 31A, and perform the duties imposed by it; Title V, Section 505 (15 USC 6805) empowers the commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999 (15 USC 6801 through 6820). Title V, Section 505 (15 USC 6805(b)(2)) authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act. The commissioner is also authorized under Subsection 31A-23a-417(3) to adopt rules implementing the requirements of Title V, Section 501(b) of the federal 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 written comments regarding or requests to change this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Federal law requires states to comply with the privacy laws and to implement them by rule. The rule governs the treatment of nonpublic personal health and financial information about individuals by all licensees of the department. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/15/2011

Insurance, Title And Escrow
Commission
R592-11

Title Insurance Producer Annual and
Controlled Business Reports

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

DAR FILE NO.: 34932

FILED: 06/15/2011

**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: The statutory provisions for this rule include: Subsection 31A-2-404(2)(a) that requires the Title and Escrow Commission to make rules related to title insurance; Section 31A-23a-413 that requires the annual filing of a report by each title insurance producer, as defined in Section R592-11-3, containing a verified statement of the producer's financial condition, transactions, and affairs; and Subsection 31A-23a-503(8) requiring the annual filing of a controlled business report. The rule specifies what is to be filed with the producer annual report and controlled business report, when they are to be filed and requires them to be filed electronically.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Even with the amendment made to the rule in 2009, the department has not received any written comments requesting changes in or repeal 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: This rule is needed to establish the form and filing deadline for the Title Insurance Producer Annual Report and Controlled Business Report required by Section 31A-23a-413 and Subsection 31A-23a-503(8)(a). Therefore, this rule should be continued.

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

INSURANCE
TITLE AND ESCROW COMMISSION
ROOM 3110 STATE OFFICE BLDG

450 N MAIN ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/15/2011

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

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

Technology Services

Administration

No. 34681 (AMD): R895-2. Americans with Disabilities Act (ADA) Complaint Procedure

Published: 05/01/2011

Effective: 06/08/2011

Agriculture and Food

Plant Industry

No. 34430 (AMD): R68-7. Utah Pesticide Control Act

Published: 03/01/2011

Effective: 06/02/2011

No. 34498 (AMD): R68-7-10. Responsibilities of Business and Applicator

Published: 04/01/2011

Effective: 06/02/2011

Transportation

Operations, Maintenance

No. 34693 (NEW): R918-5. Construction or Improvement of Highway

Published: 05/01/2011

Effective: 06/07/2011

Workforce Services

Employment Development

No. 34516 (AMD): R986-100-113. A Client Must Inform the Department of All Material Changes

Published: 04/01/2011

Effective: 06/15/2011

No. 34677 (AMD): R986-200-205. How to Determine Who Is Included in the Household Assistance Unit

Published: 05/01/2011

Effective: 06/15/2011

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 34562 (AMD): R414-501-3. Preadmission Authorization

Published: 05/01/2011

Effective: 06/07/2011

Insurance

Administration

No. 34548 (AMD): R590-167. Individual, Small Employer, and Group Health Benefit Plan Rule

Published: 04/15/2011

Effective: 06/15/2011

No. 34546 (AMD): R986-200-215. Family Employment Program Two Parent Household (FEPTP)

Published: 04/15/2011

Effective: 06/15/2011

No. 34678 (AMD): R986-700. Child Care Assistance

Published: 05/01/2011

Effective: 06/15/2011

Public Safety

Criminal Investigations and Technical Services, Criminal Identification

No. 34679 (AMD): R722-300. Concealed Firearm Permit and Instructor Rule

Published: 05/01/2011

Effective: 06/07/2011

**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 June 15, 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 | 2011-11/105 |
| <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 |
| R58-20 | Domesticated Elk Hunting Park | 34906 | EMR | 06/07/2011 | Not Printed |
| <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 |
| R68-7 | Utah Pesticide Control Act | 34430 | AMD | 06/02/2011 | 2011-5/2 |
| R68-7-10 | Responsibilities of Business and Applicator | 34456 | NSC | 06/02/2011 | Not Printed |
| R68-7-10 | Responsibilities of Business and Applicator | 34498 | AMD | 06/02/2011 | 2011-7/2 |
| 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 | 34517 | 5YR | 03/16/2011 | 2011-8/30 |
| R70-410 | Condensed and Dry Whey Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes | 34378 | 5YR | 01/24/2011 | 2011-4/35 |
| ALCOHOLIC BEVERAGE CONTROL | | | | | |
| <u>Administration</u> | | | | | |
| R81-1 | Scope, Definitions, and General Provisions | 34787 | 5YR | 05/10/2011 | 2011-11/123 |
| 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 | 2011-11/124 |
| R81-3 | Package Agencies | 34789 | 5YR | 05/10/2011 | 2011-11/125 |
| R81-3-13 | Operational Restrictions | 34340 | AMD | 02/24/2011 | 2011-2/6 |
| R81-4A | Restaurant Liquor Licenses | 34790 | 5YR | 05/10/2011 | 2011-11/125 |
| R81-5 | Private Clubs | 34791 | 5YR | 05/10/2011 | 2011-11/126 |
| R81-6 | Special Use Permits | 34792 | 5YR | 05/10/2011 | 2011-11/127 |
| R81-7 | Single Event Permits | 34793 | 5YR | 05/10/2011 | 2011-11/128 |
| R81-8 | Manufacturers (Distillery, Winery, Brewery) | 34794 | 5YR | 05/10/2011 | 2011-11/128 |
| R81-9 | Liquor Warehousing License | 34795 | 5YR | 05/10/2011 | 2011-11/129 |
| R81-11 | Beer Wholesalers | 34796 | 5YR | 05/10/2011 | 2011-11/129 |
| R81-12 | Manufacturer Representative (Distillery, Winery, Brewery) | 34797 | 5YR | 05/10/2011 | 2011-11/130 |
| CAPITOL PRESERVATION BOARD (STATE) | | | | | |
| <u>Administration</u> | | | | | |
| R131-4 | Capitol Preservation Board General Procurement Rule | 34675 | 5YR | 04/11/2011 | 2011-9/117 |
| COMMERCE | | | | | |
| <u>Administration</u> | | | | | |
| 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 |
| R151-14-3 | Adjudicative Proceedings | 34735 | NSC | 05/25/2011 | Not Printed |
| R151-35-3 | Adjudicative Proceedings | 34736 | NSC | 05/25/2011 | Not Printed |
| R151-46b | Department of Commerce Administrative Procedures Act Rules | 34480 | REP | 04/21/2011 | 2011-6/18 |
| <u>Consumer Protection</u> | | | | | |
| R152-11-9 | Direct Solicitations | 34100 | AMD | 02/07/2011 | 2010-20/4 |
| <u>Corporations and Commercial Code</u> | | | | | |
| R154-2 | Utah Uniform Commercial Code, Revised Article 9 Rules | 34785 | 5YR | 05/10/2011 | 2011-11/131 |
| <u>Occupational and Professional Licensing</u> | | | | | |
| 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 |
| R156-15 | Health Facility Administrator Act Rule | 34545 | AMD | 05/26/2011 | 2011-8/10 |
| 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 |
| R156-46b | Division Utah Administrative Procedures Act Rule | 34712 | NSC | 05/25/2011 | Not Printed |
| 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 |

RULES INDEX

| | | | | | |
|---------------|---|-------|-----|------------|-------------|
| 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 |
| R156-63b | Security Personnel Licensing Act Armored Car Rule | 34542 | AMD | 05/26/2011 | 2011-8/11 |
| 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 |
| R156-72 | Acupuncture Licensing Act Rules | 34543 | AMD | 05/26/2011 | 2011-8/14 |
| R156-73 | Chiropractic Physician Practice Act Rule | 34503 | 5YR | 03/14/2011 | 2011-7/47 |
| 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 |
| R156-83-306 | Drugs Approved for Online Prescribing, Dispensing, and Facilitation | 34544 | AMD | 05/26/2011 | 2011-8/15 |

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 |
| R162-2c-401 | Administrative Proceedings | 34737 | NSC | 05/25/2011 | Not Printed |
| 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

| | | | | | |
|--------|--|-------|-----|------------|-------------|
| R212-3 | Memberships, Sales, Gifts, Bequests, Endowments | 34918 | 5YR | 06/14/2011 | Not Printed |
| R212-6 | State Register for Historic Resources and Archaeological Sites | 34717 | 5YR | 04/26/2011 | 2011-10/117 |
| R212-8 | Preservation Easements | 34919 | 5YR | 06/14/2011 | Not Printed |
| 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

| | | | | | |
|----------|--|-------|-----|------------|-------------|
| R251-103 | Undercover Roles of Offenders | 34838 | NSC | 06/14/2011 | Not Printed |
| R251-104 | Declaratory Orders | 34527 | 5YR | 03/24/2011 | 2011-8/31 |
| R251-104 | Declaratory Orders | 34839 | NSC | 06/14/2011 | Not Printed |
| R251-108 | Adjudicative Proceedings | 34840 | NSC | 06/14/2011 | Not Printed |
| R251-109 | Sex Offender Treatment Providers | 34861 | NSC | 06/14/2011 | Not Printed |
| R251-110 | Sex Offender Registration Program | 34841 | NSC | 06/14/2011 | Not Printed |
| R251-111 | Government Records Access and Management | 34862 | NSC | 06/14/2011 | Not Printed |
| R251-114 | Offender Long-Term Health Care - Notice | 34858 | NSC | 06/14/2011 | Not Printed |
| R251-301 | Employment, Educational or Vocational Training for Community Correctional Center Offenders | 34859 | NSC | 06/14/2011 | Not Printed |
| R251-303 | Offenders' Use of Telephones | 34842 | NSC | 06/14/2011 | Not Printed |
| R251-305 | Visiting at Community Correctional Centers | 34843 | NSC | 06/14/2011 | Not Printed |
| R251-401 | Supervision Fees | 34844 | NSC | 06/14/2011 | Not Printed |

| | | | | | |
|----------|----------------------------------|-------|-----|------------|-------------|
| R251-702 | Inmate Communication: Telephones | 34771 | 5YR | 05/03/2011 | 2011-11/131 |
| R251-702 | Inmate Communication: Telephones | 34845 | NSC | 06/14/2011 | Not Printed |
| R251-703 | Vehicle Direction Station | 34846 | NSC | 06/14/2011 | Not Printed |
| R251-704 | North Gate | 34847 | NSC | 06/14/2011 | Not Printed |
| R251-706 | Inmate Visiting | 34848 | NSC | 06/14/2011 | Not Printed |
| R251-708 | Perimeter Patrol | 34772 | 5YR | 05/03/2011 | 2011-11/132 |
| R251-708 | Perimeter Patrol | 34849 | NSC | 06/14/2011 | Not Printed |
| R251-709 | Transportation of Inmates | 34850 | NSC | 06/14/2011 | Not Printed |
| R251-711 | Admission and Intake | 34773 | 5YR | 05/03/2011 | 2011-11/132 |
| R251-711 | Admission and Intake | 34851 | NSC | 06/14/2011 | Not Printed |
| R251-712 | Release | 34528 | 5YR | 03/24/2011 | 2011-8/31 |
| R251-712 | Release | 34852 | NSC | 06/14/2011 | Not Printed |

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 |
| R307-110-17 | Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits | 34775 | NSC | 06/01/2011 | Not Printed |
| R307-110-28 | Regional Haze | 34350 | AMD | 04/07/2011 | 2011-3/26 |
| R307-202 | Emission Standards: General Burning | 34868 | NSC | 06/14/2011 | Not Printed |
| R307-210 | Stationary Sources | 34557 | 5YR | 04/06/2011 | 2011-9/118 |
| R307-214 | National Emission Standards for Hazardous Air Pollutants | 34428 | AMD | 06/01/2011 | 2011-5/20 |
| R307-328 | Gasoline Transfer and Storage | 34349 | AMD | 06/07/2011 | 2011-3/28 |
| R307-328 | Gasoline Transfer and Storage | 34349 | CPR | 06/07/2011 | 2011-9/114 |
| R307-342 | Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks | 34348 | REP | 06/07/2011 | 2011-3/32 |

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 |
| R309-800 | Capacity Development Program | 34450 | AMD | 05/23/2011 | 2011-6/72 |

RULES INDEX

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 |

Solid and Hazardous Waste

| | | | | | |
|---------|---------------------------|-------|-----|------------|-------------|
| R315-12 | Administrative Procedures | 34920 | 5YR | 06/14/2011 | Not Printed |
|---------|---------------------------|-------|-----|------------|-------------|

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 |
|---------|--|-------|-----|------------|------------|

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

| | | | | | |
|--------|--|-------|-----|------------|-------------|
| R357-6 | Technology and Life Science Economic Development and Related Tax Credits | 34929 | EMR | 06/15/2011 | Not Printed |
|--------|--|-------|-----|------------|-------------|

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 |
| R414-1-5 | Incorporations by Reference | 34523 | AMD | 05/25/2011 | 2011-8/18 |
| R414-14 | Home Health Services | 34524 | AMD | 05/25/2011 | 2011-8/9 |
| R414-14A | Hospice Care | 34509 | AMD | 05/16/2011 | 2011-7/5 |
| R414-54-3 | Services | 34316 | AMD | 04/05/2011 | 2011-1/21 |
| R414-54-3 | Services | 34525 | AMD | 05/25/2011 | 2011-8/22 |
| R414-59-4 | Client Eligibility Requirements | 34317 | AMD | 04/05/2011 | 2011-1/22 |
| R414-59-4 | Client Eligibility Requirements | 34526 | AMD | 05/25/2011 | 2011-8/23 |
| 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 |
| R414-501-3 | Preadmission Authorization | 34562 | AMD | 06/07/2011 | 2011-9/92 |

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 |
| R477-10 | Employee Development | 34748 | NSC | 05/25/2011 | Not Printed |

RULES INDEX

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 | 2011-11/108 |
| 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 |

Services for People with Disabilities

| | | | | | |
|--------|-------------|-------|-----|------------|-------------|
| R539-1 | Eligibility | 34710 | NSC | 05/25/2011 | Not Printed |
|--------|-------------|-------|-----|------------|-------------|

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 | Individual, Small Employer, and Group Health Benefit Plan Rule | 34548 | AMD | 06/15/2011 | 2011-8/24 |
| 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 |
| R590-206 | Privacy of Consumer Financial and Health Information Rule | 34921 | 5YR | 06/15/2011 | Not Printed |
| 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 |

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 |
| R592-11 | Title Insurance Producer Annual and Controlled Business Reports | 34932 | 5YR | 06/15/2011 | Not Printed |
| 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: Non-Coal

| | | | | | |
|------------|---|-------|-----|------------|-----------|
| R647-2 | Exploration | 34473 | AMD | 05/25/2011 | 2011-6/80 |
| R647-3 | Small Mining Operations | 34474 | AMD | 05/25/2011 | 2011-6/82 |
| R647-4-101 | Filing Requirements and Review Procedures | 34475 | AMD | 05/25/2011 | 2011-6/83 |

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 |

RULES INDEX

| | | | | | |
|--|--|-------|-----|------------|-------------|
| 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 | 2011-11/133 |
| 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 | 2011-11/113 |
| R722-300 | Concealed Firearm Permit and Instructor Rule | 34679 | AMD | 06/07/2011 | 2011-9/98 |
| R722-300-3 | Definitions | 34222 | AMD | 01/07/2011 | 2010-23/61 |
| R722-310-8 | Renewal of a License | 34705 | NSC | 05/25/2011 | Not Printed |
| R722-330 | Licensing of Private Investigators | 34799 | EMR | 05/10/2011 | 2011-11/118 |
| 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 |
| 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 |
| R710-2 | Rules Pursuant to the Utah Fireworks Act | 34835 | EMR | 05/17/2011 | 2011-11/109 |
| 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-3 | Division Conferences Pursuant to Utah Code Ann. Sections 59-1-210 and 63G-4-102 | 34718 | NSC | 05/25/2011 | Not Printed |

RULES INDEX

| | | | | | |
|--|--|-------|-----|------------|-------------|
| R861-1A-13 | Requests for Accommodation and Grievance Procedures Pursuant to Utah Code Ann. Section 63G-3-201, 28 CFR 35.107 1992 edition, and 42 USC 12201 | 34758 | NSC | 05/25/2011 | Not Printed |
| 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 |
| <u>Property Tax</u> | | | | | |
| R884-24P-35 | Annual Statement for Certain Exempt Uses of Property Pursuant to Utah Code Ann. Section 59-2-1102 | 34883 | NSC | 06/14/2011 | Not Printed |
| R884-24P-64 | Determination and Application of Taxable Value for Purposes of the Property Tax Exemptions for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Sections 59-2-1104 and 59-2-1106 | 34759 | NSC | 05/25/2011 | Not Printed |
| TECHNOLOGY SERVICES | | | | | |
| <u>Administration</u> | | | | | |
| 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 |
| R895-2 | Americans with Disabilities Act (ADA) Complaint Procedure | 34681 | AMD | 06/08/2011 | 2011-9/105 |
| 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 | | | | | |
| <u>Motor Carrier, Ports of Entry</u> | | | | | |
| 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 |
| <u>Operations, Maintenance</u> | | | | | |
| R918-5 | Construction or Improvement of Highway | 34693 | NEW | 06/07/2011 | 2011-9/107 |
| <u>Operations, Traffic and Safety</u> | | | | | |
| R920-50 | Ropeway Operation Safety Rules | 34241 | AMD | 01/10/2011 | 2010-23/63 |
| <u>Preconstruction</u> | | | | | |
| 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 |
| <u>Preconstruction, Right-of-Way Acquisition</u> | | | | | |
| R933-1 | Right of Way Acquisition | 34363 | AMD | 03/10/2011 | 2011-3/51 |
| <u>Program Development</u> | | | | | |
| 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

| | | | | | |
|--------------|---|-------|-----|------------|-------------|
| R986-100-113 | A Client Must Inform the Department of All Material Changes | 34516 | AMD | 06/15/2011 | 2011-7/24 |
| R986-100-122 | Advance Notice of Department Action | 34444 | AMD | 04/11/2011 | 2011-5/96 |
| R986-200-205 | How to Determine Who Is Included in the Household Assistance Unit | 34677 | AMD | 06/15/2011 | 2011-9/108 |
| R986-200-215 | Family Employment Program Two Parent Household (FEPTP) | 34546 | AMD | 06/15/2011 | 2011-8/26 |
| 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 |
| R986-700 | Child Care Assistance | 34678 | AMD | 06/15/2011 | 2011-9/110 |

Unemployment Insurance

| | | | | | |
|---------------|--------------------------------|-------|-----|------------|-------------|
| R994-302 | Employer Contribution Payments | 34776 | 5YR | 05/05/2011 | 2011-11/133 |
| R994-308 | Bond Requirement | 34777 | 5YR | 05/05/2011 | 2011-11/134 |
| 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>acupuncture</u> Commerce, Occupational and Professional Licensing | 34543 | R156-72 | AMD | 05/26/2011 | 2011-8/14 |
| <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 |

RULES INDEX

| | | | | | |
|--|-------|-------------|-----|------------|-------------|
| 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 |
| | 34712 | R156-46b | NSC | 05/25/2011 | Not Printed |
| Community and Culture, History | 34918 | R212-3 | 5YR | 06/14/2011 | Not Printed |
| Corrections, Administration | 34840 | R251-108 | NSC | 06/14/2011 | Not Printed |
| 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 |
| | 34775 | R307-110-17 | NSC | 06/01/2011 | Not Printed |
| | 34350 | R307-110-28 | AMD | 04/07/2011 | 2011-3/26 |
| | 34868 | R307-202 | NSC | 06/14/2011 | Not Printed |
| | 34557 | R307-210 | 5YR | 04/06/2011 | 2011-9/118 |
| | 34428 | R307-214 | AMD | 06/01/2011 | 2011-5/20 |
| | 34349 | R307-328 | AMD | 06/07/2011 | 2011-3/28 |
| | 34349 | R307-328 | CPR | 06/07/2011 | 2011-9/114 |
| | 34348 | R307-342 | REP | 06/07/2011 | 2011-3/32 |
| <u>alcoholic beverages</u> | | | | | |
| Alcoholic Beverage Control, Administration | 34787 | R81-1 | 5YR | 05/10/2011 | 2011-11/123 |
| | 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 | 2011-11/124 |
| | 34789 | R81-3 | 5YR | 05/10/2011 | 2011-11/125 |
| | 34340 | R81-3-13 | AMD | 02/24/2011 | 2011-2/6 |
| | 34790 | R81-4A | 5YR | 05/10/2011 | 2011-11/125 |
| | 34791 | R81-5 | 5YR | 05/10/2011 | 2011-11/126 |
| | 34792 | R81-6 | 5YR | 05/10/2011 | 2011-11/127 |
| | 34793 | R81-7 | 5YR | 05/10/2011 | 2011-11/128 |
| | 34794 | R81-8 | 5YR | 05/10/2011 | 2011-11/128 |
| | 34795 | R81-9 | 5YR | 05/10/2011 | 2011-11/129 |
| | 34796 | R81-11 | 5YR | 05/10/2011 | 2011-11/129 |
| | 34797 | R81-12 | 5YR | 05/10/2011 | 2011-11/130 |
| <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 |
| | 34839 | R251-104 | NSC | 06/14/2011 | Not Printed |
| 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>appraisals</u> | | | | | |
| Tax Commission, Property Tax | 34883 | R884-24P-35 | NSC | 06/14/2011 | Not Printed |
| | 34759 | R884-24P-64 | NSC | 05/25/2011 | Not Printed |
| <u>architects</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34396 | R156-3a | 5YR | 01/31/2011 | 2011-4/35 |
| <u>armored car company</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34542 | R156-63b | AMD | 05/26/2011 | 2011-8/11 |
| <u>armored car security officers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34542 | R156-63b | AMD | 05/26/2011 | 2011-8/11 |
| <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 |
| | 34526 | R414-59-4 | AMD | 05/25/2011 | 2011-8/23 |
| <u>automobiles</u> | | | | | |
| Commerce, Administration | 34761 | R151-14 | 5YR | 05/02/2011 | 2011-10/117 |
| | 34735 | R151-14-3 | NSC | 05/25/2011 | Not Printed |
| <u>bail bond enforcement agent</u> | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 34705 | R722-310-8 | NSC | 05/25/2011 | Not Printed |
| <u>bail bond recovery agent</u> | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 34705 | R722-310-8 | NSC | 05/25/2011 | Not Printed |
| <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 | 2011-11/131 |
| <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 |
| <u>bear</u> | | | | | |
| Natural Resources, Wildlife Resources | 34367 | R657-33 | AMD | 04/04/2011 | 2011-4/26 |

RULES INDEX

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| <u>bid limits</u> | | | | | |
| Transportation, Operations, Maintenance | 34693 | R918-5 | NEW | 06/07/2011 | 2011-9/107 |
| <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 | 2011-11/134 |
| <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>capacity development</u> | | | | | |
| Environmental Quality, Drinking Water | 34450 | R309-800 | AMD | 05/23/2011 | 2011-6/72 |
| <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 | 2011-11/108 | |
| <u>child care</u> | | | | | | |
| Workforce Services, Employment Development | 34678 | R986-700 | AMD | 06/15/2011 | 2011-9/110 | |
| <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>chronically ill</u> | | | | | | |
| Corrections, Administration | 34858 | R251-114 | NSC | 06/14/2011 | Not Printed | |
| <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 | 2011-11/113 | |
| | 34679 | R722-300 | AMD | 06/07/2011 | 2011-9/98 | |
| | 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 | 2011-11/113 | |
| | 34679 | R722-300 | AMD | 06/07/2011 | 2011-9/98 | |
| | 34222 | R722-300-3 | AMD | 01/07/2011 | 2010-23/61 | |

RULES INDEX

| | | | | | | |
|--|-------|-------------|-----|------------|-------------|--|
| <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>construction</u> | | | | | | |
| Transportation, Operations, Maintenance | 34693 | R918-5 | NEW | 06/07/2011 | 2011-9/107 | |
| <u>consumer protection</u> | | | | | | |
| Commerce, Consumer Protection | 34100 | R152-11-9 | AMD | 02/07/2011 | 2010-20/4 | |
| <u>contract requirements</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 34801 | R23-23 | EMR | 05/10/2011 | 2011-11/105 | |
| <u>contractors</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 34801 | R23-23 | EMR | 05/10/2011 | 2011-11/105 | |
| Commerce, Occupational and Professional Licensing | 34470 | R156-55a | AMD | 04/25/2011 | 2011-6/35 | |
| <u>contracts</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 34801 | R23-23 | EMR | 05/10/2011 | 2011-11/105 | |
| Capitol Preservation Board (State), Administration | 34675 | R131-4 | 5YR | 04/11/2011 | 2011-9/117 | |
| <u>cooperative agreement</u> | | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 34394 | R652-122 | NEW | 04/28/2011 | 2011-4/23 | |
| <u>correctional institutions</u> | | | | | | |
| Corrections, Administration | 34847 | R251-704 | NSC | 06/14/2011 | Not Printed | |
| <u>corrections</u> | | | | | | |
| Corrections, Administration | 34838 | R251-103 | NSC | 06/14/2011 | Not Printed | |
| | 34527 | R251-104 | 5YR | 03/24/2011 | 2011-8/31 | |
| | 34839 | R251-104 | NSC | 06/14/2011 | Not Printed | |
| | 34840 | R251-108 | NSC | 06/14/2011 | Not Printed | |
| | 34861 | R251-109 | NSC | 06/14/2011 | Not Printed | |
| | 34841 | R251-110 | NSC | 06/14/2011 | Not Printed | |
| | 34862 | R251-111 | NSC | 06/14/2011 | Not Printed | |
| | 34859 | R251-301 | NSC | 06/14/2011 | Not Printed | |
| | 34842 | R251-303 | NSC | 06/14/2011 | Not Printed | |
| | 34843 | R251-305 | NSC | 06/14/2011 | Not Printed | |
| | 34771 | R251-702 | 5YR | 05/03/2011 | 2011-11/131 | |
| | 34845 | R251-702 | NSC | 06/14/2011 | Not Printed | |
| | 34846 | R251-703 | NSC | 06/14/2011 | Not Printed | |
| | 34848 | R251-706 | NSC | 06/14/2011 | Not Printed | |
| | 34772 | R251-708 | 5YR | 05/03/2011 | 2011-11/132 | |
| | 34849 | R251-708 | NSC | 06/14/2011 | Not Printed | |
| | 34850 | R251-709 | NSC | 06/14/2011 | Not Printed | |
| | 34773 | R251-711 | 5YR | 05/03/2011 | 2011-11/132 | |
| | 34851 | R251-711 | NSC | 06/14/2011 | Not Printed | |
| | 34528 | R251-712 | 5YR | 03/24/2011 | 2011-8/31 | |
| | 34852 | R251-712 | NSC | 06/14/2011 | Not Printed | |
| <u>counselors</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 34339 | R156-60c | AMD | 02/24/2011 | 2011-2/12 | |
| <u>coverage groups</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 34229 | R414-303-11 | AMD | 01/27/2011 | 2010-23/52 | |
| <u>criminal background checks</u> | | | | | | |
| Education, Rehabilitation | 34539 | R280-204 | 5YR | 03/30/2011 | 2011-8/33 | |

| | | | | | | |
|---|-------|-------------|-----|------------|-------------|--|
| <u>criminal records</u> | | | | | | |
| Corrections, Administration | 34862 | R251-111 | NSC | 06/14/2011 | Not Printed | |
| <u>crossing</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>cultural resources</u> | | | | | | |
| 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 | |
| <u>custody of children</u> | | | | | | |
| Human Services, Administration | 34288 | R495-879 | AMD | 02/07/2011 | 2011-1/25 | |
| <u>dairy inspections</u> | | | | | | |
| Agriculture and Food, Regulatory Services | 34518 | R70-330 | 5YR | 03/16/2011 | 2011-8/29 | |
| <u>dam safety</u> | | | | | | |
| Natural Resources, Water Rights | 34690 | R655-10 | 5YR | 04/14/2011 | 2011-9/121 | |
| | 34692 | R655-12 | 5YR | 04/14/2011 | 2011-9/122 | |
| <u>dams</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>debt</u> | | | | | | |
| Human Services, Recovery Services | 34521 | R527-936 | 5YR | 03/17/2011 | 2011-8/35 | |
| <u>definitions</u> | | | | | | |
| 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 | |
| <u>dental hygienists</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>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>developmental disabilities</u> | | | | | | |
| Tax Commission, Administration | 34718 | R861-1A-3 | NSC | 05/25/2011 | Not Printed | |
| | 34758 | R861-1A-13 | NSC | 05/25/2011 | Not Printed | |
| <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 | |
| | 34681 | R895-2 | AMD | 06/08/2011 | 2011-9/105 | |
| <u>direct solicitations</u> | | | | | | |
| Commerce, Consumer Protection | 34100 | R152-11-9 | AMD | 02/07/2011 | 2010-20/4 | |
| <u>disabilities</u> | | | | | | |
| Human Services, Services for People with Disabilities | 34710 | R539-1 | NSC | 05/25/2011 | Not Printed | |

RULES INDEX

disabilities act

Technology Services, Administration 34439 R895-2 5YR 02/15/2011 2011-5/117
 34681 R895-2 AMD 06/08/2011 2011-9/105

disabled persons

Administrative Services, Administration 34347 R13-3 AMD 03/10/2011 2011-3/4
 34674 R13-3-2 NSC 04/27/2011 Not Printed

disasters

Education, Administration 34331 R277-400 AMD 02/22/2011 2011-2/17

disclosure requirements

Tax Commission, Administration 34718 R861-1A-3 NSC 05/25/2011 Not Printed
 34758 R861-1A-13 NSC 05/25/2011 Not Printed
 34326 R861-1A-43 AMD 02/23/2011 2011-2/42

discrimination

Agriculture and Food, Administration 34492 R51-4 5YR 03/03/2011 2011-7/43

disease control

Agriculture and Food, Animal Industry 34343 R58-1 AMD 03/24/2011 2011-3/7

disinfection monitoring

Environmental Quality, Drinking Water 34375 R309-215-16 NSC 02/14/2011 Not Printed

diversion programs

Commerce, Occupational and Professional Licensing 34323 R156-1-102 AMD 02/24/2011 2011-2/7

domestic violence

Human Services, Child and Family Services 34344 R512-1-6 NSC 01/26/2011 Not Printed
 34778 R512-205 EMR 05/10/2011 2011-11/108

drinking water

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
 34450 R309-800 AMD 05/23/2011 2011-6/72

driver address record

Public Safety, Driver License 34371 R708-42 5YR 01/20/2011 2011-4/49

driver education

Public Safety, Driver License 34399 R708-18 5YR 01/31/2011 2011-4/46

driver license

Public Safety, Driver License 34374 R708-44 5YR 01/20/2011 2011-4/50
 34373 R708-44 NSC 02/14/2011 Not Printed

driver license verification

Public Safety, Driver License 34372 R708-43 5YR 01/20/2011 2011-4/49

earthquakes

Natural Resources, Water Rights 34691 R655-11 5YR 04/14/2011 2011-9/121

economic development

Governor, Economic Development 34929 R357-6 EMR 06/15/2011 Not Printed

education

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

education finance

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>educational tuition</u> | | | | | |
| Human Resource Management, Administration | 34748 | R477-10 | NSC | 05/25/2011 | 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>employee performance evaluations</u> | | | | | |
| Human Resource Management, Administration | 34748 | R477-10 | NSC | 05/25/2011 | Not Printed |
| <u>employee productivity</u> | | | | | |
| Human Resource Management, Administration | 34748 | R477-10 | NSC | 05/25/2011 | Not Printed |
| <u>employer liability</u> | | | | | |
| Workforce Services, Unemployment Insurance | 34776 | R994-302 | 5YR | 05/05/2011 | 2011-11/133 |
| <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 | 34516 | R986-100-113 | AMD | 06/15/2011 | 2011-7/24 |
| | 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 |
| | 34737 | R162-2c-401 | NSC | 05/25/2011 | Not Printed |
| 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 |

RULES INDEX

| | | | | | | |
|--|-------|---------------|-----|------------|-------------|--|
| <u>equipment leasing</u> | | | | | | |
| Commerce, Corporations and Commercial Code | 34785 | R154-2 | 5YR | 05/10/2011 | 2011-11/131 | |
| <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>facility notice</u> | | | | | | |
| Corrections, Administration | 34858 | R251-114 | NSC | 06/14/2011 | Not Printed | |
| <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 | 34677 | R986-200-205 | AMD | 06/15/2011 | 2011-9/108 | |
| | 34546 | R986-200-215 | AMD | 06/15/2011 | 2011-8/26 | |
| | 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> | | | | | | |
| Corrections, Administration | 34844 | R251-401 | NSC | 06/14/2011 | Not Printed | |
| 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 | 2011-11/131 | |
| <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 | |

| | | | | | | |
|---|-------|-----------|-----|------------|-------------|--|
| <u>fire marshal</u> | | | | | | |
| Environmental Quality, Air Quality | 34868 | R307-202 | NSC | 06/14/2011 | Not Printed | |
| <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 | |
| | 34835 | R710-2 | EMR | 05/17/2011 | 2011-11/109 | |
| <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 | |
| | 34735 | R151-14-3 | NSC | 05/25/2011 | Not Printed | |
| | 34736 | R151-35-3 | NSC | 05/25/2011 | Not Printed | |
| <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>funding</u> | | | | | | |
| Environmental Quality, Drinking Water | 34450 | R309-800 | AMD | 05/23/2011 | 2011-6/72 | |
| <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>gasoline transport</u> | | | | | | |
| Environmental Quality, Air Quality | 34349 | R307-328 | AMD | 06/07/2011 | 2011-3/28 | |
| | 34349 | R307-328 | CPR | 06/07/2011 | 2011-9/114 | |
| | 34348 | R307-342 | REP | 06/07/2011 | 2011-3/32 | |
| <u>government documents</u> | | | | | | |
| Agriculture and Food, Administration | 34491 | R51-3 | 5YR | 03/03/2011 | 2011-7/43 | |

RULES INDEX

government hearings

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| 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 |
| | 34712 | R156-46b | NSC | 05/25/2011 | Not Printed |

government records

| | | | | | |
|-----------------------------|-------|----------|-----|------------|-------------|
| Corrections, Administration | 34862 | R251-111 | NSC | 06/14/2011 | Not Printed |
|-----------------------------|-------|----------|-----|------------|-------------|

GRAMA

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| Corrections, Administration | 34862 | R251-111 | NSC | 06/14/2011 | Not Printed |
| Regents (Board Of), University of Utah, Administration | 34387 | R805-2 | AMD | 03/24/2011 | 2011-4/31 |

grants

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| 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 |

grievance procedures

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| 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 | 34718 | R861-1A-3 | NSC | 05/25/2011 | Not Printed |
| | 34758 | R861-1A-13 | NSC | 05/25/2011 | Not Printed |
| | 34326 | R861-1A-43 | AMD | 02/23/2011 | 2011-2/42 |

grievances

| | | | | | |
|--------------------------------------|-------|-------|-----|------------|-----------|
| Agriculture and Food, Administration | 34492 | R51-4 | 5YR | 03/03/2011 | 2011-7/43 |
|--------------------------------------|-------|-------|-----|------------|-----------|

guardianship

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Human Services, Child and Family Services | 34471 | R512-308 | 5YR | 02/28/2011 | 2011-6/104 |
|---|-------|----------|-----|------------|------------|

habitat designation

| | | | | | |
|---------------------------------------|-------|---------|-----|------------|-------------|
| Natural Resources, Wildlife Resources | 34806 | R657-48 | 5YR | 05/12/2011 | 2011-11/133 |
|---------------------------------------|-------|---------|-----|------------|-------------|

halfway houses

| | | | | | |
|-----------------------------|-------|----------|-----|------------|-------------|
| Corrections, Administration | 34859 | R251-301 | NSC | 06/14/2011 | Not Printed |
| | 34842 | R251-303 | NSC | 06/14/2011 | Not Printed |

hazardous air pollutant

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-----------|
| Environmental Quality, Air Quality | 34428 | R307-214 | AMD | 06/01/2011 | 2011-5/20 |
|------------------------------------|-------|----------|-----|------------|-----------|

hazardous substances

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| 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 |

hazardous waste

| | | | | | |
|--|-------|---------|-----|------------|-------------|
| Environmental Quality, Solid and Hazardous Waste | 34920 | R315-12 | 5YR | 06/14/2011 | Not Printed |
|--|-------|---------|-----|------------|-------------|

health facilities

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| 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 |

health facility administrators

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 34545 | R156-15 | AMD | 05/26/2011 | 2011-8/10 |
|---|-------|---------|-----|------------|-----------|

| | | | | | | |
|--|-------|-------------|-----|------------|-------------|--|
| <u>health insurance</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 34801 | R23-23 | EMR | 05/10/2011 | 2011-11/105 | |
| Insurance, Administration | 34548 | R590-167 | AMD | 06/15/2011 | 2011-8/24 | |
| | 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 | 34919 | R212-8 | 5YR | 06/14/2011 | Not Printed | |
| | 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 | |
| | 34919 | R212-8 | 5YR | 06/14/2011 | Not Printed | |
| <u>historical society</u> | | | | | | |
| Community and Culture, History | 34918 | R212-3 | 5YR | 06/14/2011 | Not Printed | |
| <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 | |
| | 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 | |
| Human Services, Services for People with Disabilities | 34710 | R539-1 | NSC | 05/25/2011 | Not Printed | |
| <u>import requirements</u> | | | | | | |
| Agriculture and Food, Animal Industry | 34343 | R58-1 | AMD | 03/24/2011 | 2011-3/7 | |
| <u>improvement projects</u> | | | | | | |
| Transportation, Operations, Maintenance | 34693 | R918-5 | NEW | 06/07/2011 | 2011-9/107 | |
| <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 | |

RULES INDEX

| | | | | | |
|--|-------|-------------|-----|------------|-------------|
| <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>inmate transportation</u> | | | | | |
| Corrections, Administration | 34850 | R251-709 | NSC | 06/14/2011 | Not Printed |
| <u>inmate visiting</u> | | | | | |
| Corrections, Administration | 34848 | R251-706 | NSC | 06/14/2011 | Not Printed |
| <u>inmates</u> | | | | | |
| Corrections, Administration | 34771 | R251-702 | 5YR | 05/03/2011 | 2011-11/131 |
| | 34845 | R251-702 | NSC | 06/14/2011 | Not Printed |
| | 34848 | R251-706 | NSC | 06/14/2011 | Not Printed |
| <u>inspections</u> | | | | | |
| Agriculture and Food, Animal Industry | 34906 | R58-20 | EMR | 06/07/2011 | Not Printed |
| Agriculture and Food, Plant Industry | 34488 | R68-7 | 5YR | 03/02/2011 | 2011-7/44 |
| | 34430 | R68-7 | AMD | 06/02/2011 | 2011-5/2 |
| | 34456 | R68-7-10 | NSC | 06/02/2011 | Not Printed |
| | 34498 | R68-7-10 | AMD | 06/02/2011 | 2011-7/2 |
| | 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 |
| | 34921 | R590-206 | 5YR | 06/15/2011 | Not Printed |
| <u>Internet facilitators</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34237 | R156-83-306 | AMD | 01/10/2011 | 2010-23/14 |
| | 34544 | R156-83-306 | AMD | 05/26/2011 | 2011-8/15 |
| <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 | 34705 | R722-310-8 | NSC | 05/25/2011 | Not Printed |
| | 34799 | R722-330 | EMR | 05/10/2011 | 2011-11/118 |
| <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 |
| | 34545 | R156-15 | AMD | 05/26/2011 | 2011-8/10 |
| | 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 |
| | 34542 | R156-63b | AMD | 05/26/2011 | 2011-8/11 |
| | 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 |
| | 34543 | R156-72 | AMD | 05/26/2011 | 2011-8/14 |
| | 34503 | R156-73 | 5YR | 03/14/2011 | 2011-7/47 |
| | 34237 | R156-83-306 | AMD | 01/10/2011 | 2010-23/14 |
| | 34544 | R156-83-306 | AMD | 05/26/2011 | 2011-8/15 |
| 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 |
| | 34737 | R162-2c-401 | NSC | 05/25/2011 | Not Printed |
| 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>life sciences</u> | | | | | |
| Governor, Economic Development | 34929 | R357-6 | EMR | 06/15/2011 | Not Printed |
| <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

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| <u>loan origination</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 |
| | 34737 | R162-2c-401 | NSC | 05/25/2011 | Not Printed |
| <u>long-term care</u> | | | | | |
| Corrections, Administration | 34858 | R251-114 | NSC | 06/14/2011 | Not Printed |
| <u>MACT</u> | | | | | |
| Environmental Quality, Air Quality | 34428 | R307-214 | AMD | 06/01/2011 | 2011-5/20 |
| <u>maintenance</u> | | | | | |
| Transportation, Operations, Maintenance | 34693 | R918-5 | NEW | 06/07/2011 | 2011-9/107 |
| <u>management</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 34435 | R652-41 | 5YR | 02/14/2011 | 2011-5/116 |
| <u>Medicaid</u> | | | | | |
| 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 |
| | 34523 | R414-1-5 | AMD | 05/25/2011 | 2011-8/18 |
| | 34524 | R414-14 | AMD | 05/25/2011 | 2011-8/9 |
| | 34509 | R414-14A | AMD | 05/16/2011 | 2011-7/5 |
| | 34316 | R414-54-3 | AMD | 04/05/2011 | 2011-1/21 |
| | 34525 | R414-54-3 | AMD | 05/25/2011 | 2011-8/22 |
| | 34317 | R414-59-4 | AMD | 04/05/2011 | 2011-1/22 |
| | 34526 | R414-59-4 | AMD | 05/25/2011 | 2011-8/23 |
| | 34314 | R414-61 | AMD | 04/05/2011 | 2011-1/23 |
| | 34267 | R414-501 | AMD | 04/05/2011 | 2010-24/44 |
| | 34562 | R414-501-3 | AMD | 06/07/2011 | 2011-9/92 |
| Human Services, Recovery Services | 34490 | R527-800 | 5YR | 03/03/2011 | 2011-7/49 |
| | 34521 | R527-936 | 5YR | 03/17/2011 | 2011-8/35 |
| <u>medical discount program</u> | | | | | |
| Insurance, Administration | 34236 | R590-152 | AMD | 01/20/2011 | 2010-23/57 |
| <u>medical malpractice</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34215 | R156-78B | AMD | 01/10/2011 | 2010-23/4 |
| <u>mental health</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34339 | R156-60c | AMD | 02/24/2011 | 2011-2/12 |
| Corrections, Administration | 34861 | R251-109 | NSC | 06/14/2011 | Not Printed |
| Human Services, Substance Abuse and Mental Health, State Hospital | 34720 | R525-8 | 5YR | 04/26/2011 | 2011-10/118 |
| <u>methadone programs</u> | | | | | |
| Human Services, Substance Abuse and Mental Health | 34540 | R523-21 | 5YR | 03/30/2011 | 2011-8/34 |
| <u>minerals reclamation</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Non-Coal | 34473 | R647-2 | AMD | 05/25/2011 | 2011-6/80 |
| | 34474 | R647-3 | AMD | 05/25/2011 | 2011-6/82 |
| | 34475 | R647-4-101 | AMD | 05/25/2011 | 2011-6/83 |
| <u>minimum standards</u> | | | | | |
| Natural Resources, Forestry, Fire and State Lands | 34394 | R652-122 | NEW | 04/28/2011 | 2011-4/23 |
| <u>mothers</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 34493 | R436-3 | NSC | 04/06/2011 | Not Printed |

| | | | | | | |
|---|-------|--------------|-----|------------|-------------|--|
| <u>motor carrier</u> | | | | | | |
| Public Safety, Highway Patrol | 34255 | R714-600 | R&R | 01/24/2011 | 2010-24/61 | |
| <u>motor vehicle record</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>motor vehicle safety</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>motor vehicles</u> | | | | | | |
| Commerce, Administration | 34761 | R151-14 | 5YR | 05/02/2011 | 2011-10/117 | |
| | 34735 | R151-14-3 | NSC | 05/25/2011 | Not Printed | |
| Public Safety, Driver License | 34401 | R708-20 | 5YR | 01/31/2011 | 2011-4/47 | |
| <u>motorboat noise</u> | | | | | | |
| Natural Resources, Parks and Recreation | 34356 | R651-222 | 5YR | 01/11/2011 | 2011-3/58 | |
| <u>motorcycles</u> | | | | | | |
| Commerce, Administration | 34736 | R151-35-3 | NSC | 05/25/2011 | Not Printed | |
| <u>national register</u> | | | | | | |
| 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>new state revenue</u> | | | | | | |
| Governor, Economic Development | 34929 | R357-6 | EMR | 06/15/2011 | Not Printed | |
| <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 | |
| | 34712 | R156-46b | NSC | 05/25/2011 | Not Printed | |
| | 34470 | R156-55a | AMD | 04/25/2011 | 2011-6/35 | |
| | 34338 | R156-55c-102 | AMD | 02/24/2011 | 2011-2/10 | |
| <u>off road vehicles</u> | | | | | | |
| Commerce, Administration | 34736 | R151-35-3 | NSC | 05/25/2011 | Not Printed | |
| <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>offender employment</u> | | | | | | |
| Corrections, Administration | 34859 | R251-301 | NSC | 06/14/2011 | Not Printed | |
| <u>offenders</u> | | | | | | |
| Corrections, Administration | 34844 | R251-401 | NSC | 06/14/2011 | Not Printed | |
| <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 | |

RULES INDEX

Olene Walker Housing Loan Fund

| | | | | | |
|--|-------|--------|-----|------------|------------|
| 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 |

online prescribing

| | | | | | |
|---|-------|-------------|-----|------------|------------|
| Commerce, Occupational and Professional Licensing | 34237 | R156-83-306 | AMD | 01/10/2011 | 2010-23/14 |
| | 34544 | R156-83-306 | AMD | 05/26/2011 | 2011-8/15 |

open burning

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-------------|
| Environmental Quality, Air Quality | 34868 | R307-202 | NSC | 06/14/2011 | Not Printed |
|------------------------------------|-------|----------|-----|------------|-------------|

operation and maintenance

| | | | | | |
|---------------------------------------|-------|----------|-----|------------|-----------|
| Environmental Quality, Drinking Water | 34244 | R309-520 | AMD | 05/09/2011 | 2010-24/8 |
| | 34244 | R309-520 | CPR | 05/09/2011 | 2011-7/33 |

out-of-home care

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Human Services, Child and Family Services | 34471 | R512-308 | 5YR | 02/28/2011 | 2011-6/104 |
|---|-------|----------|-----|------------|------------|

outpatient treatment programs

| | | | | | |
|--|-------|---------|-----|------------|------------|
| Human Services, Administration, Administrative Services, Licensing | 34212 | R501-21 | AMD | 01/24/2011 | 2010-22/81 |
|--|-------|---------|-----|------------|------------|

ozone

| | | | | | |
|------------------------------------|-------|-------------|-----|------------|-------------|
| Environmental Quality, Air Quality | 34351 | R307-110-17 | AMD | 05/04/2011 | 2011-3/25 |
| | 34775 | R307-110-17 | NSC | 06/01/2011 | Not Printed |
| | 34350 | R307-110-28 | AMD | 04/07/2011 | 2011-3/26 |
| | 34349 | R307-328 | AMD | 06/07/2011 | 2011-3/28 |
| | 34349 | R307-328 | CPR | 06/07/2011 | 2011-9/114 |
| | 34348 | R307-342 | REP | 06/07/2011 | 2011-3/32 |

parks

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| 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 |

parolees

| | | | | | |
|-----------------------------|-------|----------|-----|------------|-------------|
| Corrections, Administration | 34838 | R251-103 | NSC | 06/14/2011 | Not Printed |
|-----------------------------|-------|----------|-----|------------|-------------|

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 |

personal property

| | | | | | |
|------------------------------|-------|-------------|-----|------------|-------------|
| Tax Commission, Property Tax | 34883 | R884-24P-35 | NSC | 06/14/2011 | Not Printed |
| | 34759 | R884-24P-64 | NSC | 05/25/2011 | 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 |
| | 34430 | R68-7 | AMD | 06/02/2011 | 2011-5/2 |
| | 34456 | R68-7-10 | NSC | 06/02/2011 | Not Printed |

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| | 34498 | R68-7-10 | AMD | 06/02/2011 | 2011-7/2 |
| <u>petroleum</u> | | | | | |
| 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 |
| <u>physicians</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34504 | R156-67 | 5YR | 03/14/2011 | 2011-7/46 |
| <u>plant disease</u> | | | | | |
| Agriculture and Food, Plant Industry | 34412 | R68-18 | 5YR | 02/08/2011 | 2011-5/107 |
| <u>plumbers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34338 | R156-55c-102 | AMD | 02/24/2011 | 2011-2/10 |
| <u>plumbing</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34338 | R156-55c-102 | AMD | 02/24/2011 | 2011-2/10 |
| <u>PM10</u> | | | | | |
| Environmental Quality, Air Quality | 34351 | R307-110-17 | AMD | 05/04/2011 | 2011-3/25 |
| | 34775 | R307-110-17 | NSC | 06/01/2011 | Not Printed |
| | 34350 | R307-110-28 | AMD | 04/07/2011 | 2011-3/26 |
| <u>PM2.5</u> | | | | | |
| Environmental Quality, Air Quality | 34351 | R307-110-17 | AMD | 05/04/2011 | 2011-3/25 |
| | 34775 | R307-110-17 | NSC | 06/01/2011 | Not Printed |
| | 34350 | R307-110-28 | AMD | 04/07/2011 | 2011-3/26 |
| <u>powersport vehicles</u> | | | | | |
| Commerce, Administration | 34736 | R151-35-3 | NSC | 05/25/2011 | Not Printed |
| <u>prelitigation</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 34215 | R156-78B | AMD | 01/10/2011 | 2010-23/4 |
| <u>prescription drug plans</u> | | | | | |
| Insurance, Administration | 34713 | R590-235 | 5YR | 04/25/2011 | 2011-10/120 |
| <u>primary 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>prisons</u> | | | | | |
| Corrections, Administration | 34771 | R251-702 | 5YR | 05/03/2011 | 2011-11/131 |
| | 34845 | R251-702 | NSC | 06/14/2011 | Not Printed |
| | 34846 | R251-703 | NSC | 06/14/2011 | Not Printed |
| | 34848 | R251-706 | NSC | 06/14/2011 | Not Printed |
| | 34772 | R251-708 | 5YR | 05/03/2011 | 2011-11/132 |
| | 34849 | R251-708 | NSC | 06/14/2011 | Not Printed |
| | 34850 | R251-709 | NSC | 06/14/2011 | Not Printed |
| | 34773 | R251-711 | 5YR | 05/03/2011 | 2011-11/132 |
| | 34851 | R251-711 | NSC | 06/14/2011 | Not Printed |
| | 34528 | R251-712 | 5YR | 03/24/2011 | 2011-8/31 |
| | 34852 | R251-712 | NSC | 06/14/2011 | Not Printed |
| <u>privacy</u> | | | | | |
| Technology Services, Administration | 34723 | R895-8 | 5YR | 04/27/2011 | 2011-10/121 |

RULES INDEX

| | | | | | | |
|--|-------|---------------|-----|------------|-------------|--|
| <u>private investigators</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 34799 | R722-330 | EMR | 05/10/2011 | 2011-11/118 | |
| <u>private probation provider</u> | | | | | | |
| 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>probationers</u> | | | | | | |
| Corrections, Administration | 34838 | R251-103 | NSC | 06/14/2011 | 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>property tax</u> | | | | | | |
| Tax Commission, Property Tax | 34883 | R884-24P-35 | NSC | 06/14/2011 | Not Printed | |
| | 34759 | R884-24P-64 | NSC | 05/25/2011 | Not Printed | |
| <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 | |
| <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 | |
| | 34735 | R151-14-3 | NSC | 05/25/2011 | Not Printed | |
| <u>regionalization</u> | | | | | | |
| Environmental Quality, Drinking Water | 34450 | R309-800 | AMD | 05/23/2011 | 2011-6/72 | |
| <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 | |

RULES INDEX

reservoirs

| | | | | | |
|---------------------------------|-------|---------|-----|------------|------------|
| 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 |

residential mortgage

| | | | | | |
|-----------------------|-------|-------------|-----|------------|-------------|
| 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 |
| | 34737 | R162-2c-401 | NSC | 05/25/2011 | Not Printed |

respite

| | | | | | |
|--|-------|----------|-----|------------|-----------|
| Human Services, Aging and Adult Services | 34390 | R510-401 | 5YR | 01/26/2011 | 2011-4/37 |
|--|-------|----------|-----|------------|-----------|

right of petition

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Corrections, Administration | 34527 | R251-104 | 5YR | 03/24/2011 | 2011-8/31 |
| | 34839 | R251-104 | NSC | 06/14/2011 | Not Printed |
| Natural Resources, Forestry, Fire and State Lands | 34434 | R652-9 | 5YR | 02/14/2011 | 2011-5/115 |

right of way

| | | | | | |
|-------------------------------------|-------|--------|-----|------------|-----------|
| Transportation, Program Development | 34451 | R926-6 | AMD | 04/21/2011 | 2011-6/87 |
|-------------------------------------|-------|--------|-----|------------|-----------|

right of way acquisition

| | | | | | |
|---|-------|--------|-----|------------|-----------|
| Transportation, Preconstruction, Right-of-Way Acquisition | 34363 | R933-1 | AMD | 03/10/2011 | 2011-3/51 |
|---|-------|--------|-----|------------|-----------|

risk adjuster plan operation

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Insurance, Administration | 34362 | R590-260 | NEW | 03/22/2011 | 2011-3/36 |
|---------------------------|-------|----------|-----|------------|-----------|

ropeways

| | | | | | |
|--|-------|---------|-----|------------|------------|
| Transportation, Operations, Traffic and Safety | 34241 | R920-50 | AMD | 01/10/2011 | 2010-23/63 |
|--|-------|---------|-----|------------|------------|

rulemaking procedures

| | | | | | |
|--|-------|---------|-----|------------|-------------|
| School and Institutional Trust Lands, Administration | 34289 | R850-10 | NSC | 01/06/2011 | Not Printed |
|--|-------|---------|-----|------------|-------------|

rules and procedures

| | | | | | |
|--|-------|----------|-----|------------|------------|
| 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 |

safety

| | | | | | |
|--|-------|-----------|-----|------------|------------|
| 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 |

safety education

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 34331 | R277-400 | AMD | 02/22/2011 | 2011-2/17 |
|---------------------------|-------|----------|-----|------------|-----------|

safety inspection manual

| | | | | | |
|-------------------------------|-------|----------|-----|------------|-----------|
| 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 |

salaries

| | | | | | |
|---|-------|--------|-----|------------|-----------|
| Human Resource Management, Administration | 34442 | R477-6 | AMD | 04/07/2011 | 2011-5/29 |
|---|-------|--------|-----|------------|-----------|

sales tax

| | | | | | |
|--------------------------|-------|-------------|-----|------------|-------------|
| 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 | |
| | 34360 | R156-63a-302f | NSC | 01/26/2011 | Not Printed | |
| | 34542 | R156-63b | AMD | 05/26/2011 | 2011-8/11 | |
| <u>security measures</u> | | | | | | |
| Corrections, Administration | 34847 | R251-704 | NSC | 06/14/2011 | Not Printed | |
| | 34772 | R251-708 | 5YR | 05/03/2011 | 2011-11/132 | |
| | 34849 | R251-708 | NSC | 06/14/2011 | Not Printed | |
| | 34850 | R251-709 | NSC | 06/14/2011 | 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>sex offender notification</u> | | | | | | |
| Corrections, Administration | 34841 | R251-110 | NSC | 06/14/2011 | Not Printed | |
| <u>sex offender registry</u> | | | | | | |
| Corrections, Administration | 34841 | R251-110 | NSC | 06/14/2011 | Not Printed | |
| <u>sex offender treatment</u> | | | | | | |
| Corrections, Administration | 34861 | R251-109 | NSC | 06/14/2011 | Not Printed | |
| <u>social security numbers</u> | | | | | | |
| Human Services, Services for People with Disabilities | 34710 | R539-1 | NSC | 05/25/2011 | 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 | 2011-11/133 | |
| <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 | |
| | 34525 | R414-54-3 | AMD | 05/25/2011 | 2011-8/22 | |

RULES INDEX

| | | | | | | |
|---|-------|---------------|-----|------------|-------------|--|
| <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 | |
| Corrections, Administration | 34844 | R251-401 | NSC | 06/14/2011 | Not Printed | |
| <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 | 34718 | R861-1A-3 | NSC | 05/25/2011 | Not Printed | |
| | 34758 | R861-1A-13 | NSC | 05/25/2011 | Not Printed | |
| | 34326 | R861-1A-43 | AMD | 02/23/2011 | 2011-2/42 | |
| Tax Commission, Auditing | 34535 | R865-11Q | NSC | 04/12/2011 | Not Printed | |
| Tax Commission, Property Tax | 34883 | R884-24P-35 | NSC | 06/14/2011 | Not Printed | |
| | 34759 | R884-24P-64 | NSC | 05/25/2011 | 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>telephones</u> | | | | | | |
| Corrections, Administration | 34845 | R251-702 | NSC | 06/14/2011 | Not Printed | |
| <u>terminally ill</u> | | | | | | |
| Corrections, Administration | 34858 | R251-114 | NSC | 06/14/2011 | Not Printed | |
| <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>title insurance</u> | | | | | | |
| Insurance, Title and Escrow Commission | 34932 | R592-11 | 5YR | 06/15/2011 | Not Printed | |
| <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>training</u> | | | | | | |
| Corrections, Administration | 34859 | R251-301 | NSC | 06/14/2011 | Not Printed | |
| <u>training programs</u> | | | | | | |
| Human Resource Management, Administration | 34748 | R477-10 | NSC | 05/25/2011 | Not Printed | |
| <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 | |
| <u>treatment providers</u> | | | | | | |
| Corrections, Administration | 34861 | R251-109 | NSC | 06/14/2011 | Not Printed | |
| <u>unarmed combat</u> | | | | | | |
| 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 | |

RULES INDEX

| | | | | | |
|---|-------|---------------|-----|------------|-------------|
| | 34484 | R359-1-515 | AMD | 04/26/2011 | 2011-6/79 |
| <u>underground storage tanks</u> | | | | | |
| 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 |
| <u>unemployment compensation</u> | | | | | |
| Workforce Services, Unemployment Insurance | 34776 | R994-302 | 5YR | 05/05/2011 | 2011-11/133 |
| | 34777 | R994-308 | 5YR | 05/05/2011 | 2011-11/134 |
| | 34361 | R994-403-113c | AMD | 03/15/2011 | 2011-3/52 |
| | 34445 | R994-508 | AMD | 04/11/2011 | 2011-5/97 |
| <u>universal service</u> | | | | | |
| Public Service Commission, Administration | 34176 | R746-360-8 | AMD | 01/19/2011 | 2010-22/109 |
| <u>Utah 911 Committee</u> | | | | | |
| Public Safety, Criminal Investigations and Technical Services, 911 Committee (Utah) | 34501 | R720-1 | NEW | 05/11/2011 | 2011-7/22 |
| <u>Utah Housing Opportunity Restricted Account</u> | | | | | |
| Commerce, Real Estate | 34223 | R162-2a | NEW | 01/08/2011 | 2010-23/15 |
| | 34224 | R162-12 | REP | 01/08/2011 | 2010-23/25 |
| <u>vehicle replacement</u> | | | | | |
| Administrative Services, Fleet Operations | 34257 | R27-4-11 | AMD | 01/25/2011 | 2010-24/7 |
| <u>visitation</u> | | | | | |
| Corrections, Administration | 34843 | R251-305 | NSC | 06/14/2011 | Not Printed |
| <u>vital statistics</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 34493 | R436-3 | NSC | 04/06/2011 | Not Printed |
| <u>waste disposal</u> | | | | | |
| Environmental Quality, Water Quality | 34437 | R317-1-7 | AMD | 04/13/2011 | 2011-5/26 |
| <u>water pollution</u> | | | | | |
| Environmental Quality, Water Quality | 34437 | R317-1-7 | AMD | 04/13/2011 | 2011-5/26 |
| <u>water safety rules</u> | | | | | |
| 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 |
| <u>water skiing</u> | | | | | |
| Natural Resources, Parks and Recreation | 34357 | R651-224 | 5YR | 01/11/2011 | 2011-3/59 |
| <u>water wells</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>website</u> | | | | | |
| Technology Services, Administration | 34723 | R895-8 | 5YR | 04/27/2011 | 2011-10/121 |
| <u>weight</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>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 |