

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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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

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# SPECIAL NOTICES

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## Commerce Occupational and Professional Licensing

### Public Hearing on 09/14/2011: State Construction Code Amendments Under Utah State Construction Code Administration Act

#### Part I Summary of Amendments Recommended to the State Construction Code

This document is a summary of amendments to the State Construction Code which have been recommended by the Uniform Building Code Commission Advisory Committees to the Uniform Building Code Commission (UBCC) and which the UBCC has approved for review at a public hearing. A public hearing on these proposed amendments will be held on September 14, 2011, at 9:00 a.m. in Room 4112 of the State Office Building, 450 North State Street, Salt Lake City, Utah.

These recommendations are subject to change after further review by the UBCC after the public hearing is held and before the UBCC makes its final recommendations to the Legislature's Business and Labor Interim Committee.

#### **Overall Summary of Proposed Amendments:**

Pending the results of the public hearing, the UBCC Advisory Committees and the UBCC recommend that the following proposed amendments be adopted as part of the State Construction Code.

There are six areas of changes recommended:

1. 15A-2-103(1)(f): Adoption of the 2011 National Electrical Code (NEC) replacing the 2008 edition.
2. 15A-3-108(3) and (4) and 15A-3-113(4): Adoption of three new amendments concerning the requirement for concrete to the 2009 IBC.
3. 15A-3-113(6): Adoption of a new amendment to the IBC Referenced Standard ICC/ANSI A117.1-03 concerning clear floor space.
4. 15A-3-601(2): Adoption of a technical amendment, changing the citation that has been moved in the 2011 NEC.
5. 15A-3-601(3). Deletion of a previous amendment in the 2009 NEC this is now adequately addressed in the 2011 NEC.
6. 15A-4-302, 303, 304, and 306: Adoption of four new local amendments to IPC adopting appendix C which would allow gray water recycling in the City of Moab, Grand County, City of Murray, and Salt Lake County.

#### **Detailed Summary of Proposed Amendments:**

##### **15A-2-103(1)(f): Specific editions of nationally recognized codes adopted.**

This proposal recommends adopting the 2011 edition of the National Electrical Code (NEC) replacing the 2008 edition.

This amendment has been reviewed by the UBCC Electrical Advisory Committee and the UBCC. No one from the public has voiced an objection to the proposed current edition of the NEC.

The Committee reviewed the significant changes made to the 2011 NEC. The Committee found the changes to be appropriate and recommend the 2011 NEC be adopted with all changes except for 1 current state amendment which is being updated. Some of the changes may require additional costs, however, the Committee has determined that the benefits of these changes outweigh the costs.

**15A-3-108(3) and (4) and 15A-3-113(4): New amendments to Chapter 19 and 35 of IBC.**

Three new amendments are being recommended for approval concerning the requirement for concrete in the 2009 IBC.

The UBCC Structural Advisory Committee and the UBCC are recommending that these three amendments be adopted. The Committee determined that the current durability requirements do not adequately address the requirements for concrete with minimal exposure to freeze-thaw cycles.

These changes will result in some decreased costs of construction. It is impossible to estimate the actual savings that would result because of the variations that may occur on a project and the number of projects that may be affected.

**15A-3-113(6): New amendment to Chapter 35 of IBC.**

A new amendment is being recommended for approval to add a modification to a referenced standard.

The UBCC Architectural Advisory Committee and the UBCC are recommending adoption of this amendment. This change will provide adequate clearance for a person in a wheelchair to reach the faucet.

There would be no change in cost.

**15A-3-601(2): Amendment to NEC:**

This is a technical amendment, changing the citation that has been moved in the 2011 NEC.

**15A-3-601(3): Amendment to NEC.**

The UBCC Electrical Advisory Committee and the UBCC have recommended deletion of a previous amendment in the 2009 NEC that is now adequately addressed in the 2011 NEC.

**15A-4-302, 303, 304 and 306. Local amendments to IPC for the City of Moab, Grand County, and the City of Murray and Salt Lake County.**

Each of these local compliance agencies have requested the adoption of Appendix C of the 2009 IPC which will allow gray water recycling in their city or county.

**Renumbering.** Current amendments subsequent to that above are to be renumbered as required.

**Part 2**

**TITLE 15A. STATE CONSTRUCTION AND FIRE CODES ACT**

**Amendments Proposed for public hearing September 14, 2011, at the Uniform Building Code Commission Meeting**

**{15A-1-101 and 15A-2-102 remain unchanged}**



**15A-2-103. Specific editions adopted of construction code of a nationally recognized code authority.**

(1) Subject to the other provisions of this part, the following construction codes are incorporated by reference, and together with the amendments specified in Chapters 3 and 4, are the construction standards to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in the state:

- (a) the 2009 edition of the International Building Code, including Appendix J, issued by the International Code Council;
- (b) the 2009 edition of the International Residential Code, issued by the International Code Council;
- (c) the 2009 edition of the International Plumbing Code, issued by the International Code Council;
- (d) the 2009 edition of the International Mechanical Code, issued by the International Code Council;
- (e) the 2009 edition of the International Fuel Gas Code, issued by the International Code Council;
- (f) the ~~2008~~2011 edition of the National Electrical Code, issued by the National Fire Protection Association;
- (g) the 2009 edition of the International Energy Conservation Code, issued by the International Code Council;
- (h) subject to Subsection 15A-2-104(2), the HUD Code;
- (i) subject to Subsection 15A-2-104(1), Appendix E of the 2009 edition of the International Residential Code, issued by the International Code Council; and
- (j) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.

(2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code, issued by the International Code Council, with the alternatives or amendments approved by the Utah Division of Forestry, as a construction code that may be adopted by a local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this section.

**{15A-2-104 through 15A-3-108(2) remain unchanged}**

**15A-3-108**

2. (3) In IBC, Section 1904.3, a new exception 1 is added as follows and the current exception is modified to be number 2.

Exceptions:

"1. In ACI Table 4.3.1, for Exposure Class F1, change Maximum w/cm from 0.45 to 0.5 and Minimum f'c from 4,500 psi to 3,000 psi."

(4) IBC, Section 1904.4.1 is deleted and replaced with the following:

"1904.4.1 Air Entrainment. Concrete that extends above grade and is exposed to freezing and thawing while moist shall be air entrained in accordance with ACI 318, Section 4.4.1."

**{15A-3-109 through 15A-3-113(3) remain unchanged}**

**15A-3-113**

(4) In IBC, Chapter 35, the referenced standard ACI 318-08 is modified to change Table 4.2.1 of ACI 318-08 as follows: In the portion of Table 4.2.1 designated as "Conditions", the Exposure categories and classes are deleted and replaced with the following:

"F0: Concrete elements not exposed to freezing and thawing cycles to include footing and foundation elements that are completely buried in soil.

F1: Concrete elements exposed to freezing and thawing cycles and are not likely to be saturated or exposed to deicing chemicals.

F2: Concrete elements exposed to freezing and thawing cycles and are likely to be saturated, but not exposed to deicing chemicals.

F3: Concrete elements exposed to freezing and thawing cycles and are likely to be saturated and exposed to deicing chemicals."

(5) In IBC, Chapter 35, the referenced standard ICC/ANSI A117.1-03, Section 606.2, Exception 1 is modified to include the following sentence at the end of the exception:

"The minimum clear floor space shall be centered on the sink assembly."

{subsections (4) through (20) are renumbered}

**{15A-3-201 through 15A-3-501 remain unchanged}**

**15A-3-601. General provision.**

The following are adopted as amendments to the NEC to be applicable statewide:

(1) During the period of time when the adopted IRC has not yet incorporated the latest residential electrical provisions contained in the adopted NEC, the IRC provisions shall prevail as the adopted residential electrical standards applicable to installations applicable under the IRC. All other installations shall comply with the adopted NEC.

(2) In NEC, Section 310.15(B)(6)(7), the second sentence is deleted and replaced with the following: "For application of this section, the main power feeder shall be the feeder(s) between the main disconnect and the panelboard(s)."

~~[(3) In NEC, Section 338.10(B)(4)(a), the following words are added at the end of the first sentence after Section 334: "excluding Section 334.80."]~~

**{15A-3-701 through 15A-4-301 remain unchanged}**

**15A-4-302. Amendments to IPC applicable to City of Moab.**

The following amendment is adopted as an amendment to the IPC for City of Moab, IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

**15A-4-303. Amendments to IPC applicable to Grand County.**

The following amendment is adopted as an amendment to the IPC for Grand County, IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

**15A-4-304. Amendments to IPC applicable to Murray City.**

The following amendment is adopted as an amendment to the IPC for Murray City, IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

**15A-4-~~302~~305. Amendments to IPC applicable to Salt Lake City.**

The following amendment is adopted as an amendment to the IPC for Salt Lake City, IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

**15A-4-306. Amendments to IPC applicable to Salt Lake County.**

The following amendment is adopted as an amendment to the IPC for Salt Lake County, IPC, Appendix C, as specified and amended in Subsection 15A-3-314(3).

{subsequent sections should be renumbered as required}

**Effective dates:**

Recommended effective dates are as follows:

July 1, 2012

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**Environmental Quality  
Air Quality**

**Notice of Public Comment Period: High Wind Exceptional Events – Event Dates: 03/04/2009**

Federal regulations, 40 CFR Part 50, allow states to exclude air quality data that exceed or violate a National Ambient Air Quality Standard (NAAQS) if they can demonstrate that an "exceptional event" has caused the exceedance or violation. Exceptional events are unusual or naturally occurring events that can affect air quality but are not reasonably controllable or preventable using techniques implemented to attain and maintain the NAAQS.

Exceptional events may be caused by human activity that is unlikely to recur at a particular location, or may be due to a natural event. The Environmental Protection Agency (EPA) defines a "natural event" as an event in which human activity plays little or no direct causal role to the event in question. For example, a natural event could include such things as high winds, wild fires, and seismic/volcanic activity. In addition, the EPA will allow states to exclude data from regulatory determinations on a case-by-case basis for monitoring stations that measure values that exceed or violate the NAAQS due to emissions from fireworks displays from cultural events.

Federal regulations (40 CFR Part 50.14(c)(3)(i)) require that all relevant flagged data, the reasons for the data being flagged, and a demonstration that the flagged data are caused by exceptional events be made available by the State for 30 days of public review and comment. These comments will be considered in the final demonstration of the event that is submitted to EPA. The following monitoring station air quality exceedance has been attributed to a high wind exceptional event: Lindon, 200 ug/m<sup>3</sup> PM10.

The documentation for public review and comment to support removing this data from use in regulatory determinations is available at [http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Exceptional\\_Events/Exceptional\\_Events.htm](http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Exceptional_Events/Exceptional_Events.htm) or at the Multi Agency State Office Building, 195 North 1950 West, Salt Lake City, Utah. In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Brooke Baker, Office of Human Resources at 801- 536-4412 (TDD 536-4414).

The comment period will close at 5:00 p.m. on September 30, 2011. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to [jkarmazyn@utah.gov](mailto:jkarmazyn@utah.gov) or may be mailed to:

Joel Karmazyn  
Utah Division of Air Quality  
PO Box 144820  
195 N 1950 W  
Salt Lake City, UT 84114-4820

**End of the Special Notices Section**



# EXECUTIVE DOCUMENTS

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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).

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## Governor's Executive Order EO/011/2011: Wildland Fire Management

### EXECUTIVE ORDER

#### Wildland Fire Management

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

**WHEREAS**, numerous 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 August 10, 2011 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

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

(State Seal)

**Gary R. Herbert**  
**Governor**

**ATTEST:**

**Lieutenant Governor**  
**Greg Bell**

EO/011/2011

**End of the Executive Documents Section**

## NOTICES OF PROPOSED RULES

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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 August 02, 2011, 12:00 a.m., and August 15, 2011, 11:59 p.m. are included in this, the September 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 October 3, 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 December 30, 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.

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**The Proposed Rules Begin on the Following Page**

**Agriculture and Food, Animal Industry**  
**R58-20**  
**Domesticated Elk Hunting Parks**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35154

FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to make permanent the changes made during the emergency rule process and to order the definitions alphabetically.

**SUMMARY OF THE RULE OR CHANGE:** This amendment makes permanent the changes made during the emergency rule process that gave the Department the ability to close a hunting park after abandonment by the licensee of the hunting park. Also to place definitions in alphabetical order.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 4-39-106

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The changes to the rule will not affect the state budget. The program is currently being funded by general fund money. The agency does not anticipate that the changes to the rule will change the current funding level beyond inflationary costs associated with the general fund.

◆ **LOCAL GOVERNMENTS:** There are no costs to local government at this time under the current rule. With the changes in the rule, there may be an increased cost to local governments as they may be asked to monitor compliance of slaughter areas that are used heavily.

◆ **SMALL BUSINESSES:** There would be no change in cost to small businesses as long as they stay in business. If they go out of business and abandon elk, they would be required to reimburse the State of Utah for the cost of removing the elk.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed changes would have no effect on individuals or government. These changes are only for owners of an elk park that abandon the park.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There will be no change in cost to come under compliance.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This change was initiated at the recommendation of the Attorney General's office to give the Department the authority to humanely remove animals that are abandoned as a result of default on the part of the park owner.

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:**

◆ Bruce King by phone at 801-538-7162, by FAX at 801-538-7169, or by Internet E-mail at [bking@utah.gov](mailto:bking@utah.gov)  
 ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at [kmathews@utah.gov](mailto: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](mailto:kylestephens@utah.gov)  
 ◆ Wyatt Frampton by phone at 801-538-7165, by FAX at 801-538-7169, or by Internet E-mail at [wframpton@utah.gov](mailto:wframpton@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Leonard Blackham, Commissioner

**R58. Agriculture and Food, Animal Industry.**

**R58-20. Domesticated Elk Hunting Parks.**

**R58-20-1. Authority and Purpose.**

In accordance with the Domesticated Elk Act, and the provisions of Section 4-39-106, Utah Code, this rule specifies:

- (i) procedures for obtaining domesticated elk facility licenses,
- (ii) requirements for operating those facilities,
- (iii) standards for disposal/removal of animals within those facilities, and
- (iv) health standards and requirements in such facilities.

**R58-20-2. Definitions.**

In addition to terms used in Section 4-39-102, and R58-18-2:

- (1) "Division" means the Division of Animal Industry, in the Utah Department of Agriculture and Food["Elk farm" means a place where domestic elk are raised, bred and sold within the practice of normal or typical ranching operations].
- (2) "Domestic elk" means any elk which is born inside of, and has spent its entire life in captivity, and is the offspring of domestic elk["Hunting Park" means a place where domestic elk are harvested through normal or typical hunting methods].
- (3) "Elk farm" means a place where domestic elk are raised, bred and sold within the practice of normal or typical ranching operations["Division" means the Division of Animal Industry, in the Utah Department of Agriculture and Food].



(4) "Hunting Park" means a place where domestic elk are harvested through normal or typical hunting methods [~~"Domestic elk" means any elk which is born inside of, and has spent its entire life in captivity, and is the offspring of domestic elk~~].

(5) "Isolation Facility" means a confined area where selected elk can be secured, contained and isolated from all other elk or livestock.

(6) "Secure Enclosure" means a perimeter fence or barrier that is constructed and maintained in accordance with Section 4-39-201 and will prevent domestic elk from escaping into the wild or the ingress of big game wildlife into the facility.

#### **R58-20-3. Application and Licensing Process.**

(1) Pursuant to Section 4-39-203, Utah Code, the owner of each facility that is involved in the hunting of domestic elk must first fill out and complete a separate elk hunting park application which shall be submitted to the Division for approval.

(2) In addition to the application, a general plot plan should be submitted showing the location of the proposed hunting park in conjunction with roads, town, etc. in the immediate area.

(3) A facility number shall be assigned to an elk hunting park at the time a completed application is received at the Department of Agriculture and Food building.

(4) A complete facility inspection and approval shall be conducted prior to the issuing of a license or entry of elk to any facility. This inspection shall be made by an approved Department of Agriculture and Food employee and Division of Wildlife Resources employee. It shall be the responsibility of the applicant to request this inspection at least 72 hours in advance.

(5) Upon receipt of an application, inspection and approval of the facility, completion of the facility approval form, and receipt of the license fee, a license will be issued.

(6) All licenses for hunting parks expire on July 1 in the year following the year of issuance.

(7) No domestic elk shall be allowed to enter a hunting park until a license is issued by the division and received by the applicant.

#### **R58-20-4. License Renewal.**

(1) All laws found in Section 4-39-205 and rules found in R58-18-4 pursuant to the renewal of elk farms are applicable to elk hunting parks.

#### **R58-20-5. Facilities.**

(1) Fencing requirements established by Section 4-39-201 of the Utah Code are applicable to both domestic elk farms and hunting parks.

(2) A hunting park for domesticated elk may be no smaller than 600 fenced contiguous acres, with sufficient trees, rocks, hills and natural habitat, etc. to provide cover for the animals. Hunting park owners intending to operate facilities larger than 5,000 acres must obtain prior written approval of the Elk Advisory Council, following studies, reviews or assessments, etc., which the Council may deem necessary to undertake, in order to make an informed decision.

(3) There shall be notices posted on the outside fence and spaced a minimum of every 100 yards, to notify the public that the land area is a private hunting park.

(4) Each location of a licensed facility with separate perimeter fences must have its own separate loading facility.

(5) To be licensed, the park must include a handling and isolation facility which can be accessed and operated with reasonable ease for identification and disease control purposes. An exception to this rule may be granted in cases where there is a licensed farm owned by the same individual within 50 miles of the hunting park which can be accessed in a reasonably short period of time.

#### **R58-20-6. Records.**

(1) All laws and rules set forth in Sections 4-39-206 and R58-18-6 apply to hunting parks.

#### **R58-20-7. Genetic Purity.**

(1) All laws and rules found in Sections 4-39-301 and R58-18-7 pursuant to genetic purity are applicable to hunting parks.

#### **R58-20-8. Acquisition of Elk.**

(1) All laws and rules found in Sections 4-39-302, 4-39-303, R58-18-8 and R58-18-11 pursuant to importation or acquisition of domestic elk are applicable to hunting parks.

#### **R58-20-9. Identification.**

(1) All laws and regulations provided in Sections 4-39-304 and R58-18-9 governing individual animal identification are applicable in hunting parks.

#### **R58-20-10. Inspections.**

(1) All hunting park facilities must be inspected yearly within 60 days before a license or the renewal of an existing license is issued. It is the responsibility of the applicant to arrange for an appointment with the department for such inspection, giving the department ample time to respond to such a request.

(2) All elk must be inspected for inventory purposes within a reasonable timely period before a license renewal can be issued.

(3) All live domestic elk must be brand inspected prior to entering or leaving the park.

(4) Any elk purchased or brought into the facility from an out-of-state source shall be inspected upon arrival at a licensed hunting park before being released into an area inhabited by other domestic elk.

(5) A Utah Brand Inspection Certificate shall accompany any shipment of live elk into or out of the hunting park including those which move from facility to facility within Utah.

(6) A Domestic Elk Harvest Permit must be filled out by the park owner at the time of harvest. One copy of the permit shall be sent to the division office, one copy shall go to the hunter and one copy shall be kept on file at the facility. Validated tags must be attached to the carcass and the antlers prior to leaving the park and remain affixed during transportation to residence, meat processor, taxidermist, etc.

(7) Pursuant to Section 4-39-207, agricultural inspectors may, at any reasonable time during regular business hours, have free and unimpeded access to inspect all facilities, animals and records where domestic elk are kept.

**R58-20-11. Health Rules.**

(1) All laws and rules found in Sections 4-39-107, R58-18-11 and R58-18-12 pursuant to animal health are applicable to hunting parks.

**R58-20-12. Meat.**

(1) The selling of domestic elk meat obtained from a licensed hunting park will not be allowed and:

(a) Must be consumed by either the hunter or park owner or their immediate family members, regular employees or guests, or the meat shall be:

(b) Donated as a charitable food item in compliance with Section 4-34-2 of the Utah Agriculture Code.

**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:** ~~January 27, 2010~~ **2011**

**Notice of Continuation:** February 23, 2009

**Authorizing, and Implemented or Interpreted Law:** 4-39-106

Commerce, Occupational and  
Professional Licensing  
**R156-53**  
Landscape Architects Licensing Act  
Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35112

FILED: 08/04/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** During the 2011 General Session, H.B. 196 passed which amended the Landscape Architects Licensing Act, Title 58, Chapter 53, to include a continuing education requirement for landscape architects. As a result of H.B. 196, an amendment clarifying the continuing education requirement needs to be made to this rule. Other changes are made at the request of the Division and the Landscape Architects Licensing Board.

**SUMMARY OF THE RULE OR CHANGE:** Throughout the rule, the term "rules" is changed to "rule" where applicable, "Division" is capitalized, citation references are updated, and minor grammatical changes are made. In Subsection R156-53-302a(1)(b), the proposed amendment adds the word "general" to clarify the level of supervision that an individual must be under to satisfy the experience requirement. In Subsection R156-53-302a(2), the proposed amendment deletes this paragraph because current certification with the Council of Landscape Architectural Registration Boards (CLARB) does not necessarily guarantee that an applicant completed the education and experience requirements established in Subsections R156-53-302a(1)(a) or (b). Deleting Subsection R156-53-302a(2) will cause all applicants to be required to fulfill the requirements in either Subsections R156-53-302a(1)(a) or (b). In Section R156-53-304, the proposed amendments clarify continuing education requirements for licensees which the newly amended statute now requires. In Section R156-53-308, the proposed amendments clarify reinstatement requirements for landscape architects whose licenses have been expired for over two years. In Section R156-53-401, the proposed amendment adds Subsection R156-53-401(4) to define as unprofessional conduct the violation of any provision of the American Society of Landscape Architects (ASLA) Code of Professional Ethics, last amended by the ASLA Board of Trustees May 2, 2009. Section R156-53-501 is renumbered to Section R156-53-502; proposed amendments change the administrative penalties/fine schedule to a table format. Remaining subsections are renumbered.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-53-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: 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. Costs incurred as a result of the new continuing education requirement for landscape architects due to the passing of H.B. 196 will be absorbed in the Division's current budget.

◆ LOCAL GOVERNMENTS: The proposed amendments only apply to licensed landscape architects 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 licensed landscape architects and applicants for licensure in that classification. Any cost impact to either small businesses or persons other than businesses brought about by the new continuing education requirement comes as a result of changes to the statute under H.B. 196. The fiscal note for H.B. 196 should be reviewed for information regarding the legislative bill's cost impact and in turn any anticipated costs with respect to this clarifying rule.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendments only apply to licensed landscape architects and applicants for licensure in that classification. Any cost impact to either small businesses or persons other than businesses brought about by the new continuing education requirement comes as a result of changes to the statute under H.B. 196. The fiscal note for H.B. 196 should be reviewed for information regarding the legislative bill's cost impact and in turn any anticipated costs with respect to this clarifying rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed landscape architects and applicants for licensure in that classification. Any cost impact to affected persons brought about by the new continuing education requirement comes as a result of changes to the statute under H.B. 196. The fiscal note for H.B. 196 should be reviewed for information regarding the legislative bill's cost impact and in turn any anticipated costs with respect to this clarifying rule. The deletion of Subsection R156-53-302a(2) may result in applicants certified by the Council of Landscape Architectural Registration Boards (CLARB) being unable to qualify for a license if they do not fulfill either requirement established in Subsection R156-53-302a(1). Removal of Subsection R156-53-302a(2) may have cost impact on such applicants as they may have been initially licensed in a jurisdiction that required less experience. However, the Division is not able to determine how many applicants this will pertain to and if it does pertain to an applicant, any costs associated with the change due to a wide degree of circumstances. Also, there is no cost associated with the ASLA Code of Professional Ethics since this document can be found on the ASLA website.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing implements recent statutory amendments, corrects statutory references, and provides clarifying definitions and provisions. The continuing education requirements as well as the deletion of a provision which accepted an applicant's certification by the Council of Landscape Architectural Registration Boards as meeting the education and experience requirement could result in a cost to potential applicants and licensees, but that impact was previously addressed by the Legislature in passing the authorizing statutory amendments.

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 10/03/2011

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 09/26/2011 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 402 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-53. Landscape Architects Licensing Act Rule[s].**

**R156-53-101. Title.**

~~[These rules are]~~ This rule is known as the "Landscape Architects Licensing Act Rule[s]".

**R156-53-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 53, as used in Title 58, Chapters 1 and 53 or ~~[these rules]~~ this rule:

(1) "Employee" or "employee, subordinate, associate, or drafter" of a landscape architect, as used in Subsections 58-53-102(5) and 58-53-603(2) and ~~[these rules]~~ this rule, means one or more individuals not licensed as a landscape architect who are working for, with, or providing landscape architect services under the supervision or direction of the licensed landscape architect.

(2) "Under the direction of the landscape architect" or "under the supervision of a licensee", as used in Subsection 58-53-102(5) and 58-53-603(2), means that the unlicensed employee,

subordinate, associate, or drafter of the landscape architect engages in the practice of landscape architecture only on work initiated by the landscape architect, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of the landscape architect.

(3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 53 is further defined, in accordance with Subsections 58-1-203([5]1)(e) and 58-53-102(7), in Section R156-53-401.

**R156-53-103. Authority - Purpose.**

[These rules are] This rule is adopted by the [d]Division under the authority of Subsection 58-1-106(1) to enable the [d]Division to administer Title 58, Chapter 53.

**R156-53-302a. Qualifications for Licensure - Education and Experience Requirements.**

(1) In accordance with Subsections 58-53-302(1)(d)(i) and (ii), an applicant for licensure shall complete the following education or experience requirements:

(a) [the] a bachelors or masters degree in landscape architecture which shall be from a curriculum accredited by the Landscape Architectural Accreditation Board (LAAB); or

(b) [the] eight years of experience shall be full or part time employment for periods of time not less than ten weeks in length under the general supervision of one or more licensed landscape architects. [

(2) ~~Current certification with the Council of Landscape Architectural Registration Boards (CLARB) is evidence of having completed the education and experience requirements set forth in Subsections (1)(a) and (b).]~~

**R156-53-303. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 53 is established by rule in Section R156-1-308a.

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

**R156-53-304. Continuing Education for Landscape Architects.**

In accordance with Section 58-53-303, the continuing education standards for landscape architects are established as follows:

(1) Beginning June 1, 2012, during each two-year renewal cycle ending on May 31 of each even-numbered year, a licensed landscape architect shall complete not less than 16 contact hours of continuing education directly related to the licensee's professional practice.

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

(3) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(4) A continuing education activity shall meet the following standards:

(a) Activity Content and Types. The activity shall have an identifiable, clear statement of purpose and defined objective directly related to the practice of landscape architecture and directly related to topics involving the public health, safety, and welfare of landscape architecture practice and the ethical standards of landscape architectural practice.

(i) Health, safety, welfare, and ethical standards as used in this Subsection are defined to including the following:

(A) The definition of "health" shall include aspects of landscape architectural practice that have salutary effects among users of sites, site structures, pedestrian ways, and vehicular facilities that are environmental and affect human health. Examples include all aspects of air quality, provisions of personal hygiene, and use of non-toxic materials and finishes.

(B) The definition of "safety" shall include aspects of landscape architectural practice intended to limit or prevent accidental injury or death among users such as sites, site structures, or construction sites. Examples include safe access and egress within sites and site structures, minimization of slipping hazards on exterior surfaces, correct proportions and visibility of stairs, safety railings, and accommodations for users with disabilities.

(C) The definition of "welfare" shall include aspects of landscape architectural practice that consist of values that may be social, psychological, cultural, spiritual, physical, aesthetic, and monetary in nature. Examples include spaces that afford natural light, natural materials, or views of nature or whose proportions, color, or materials engender positive emotional responses from its users.

(D) The definition of "ethical standards for landscape architectural practice" shall include the ASLA Code of Professional Ethics, specified in Subsection R156-53-401(4).

(ii) The activity shall be completed in the form of any of the following activity types:

(A) in-house programs sponsored by an organization;

(B) seminar;

(C) lecture;

(D) conference;

(E) training session;

(F) webinar;

(G) internet course;

(H) distance learning course;

(I) televised course;

(J) authoring of an article, textbook, or professional book publication;

(K) lecturing in or instructing a continuing education course;

(L) study of a scholarly peer-reviewed journal article, book, or book chapter;

(M) pro-bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the licensee;

(N) mentoring one or more students for one day at the Landscape Architecture Shadow Mentor Day, mentoring program, or other mentoring event;

(O) membership on a state regulatory board for the practice of landscape architecture;

(P) serving as an elected officer or appointed chair of a committee or organization in a professional society or organization;

(Q) serving as an elected officer or appointed member of a professional board or commission; or

(R) serving as an exam grader or on a committee writing exam materials for a professional registration or licensing examination.

(b) Objectives. The activity learning objectives shall be clearly stated in activity material.

(c) Faculty. The activity shall be prepared and presented by individuals who are qualified by education, training, and experience.

(d) Activity provider or sponsor. The activity shall be approved by, conducted by, or under the sponsorship of one of the following:

(i) an accredited college or university;

(ii) a state or federal agency;

(iii) a professional association, organization, or company related to the practice of landscape architecture; or

(iv) a commercial continuing education provider providing an activity related to the practice of landscape architecture.

(e) Documentation. Each licensee shall maintain documentation as proof of compliance with this section, such as certificate of completion, school transcript, activity description, activity syllabi, or other activity materials. The licensee shall retain this proof for a period of three years after the end of the renewal cycle for which the continuing education is due.

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

(A) the date of the activity;

(B) the name of the activity provider;

(C) the name of the instructor;

(D) the activity title;

(E) the number of contact hours of continuing education credit; and

(F) the activity objectives.

(ii) If the activity is self-directed, such as study or authoring of a scholarly peer-reviewed journal article, book, book chapter, or similar document, the documentation shall contain the following:

(A) the dates of study or research;

(B) the title of the paper, article, or book;

(C) an abstract of the paper, article, or book;

(D) the number of contact hours of continuing education credit; and

(E) the objectives of the self-study activity.

(f) Contact hour. Each contact hour of continuing education credit shall consist of not fewer than 50 minutes of education. One professional development hour (PDH) is equal to one contact hour. One university quarter credit hour is equivalent to 40 contact hours. One university semester credit hour is equivalent to 45 contact hours. One International Association of Continuing Education and Training (IACET) Continuing Education Unit (CEU) is equivalent to ten contact hours.

(5) Extra hours of continuing education. If a licensee completes more than the required number of contact hours of continuing education during the two-year renewal cycle specified in Subsection (1), up to eight contact hours of the excess may be carried over to the next two-year renewal cycle. No education received prior to the license being granted may be carried forward

to apply towards the continuing education required after the license is granted.

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

(a) a maximum of six hours per two-year renewal cycle may be recognized for teaching in a college or university or for teaching continuing education activities in the field of landscape architecture, provided it is the first time the material was taught;

(b) a maximum of three hours per two-year renewal cycle may be recognized for authoring or study of published papers, articles, or books directly related to the practice of landscape architecture;

(c) a maximum of four hours per two-year renewal cycle may be recognized for pro-bono service that has a clear purpose and objective and maintains, improves, and expands the professional knowledge or skill of the licensee;

(d) a maximum of two hours per two-year renewal cycle may be recognized for mentoring one or more students for one day at the Landscape Architecture Shadow Mentor Day, mentoring program, or other mentoring event;

(e) a maximum of four hours per two-year renewal cycle may be recognized for membership on a state regulatory board for the practice of landscape architecture;

(f) a maximum of two hours per two-year renewal cycle may be recognized for serving as an elected officer or appointed chair of a committee or organization in a professional society or organization related to the practice of landscape architecture;

(g) a maximum of two hours per two-year renewal cycle may be recognized for serving as an elected officer or appointed member of a governmental board or commission related to the practice of landscape architecture;

(h) a maximum of four hours per two-year renewal cycle may be recognized for serving as an exam grader or on a committee writing exam materials for a professional registration or licensing examination; and

(i) unlimited hours may be recognized for continuing education that is online, distance-learning, correspondence course, or home study provided the activity verifies registration and participation in the activity by means of a test or other assessment method including a final summary, individual paper, or individual project which demonstrates that the participant learned the material presented.

#### **R156-53-308. Reinstatement of a Landscape Architect License which has Expired Beyond Two Years.**

In addition to the requirements in Section R156-1-308g and in accordance with Subsection 58-1-308(6), an applicant for reinstatement for licensure as a landscape architect, whose license has been expired for two or more years, shall:

(1) upon request by the Division, meet with the Board to evaluate the applicant's ability to safely and competently practice landscape architecture; and

(2) pass the Landscape Architect Registration Examination (LARE) of the Council of Landscape Architectural Registration Boards if it is determined by the Board and Division that examination or reexamination is necessary to demonstrate the applicant's ability to safely and competently practice landscape architecture.

**R156-53-401. Unprofessional Conduct.**

"Unprofessional conduct" includes:

- (1) submitting an incomplete final site plan to a client, when the licensee represents, or could reasonably expect the client to consider, the site plan to be complete and final;
- (2) submitting an incomplete final site plan to a building official for the purpose of obtaining a building permit;[~~or~~]
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; and
- (4) failing to conform to the generally accepted standards and ethics of the profession including those established in the American Society of Landscape Architects (ASLA) Code of Professional Ethics, as amended by the ASLA Board of Trustees on May 2, 2009, which document is hereby adopted and incorporated by reference.

**R156-53-50[1]2. Administrative Penalties - Unlawful Conduct.**

(1) ~~In accordance with Section[s 58-1-501 and] 58-53-502[1 and Subsection 58-1-501(1)(a) through (d), unless otherwise ordered by the presiding officer], the following fine schedule shall apply to citations issued to individuals licensed under Title 58, Chapters 1 and 53.[~~

~~(1) Engaging in unlicensed practice or using any title that would cause a reasonable person to believe the user of the title is licensed under this chapter.~~

- ~~First Offense: \$800~~
- ~~Second Offense: \$1,600~~

~~(2) Engaging in, or representing oneself as engaged in the practice of landscape architecture as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure.~~

- ~~First Offense: \$800~~
- ~~Second Offense: \$1,600~~

~~(3) Impersonating another licensee or engaging in practice under this chapter using a false or assumed name, unless permitted by law.~~

- ~~First Offense: \$1,000~~
- ~~Second Offense: \$2,000~~

~~(4) Knowingly employing any person to practice under this chapter who is not licensed to do so.~~

- ~~First Offense: \$1,000~~
- ~~Second Offense: \$2,000~~

~~(5) Knowingly permitting any person to use his license except as permitted by law.~~

- ~~First Offense: \$1,000~~
- ~~Second Offense: \$2,000]~~

TABLE

FINE SCHEDULE

| Violation      | First Offense | Second Offense |
|----------------|---------------|----------------|
| 58-1-501(1)(a) | \$ 800.00     | \$1,600.00     |
| 58-1-501(1)(b) | \$1,000.00    | \$2,000.00     |
| 58-1-501(1)(c) | \$1,000.00    | \$2,000.00     |
| 58-1-501(1)(d) | \$1,000.00    | \$2,000.00     |
| 58-53-501(1)   | \$ 800.00     | \$1,600.00     |
| 58-53-501(2)   | \$ 800.00     | \$1,600.00     |

[6]2 Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is

double the second offense amount with a maximum amount not to exceed the maximum fine allowed under Subsection 58-53-502(1)(i)(iii).

[7]3 If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

[8]4 An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

[9]5 In ~~all cases~~ each case the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

**KEY: landscape architects, licensing**

**Date of Enactment or Last Substantive Amendment: [August 15, 2006]2011**

**Notice of Continuation: March 24, 2008**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-53-101**

Commerce, Occupational and Professional Licensing  
**R156-54**

Radiology Technologist and Radiology Practical Technician Licensing Act Rule

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35158

FILED: 08/15/2011

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to amend the rule to implement changes made in the governing statute, Title 58, Chapter 54, as a result of H.B. 238, which was passed during the 2011 General Session, and to make other minor additional changes. Changes include: 1) updating the title of the rule; 2) adding a new definition; 3) renumbering Section R156-54-102 and deleting the definition for "supervision"; 4) removing language from Subsection R154-54-304(1); 5) deleting Subsection R156-54-304(5); 6) updating the edition date regarding the standards of ethics for the profession; and 7) updating various statutory references and making other technical amendments.

SUMMARY OF THE RULE OR CHANGE: In Section R156-54-101, the title of the rule is updated to reflect recent statutory amendments to Title 58, Chapter 54, which now require licensure for radiologist assistants and updated the name to radiologic technologist. In Section R156-54-102, the definition for "CBRPA" (Certification Board of Radiology Practitioner Assistants) is added. Definition for "supervision" is deleted since the definition is now defined in statute. Updated the American Registry of Radiologic Technologists

(ARRT) "Content Specifications for the Examination for the Limited Scope of Practice in Radiography" from the January 2006 edition to the January 2009 edition. In Section R156-54-103, the term "Division" is capitalized. In Section R156-54-301, a statutory citation is updated, as well as updated name for radiologic technologist. In Section R156-54-302a, a statutory citation is updated, as well as updated name for radiologic technologist. In Section R156-54-302b, a statutory citation updated. In Section R156-54-303, rule citations are updated. In Subsection R156-54-304(1), minor wording change with respect to license renewal cycle. Subsection R156-54-304(5) which allowed ten hours of professional education on a one time basis for passing for the Utah Radiology Technologist and Radiology Practical Technician Law and Examination if the exam was not required at the time of licensure is being deleted since a law and rule examination is not available for these professions. In Section R156-54-502, statutory citations are updated. Updated the ARRT "Standards of Ethics" to the 08/01/2010 edition.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-54-101 and Subsection 58-1-106(1) (a) and Subsection 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The Division will incur minimal costs of approximately \$75 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. The fiscal note for H.B. 238 should be reviewed for information regarding the legislative bill's cost impact and in turn any anticipated costs with respect to this clarifying rule.

◆ LOCAL GOVERNMENTS: The proposed amendments only apply to licensed radiologic technologists, radiologist assistants, radiology practical technicians and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

◆ SMALL BUSINESSES: The proposed amendments only apply to licensed radiologic technologists, radiologist assistants, radiology practical technicians and applicants for licensure in those classifications. 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 licensed radiologic technologists, radiologist assistants, radiology practical technicians and applicants for licensure in those classifications. The fiscal note for H.B. 238 should be reviewed for information regarding the legislative bill's cost impact and in turn any anticipated costs with respect to this clarifying rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to licensed radiologic technologists, radiologist assistants, radiology practical technicians and applicants for licensure in those classifications. The fiscal note for H.B. 238 should be reviewed for information regarding the legislative bill's cost

impact and in turn any anticipated costs with respect to this clarifying rule. Also, there should be no costs associated with obtaining the two incorporated by reference documents which are being updated as the documents can be found on the ARRT website.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In passing recent statutory amendments, the Legislature addressed any fiscal impact relating to the practice of radiologist assistants. No further fiscal impact is anticipated from this rule in implementing the statutory amendments or from correcting and updating references, clarifying definitions, removing outdated and duplicative provisions and other technical amendments.

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:

◆ Clyde Ormond by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at [cormond@utah.gov](mailto:cormond@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 09/15/2011 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 210, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-54. Radiolog[y]ic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act Rule.**  
**R156-54-101. Title.**

This rule is known as the "Radiolog[y]ic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act Rule."

**R156-54-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 54, as used in Title 58, Chapters 1 and 54 or this rule:

(1) "ARRT" means the American Registry of Radiologic Technologists.

(2) "CBRPA" means the Certification Board of Radiology Practitioner Assistants.

([2]3) "Practice as a radiology practical technician" means using radiological equipment limited to specific radiographic procedures on specific parts of the human anatomy as contained in the American Registry of Radiologic Technologists (ARRT) "Content Specifications for the Examination for the Limited Scope of Practice in Radiography", effective January [2006]2009, which is hereby incorporated by reference.

(3) [~~"Supervision", "general supervision" or "direct supervision" as used in Subsections 58-54-2(5), (6) and (7) and Section 58-54-8 means that the supervising radiologist or radiology practitioner shall be available for consultation while the radiology technologist or the radiology practical technician is performing any radiographic procedures. Consultation may be in person, by telephone, by radio or any other means of direct verbal communication. The supervising radiologist or radiology practitioner shall be responsible for the radiographic procedures performed by the radiology technologist or the radiology practical technician.~~]

(4) [~~]"Unprofessional conduct" as defined in Title 58, Chapters 1 and 54, is further defined, in accordance with Subsection 58-1-203(5), in Section R156-54-502.~~]

#### **R156-54-103. Authority - Purpose.**

This rule is adopted by the [d]Division under the authority of Subsection 58-1-106(1)(a) to enable the [d]Division to administer Title 58, Chapter 54.

#### **R156-54-301. Equivalent Education Requirements for Licensure as a Radiolog[y]ic Technologist.**

In accordance with Subsection 58-54-[5]302(2)(a), a four year bachelors of science degree in radiology is an equivalent radiological educational program approved for licensure as a radiolog[y]ic technologist.

#### **R156-54-302a. Examination Requirements - Radiolog[y]ic Technologist.**

In accordance with Subsection 58-54-[5]302(2)(b), the examination requirement for licensure as a radiolog[y]ic technologist requires passing:

(1) an applicable American Registry of Radiologic Technologists (ARRT) Examination in Radiolog[y]ic Technology [~~The exams are~~], which include:

- (a) Radiography;
  - (b) Nuclear Medicine Technology; and
  - (c) Radiation Therapy Technology; or
- (2) the Nuclear Medicine Technology Certification Board Examination.

#### **R156-54-302b. Examination Requirements - Radiology Practical Technician.**

In accordance with Subsection 58-54-[5]302(3), the examination requirement for licensure as a radiology practical technician requires passing:

(1) the ARRT Limited Scope of Practice in Radiography Examination with a minimum score of 75% for the following:

- (a) core; and
- (b) one or more of the following sections:
  - (i) chest;
  - (ii) extremities;

(iii) skull/sinuses;

(iv) spine; and

(v) podiatric; or

(2) the ARRT Bone Densitometry Equipment Operators Examination (BDEO) with a minimum score of 75%.

#### **R156-54-303. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 54 is established by rule in Section R156-1-308a(1).

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

#### **R156-54-304. Professional Education.**

(1) In accordance with Subsection 58-54-[6]305(2), each licensee shall be required to complete a program of professional education during each two year license renewal cycle[~~period commencing June of each odd numbered year~~].

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

(3) Qualified professional 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; and
- (c) have a method of verification of attendance.

(4) Unlimited hours of professional education shall be recognized for professional education completed in blocks of time not less than 50 minutes in formally established classroom courses, seminars, lectures, labs, training sessions or conferences which are approved by or conducted under the sponsorship of:

- (a) an accredited institution of higher education;
- (b) American Society of Radiologic Technologists or other similar professional organizations;
- (c) an acute care hospital or medical treatment facility; or
- (d) a professional association representing one of the licensed professions regularly engaged in radiologic procedures.

(5) [~~Ten hours of professional education shall be recognized on a one time basis for passing the Utah Radiology Technologist and Radiology Practical Technician Law and Rule Examination if the exam was not required at the time of licensure.~~]

(6) Each licensee shall be responsible for keeping documentation of his professional education hours for a period of four years after close of the two year period to which the records pertain.

(7) A licensee who has a serious health condition or has left the United States for an extended period of time which prevent the licensee from meeting the professional education requirements established under this section may be excused from the requirement for that period of time. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

#### **R156-54-502. Unprofessional Conduct.**

"Unprofessional conduct" includes:



(1) performing mammography when not in compliance with the Utah State Department of Health, Bureau of Health Facility Licensure, Mammography Quality Assurance Rules, R432-950;

(2) performing a radiological procedure without having first passed the appropriate qualifying examination;

(3) performing a radiological procedure when not supervised in accordance with Section ~~[R156-54-102(2)]~~58-54-303 or Subsection 58-54-304(1)(g) and (2); and

(4) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the ARRT "Standards of Ethics", ~~[July 1, 2005]~~August 1, 2010 edition, which is hereby incorporated by reference.

**KEY:** licensing, radiolog[y]ic technologists, radiology practical technicians, radiologist assistants

**Date of Enactment or Last Substantive Amendment:** ~~[April 21, 2009]~~2011

**Notice of Continuation:** January 9, 2007

**Authorizing, and Implemented or Interpreted Law:** 58-54-101; 58-1-106(1)(a); 58-1-202(1)(a)

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

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 35137  
FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to provide definitions of certain terms related to license renewal, reinstatement, and reapplication.

**SUMMARY OF THE RULE OR CHANGE:** Definitions are provided for the following terms: "expired license", "lending manager" and "lending manager license", "NMLS", "reapplication" or "reapply", "reinstatement" or "reinstate", and "terminated license".

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

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** Defining these terms does not create a new program for the Division to administer or a new policy for the Division to enforce. Therefore, no impact to the state budget is anticipated.
- ◆ **LOCAL GOVERNMENTS:** Local governments are neither required to comply with nor enforce the mortgage licensing rules. Therefore, no fiscal impact to local government is anticipated.
- ◆ **SMALL BUSINESSES:** Defining these terms does not

impose any new requirements on small mortgage businesses, which are already required to license with the Division on a yearly basis. Therefore, no fiscal impact to small businesses is anticipated.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Defining these terms does not impose any new requirements on licensed mortgage originators, who are already required to license with the Division on a yearly basis. Therefore, no fiscal impact to small businesses is anticipated.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule amendment is for definitional purposes only. No compliance is required. Therefore, there are no associated compliance costs for affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule filing provides relevant definitions with respect to procedures for license renewal, reinstatement and reapplication. No fiscal impact to businesses is anticipated.

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](mailto:jjonsson@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Thad LeVar, Deputy 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) "Expired license" means a license that is not renewed according to applicable deadlines, but is eligible to be reinstated.

~~(7)~~(8) "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)~~(9) "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)~~(10) "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)~~(11) "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.

(12)(a) "Lending manager" means a person who holds a license as a principal lending manager, associate lending manager, or branch lending manager.

(b) "Lending manager license" includes:

- (i) a principal lending manager license;
- (ii) an associate lending manager license; and
- (iii) a branch lending manager license.

~~(11)~~(13) "Nationwide database" means the Nationwide Mortgage Licensure System and Registry.

(14) The acronym "NMLS" stands for Nationwide Mortgage Licensure System.

~~(12)~~(15) "Other trade name" means any assumed business name under which an entity does business.

~~(13)~~(16) "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.

~~(14)~~(17) The acronym "PLM" stands for principal lending manager.

~~(15)~~(18) "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.

(19) "Reapplication" or "reapply" refers to a request for licensure that is submitted after the deadline for reinstatement expires and the license has become terminated.

(20) "Reinstatement" or "reinstatement" refers to a request for a licensure that is submitted after the applicable December 31 license expiration date passes and by or before February 28 of the following calendar year.

~~(16)~~(21) 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.

~~(17)~~(22) "Restricted license" means any license that is issued subject to a definite period of suspension or terms of probation.

~~(18)~~(23) "Safeguard" means to prevent unauthorized access, use, disclosure, or dissemination.

~~(19)~~(24) "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.

~~(20)~~(25) "School applicant" means a director or owner of a school who applies to obtain or renew a school's certification.

(26) "Terminated license" means a license that was not renewed or reinstated according to applicable deadlines.

**KEY: residential mortgage, loan origination, licensing, enforcement**

**Date of Enactment or Last Substantive Amendment: 2011 Authorizing, and Implemented or Interpreted Law: 61-2c-103(3); 61-2c-302(2)**

**Commerce, Real Estate  
R162-2c-204  
License Renewal**

**NOTICE OF PROPOSED RULE  
(Amendment)  
DAR FILE NO.: 35134  
FILED: 08/11/2011**

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify the procedures and requirements for renewing and reinstating a license, and for reapplying after a license has been terminated due to failure to renew or reinstate.

**SUMMARY OF THE RULE OR CHANGE:** The deadlines for license renewal and reinstatement are clarified. An exemption is provided under which a person who obtains a new license after November 1 of the calendar year is not required to renew it within the same calendar year. The educational requirements for license renewal, reinstatement, and reapplication are delineated. The procedures for license renewal, reinstatement, and reapplication are amended to comport with recent decisions and policies from the Nationwide Mortgage Licensing System (NMLS).

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

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** The Division already has the staff and processes in place to process requests for license renewal, reinstatement, and reapplication. While this amendment clarifies the associated deadlines, educational requirements, and procedures, it does not create any new policies that the Division must administer or enforce. Therefore, no impact to the state budget is anticipated.
- ◆ **LOCAL GOVERNMENTS:** Local governments are neither required to comply with nor enforce the mortgage licensing rules. Therefore, no fiscal impact to local government is anticipated.
- ◆ **SMALL BUSINESSES:** Small mortgage businesses are already required to license with the Division on a yearly basis. This filing clarifies the procedures and requirements for renewal, reinstatement, and reapplication, but does not impose any new requirements--such as creating reports or providing additional records--that would result in a cost to small businesses. Therefore, no fiscal impact to small businesses is anticipated.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Licensed mortgage originators are already required to license with the Division on a yearly basis. This filing clarifies the procedures and requirements for renewal, reinstatement, and reapplication, but does not impose any new requirements--

such as taking additional education--that would result in a cost to an affected person. Therefore, no fiscal impact to small businesses is anticipated.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** To comply, an affected person must follow the procedures and meet the requirements outlined, none of which involves a new fee to the Division or incidental costs, such as paying for additional education. Therefore, no compliance costs to affected persons are anticipated.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule filing clarifies deadlines, education requirements and procedures for license renewal, reinstatement and reapplication and continues to bring the Division's procedures in line with the national standards. No fiscal impact to businesses is anticipated.

**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](mailto:jjonsson@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011**

**AUTHORIZED BY:** Thad LeVar, Deputy Director

**R162. Commerce, Real Estate.  
R162-2c. Utah Residential Mortgage Practices and Licensing Rules.  
R162-2c-204. License Renewal, Reinstatement, and Reapplication.**

(1) ~~[Renewal period]~~Deadlines.

(a) License renewal.

(i) ~~To renew on time, a~~[Any] person who holds an active license as of October 31 shall renew by December 31 of the same calendar year.

~~[(b)](ii)(A)~~ [Any]A person who obtains a license on or after November 1 shall renew by December 31 of the following calendar year.

(B) A person who is not required to renew in the first year of licensure pursuant to this Subsection (a)(ii)(A) shall nevertheless complete, prior to December 31 of the first year of licensure, continuing education as required for renewal pursuant to Subsection R162-2c-204(3)(a) if the individual did not complete the mortgage

loan originator national pre-licensing education during the calendar year.

(b) Reinstatement. The deadline to reinstate a license that expires on December 31 is February 28 of the year following the date of expiration.

(c) After the reinstatement deadline passes, a person shall reapply for licensure pursuant to Subsection R162-2c-204(3)(c).

(2) Qualification for renewal.

(a) Character.

(i) Individuals ~~[and control persons]~~ applying ~~[for a renewed]~~ to renew or reinstate a license shall evidence that they maintain good moral character, honesty, integrity, and truthfulness as required for initial licensure.

(ii) An individual applying for a renewed license may not have:

(A) a felony that resulted in a conviction or plea agreement during the renewal period; or

(B) a finding of fraud, misrepresentation, or deceit entered against the applicant by a court of competent jurisdiction or a government agency and occurring within the renewal period.

(iii) The division may deny an individual applicant a renewed license upon evidence, as outlined in Subsection R162-2c-202(1)(b), of circumstances that reflect negatively on the applicant's character, honesty, integrity, or truthfulness and that:

(A) occurred during the renewal period; or

(B) were not disclosed and considered in a previous application or renewal.

(iv) The division may deny an entity applicant a renewed license upon evidence that a control person fails to meet the standards for character, honesty, integrity, and truthfulness required of individual applicants.

(b) Competency.

(i) Individual applicants and control persons shall evidence that they maintain the competency required for initial licensure.

(ii) The division may deny an individual applicant a renewed license upon evidence, as outlined in Subsection R162-2c-202(2), of circumstances that reflect negatively on the applicant's competency and that:

(A) occurred during the renewal period; or

(B) were not disclosed and considered in a previous application or renewal.

(iii) The division may deny an entity applicant a renewed license upon evidence that a control person fails to meet the standard for competency required of individual applicants.

~~[(e)](3) [Continuing education]~~ Education requirements for renewal, reinstatement, and reapplication.

~~[(h)](a) [Beginning January 1, 2011,]~~ License renewal.

(i) Except as provided in this Subsection (a)(ii), an individual who holds an active license as of January 1 of the calendar year shall complete, within the calendar year in which the individual's license is scheduled to expire, eight hours of ~~[non-duplicative]~~ continuing education:

(A) approved through the nationwide database; ~~[- and]~~

(B) consisting of:

(I) three hours federal laws and regulations;

(II) two hours ethics (fraud, consumer protection, fair lending issues);

(III) two hours training related to lending standards for non-traditional mortgage products; and

(IV) one hour ~~[elective]~~ undefined instruction on mortgage origination; and ~~[-]~~

~~(C) non-duplicative of courses taken in the same or preceding renewal period.~~

(ii) An individual who completes the mortgage loan originator national pre-licensing education ~~[and obtains the associated license]~~ between January 1 and December 31 of the calendar year is exempt from continuing education for the renewal period ending December 31 of the same calendar year.

~~[(iii) Continuing education courses shall be completed within the renewal period.~~

~~(iv) Continuing education courses shall be non-duplicative of courses taken in the preceding renewal period.~~

~~(b) Reinstatement. To reinstate an expired mortgage loan originator or lending manager license, an individual shall, by February 28 of the calendar year following the date on which the license expired, complete eight hours of continuing education:~~

~~(i) in topics listed in this Subsection (a)(i); and~~

~~(ii)(A) approved by the nationwide database as "continuing education" if completed prior to the date of expiration; or~~

~~(B) approved by the nationwide database as "late continuing education" if completed between the date of expiration and the deadline for reinstatement.~~

~~(c) Reapplication.~~

~~(i) To reapply for licensure after the reinstatement deadline passes and by or before December 31 of the calendar year following the date on which the license expired, an individual shall complete the continuing education requirement outlined in this Subsection (b).~~

~~(ii) To reapply for licensure after the deadline described in this Subsection (c)(i) passes, an individual shall:~~

~~(A) complete eight hours of continuing education;~~

~~(I) in topics listed in this Subsection (a)(i); and~~

~~(II) approved by the nationwide database as "late continuing education"; and~~

~~(B) within the 12-month period preceding the date of reapplication, take and pass:~~

~~(I) the 40-hour Utah-specific mortgage loan originator pre-licensing education, if the terminated license was a mortgage loan originator license; or~~

~~(II) the 40-hour Utah-specific principal lending manager pre-licensing education and associated examination, if the terminated license was a lending manager license.~~

~~(3) Renewal procedures for the renewal period ending December 31, 2010. In order to renew by December 31, 2010:~~

~~(a) an individual licensee shall:~~

~~(i) evidence having completed a minimum of:~~

~~(A) 20 hours of prelicensing education as approved by:~~

~~(I) the division; or~~

~~(II) the nationwide database; or~~

~~(B) 28 hours of division-approved continuing education in the two previous renewal cycles;~~

~~(ii) evidence having taken and passed a Utah licensing examination as approved by the commission;~~

~~(iii) register in the nationwide database by May 31, 2010;~~

~~(iv)(A) evidence having completed, since the date of last renewal, continuing education approved by either the division or the nationwide database, non-duplicative of any hours required to satisfy the registration education requirement under this Subsection (3)(a)(i), and:~~

~~(I) totaling 14 hours if licensed as of October 1, 2009; or  
(II) totaling eight hours if licensed on or after October 1, 2009; or~~

~~(B) if licensed as a mortgage loan originator, evidence having completed, since January 1, 2010, all requirements to obtain an ALM or a PLM license, pursuant to Subsection R162-2c-201;~~

~~(v) take and pass the national component of the licensing examination as approved by the nationwide database;~~

~~(vi) submit to the division the jurisdiction-specific documents and information required by the nationwide database; and~~

~~(vii) submit through the nationwide database:~~

~~(A) a request for renewal; and~~

~~(B) all fees as required by the division and by the nationwide database.~~

~~(b) an entity licensee shall:~~

~~(i) register in the nationwide database by May 31, 2010;~~

~~(ii) submit to the division the jurisdiction-specific documents and information required by the nationwide database;~~

~~(iii) submit through the nationwide database a request for renewal;~~

~~(iv) renew the registration of any branch office or other trade name registered under the license of the entity; and~~

~~(v) pay through the nationwide database all renewal fees required by the division and by the nationwide database.~~

~~(4) Renewal, reinstatement, and reapplication procedures, [for the renewal period ending December 31, 2011. In order to renew by December 31, 2011,]~~

~~(a) [an]An individual licensee shall:~~

~~(i) evidence having completed[, since the date of last renewal, continuing] education[;~~

~~(A) as required by Subsection [(2)(e)]R162-2c-204(3);~~

~~[(B) non-duplicative of any continuing education hours taken in the previous renewal cycle; and~~

~~(C) approved by the nationwide database;~~

~~(ii) submit to the division the jurisdiction-specific documents and information required by the nationwide database; and~~

~~(iii) submit through the nationwide database:~~

~~(A) a request for renewal, if renewing or reinstating a license;[and]or~~

~~(B) a request for a new license, if reapplying; and~~

~~[(B)](iv) pay all fees as required by the division and by the nationwide database, including all applicable late fees.~~

~~(b) [an]An entity licensee shall:~~

~~(i) submit through the nationwide database a request for renewal;~~

~~(ii) submit to the division the jurisdiction-specific documents and information required by the nationwide database;~~

~~(iii) renew the registration of any branch office or other trade name registered under the entity license; and~~

~~(iv) pay through the nationwide database all [renewal] fees, including all applicable late fees, required by the division and by the nationwide database.~~

~~[(5) Reinstatement:~~

~~(a) To reinstate an expired license, a person shall, by February 28 of the calendar year following the date on which the license expired:~~

~~(i) comply with all requirements for an on-time renewal; and~~

~~(ii) pay through the nationwide database all late fees and other fees as required by the division and the nationwide database.~~

~~(b) A person may not reinstate a license after February 28. To obtain a license after the reinstatement period described in Subsection (5)(a) expires, a person shall reapply as a new applicant.]~~

**KEY: residential mortgage, loan origination, license, enforcement**

**Date of Enactment or Last Substantive Amendment: [May 10,] 2011**

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

**Education, Administration  
R277-109  
Legislative Reporting and  
Accountability**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 35162

FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule is to provide standards and procedures for data collection as necessary to fulfill statutory or Utah State Board of Education requirements.

**SUMMARY OF THE RULE OR CHANGE:** The new rule provides definitions and direction for preparation of public education data collection reports.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53A-1-401(1)(a) and Subsection 53A-1-401(3) and Subsection 53A-1-402(1)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. Existing Utah State Office of Education staff will administer the data collection process at the state level within existing budget.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. School districts, charter schools and other public education entities (local education agencies; LEAs) will prepare reports as required within existing budget with existing staff.

♦ **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. Reporting is required of LEAs and does not affect individuals.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There could be costs to LEAs for noncompliance with reporting requirements including withholding of Minimum School Program funds specifically related to the requested data report or reporting requirements if justified. Costs are too speculative to determine at this time.

**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 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

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

**R277. Education, Administration.**

**R277-109. Legislative Reporting and Accountability.**

**R277-109-1. Definitions.**

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

B. "LEA" means school districts, charter schools and other public education entities over which the Board has state constitutional authority.

C. "Legislative statute or directive" means a statute in the Utah Code or legislative intent as documented by legislative records.

D. "Minimum school program funds (MSP funds)" means the total of state and local funds appropriated for the Minimum School Program to support educational activities in all grades Kindergarten through 12th grade, including the Basic State-Supported School Program, Related to Basic Program, the State-

Supported Voted and Board Leeway Levy Programs, and other programs or allocations appropriated by the Legislature in 53A-17a, the Minimum School Program Act.

E. "Superintendent" means the State Superintendent of Public Instruction who is directed to administer all programs assigned to the Board under Section 53A-1-301(1)(c).

**R277-109-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, by Section 53A-1-402(1) which directs the Board to establish rules and minimum standards for the public schools, by Section 53A-1-401(1)(a) which gives the Board general control and supervision of the state's public education system for adoption and enforcement of rules, by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities under the constitution and state laws, and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with 53A-1-401(3).

B. The purpose of this rule is to require the Superintendent to create data collection plans necessary as determined by the Superintendent to fulfill statutory or Board reporting requirements and to require LEAs to submit data upon request to the Superintendent. The rule provides that LEA participation in Minimum School Program funding is conditioned upon LEAs providing complete and accurate data and information to the Superintendent and the Board.

**R277-109-3. State Board of Education Direction to State Superintendent and LEA Appeal Process.**

A. The Board expects the Superintendent, in consultation with LEAs, to collect data or prepare data collection reports or plans, as the Board directs or as the Superintendent deems necessary, to fulfill statutory or Board reporting requirements.

B. The Superintendent is authorized by the Board to assist LEAs to fulfill reporting requests and to complete accountability or reporting plans. The Superintendent's authority extends to sanctioning LEAs, if necessary, for failure to provide required data or reports, up to and including withholding MSP funds for an LEA's failure to provide complete and accurate data or reports as requested.

C. The Superintendent or USOE staff, as authorized by the Superintendent, shall provide adequate notice to LEAs of reporting requirements and procedures for providing data in requested formats.

D. If an LEA does not comply with a data program request or requirement, the Superintendent shall provide adequate and timely notice to the LEA that data was not submitted accurately and completely and LEA has 30 days to respond to the Superintendent's request for data or a required data report.

E. The Superintendent may impose sanctions for noncompliance up to and including the withholding of MSP funds directly related to the data collection or reporting requirement. The Superintendent may withhold the program funds related to the requested data report or reporting requirement beginning with the next MSP transfer or beginning with subsequent MSP transfers including MSP funding for a subsequent fiscal year.

F. An LEA may appeal to the Board in writing the superintendent's decision to withhold program funds within 10 calendar days.

G. The Board shall respond to the LEA within 30 calendar days.

H. The Board's response is the final administrative action.

**KEY: reporting, accountability**

**Date of Enactment or Last Substantive Amendment: 2011**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1); 53A-1-401(1)(a); 53A-1-401(3)**

## Education, Administration

### R277-112

## Prohibiting Discrimination in the Public Schools

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 35163

FILED: 08/15/2011

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is amended to provide updated federal requirements and terminology.

**SUMMARY OF THE RULE OR CHANGE:** The amended rule provides two new federal requirements and updates terminology.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Art X Sec 3

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendments update federal requirements and terminology that do not result in any cost or savings to the state agency.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The amendments update federal requirements and terminology that do not result in any cost or savings.

◆ **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. The amendments update federal requirements and terminology that do not result in any cost or savings.

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

amendments update federal requirements and terminology for a state entity that do not result in any cost or savings to 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 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

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

### R277. Education, Administration.

#### R277-112. Prohibiting Discrimination in the Public Schools.

##### R277-112-1. Definitions.

"Board" means the Utah State Board of Education.

##### R277-112-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board.

B. The purpose of this rule is to establish standards prohibiting discrimination in the public school system, specifically in programs under the supervision of the Board.

##### R277-112-3. Standards.

A. The Board does not advocate, permit, or practice discrimination on the basis of race, creed, color, national origin, religion, age, sex, or [~~handicap~~]disability. This rule incorporates by reference the following:

(1) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of [~~handicap~~]disability in programs and activities receiving Federal financial assistance;

([3]2) Title IV of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000c et seq., which provides standards and training for educators relative to the desegregation of schools receiving Federal financial assistance;

([2]3) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination

on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance;

(4) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination in employment based on race, color, religion, sex, or national origin in programs and activities receiving Federal financial assistance;

(5) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance;

(6) Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., which prohibits discrimination on the basis of race, color, religion, sex, or national origin, and also prohibits discrimination against an individual because of his or her association with another individual of a particular race, color, religion, sex, or national origin. Title VII also covers types of wage discrimination not covered by the Equal Pay Act;

(7) Equal Pay Act of 1963, 29 U.S.C. 206 et seq., as amended in the Fair Labor Standards Act, which prohibits sex discrimination in pay under an equal work standard;

(6) The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;

B. The Board shall take action consistent with:

(1) all regulations, guidelines, and standards lawfully adopted under the statutes named in [~~Subsections 3(A)(1) through (6)~~]R277-112-1A(1) through R277-112-1A(6) and effective as of July, 1993;

(2) all state laws prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or [~~handicap~~]disability and effective as of July, 1993.

C. All programs, activities, schools, institutions, and [~~school districts~~]local education agencies under the general control and supervision of the Board shall adopt policies and rules prohibiting discrimination on the basis of race, creed, color, national origin, religion, age, sex, or [~~handicap~~]disability.

**KEY: educational policy, civil rights**

**Date of Enactment or Last Substantive Amendment:** [1987]2011

**Notice of Continuation:** September 6, 2007

**Authorizing, and Implemented or Interpreted Law:** Art X Sec 3

Education, Administration  
**R277-403**  
Student Reading Proficiency and  
Notice to Parents

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 35164  
FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is amended to provide for changes to the timeline for reading proficiency assessment and parent notification consistent with Section 53A-1-606.6 as amended in S.B. 38 (2011 General Session) and as repealed and reenacted in H.B. 302 (2011 General Session).

**SUMMARY OF THE RULE OR CHANGE:** The amendments provide new definitions, local education agency (LEA) responsibilities for the 2011-2012 school year, LEA responsibilities for the 2012-2013 school year, and Utah State Board of Education/Utah State Office of Education (USOE) responsibilities.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-1-606.6 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 beyond the \$1.8 million appropriated in H.B. 302. Existing USOE staff will administer the program at the state level within existing budget.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government units. Funding is provided for reading assessment of students in grades 1, 2, and 3 and LEAs should have intervention measures in place to assist students reading below grade level.

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

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government entities. Students reading below grade level will receive assistance, to the extent of state appropriated funds available, to develop reading skills.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. LEAs will administer reading assessments and provide necessary intervention measures to assist students reading below grade level.

**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 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

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

**R277. Education, Administration.****R277-403. Student Reading Proficiency and Notice to Parents.****R277-403-1. Definitions.**

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

~~B. "Lacks proficiency" for purposes of this rule means that a student requires additional instruction beyond that provided to typically developing peers in order to close the gap between the student's current level of reading achievement and that expected of all students in that grade as determined by valid and reliable assessments as designated by the Board.~~

~~[B]C. "LEA" means a Utah school district or charter school.~~

~~[C]D. "Midpoint of the school year" means [the last school day of January as determined by individual LEA calendars] January 31 of the school year.~~

~~[D]E. "Notification to parents" for purposes of this rule means notice by any reasonable means including electronic notice, notice by telephone, written notice, or personal notice.~~

~~[E]F. "Reading below grade level" for purposes of this rule means that a student requires additional instruction beyond that provided to typically developing peers in order to close the gap between the student's current level of reading achievement and that expected of all students in that grade as determined by valid and reliable assessments as designated by the Board.~~

~~[F]G. "Reading remediation interventions" means instruction or activities or both in reading given to students in addition to their regular reading instruction, during another time in the school day, outside [school hours] regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.~~

~~[G]H. "USOE" means the Utah State Office of Education.~~

~~I. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and budgets for approval of the Utah State Office of Education.~~

**R277-403-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution~~[a]~~ Article X, Section 3 which vests general control and supervision over public education in the Board, by Section 53A-1-606.6~~(2)~~ which directs the Board to make rules defining ~~[reading levels for specific grades] expected reading levels, providing necessary definitions, and establishing necessary timelines, and by~~

Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.

B. The purpose of this rule is to provide notice, reporting standards and timelines for LEAs and to provide for a report by the Board to the Education Interim Committee as required under Section 53A-1-606.6.

**R277-403-3. LEA Responsibilities (For the 2011-2012 School Year).**

A. Before the midpoint of the school year, each LEA or school within an LEA, shall identify every first, second and third grade student currently enrolled in the school who is ~~[in the first, second or third grade who is not]~~ reading ~~[at]~~ below grade level.

B. Each LEA shall notify the parent/legal guardian of each student identified under R277-403-3A as determined by the LEA by ~~[the midpoint]~~ February 15 of the school year.

C. An LEA shall use at least two different assessments to identify students who are not reading at grade level.

D. One assessment shall be determined by the ~~[USOE]~~ Board.

E. Each LEA shall select and submit the name or type of the additional assessment to the USOE that it shall use to identify students who are not reading at grade level ~~[by September 30, 2010. LEAs need not submit additional assessment information annually unless they change the identified assessment]~~ as a part of the UCA.

F. LEAs shall determine the grade level designation for each selected assessment; the USOE shall provide guidance to LEAs to assist in their designation of grade level for various assessments.

~~[G. LEAs shall provide, upon request, information to parents notified under R277-403-3B of the interventions available for their students from the LEA.~~

~~H. LEAs shall provide, as part of the S3 Report, the following information:~~

~~(1) the number of students in each of grades 1, 2 and 3 that are reading below grade level; and~~

~~(2) the number of students in each grade level that were reading below grade level who received reading remediation interventions.~~

~~[G. If the reading assessment indicates a student lacks proficiency in a reading skill, the LEA shall:~~

~~(1) provide notice to the parent or guardian of each student reading below grade level, lack of proficiency and provide information to the parent or guardian of appropriate interventions available to the student outside regular instructional time that may include tutoring, before and after school programs, or summer school;~~

~~(2) provide focused intervention to develop the reading skill;~~

~~(3) administer formative assessments to measure the success of the focused intervention; and~~

~~(4) inform the student's parent or guardian of activities that the parent or guardian may engage in with the student to assist the student in improving reading proficiency.~~

~~H. LEAs shall report to parents the student's reading level at the end of third grade.~~

~~I. LEAs shall provide as part of the Clearinghouse Data Submission, the following information:~~

(1) the number of students in each of grades 1, 2 and 3 that were reading below grade level at the midpoint of the school year;

(2) the number of students in each grade level that were reading below grade level at the midpoint of the school year and who received reading remediation interventions;

(3) the name of each student in grades 1, 2 and 3 and a designation of whether the student is reading at grade level or below grade level; and

(4) the name of each student in grades 1, 2 and 3 who received reading interventions as required under R277-403-3H in the prior school year.

**R277-403-4. LEA Responsibilities (Beginning with the 2012-2013 School Year).**

A. LEAs shall administer the Board approved benchmark assessments at the beginning, in the middle, and at the end of grade one, grade two and grade three within testing windows determined by USOE.

B. Before the midpoint of the school year, each LEA or school within an LEA, shall identify every student currently enrolled in the school who is in the first, second or third grade who is not reading at grade level.

C. If a benchmark assessment or supplemental reading assessment indicates a student lacks proficiency in a reading skill, the LEA shall:

(1) provide notice to parents of student's lack of proficiency;

(2) provide information to the parent or guardian regarding appropriate interventions available to the student outside regular instructional time that may include tutoring, before and after school programs, or summer school;

(3) provide focused intervention to develop the reading skill;

(4) administer formative assessments to measure the success of the focused intervention; and

(5) inform the student's parent or guardian of activities that the parent or guardian may engage in with the student to assist the student in improving reading proficiency.

D. LEAs shall report to parents in the beginning, by February 15, and at the end of grade one, grade two and grade three, assessment results.

E. LEAs shall also report to parents the student's reading level at the end of third grade.

F. LEAs shall provide as part of the Clearinghouse Data Submission, the following information:

(1) the number of students in each of grades 1, 2 and 3 that were reading below grade level at the beginning, midpoint, and end of the school year;

(2) the number of students in each grade level that were reading below grade level at the midpoint of the school year and who received reading remediation interventions;

(3) the name of each student in grades 1, 2 and 3 and a designation of whether the student is reading at grade level or below grade level; and

(4) the name of each student in grades 1, 2 and 3 who received reading interventions as required under R277-403-3H in the prior school year.

**R277-403-[4]5. Board/USOE Responsibilities.**

A. The Board shall designate one benchmark assessment for use statewide by all LEAs to assess the reading proficiency of students in grades one, two, and three for the beginning, midpoint and end of year assessments.

[A]B. The USOE shall provide guidance to LEAs about [available and] valid and reliable assessments to be used for the midpoint supplemental assessments to assist in evaluating the reading grade level of students.

[B]C. The USOE shall [assist] provide procedures for LEAs [in] to determin[ing] expected reading levels of first, second and third grade students.

[C]D. The USOE shall report and provide data to the Education Interim Committee consistent with Section 53A-1-606.6(3).

E. The Board shall contract with an educational technology provider, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three that meets the requirements of 53A-1-606.7.

F. To the extent of funds available, the USOE shall select interested LEAs to use the diagnostic assessment for reading beginning in the 2011-12 school year.

G. The USOE shall provide timelines to LEAs for notification to the USOE of:

(1) LEA selected assessments;

(2) student reading data required by law;

(3) assurance of compliance with all legislative and Board requirements as requested.

H. LEAs that select the assessment technology shall use the assessment consistent with Board directives.

I. The Board shall evaluate the diagnostic assessment system for reading by comparing the learning gains for students in LEAs that do not use the diagnostic assessment system for reading with LEAs that used the diagnostic reading assessment.

J. The Board shall submit a report of the comparison and other data to the Public Education Appropriations Subcommittee by November 2013.

K. The Board shall make an annual report to the Public Education Appropriations Subcommittee as described in 53A-17a-150.

**KEY: students, reading, proficiency**

**Date of Enactment or Last Substantive Amendment: [February 22,] 2011**

**Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-606.6(2); 53A-1-401(3)**

**Education, Administration**  
**R277-406**  
**K-3 Reading Improvement Program**  
**and the State Reading Goal**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 35165

FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule is to outline responsibilities for implementation of the K-3 Reading Improvement Program consistent with Section 53A-17a-150.

**SUMMARY OF THE RULE OR CHANGE:** The new rule provides definitions, Utah State Board of Education and Utah State Office of Education responsibilities and school and local education agency responsibilities.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53A-1-401(3) and Subsection 53A-17a-150(14)(a)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. Existing Utah State Office of Education staff will administer the program at the state level within existing budget.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Both state and local funds are provided to schools submitting plans for reading proficiency improvement for K-3 grade levels.

◆ **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. Funding is provided for participation in the Program.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. Funding is provided to schools participating in the Program.

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

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

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

**R277. Education, Administration.****R277-406. K-3 Reading Improvement Program and the State Reading Goal.****R277-406-1. Definitions.**

A. "Benchmark assessment" means an assessment given three times each year (beginning of the year, middle of the year, and end of the year) designed to give teachers information to plan appropriate instruction, evaluate the effects of that instruction, and to provide data about the extent to which students are prepared to be successful on the end of year Criterion Referenced Test.

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

C. "Grade level in reading" means that a student gains adequate meaning from independently reading texts designed for instruction at that grade level.

D. "LEA" means a Utah school district or charter school.

E. "LEA plan" means the K-3 Reading Achievement Program Plan submitted by public school districts and public charter schools.

F. "Midpoint of school year" means January 31 of the school year.

G. "Program" means the K-3 Reading Improvement Program.

H. "Program money" means funds allocated to an LEA through the K-3 Reading Improvement Program.

I. "School plan" means the K-3 Reading Achievement Program Plan submitted by a school, including charter schools.

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

**R277-406-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution, Article X Section 3, which vests general control and supervision over public education in the Board, by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities, and by Section 53A-17a-150(14)(a) which directs the Board to develop rules for implementing the K-3 Reading Improvement Program.

B. The purpose of this rule is to outline the responsibilities of USOE and LEAs for implementation of Section 53A-17A-150, K-3 Reading Improvement Program, and Section 53A-1-606.5, State Reading Goal-Reading Achievement Plan.

**R277-406-3. Board/USOE Responsibilities.**

A. The USOE shall provide model Program plans.

B. The Board shall approve the Program plans submitted by LEAs pursuant to R277-406-4A.

C. The USOE shall prepare and disseminate a Program report at the end of each school year from information submitted by LEAs.

D. The Board shall make a report to the Public Education Appropriations Subcommittee that includes information on:

(1) student learning gains in reading for the past school year and the previous five years;

(2) the percentage of third grade students reading on grade level in the past school year and the previous five years;

(3) progress of schools and school districts in meeting the goals in their K-3 Reading Improvement Plan(s); and

(4) may include recommendations on how to increase the percentage of third grade students that read on grade level.

**R277-406-4. Responsibilities of Schools and LEAs.**

A. To receive Program money, each elementary school or school with K-3 grade levels in a school district, including charter schools, shall submit a school plan to its local board or charter board, and each LEA shall submit an LEA plan to the Board for reading proficiency improvement that incorporates the following components:

(1) assessment;

(2) intervention strategies;

(3) research-based best-practices;

(4) professional development for classroom teachers in kindergarten through grade three;

(5) reading performance standards; and

(6) opportunity for parents to receive materials and guidance to assist their child at home.

(7) specific measurable, gain-score goals that include:

(a) a goal of having every student reading at grade level by the end of grade three;

(b) a goal to increase the percentage of students who are at or above grade level at the end of third grade pursuant to Section 53A-1-603(2)d; and

(c) goals for kindergarten, first grade, second grade, and third grade for each school within a school district and each charter school based upon student learning gains. As of July 1, 2012 this gain score goal must be based on benchmark assessments administered pursuant to Section 53A-1-606.6.

(8) reporting to parents:

(a) effective July 1, 2012, at the beginning, in the middle, and at the end of grade one, grade two, and grade three their child's benchmark assessment results as required by Section 53A-1-606.6; and

(b) at the end of the third grade year, whether or not the child is at grade level in reading.

B. The school plan shall be created:

(1) for schools in a district, under the direction of the school community council;

(2) for charter schools, under the direction of the charter school governing board.

C. Program money shall be used only for reading proficiency improvement and only for students in kindergarten, first grade, second grade, and third grade, and may be used to supplement but not supplant other programs. Program money may be used for reading assessments, focused reading remediations that may include the use of reading specialists, tutoring, before or after school programs, summer school programs, the use of reading software, or the purchase of portable technology devices used to administer reading assessments.

D. An LEA that uses Program money in a manner that is inconsistent with these rules, Utah law, or established rules of fiscal accountability shall be directed to reimburse the Board for the amount of money improperly used or managed.

E. LEAs shall complete the report pursuant to R277-406-3C within timelines set by the USOE.

F. If for three consecutive years an LEA fails to meet its goal to increase the percentage of third grade students who read on grade level, the LEA shall not receive K-3 Reading Improvement Program money the following year, and shall terminate any levy imposed under Section 53A-17a-151.

G. An LEA that loses Program money due to a failure to meet its goal of increasing the percentage of third grade students at grade level may reapply for the Program money upon submission of a revised K-3 Reading Improvement Plan after one year of not receiving Program money.

H. An LEA shall provide data and information for the USOE's year-end Program report to the Public Education Appropriations Subcommittee consistent with Section 53A-1-150(16). LEAs shall report:

(1) progress in meeting gain score goals for kindergarten, first grade, second grade, and third grade, including information from the previous five years;

(2) progress in meeting the state goal of all students at or above grade level in reading at the end of third grade, including the previous five years; and

(3) how Program money was expended, by categories of expenditure.

**KEY: reading, improvement, goals**

**Date of Enactment or Last Substantive Amendment: 2011**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-150(14)(a)**

Education, Administration  
**R277-460**  
Distribution of Substance Abuse  
Prevention Account

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35166

FILED: 08/15/2011

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The elimination of the federal Safe and Drug-Free Schools funds limits the amount of funding available to local education agencies (LEAs) through the state Substance Abuse Prevention Account. This rule is amended to provide assurance that funds are used by LEAs to implement the Substance Abuse Prevention Program.

**SUMMARY OF THE RULE OR CHANGE:** The amendments provide a definition change and provide for changes in the LEA application process.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-13-102

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. Existing Utah State Office of Education staff will administer the program within existing budgets.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. Funding is provided for distribution to LEAs for substance abuse programs in the schools. Less money will be available but that is due to the decreased federal funding, not to provisions of this rule.
- ◆ **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. Individuals will have access to substance abuse programs in the schools.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. Funding will be distributed to LEAs for substance abuse programs in the schools, as available.

**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 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/10/2011

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

**R277. Education, Administration.**

**R277-460. Distribution of Substance Abuse Prevention Account.**

**R277-460-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.
- C. "Evaluation" means a review by a person or group which assesses procedures, results and products specific to a program.
- D. "Local Substance Abuse Authority" means the person or group designated by the Legislature as the county authority to receive public funds for substance abuse prevention and treatment.
- E. "Prevention education" means proactive educational activities designed to eliminate any illegal use of controlled substances.
- [G]E. "Superintendent" means the State Superintendent of Public Instruction.
- [H]G. "USOE" means the Utah State Office of Education.
- [F]H. "[~~Prevention guidelines~~]Utah Substance Abuse Prevention Guiding Principles" means criteria established by the Utah [~~Association of Substance Abuse Program Providers~~]Division of Substance Abuse and Mental Health to be used in selecting or developing [~~or both~~]substance abuse prevention materials.

**R277-460-2. 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-13-102 which directs the Board to adopt rules providing for instruction on the harmful effects of controlled substances and by Section 51-9-405 which provides for funds from the Substance Abuse Prevention Account to be allocated to the USOE for:
  - (1) substance abuse prevention and education;
  - (~~1~~)2) [~~to provide for~~]substance abuse prevention training for teachers and administrators; and
  - (~~2~~)3) [~~to distribute to district and school programs for substance abuse prevention programs and instruction~~]school district, charter school or consortia programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.
- B. The purpose of this rule is to provide for the distribution of the USOE's share of the Substance Abuse Prevention Account.

**R277-460-3. Fund Allocations.**

- A. The USOE shall retain sufficient funds to pay for the salary, benefits and indirect costs of a .5 FTE Program Administrator at a salary level to be determined by the Board.
- B. The remaining funds shall be allocated as follows:
  - (1) An amount not to exceed fifteen percent shall remain at the USOE to purchase educational materials to support and supplement existing [~~USOE substance abuse prevention curricula~~]Utah's Substance Abuse Prevention Program, Prevention Dimensions.

(2) An amount not to exceed fifteen percent shall remain at the USOE to encourage and support statewide substance abuse prevention training for school district/charter school teachers and administrators.

(3) An amount not to exceed fifteen percent shall remain at the USOE to promote Utah's Substance Abuse Prevention Program and encourage its classroom use by Utah educators.

(4) A minimum of fifty-five percent shall be distributed to school districts, charter schools or consortia for use by the school district, individual schools, charter schools or consortia in a cooperative [~~drug~~]substance abuse prevention effort based on application.

**R277-460-4. Applications.**

A. Applications shall be provided by the USOE.

B. School [~~D~~]districts [~~or~~], charter schools or consortia shall submit applications to the specialist designated by the USOE.

C. The USOE specialist shall make funding recommendations to the USOE Finance Committee as soon as reasonably possible after the application deadline.

D. Awards per school districts [~~or~~], charter schools or consortia shall be based on funds available and specific funding amounts shall be provided in the USOE application.

E. Only applications for funding that propose projects or programs consistent with the Utah [Prevention Guidelines] Substance Abuse Prevention Guiding Principles shall be considered for funding.

(1) Applications shall address the following:

(a) the applicant's intention to collaborate with the local substance abuse authority and community groups within the school district, including shared plans and strategies for activities and intervention;

(b) the applicant's plan for professional development and teachers' use of Prevention Dimensions materials within their classrooms;

(c) the use of funds to implement applicant's plan;

(d) teacher reports of classroom implementation and plans for classroom monitoring visits;

(e) applicant's enhancement of Prevention Dimensions with additional substance abuse activities and strategies; and

(f) applicant's implementation of Prevention Dimensions with school-based behavioral/health or coordinated school health initiatives.

~~[F. Applicants shall demonstrate cooperation and collaboration with local substance abuse prevention authorities.~~

~~]~~ [G]E. Projects receiving funding shall be notified of funding approval by the USOE Finance Committee.

**R277-460-5. Limitations on Funds.**

A. Funds shall be used by the USOE, school districts [~~and~~], charter schools and consortia exclusively for purposes set forth in Section 51-9-405.

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 [~~Coordinator for Students at Risk or his designee~~].

C. Funds received by school districts [~~or~~], charter schools or consortia shall not be used to supplant either currently available school district or charter school funds or funds available from other state or local sources.

**R277-460-6. Evaluation and Reports.**

A. An applicant that accepts a USOE Substance Abuse Prevention award shall provide the USOE with a year-end evaluation report before July 31 of the fiscal year in which the award was made.

B. The year-end report shall include:

(1) an expenditure report;

(2) a narrative description of activities funded; and

(3) copies of all products and materials developed with USOE Substance Abuse Prevention funds.

C. The USOE may require additional evaluation or audit procedures from an award recipient to demonstrate the use of funds consistent with the law and Board rules.

**R277-460-7. Waivers.**

The Superintendent may grant a written request for a waiver of a requirement[s] or deadline which a school district, charter school or consortia finds unduly restrictive.

**KEY: public schools, substance abuse prevention**  
**Date of Enactment or Last Substantive Amendment:**  
~~[1993]~~**2011**

**Notice of Continuation: June 2, 2008**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-102; 51-9-405**

Education, Administration  
**R277-479**  
 Expenditure of Appropriation for District Services

**NOTICE OF PROPOSED RULE**  
 (Repeal)

DAR FILE NO.: 35167  
 FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is repealed because the programs designated as "district services" no longer exist or now have different titles.

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

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

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The programs under this rule no longer exist as described in the rule.
- ◆ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The programs under this rule no longer exist as described in the 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. The programs under this rule no longer exist as described in the rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The programs under this rule no longer exist as described in the rule.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

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

**R277. Education Administration.**

**[R277-479. Expenditure of Appropriation for District Services.**

**R277-479-1. Definitions.**

- \_\_\_\_\_ A. "Board" means the Utah State Board of Education.
- \_\_\_\_\_ B. "District Services" means the following programs: Regional Service Centers, Contingency Fund, Reading Improvement Scholarship Program, and Board Staff Development Funding.
- \_\_\_\_\_ C. "Regional Service Centers" means the four area centers designated to serve school districts in cooperative projects such as purchasing, media services, in-service, and special

education. These centers service small and rural districts or both in the northeast, southeast, southwest, and central areas of Utah.

\_\_\_\_\_ D. "USOE" means the Utah State Office of Education.

**R277-479-2. 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)(f) which directs the Board to adopt rules regarding the minimum school program, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

\_\_\_\_\_ B. The purpose of this rule is to specify the amount of funds to be spent by the USOE for the programs designated as District Services.

**R277-479-3. Regional Service Centers.**

\_\_\_\_\_ A. The USOE shall designate a sum from the amount appropriated for District Services for the Regional Service Centers.

\_\_\_\_\_ B. Each Regional Service Center shall receive an equal amount of the total funds allocated by the USOE.

\_\_\_\_\_ C. Funds shall be distributed to an agent district designated by each Regional Service Center.

\_\_\_\_\_ D. Regional Service Centers shall follow accounting and reporting procedures established by the Board.

**R277-479-4. Contingency Fund.**

\_\_\_\_\_ A. The USOE shall designate a sum from the amount appropriated for District Services as a contingency fund for any or all of the following:

- \_\_\_\_\_ (1) to stabilize the value of the weighted pupil unit;
- \_\_\_\_\_ (2) to maintain program levels in districts that may experience unanticipated and unforeseen losses of students;
- \_\_\_\_\_ (3) to equalize programs in districts where a strict application of the law provides inequity;
- \_\_\_\_\_ (4) to pay the added costs when Utah students attend school out of state;
- \_\_\_\_\_ (5) to assist in the operation of the laboratory school at Utah State University, through the allocation of monies for a teacher career ladder program at the school; or
- \_\_\_\_\_ (6) other uses as approved by the Board.

**R277-479-5. Reading Improvement Scholarship Program.**

\_\_\_\_\_ The USOE shall designate a sum from the amount appropriated for District Services to implement the Reading Improvement Scholarship Program as outlined in R277-476, Incentives for Elementary Reading Program.

**R277-479-6. Staff Development.**

\_\_\_\_\_ A. The USOE shall designate a sum from the amount appropriated for District Services for Staff Development for school teachers, including instruction in methods which incorporate the Core Curriculum, with emphasis on language arts/reading, mathematics, science, and other areas, the use of technology as an instructional tool, and the development of teacher skills in the use of new assessment tools that demonstrate student competency.

\_\_\_\_\_ B. The office shall use the appropriation to improve access to schooling for all students by training teachers to provide a personalized education plan to meet the needs of each child.

~~KEY: educational expenditures, school district services~~  
~~Date of Enactment or Last Substantive Amendment: August 1, 2001~~  
~~Notice of Continuation: June 30, 2011~~  
~~Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(f); 53A-1-401(3)]~~

Education, Administration  
**R277-530**  
 Utah Effective Teaching and  
 Educational Leadership Standards

**NOTICE OF PROPOSED RULE**

(New Rule)  
 DAR FILE NO.: 35168  
 FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule is to establish statewide effective teaching standards for Utah public education teachers and establish statewide education leadership standards for Utah public education administrators.

**SUMMARY OF THE RULE OR CHANGE:** This new rule provides definitions, Utah State Office of Education responsibilities, local education agency responsibilities for effective teaching standards and educational leadership standards.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53A-1-401(3) and Subsections 53A-1-402(1)(a)(i) and (ii)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There may be costs associated with implementation of the Effective Teaching and Educational Leadership Standards at the state level because no specific funding has been provided or designated by the Legislature. Initial implementation will be managed with existing Utah State Office of Education staff within existing budgets.
- ◆ **LOCAL GOVERNMENTS:** There may be costs associated with implementation of the Effective Teaching and Educational Leadership Standards at the local government level because no specific funding has been provided. Initial implementation will be managed with existing LEA staff within existing budgets.
- ◆ **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. Public education teachers and school administrators

will be expected to meet the standards within this rule but at this time there are no costs or funding associated with meeting the standards.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. Public education teachers and school administrators will be provided the opportunity to meet the standards within this rule.

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

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 EDUCATION  
 ADMINISTRATION  
 250 E 500 S  
 SALT LAKE CITY, UT 84111-3272  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

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

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011**

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

**R277. Education, Administration.**

**R277-530. Utah Effective Teaching and Educational Leadership Standards.**

**R277-530-1. Definitions.**

- A. "Board" means the Utah State Board of Education.
- B. "Local education agency (LEA)" means a Utah school district or charter school.
- C. "Promises to Keep" is the Board's statement of vision and mission for Utah's system of public education. Utah's public education system keeps its constitutional promise by ensuring literacy and numeracy for all Utah children, providing high quality instruction for all Utah children, establishing curriculum with high standards and relevance for all Utah children, and requiring effective assessment to inform high quality instruction and accountability.
- D. "School administrator" means an educator serving in a position that requires a Utah Educator License with an Administrative area of concentration and who supervises Level 2 educators.
- E. "Teacher" for purposes of this rule means an individual licensed under Section 53A-6-104 and who meets the requirements of R277-501.
- F. "USOE" means the Utah State Office of Education.



**R277-530-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, by Sections 53A-1-402(1)(a)(i) and (ii) which require the Board to establish rules and minimum standards for the qualification and certification of educators and for required school administrative and supervisory services, and Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities.

B. The purpose of this rule is to establish statewide effective teaching standards for Utah public education teachers and to establish statewide educational leadership standards for Utah public education administrators consistent with the Board's supervision of the public education system under Utah Constitution Article X, Section 3 and supports one pillar of the Board's Promises to Keep - high quality instruction for all Utah children.

**R277-530-3. USOE Responsibilities for Effective Teaching and Educational Leadership Standards.**

A. The Board shall use the Effective Teaching Standards and Educational Leadership Standards as the foundation of educator development that includes alignment of teacher and school administrator preparation programs, expectations for licensure, and the screening, hiring, induction, and mentoring of beginning teachers and school administrators.

B. The Board shall use the Effective Teaching Standards and Educational Leadership Standards to direct and ensure the implementation of the Utah Common Core Standards.

C. The Board shall rely on the Effective Teaching Standards and Educational Leadership Standards as the basis for an evaluation system and tiered-licensing system.

D. The Board shall develop a model educator assessment system for use by LEAs based on the Effective Teaching Standards and Educational Leadership Standards.

E. The Board shall provide resources, including professional development, that assist LEAs in integrating the Effective Teaching Standards and Educational Leadership Standards into educator practices.

**R277-530-4. LEA Responsibilities for Effective Teaching Standards and Educational Leadership Standards.**

A. LEAs shall develop policies to support teachers and school administrators in implementation of the Effective Teaching and Educational Leadership Standards.

B. LEAs shall develop professional learning experiences and professional learning plans for relicensure using the Effective Teaching and Educational Leadership Standards to assess educator progress toward implementation of the standards.

C. LEAs shall adopt formative and summative educator assessment systems based on the Effective Teaching and Educational Leadership Standards to facilitate educator growth toward expert practice.

D. LEAs shall use the Effective Teaching and Educational Leadership Standards as a basis for the development of a collaborative professional culture to facilitate student learning.

E. LEAs shall implement induction and mentoring activities for beginning teachers and school administrators that support implementation of the Effective Teaching Standards and Educational Leadership Standards.

**R277-530-5. Effective Teaching Standards.**

A. The Board document, Promises to Keep, identifies the development and retention of teachers who have the skills and knowledge to provide effective, high quality instruction to all of Utah's students as one of four essential promises between the Board and the public education community. The Utah Effective Teaching Standards describe what effective teachers must know and be able to do to fulfill the Board's constitutional promise. The Effective Teaching Standards focus on the high-leverage concepts of personalized learning for diverse learners, a stronger focus on application of knowledge and skills, improved assessment literacy, a collaborative professional culture, and new leadership roles for teachers.

B. Effective Teaching Standards - Utah teachers shall demonstrate the following skills and work functions designated in the following ten standards:

(1) Learner Development - A teacher understands cognitive, linguistic, social, emotional, and physical areas of student development.

(2) Learning Differences - A teacher understands individual learner differences and cultural and linguistic diversity.

(3) Learning Environments - A teacher works with learners to create environments that support individual and collaborative learning, encouraging positive social interaction, active engagement in learning, and self motivation.

(4) Content Knowledge - A teacher understands the central concepts, tools of inquiry, and structures of the discipline.

(5) Assessment - A teacher uses multiple methods of assessment to engage learners in their own growth, monitor learner progress, guide planning and instruction, and determine whether the outcomes described in content standards have been met.

(6) Instructional Planning - A teacher plans instruction to support students in meeting rigorous learning goals by drawing upon knowledge of content areas, core curriculum standards, instructional best practices, and the community context.

(7) Instructional Strategies - A teacher uses various instructional strategies to ensure that all learners develop a deep understanding of content areas and their connections, and build skills to apply and extend knowledge in meaningful ways.

(8) Reflection and Continuous Growth - A teacher is a reflective practitioner who uses evidence to continually evaluate and adapt practice to meet the needs of each learner.

(9) Leadership and Collaboration - A teacher is a leader who engages collaboratively with learners, families, colleagues, and community members to build a shared vision and supportive professional culture focused on student growth and success.

(10) Professional and Ethical Behavior - A teacher demonstrates the highest standards of legal, moral, and ethical conduct as specified in R277-515.

**R277-530-6. Educational Leadership Standards.**

A. The Board document, Promises to Keep, expects that school administrators shall meet the standards of effective teaching and have the knowledge and skills to guide and supervise the work of teachers, lead the school learning community, and manage the school's learning environment in order to provide effective, high quality instruction to all of Utah's students. The Educational Leadership Standards focus on visionary leadership, advocacy for high levels of student learning, leading professional learning

communities, and the facilitation of school and community collaboration.

B. In addition to meeting the standards of an effective teacher, school administrators shall demonstrate the following traits, skills, and work functions designated in the following six standards:

(1) Visionary Leadership - A school administrator promotes the success of every student by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders.

(2) Teaching and Learning - A school administrator promotes the success of every student by advocating, nurturing and sustaining a school focused on teaching and learning conducive to student, faculty, and staff growth.

(3) Management for Learning - A school administrator promotes the success of every student by ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment.

(4) Community Collaboration - A school administrator promotes the success of every student by collaborating with faculty, staff, parents, and community members, responding to diverse community interests and needs and mobilizing community resources.

(5) Ethical Leadership - A school administrator promotes the success of every student by acting with, and ensuring a system of, integrity, fairness, equity, and ethical behavior.

(6) Systems Leadership - A school administrator promotes the success of every student by understanding, responding to, and influencing the interrelated systems of political, social, economic, legal, policy, and cultural contexts affecting education.

**KEY: educators, effectiveness, leadership, standards**

**Date of Enactment or Last Substantive Amendment: 2011**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(a)(i); 53A-1-401(3)**

Education, Administration  
**R277-708**  
Enhancement for At-Risk Students  
Program

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 35169

FILED: 08/15/2011

**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. The 2011 legislation repealed statutory language that established specific local programs funded by state funding for at-risk students and created a single line-item program to serve at-risk students entitled Enhancement for At-Risk Students.

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, procedures for applications and distribution of funds, and for monitoring, evaluation and reports by the USOE.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-17a-166 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. Once the programs were consolidated into a single line-item, less total funding was available for at-risk programs for students. Required reporting or monitoring by the USOE will be within existing budgets.

◆ LOCAL GOVERNMENTS: There are no anticipated costs or saving to local government. Local education agencies will received funding appropriated for at-risk student programs and use funds consistent with the law and this 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 to persons other than small businesses, businesses, or local government entities. At-risk students will be served with funds appropriated by the Legislature and directed to local education agencies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Funding is provided to serve at-risk students.

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 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011  
AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

**R277. Education, Administration.****R277-708. Enhancement for At-Risk Students Program.****R277-708-1. Definitions.**

A. "At-risk of academic failure" for purposes of this rule, means students in public schools grades K-12 who have one or more of the following risk factors as defined under R277-708-1: (1) Low performance on U-PASS tests; (2) Poverty; (3) Limited English Proficiency; and (4) Mobility.

B. "Available funds" for purposes of this rule means the total funds appropriated for Enhancement for At Risk Students Program less funding designated for Gang Prevention under Section 53A-17a-166(1)(b)(i).

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

D. "Data Clearinghouse" means the electronic data collection system used by the USOE to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

E. "LEA share" for purposes of determining funding under this rule, means the percentage of students from an LEA who qualify under the classifications of: low performing on U-PASS, poverty, mobility, and Limited English Proficiency compared to the total count for the state of Utah from the previous school year.

F. "Limited English Proficiency (LEP)" means the total number of English language (EL) students in an LEA from the previous school year. This count includes:

(1) the number of EL students receiving a score of 1-3 on the Utah Academic Language Proficiency Assessment (UALPA); and

(2) the number of students classified as previously-EL who are monitored for two years once classified as English Proficient based on a score of 4 or 5 on the UALPA.

B. "Local Education Agency (LEA)" means a public school district or charter school primarily intended to serve students grades K through 12.

H. "Low performance on U-PASS tests" means the unduplicated count of students from an LEA scoring below proficient on the Utah Criterion Referenced Test (CRT) or adaptive testing for Reading/Language Arts from the previous school year.

I. "Mobility" means the number of students enrolled less than 160 days or its equivalent in one school within one school year.

J. "Poverty" means the total number of students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

K. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and budgets for approval of the Utah State Office of Education.

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

**R277-708-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, Section 53A-17a-166 which directs the Board to develop a funding formula, develop performance criteria, administer the program, distribute the appropriation, monitor, and report the effectiveness of the Enhancement for At-

Risk Students program, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish criteria and procedures for distributing at-risk student program funds to LEAs. The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

**R277-708-3. Applications and Distribution of Funds.**

A. Awards shall be made to local education agencies.

B. LEAs shall submit applications annually by November 1 to the USOE through the UCA.

C. LEAs shall receive funding based on an equal weighting of:

(1) low performance on U-PASS tests;

(2) poverty;

(3) mobility; and

(4) limited English proficiency as outlined in 53A-17a-166.

D. LEA allocations shall be based on the certified data from the Data Clearinghouse from the most recent school year for which data is complete and available.

E. Funding formula

(1) LEA base: the USOE shall annually calculate four percent of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs. This base amount shall be equally divided among all eligible LEAs.

(2) LEAs with high poverty schools: the USOE shall annually calculate twenty percent of the state appropriation of the Enhancement for At-Risk Students funding for LEA grants to provide a targeted amount to LEAs with traditional elementary and secondary schools with at least 75 percent poverty. This targeted amount shall be divided among eligible LEAs based on the number of traditional schools with at least 75 percent poverty within the LEA.

(3) Of the funds remaining, the USOE shall determine the LEA share based on the LEA's percentage of students with at-risk factors for the state.

(4) For each LEA, the USOE shall use data from the USOE Data Warehouse from the previous school year to determine the students who qualify under the following definitions:

(a) Low performance on U-PASS tests;

(b) Poverty;

(c) Mobility; and

(d) Limited English Proficiency.

(5) The LEA share shall equal the LEA's statewide proportionate share of qualifying students with at-risk factors times the amount of funds available for distribution.

(6) 2011-2012 funding transition: for the 2011-2012 school year, the USOE shall implement formula adjustments to

ensure that no LEA receives less than 65 percent of the funds under the Enhancement for At-Risk Students Program than the LEA received during the 2010-2011 school year under the funds

available from the state program that were repealed as part of the enactment of the new Enhancement for At-Risk Students Program.

F. LEAs that qualify for funding and the level of the LEA funding shall be notified annually by June 30.

G. LEAs may use funds for activities that support academic achievement of students who are at risk of academic failure; the LEA shall provide:

(1) as part of the UCA process:

(a) specific goals related to increased academic achievement of students at-risk of academic failure; and

(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;

(2) an annual report of the use of funds; and

(3) an annual report of program effectiveness based on USOE-defined performance criteria.

**R277-708-4. Oversight: Monitoring, Evaluation and Reports.**

A. The Board may designate no more than one percent of the total appropriation from the Enhancement for At-Risk Students program to be used specifically by the USOE for oversight, monitoring and evaluation of LEAs' implementation of the program and their compliance with the law and this rule.

B. Performance Criteria: Each LEA that receives funding shall submit an annual evaluation report to the USOE consistent with Section 53A-17a-166. The report shall include the following performance criteria for students at-risk of academic failure:

(1) student attendance information, as defined by the USOE;

(2) graduation rate;

(3) gains in language proficiency as measured by UALPA;

(4) gains in reading/language Arts proficiency as measured by CRT; and

(5) gains in mathematics proficiency as measured by CRT.

C. The Utah State Office of Education shall submit an annual report on program effectiveness to the Public Education Appropriations Subcommittee of the Utah State Legislature.

**R277-708-5. Gang Prevention and Intervention Funds.**

A. Consistent with Section 53A-17a-166(1)(b), the Board shall distribute funding to LEAs for gang prevention and intervention.

B. LEAs desiring to receive gang prevention and intervention funds shall submit proposals consistent with R277-436.

**KEY: students at risk**

**Date of Enactment or Last Substantive Amendment: 2011**

**Authorizing, Implemented, or Interpreted Law: Art X Sec 3: 53A-17a-166; 53A-1-401(3)**

Education, Administration  
**R277-726**  
Statewide Public Education Online  
Program

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 35170

FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This new rule is in response to S.B. 65, 2011 General Session. The purpose of this rule is to define necessary terms and provide and describe a public education online registration agreement. The new rule also provides requirements for local education agencies (LEAs), the Utah State Office of Education (USOE), parents and students, and public providers for Statewide Public Education Online Program implementation and accountability.

**SUMMARY OF THE RULE OR CHANGE:** The new rule provides definitions, standards and procedures for a course credit acknowledgment (CCA) process, eligible student and parent rights and responsibilities, LEA requirements and responsibilities, USOE requirements and responsibilities, and provider requirements and responsibilities.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53A-15-1210 and Section 53A-15-1213 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. Funding is provided for a USOE employee to provide technical assistance for the Program, as necessary.

◆ **LOCAL GOVERNMENTS:** There will be some costs to LEAs for students participating in the Statewide Public Education Online Program because significant funding will be transferred from students' primary district/school or enrollment to online providers that provide online courses. Numbers of participating students and costs to LEAs are too speculative to determine at this time.

◆ **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 may be costs to persons other than small businesses, business, or local government entities. The rule does not provide for fee waivers for computer equipment and Internet connectivity for participants in the Statewide Public Education Online Program. Students who do not have computer equipment or internet connectivity may be unable to participate due to those costs. Additionally, parents may be required to supervise released students. This may result in some costs to parents. Costs for individual students are speculative.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons (public providers of online courses). Providers will receive public education funds for students taking online courses.

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 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

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

#### **R277. Education, Administration.**

#### **R277-726. Statewide Public Education Online Program.**

##### **R277-726-1. Definitions.**

A. "Actively participates" means the student actively participates as defined by the provider.

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

C. "Course completion" means that a student has completed a course with a passing grade and the provider has transmitted the grade and credit to primary LEA of enrollment.

D. "Course Credit Acknowledgment (CCA)" means the agreement and registration record using the USOE provided Statewide Public Education Online Program form. The CCA shall be signed by the student, parent, designee of primary school of enrollment and qualified online Provider.

E. "Eligible student" means a student enrolled in grades 9-12 in a public school, but does not include students enrolled in adult education programs.

F. "Enrollment confirmation" means the student initially registered and actively participated, as defined under R277-726-1A.

G. "Executed CCA" means that all parties have signed the CCA and the CCA has been received by the USOE. Following enrollment confirmation and participation, the USOE directs funds to Provider, consistent with Sections 53A-15-1206 and 1207.

H. "LEA" means a local education agency in Utah that has local administrative control and direction for public education.

I. "Online course" means a course of instruction offered through the Statewide Public Education Online Program.

J. "Online course payment" means the amount withheld from the student's primary LEA and disbursed to the designated Provider following satisfaction of the requirements of the law, and as directed in Section 53A-15-1207.

K. "Online course provider (Provider)" means a district school, a charter school or an LEA program created for the purpose of serving Utah students grades 9-12 online.

L. "Primary LEA of enrollment" means the student's LEA defined under Section 53A-15-1202(9).

M. "Primary school of enrollment" means a student's school of record, where the student takes the majority of his classes and the school that maintains the student's cumulative file, enrollment information and transcript.

N. "SEOP" means student education occupation plan as defined in R277-700.

O. "Statewide assessment" means Criterion-Referenced tests or adaptive tests required under R277-404.

P. "Statewide Public Education Online Program (Program)" means courses offered to students under Section 53A-15-1201 through 53A-15-1215.

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

R. "USOE course code" means a code for a designated subject matter course assigned by the USOE.

S. "Withdrawal from online course" means that a student withdraws or ceases participation in an online course within 10 days of student enrollment confirmation by the USOE in the online course. Withdrawal may also occur as the result of a student suspension from an online course following adequate due process by the Provider.

#### **R277-726-2. 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-15-1210 which requires the Board to make rules providing for the administration of statewide assessments to students enrolled in online courses and requiring an online course provider to proctor the state-designated assessments, Section 53A-15-1213 which requires the Board to make rules that establish a course credit acknowledgment form and procedures for completing and submitting the form to the Board, 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 define necessary terms, provide and describe a public education online registration agreement and provide other requirements for LEAs, the USOE, parents and students, and Providers for Program implementation and accountability.

#### **R277-726-3. Course Credit Acknowledgment (CCA) Process.**

A. A student or student's parent may initiate a CCA by filing a CCA with the student's primary school of enrollment.

B. A counselor designated by the primary school of enrollment shall review the CCA to ensure consistency with graduation requirements, the student's SEOP, and the student's Individualized Education Plan (IEP) or Section 504 plan, if applicable. If approved, the counselor gives preliminary approval to the CCA and submits the CCA.

C. The USOE shall develop and administer procedures for facilitation of the CCA that inform all appropriate parties.

**R277-726-4. Eligible Student/Parent Rights and Responsibilities.**

A. Eligible students may register for up to two Program credits in the 2011-2012 school year. A student enrolled in Program course(s) may earn no more credits in a semester than the number of credits a student may earn by taking a full course load during the regular school day in a high school classroom.

B. Eligible students may register for more than two online credits if the student's current SEOP indicates specifically that the student intends to complete high school graduation requirements and exit high school before the rest of the student's high school cohort and the student's schedule demonstrates progress toward early graduation.

C. Eligible students are expected to complete courses in which they enroll in a timely manner consistent with Section 53A-15-1206.

D. An eligible student may not enroll in an online course under the Program for a given semester after the first 10 school days of enrollment by the student or within 10 days of student's initial enrollment unless the student does not have a full class schedule at the student's primary school of enrollment.

**R277-726-5. LEA Requirements and Responsibilities.**

A. A primary school of enrollment shall facilitate student enrollment with any and all eligible Providers selected by eligible students consistent with course credit limits.

B. A primary school of enrollment shall use the CCA form, records and processes provided by the USOE for the Program. A school counselor shall use a separate form for each course selected by parent/student.

C. A primary school of enrollment shall provide information about available online courses and programs in registration materials or through other reasonable communication and on the LEA's or school's website or using a link to the USOE's website.

D. A primary school of enrollment shall include a student's online courses in student's enrollment records and, upon course completion, include online course grades and credits on student transcripts.

**R277-726-6. State Board of Education (Board) Requirements and Responsibilities.**

A. The Board shall develop and provide a website for the Program that provides information required under Section 53A-15-1212 and other information as determined by the Board.

B. The Board shall direct Providers to administer state-designated assessments consistent with R277-404 and R277-473 for identified courses using LEA-adopted and state-approved assessments.

C. The Board may determine space available standards and appropriate course load standards for online courses consistent with Sections 53A-15-1006(2) and 53A-15-1204(1)(b). Course load standards may differ based on subject matter and differing accreditation standards.

D. The Board shall withhold funds from primary LEAs of enrollment and make payments to Providers consistent with Sections 53A-15-1206 and 1207.

E. The Board shall establish an appeals process for students who request more than two online courses in the 2011-

2012 school year and who are first denied by their primary LEA or school of enrollment.

F. The Board may refuse to provide funds under a CCA if the Board finds that information has been submitted fraudulently or in violation of the law or Board requirements by any of the parties to a CCA.

G. The USOE or the Board's designee shall receive, investigate complaints and impose sanctions, if appropriate, regarding course integrity, financial mismanagement, enrollment fraud or inaccuracy, or violations of the law or this rule specific to the requirements and provisions of this Program.

H. If a Board investigation finds that a Provider has violated IDEA or Section 504 provisions for students taking online courses, the Provider shall compensate the student's primary LEA of enrollment for all costs related to compliance.

I. The USOE may audit, at the Board's sole discretion, an LEA's or Program participant's compliance with any requirement of state or federal law or Board rule under the Program. All participants shall provide timely access to all records, student information, financial data or other information requested by the Board, the Board's auditors, the Superintendent or the Superintendent's designee upon request.

J. The Board may impose penalties, withhold funds, or sanction Program participants for participants' failure to comply with reasonable requests for records or information.

K. All records related to the Program that do not disclose protected student information are public records and shall be available upon request under Section 63G-2-301 or 63G-2-305.

**R277-726-7. Provider Requirements and Responsibilities.**

A. Providers shall administer state-designated assessments as directed by the Board, including proctoring, consistent with R277-473. Providers shall pay administrative and proctoring costs for all state-designated assessments.

B. Providers shall provide parents/students with email and telephone contacts for the provider during regular business hours in order to facilitate parent information.

C. Providers and third parties working with Providers shall satisfy all Board requirements for consistency with course curriculum, criminal background checks for Provider employees, documentation of student enrollment and participation and compliance with IDEA, Section 504, and requirements for ELL students for all eligible students.

D. Providers shall receive payments for students properly enrolled in the Program from the USOE consistent with Board procedures, timelines and Sections 53A-15-1206, 53A-15-1207 and 53A-15-1208.

E. Providers may charge fees consistent with other secondary schools. If the Provider intends to charge fees, the Provider:

(1) shall notify the primary school of enrollment with whom the Provider has the CCA of the purpose for fees, amounts of fees, and provide timely notice to parents of required fees and fee waiver opportunities, and post fees on Provider website.

(2) shall be responsible for fee waivers for eligible students, including all materials for students designated fee waiver eligible by a student's primary school of enrollment.

F. Providers shall maintain student records and comply with the federal Family Educational Rights and Privacy Act,

including protecting the confidentiality of student records and providing parents and eligible students access to records.

G. Except as provided in R277-726-8A, the Provider shall submit a student's credit and grade within 30 days after a student satisfactorily completes an online semester course to the USOE, primary school of enrollment, and parent(s).

H. Providers shall not withhold students' credits, grades, or transcripts from students, parents or students' schools of enrollment for any reason.

I. If a Provider desires to suspend a student from an online course for disciplinary reasons, the Provider is responsible for all student due process procedures, including the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. 1400 and Section 504 of the Rehabilitation Act of 1973. If a student is suspended for more than 10 days, the Provider shall notify the USOE of a withdrawal.

J. Providers shall provide to the USOE a list of course options using the USOE-provided course codes (all courses shall be coded as semester courses). Course offerings shall be updated in January and August annually.

K. Providers shall serve all students on a first-come-first-served basis who desire to take courses and who are designated eligible by a primary school of enrollment if desired courses have space available.

L. Providers shall provide all records maintained as part of a public online school or program, including financial and enrollment records, and information for accountability and audit purposes upon request by the USOE, and the Provider's external auditor(s).

M. Providers shall maintain documentation of student work, including dates of submission, for Program audit purposes.

N. Providers are primarily responsible for complete and timely submissions of record changes to executed CCAs and submission of other reports and records as required by the USOE.

O. Providers shall inform students and parents of expectations for active participation in course work.

P. LEAs may participate in the Program as Providers by offering schools or programs or both to Utah students in grades 9-12 who are not resident students of the LEA consistent with Section 53A-15-1205(3).

Q. Program schools or programs:

(1) shall be accredited by the Northwest Accreditation Commission consistent with R277-413;

(2) shall have a designated administrator who meets the requirements of Section 53A-6-110 or Section 53A-1a-512(5);

(3) shall ensure that students who qualify for fee waivers shall receive all services offered by and through the public schools consistent with Section 53A-12-103 and R277-407;

(4) shall maintain student records consistent with the federal Family Educational Rights and Privacy Act, 34 CFR Part 99; and

(5) shall offer course work aligned with Utah Core standards, course requirements, and the provisions of R277-700 and R277-404, and R277-473.

R. LEAs that offer online programs or schools as Providers under the Program:

(1) shall employ only licensed Utah educators as teachers;

(2) shall not employ individuals whose educator licenses have been suspended or revoked;

(3) shall require all employees to meet requirements of Section 53A-3-410 and R277-516 prior to the Provider offering services to students;

(4) shall only employ teachers who meet the requirements of R277-510, Educator Licensing - Highly Qualified Assignment;

(5) shall agree to administer and have the capacity to carry out state-designated assessments, including proctoring, consistent with Section 53A-15-1210(2), R277-404 and R277-473;

(6) shall provide services to students consistent with requirements of the IDEA, Section 504, and Title VI of the Civil Rights Act of 1964 for English Language Learners (ELL);

(7) shall maintain copies of all CCAs (for audit purposes);

(8) shall agree that funds shall be withheld by the USOE consistent with Section 53A-15-1206. A Provider shall cooperate with the USOE in providing timely documentation of student participation, enrollment, and other additional data consistent with Board directives and procedures and as requested; and

(9) shall ensure that third parties assisting with LEA online schools or programs comply with R277-726-7R, R277-404 and R277-473.

#### **R277-726-8. Other Information.**

A. Primary schools of enrollment shall set reasonable timelines and standards and Providers shall adhere to timelines and standards for student grades and enrollment in online courses for purposes of:

(1) school awards and honors;

(2) Utah High School Activities Association participation; and

(3) high school graduation.

B. Withholding of the online course payment from a primary LEA of enrollment and payments to the eligible Provider shall occur at the nearest monthly transfer of funds subject to verification of information.

C. The USOE shall pay the Provider consistent with Minimum School Program funding transfer schedules.

D. The Superintendent or the Superintendent's designee may make decisions on questions or issues unresolved by Section 53A-15-1002 et seq. or R277-726 on a case-by-case basis. The Superintendent shall report decisions to the Board consistent with the purposes of the law and this rule.

#### **KEY: public education online program**

**Date of Enactment or Last Substantive Amendment: 2011 authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-1210; 53A-15-1213; 53A-1-401(3)**

**Environmental Quality, Environmental  
Response and Remediation  
R311-207  
Accessing the Petroleum Storage Tank  
Trust Fund for Leaking Petroleum  
Storage Tanks**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35155

FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Utah legislature amended the Utah Underground Storage Tank (UST) Act (Subsection 19-6-409(2)(e)) to permit the Petroleum Storage Tank (PST) Trust Fund to pay certain costs of consultants hired by third parties who have been affected by a release from an underground storage tank. Section R311-207-9 and Subsection R311-207-3(j) are added to specify the requirements for payments to be made from the Fund for those consultants. Subsection R311-207-3(j) is added because Subsections R311-207-3(d) and (g) have provisions that would be applied differently to claims for third party consultants as opposed to claims by responsible parties. The new Subsection R311-207-3(j) is added to include the provisions that would apply specifically to consultants hired by third parties. In Subsection R311-207-3(h), the reference to time and material claims that may be made beyond the one-year limit until April 2, 2003, is removed because it is no longer necessary. Rule R311-207 contains different terms used to describe persons who may make a claim for reimbursement from the PST Fund: owner, operator, responsible party, and claimant. Because the UST Act now allows payments from the Fund for consultants hired by third parties, references to persons who may make a claim are updated throughout Rule R311-207 to allow for the rule to apply to all who may make a claim: a responsible party or other eligible claimant. The terminology is changed to be more accurate in each instance. In some cases, a reference applies only to a responsible party as defined in the UST Act (Subsection 19-6-402(26)); in other instances, the rule refers to a responsible party or other person eligible to make a claim, so the more general term "claimant" is used. The references to UST "owner" and "operator" are replaced with "responsible party" or "claimant" as appropriate to the context of the reference.

**SUMMARY OF THE RULE OR CHANGE:** Adds Section R311-207-9 and Subsection R311-207-3(j) to specify requirements for certified UST consultants who are hired by third parties who have been affected by a release from a UST system. Changes references to "responsible party," "claimant," "owner," and "operator" regarding making claims for reimbursement from the Petroleum Storage Tank Trust

fund. Makes each reference apply correctly to the specific instance. Removes a reference to time and material reimbursement claims that were allowed beyond the one-year limit until April 2003.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-6-105 and Section 19-6-403 and Section 19-6-409 and Section 19-6-419

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** No costs or savings are anticipated. The changes are made to implement a legislative change made to the Utah UST Act to provide for payments from the PST Fund for UST consultants hired by third parties, to clarify the rule regarding those who make claims against the PST Fund, and remove an obsolete reference.

◆ **LOCAL GOVERNMENTS:** No anticipated cost or savings. The rule changes implement a legislative change to the Utah UST Act and make procedural and clarifying changes to the rule.

◆ **SMALL BUSINESSES:** No anticipated cost or savings. The rule changes implement a legislative change to the Utah UST Act and make procedural and clarifying changes to the rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No anticipated cost or savings. The rule changes implement a legislative change to the Utah UST Act and make procedural and clarifying changes to the rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No anticipated compliance costs. The rule changes implement a legislative change to the Utah UST Act and make procedural and clarifying changes to the rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There should not be any impact on businesses. The proposed changes implement a statutory change to the Underground Storage Tank Act and make other changes for clarification of the rule. The rule sets out parameters for payments from the Petroleum Storage Tank Trust Fund for consultants hired by persons who have been impacted by a leak from an underground tank system. The rule sets up a system where the payment process and the requirements placed on the consultants will be the same as it is now for Fund payments made for those who are responsible for cleaning up the leak.

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

ENVIRONMENTAL QUALITY  
ENVIRONMENTAL RESPONSE AND  
REMEDATION  
FIRST FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.



**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Gary Astin by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:**

♦ 09/19/2011 10:00 AM, DEQ Bldg, 195 N 1950 W, Room 1015, Salt Lake City, UT

**THIS RULE MAY BECOME EFFECTIVE ON: 10/17/2011**

**AUTHORIZED BY: Brent Everett, Director**

**R311. Environmental Quality, Environmental Response and Remediation.**

**R311-207. Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks.**

**R311-207-1. Definitions.**

Definitions are found in Section R311-200.

**R311-207-2. Notification of Intent and Eligibility to Claim Against the Petroleum Storage Tank Trust Fund.**

(a) Any responsible party who is making any claim against the Petroleum Storage Tank Trust Fund shall have previously satisfied the requirements of Section R311-206-3(a), have a valid certificate of compliance at the time of product release by the covered UST; and meet the requirements of 19-6-424.

(b) Except as provided in Section R311-207-2(c), a responsible party eligible to receive payments in accordance with Section 19-6-419 shall submit to the Executive Secretary a written Eligibility Application to make a claim against the Petroleum Storage Tank Trust Fund,

(1) during a period for which that tank was covered by the fund; or

(2) within one year after that fund-covered tank is closed;

or

(3) within six months after the end of the period during which the tank was covered by the fund; or

(4) before the responsible party expends any amount over their share in eligible costs, whichever is sooner.

(c) For eligible releases that are discovered and reported to the Executive Secretary after July 1, 1994, the responsible party is required to expend the first \$10,000 in eligible costs as determined by the Executive Secretary. For eligible releases that are discovered prior to July 1, 1994, the responsible party is required to expend the first \$25,000 in eligible costs as determined by the Executive Secretary.

(d) A completed eligibility application form submitted by the responsible party requesting coverage, within the time frames specified in R311-207-2(b), shall constitute a claim against the fund in accordance with Section 19-6-424.

(e) The responsible party's share of eligible costs shall remain the same, regardless of the number of responsible parties who are associated with a release and covered by the fund. Only

one responsible party can claim against the fund per release in accordance with 19-6-419.

(f) When a facility has an open release and a subsequent PST Fund eligible release occurs at that facility, the PST Fund allowable coverage for the subsequent release will be limited to the amount required to investigate and remediate the subsequent release up to the maximum allowable by the Utah Underground Storage Tank Act 19-6-419. Additional PST Fund monies cannot be obtained for the investigation and remediation of the original release through the coverage of a subsequent release. The Executive Secretary shall determine the allowable coverage for a subsequent release. When the Executive Secretary has made a determination that the clean up standards established for the site pursuant to R311-211-5 have been achieved for a release, the release shall receive a "No Further Action" status. The maximum coverages allowed in 19-6-419 for a series of releases cannot be aggregated to provide additional reimbursement over the maximum for any release included in the series.

**R311-207-3. Prerequisites for Submission of Requests for Reimbursement of Claims Against the Petroleum Storage Tank Trust Fund.**

(a) Upon making a claim for coverage under the fund, and after receiving notice from the Executive Secretary [~~that they are eligible~~]of eligibility to claim against the fund, the [~~owner or operator~~]responsible party shall respond to the compliance schedule issued by the Executive Secretary with work plans. The work plans may address three phases of the compliance schedule as determined by the Executive Secretary:

(1) tasks required to bring the site under control;

(2) tasks required to determine the extent and degree of the release; and

(3) tasks required to remediate the site until the Executive Secretary is satisfied that remediation has achieved the clean up goals as described in Section R311-211 or until further remediation is not feasible as determined by the Executive Secretary.

(b) The work plan shall include a budget for the work. The budget shall be in compliance with R311-207-4(e)(1) and (2). The budget shall include proposed costs in an itemized format as described in Section R311-207-4(a).

(c) The consultant must have a Statement of Qualification approved by the Executive Secretary.

(1) The initial Statement of Qualification submittal shall include information about the qualifications of all certified UST consultants and other persons who will be performing investigation or corrective action activities in accordance with the work plans. The Statement of Qualification shall include at least three letters of reference from entities that have retained the services of the consultant, and shall document that:

(A) the consultant and other key personnel are of good character and reputation regarding such matters as control of costs, quality of work, ability to meet deadlines, and technical competence;

(B) the consultant and other key personnel have completed applicable Occupational Safety and Health Agency-approved safety training and any other applicable safety training, as required by federal and state law; and

(C) the consultant carries the following insurance:

(i) Commercial General Liability Insurance or Comprehensive General Liability Insurance, including coverage for premises and operation, explosion, collapse and underground hazards, products and completed operations, contractual, personal injury and death, and catastrophic, with limits of \$1,000,000 minimum per occurrence, \$2,000,000 minimum general aggregate, and \$2,000,000 minimum products or completed operations aggregate;

(ii) Comprehensive Automobile Liability Insurance, with limits of \$1,000,000 minimum and \$2,000,000 aggregate; and

(iii) Workers' Compensation and Employers' Liability Insurance, as required by applicable state law.

(2) The Statement of Qualification shall be updated annually in January, and shall be approved by the Executive Secretary for a period of one year. The update shall include changes in personnel and current documentation of compliance with Subsections R311-207-3(c)(1)(B) and (C).

(d) The work plan shall include information about the ~~[responsible party]~~ claimant's contract with any proposed consultant or other person performing remedial action in accordance with the work plans. That information shall demonstrate that the following requirements have been met, as determined by the Executive Secretary:

(1) The contract shall be with the consultant, and shall specify the certified UST consultant and other key personnel for which qualifications are submitted under R311-207-3(c);

(2) The contract shall require a 100 percent payment bond through a United States Treasury-listed bonding company, or other equivalent assurance;

(3) The consultant shall have no cause of action against the state for payment;

(4) The contract will specify a subcontracting method consistent with the requirements of R311-207;

(5) The contract shall require, and include documentation that the consultant carries, the insurance specified in R311-207-3(c)(1)(C).

(6) Payment under the contract shall be limited to amounts that are customary, legitimate, and reasonable;

(7) The contract shall include a provision indicating that the State of Utah is not a party to the contract, unless the State of Utah is a responsible party; and

(8) Any other requirements specified by the Executive Secretary.

(e) The work plan shall include any additional information required by 40 CFR 280.

(f) The Executive Secretary may waive specific requirements of Section R311-207 if he determines there is good cause for a waiver, and that public health and the environment will be protected. The Executive Secretary may also consider, in determining whether to grant a waiver, the extent to which the financial soundness of the fund will be affected.

(g) Once the responsible party's share of eligible costs has been spent in accordance with Section 19-6-419, the Executive Secretary shall review and approve or disapprove work plans and the corrective action plan and all associated budgets. For costs to be covered by the fund, the Executive Secretary must approve all work plans, corrective action plans, and associated budgets before a responsible party initiates any work, except as allowed by Sections 19-6-420(3)(b) and 19-6-420(6).

(h) A request for time and material reimbursement from the Fund must be received by the Executive Secretary within one year from the date the included work was performed or reimbursement shall be denied. If there are any deficiencies in the request, the ~~[owner/operator]~~ claimant shall have 90 days from the date of ~~[their]~~ notification of the deficiency to correct the deficiency or the amount of the deficient item(s) shall not be reimbursed. If a release was initially denied eligibility and is subsequently found to be eligible, this provision shall apply only to the portion of work conducted following the determination that the release is eligible for reimbursement. ~~[The responsible party may submit claims for reimbursement where the work is more than one year old until April 2, 2003.]~~

(i) The request for final reimbursement from the fund must be received by the Executive Secretary within one year from the date of the "No Further Action" letter issued by the Executive Secretary or reimbursement shall be denied. If a release is reopened as provided for in the "No Further Action" letter, payments from the fund may be resumed when approved by the Executive Secretary.

(j) For costs incurred by a consultant hired by a third party pursuant to Subsection 19-6-409(2)(e):

(1) the Executive Secretary shall approve all work plans and associated budgets before the consultant initiates any work, and

(2) the contract shall comply with Subsections R311-207-3(d)(1), (3), (6), (7), and (8).

#### **R311-207-4. Submission Requirements for Requests for Reimbursement of Claims Against the Petroleum Storage Tank Trust Fund.**

(a) In order to receive payment from the fund, a claimant shall submit an invoice to the Executive Secretary. The invoice from the ~~[owner]~~ claimant to the fund shall be on the form or forms provided by the Executive Secretary. Reimbursement may be on a pay for performance or on a time and material basis as approved in advance by the Executive Secretary. All costs for time and material reimbursement shall be itemized at a minimum to show the following:

(1) amounts allocated to each approved work plan budget;

(2) employee name, date of work, task or description of work, labor cost and the number of hours spent on each task;

(3) sampling, reporting, and laboratory analysis costs;

(4) equipment rental and materials;

(5) utilities;

(6) other direct costs; and

(7) other items as determined by the Executive Secretary.

(b) All itemized expenses shall indicate the full name and address of the company or contractor providing materials or performing services.

(c) All expenses for time and material reimbursement shall be documented on a monthly basis, or as otherwise directed by the Executive Secretary, with a copy of the original bill provided to the Executive Secretary by the ~~[owners or operators]~~ claimant. The claimant shall provide documentation that claimed costs and associated work were reasonable, customary, and legitimate in accordance with Sections R311-207-5 and R311-207-4(e).

(d) For time and material based reimbursement, before receiving payment under Section 19-6-419, the ~~[responsible~~

~~party~~ claimant shall provide proof of past payments for services or construction rendered, in a form acceptable to, or as directed by, the Executive Secretary, unless the Executive Secretary has agreed to other arrangements. The ~~owner or operator~~ responsible party shall remain primarily liable, however, for all costs incurred and should obtain lien releases from the company or contractor providing material or performing services.

(e) For time and material based reimbursement, documentation of expenses for construction or other services provided by a subcontractor retained by a consultant or contractor shall include one or more of the following items:

(1) a minimum of three competitive bids by responsive bidders. To be competitive:

(A) Two of the bids must be from bidders who are not related parties. "Related parties" for the purpose of this rule, shall mean organizations or persons related to the consultant by any of the following: marriage; blood; one or more partners in common with the consultant; one or more directors or officers in common with the consultant; more than 10% common ownership direct or indirect with the consultant.

(B) The bid specifications shall contain a clear and accurate description of the technical requirements for the material, product or service and shall not contain features which unduly restrict competition. The bid specifications shall include a statement of the qualitative nature of the material, product or service to be procured, and, when necessary shall set forth those minimum essential characteristics.

(C) For frequently used services such as drilling, competitive bid schedules may be taken by the consultant once each calendar year in January with the results provided to the Executive Secretary. The prices from the lowest responsible bidder will be used for at least the following 12 months and will remain in effect until re-bid by the consultant and approved by the Executive Secretary. The Executive Secretary may reject bid prices that are not customary, reasonable and legitimate. The lowest bid from a responsible bidder will establish the maximum dollar amount the PST Fund will reimburse the ~~owner~~ claimant for these services, regardless of whether the ~~owner~~ claimant accepts that bid or another;

(2) sole source justification;

(A) Analytical laboratories may be justified based on service, data quality and cost;

(3) documentation that expenses have been for reasonable, customary, and legitimate purposes; or

(4) other documentation as required or requested by the Executive Secretary.

(f) In accordance with Section 19-6-420, the Executive Secretary may not authorize payment from the fund for services provided by consultants, contractors, or subcontractors which are in non-compliance with the requirements of Section R311-207 or any other applicable federal, state, or local law.

(g) Any third party claims brought against the ~~owner or operator~~ responsible party or any occurrence likely to result in third party claims against the ~~owner or operators~~ responsible party as a result of the release must be immediately reported to the State Risk Manager and to the Executive Secretary.

(h) The Executive Secretary may reimburse claimants based on pay for performance for the investigation, abatement or remediation of eligible PST fund sites. Under a pay for

performance cleanup the claimant is reimbursed on a fixed price schedule as measurable contaminant level goals are reached. The claimant's reimbursement under pay for performance for the work anticipated shall be supported by competitive bidding, sole source justification or reasonable, customary and legitimate costs as approved by the Executive Secretary. Itemization of expenses is not required for payment of a claim unless specifically required in a work plan by the Executive Secretary.

**R311-207-5. [~~Responsible Parties' Standard Liability and~~] Customary, Reasonable and Legitimate Expenses.**

(a) Costs claimed by the ~~responsible party~~ claimant in accordance with Section 19-6-419(1) must be customary, reasonable, and legitimate, and must be expended for customary, reasonable, and legitimate work, as determined by the Executive Secretary. The Executive Secretary may determine the amount of fund monies that will be reimbursed to a ~~n-owner or operator~~ claimant for items including, but not limited to, labor, equipment, services, and tasks established according to the provisions of R311-207-7 or such other methods that are applicable to the item or task. As conditions require, costs of the following activities may be considered to be customary, reasonable, and legitimate: performing abatement, investigation, site assessment, monitoring, or corrective action activities; providing alternative drinking water supplies; and settling or otherwise resolving third party damage claims and settlements in accordance with Section 19-6-422.

(b) This rule incorporates by reference the TABLE OF UTAH PETROLEUM STORAGE TANK TRUST FUND TIME AND MATERIAL REIMBURSEMENT STANDARDS dated November 14, 2002. This document contains specific items that will and will not be reimbursed by the Fund.

(c) This rule incorporates by reference the UTAH PETROLEUM STORAGE TANK FUND, MAXIMUM ALLOWABLE RATE LIST FOR EQUIPMENT AND SUPPLIES as revised November 14, 2002. This document contains specific rates the Fund will reimburse the responsible party or consultant for the included items.

(d) If a claim that does not comply with the requirements of R311-207 is returned by the Executive Secretary to a ~~responsible party~~ claimant or consultant for correction, the ~~responsible party~~ claimant or consultant shall not claim for reimbursement the costs expended to correct and re-submit the claim.

(e) The Petroleum Storage Tank Trust Fund may reimburse a ~~n-owner or operator~~ responsible party or other eligible claimant for the use or purchase of ~~his~~ the consultant's originally designed and manufactured equipment provided the cost is customary, reasonable, and legitimate as determined by the Executive Secretary. The rate of reimbursement shall not exceed the consultant's direct labor hours for manufacturing at specified fixed hourly rates in the rate schedule approved by the Executive Secretary and the materials at cost to the consultant. Material costs shall include adjustments for all available discounts, refunds, rebates and allowances which the consultant reasonably should take under the circumstances, and for credits for proceeds the consultant received or should have received from salvage and material returned to suppliers. In no event shall the price paid by the Petroleum Storage Tank Trust Fund exceed the sales price of comparable equipment available to other customers through the consultant or through another source. The consultant's claimed direct labor hours

for manufacturing and costs shall be documented through time sheets, original invoices or other documents acceptable to the Executive Secretary. No reimbursement shall be made for undocumented labor hours and costs. No reimbursement shall be made for labor hours and costs associated with patenting or marketing.

**R311-207-6. Subrogation.**

When the State makes a payment from the Petroleum Storage Tank Trust Fund, the State shall have the right to sue or take other action as may be necessary and appropriate to recover the amount of payment from any third party who may be held responsible. The ~~[petroleum underground storage tank owner or operator or both]~~ claimant who receives payment from the Fund must execute and deliver all necessary documents and cooperate as necessary to preserve the State's rights and do nothing to prejudice them.

**R311-207-7. Consultant Labor Codes, Titles, Duties and Fee Schedules.**

(a) This rule incorporates by reference the Consultant Personnel Qualifications and Task Descriptions table, dated May 1998, and consisting of standardized personnel qualification categories and task descriptions to be used for PST Fund-reimbursable activities. Consultants must assign to one of the categories listed in the table, any service time for an individual that is billed to a ~~[responsible party]~~ claimant or directly to the PST Fund and for which reimbursement is claimed, unless the duties of the individual are so unusual that they do not closely approximate any of the listed categories. By submitting a claim for reimbursement for a labor category, the consultant warrants that the person so claimed meets the described education, skills and experience.

(b) A consultant may file with the Executive Secretary, and amend once a year in January (absent unusual circumstances), the hourly fees at which it bills clients in Utah for the service of its personnel as described in (a). The Executive Secretary shall calculate new allowable reimbursement rates once a year. Consultant fees, reimbursement rate schedules and amendments must be maintained in confidence by and accessible only to the staff of the Executive Secretary, as the consultant's expectation of privacy is reasonable and outweighs the merits of public disclosure. The calculated maximum allowable reimbursement rates must be maintained in confidence by and accessible only to the staff of the Executive Secretary

(c) When fee schedules, from companies who have performed work reimbursed by the Fund, have been filed in a number sufficient for meaningful statistical analysis, the Executive Secretary shall compute a range of allowable reimbursement rates for each code listed in (a), the maximum of each range shall be the mean fee for each code plus one standard deviation (rounded up to the nearest whole dollar) unless modified as provided for in R311-207-7(e). The Executive Secretary shall then notify each filing firm whether its fees exceed the range of allowable reimbursement rates. If they do exceed the allowable range, the firm shall then resubmit a revised fee schedule that is within the allowable range. The amount by which a consultant's fee for a particular code exceeds the allowable reimbursement rate will be presumed unreasonable and will not be reimbursed by the Fund.

(d) The Executive Secretary may approve a range of reimbursement rates for a particular category when proposed by a consultant. However, the maximum of this range shall not exceed the maximum reimbursement rate as calculated in R311-207-7(c). When a range is proposed, the average of the range will be used for the calculations in R311-207-7(c).

(e) If a consultant's fees exceed the maximum of the range in not more than three categories but are lower in the other categories, the average of the maximum reimbursement rates as calculated in R311-207-7(c) for the categories for which that consultant provides services will be calculated. If the average of the consultant's fees is lower than this average, the Executive Secretary may approve all of the fees as proposed.

(f) The Executive Secretary may request a detailed explanation of fee structures when a submitted fee appears to vary significantly from those submitted by other consultants for the same code. The Executive Secretary reserves the right not to use fees that significantly vary from similar fees submitted by other consultants, fees from consultants who have not submitted claims for reimbursement, fees from consultants who have not submitted proper documentation for claim reimbursement, fees from consultants that do not currently have key personnel holding valid certification as a Certified UST Consultant and other fees not deemed acceptable by the Executive Secretary.

(g) A consultant not filing its schedule of fees must submit its invoices for services formatted in accordance with R311-207-7(a). Any fees which exceed the average of allowable reimbursement rates will be presumed unreasonable.

(h) A ~~[responsible party]~~ claimant or consultant may overcome the presumption that a fee is unreasonable by presenting clear and concise evidence to the Executive Secretary that the ~~[if]~~ fees are reasonable and customary. Excessive overhead factors will not meet this test.

(i) The Executive Secretary may determine the amount of fund monies that will be reimbursed to a ~~[responsible party]~~ claimant for commonly performed tasks. The amount of fund monies that will be reimbursed for a particular task, item or activity may be established by R311-207-7(c), competitive bid, market survey or other applicable method as determined by the Executive Secretary. Public comment will be taken before proposed reimbursement rates are adopted.

**R311-207-8. Third Party Claims Apportionment.**

To prioritize payments from the Petroleum Storage Tank Fund as required by Subsection 19-6-419(5)(a), yet promptly authorize the payment of third party claims prior to a determination that corrective action has been properly performed and completed, the Executive Secretary may utilize budget projections to allocate coverage available for the payment of third party claims. The Executive Secretary may amend budget projections as frequently as he deems appropriate. Costs among third party claimants shall be apportioned after the responsible party has agreed to the settlement and the state risk manager has approved the settlement. Apportionment and priority shall be based upon the order in which an approved and agreed upon claim is received by the Executive Secretary.

**R311-207-9. Consultants Hired by Third Parties.**

(a) A certified UST consultant hired by a third party under Subsection 19-6-409(2)(e) shall:

(1) have an approved PST Trust Fund Statement of Qualification in accordance with Subsection R311-207-3(c), and

(2) have approved PST Trust Fund labor rates in accordance with Section R311-207-7.

(b) To ensure compliance with Subsection 19-6-409(4)(a)(ii), one consultant shall be designated by all known third parties claiming injury or damage from a release. The designation shall be made in writing to the Executive Secretary.

(c) For the claimant to be eligible to receive payments from the Fund under Subsection 19-6-409(2)(e):

(1) all work plans and budgets shall be pre-approved by the Executive Secretary in accordance with Subsection R311-207-3(j);

(2) the consultant shall comply with Sections R311-207-4 and R311-207-5; and

(3) requests for reimbursement from the Fund shall be made in accordance with Subsections R311-207-3(h) and (i).

**KEY: financial responsibility, petroleum, underground storage tanks**

**Date of Enactment or Last Substantive Amendment: [~~May 1,~~ 2011**

**Notice of Continuation: April 18, 2007**

**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-409; 19-6-419**

**Environmental Quality, Environmental  
Response and Remediation  
R311-212  
Administration of the Petroleum  
Storage Tank Loan Fund**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35156

FILED: 08/15/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Underground Storage Tank (UST) owners who install new USTs or perform UST system upgrades are often required, before the work begins, to make a partial payment to the UST installer who will perform the work. The UST owner may apply for a loan from the Petroleum Storage Tank loan fund to pay for most of the cost of the work, but currently the loan proceeds are paid to the owner after the work is done. The rule change will allow for an initial loan disbursement to be paid to the borrower (the UST owner) before the work is done. This will help the UST owner make the up-front payment to the installer and minimize the owner's financial hardship. The rule changes also add requirements to ensure that the borrower performs the work in a timely

manner when an initial disbursement is made. Other changes are made to clarify that a loan repayment schedule is specific to a loan, rather than to a borrower, and to make rule wording clearer.

**SUMMARY OF THE RULE OR CHANGE:** Adds a provision to allow for an initial disbursement of part of the approved loan amount to be made before the start of the work at the site. Establishes time frames for starting and completing the work when an initial disbursement is made. Specifies how interest that accrues on the initial disbursement will be paid back. Changes the reference to creation of a repayment schedule to make the repayment schedule specific to the loan rather than to the borrower. Makes minor wording changes for clarity. Modifies the loan application form to provide a space in which the loan applicant may request an initial loan disbursement.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 19-6-105 and Section 19-6-403 and Section 19-6-405.3

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** No anticipated cost or savings--The proposed changes provide for part of a loan from the Petroleum Storage Tank loan fund to be paid before the work is done. This would result in only a minor change to the current loan approval and repayment process, and would not impact state budget. Other changes are procedural or for clarification, and would have no cost or savings associated with them.

♦ **LOCAL GOVERNMENTS:** No costs or savings are anticipated--The changes provides for an initial payment of part of the borrower's approved loan before the work is done, and make other minor changes for clarity.

♦ **SMALL BUSINESSES:** No costs or savings are anticipated--The changes provides for an initial payment of part of the borrower's approved loan before the work is done, and make other minor changes for clarity.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No costs or savings are anticipated--The changes provides for an initial payment of part of the borrower's approved loan before the work is done, and make other minor changes for clarity.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No compliance costs are anticipated--The change allows for an initial disbursement of part of the loan amount to be made separately from the main disbursement, and makes minor wording changes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The rule could allow some underground tank owners to apply for and receive a loan because they would not be required to make the initial payment to the installer out of their own funds. Small businesses could more readily upgrade tanks and install better leak prevention and leak detection equipment. Upgrading or replacing tanks with newer ones

that are less likely to leak should have a positive impact on tank owners by reducing the number of leaks. Better monitoring equipment will help find leaks sooner and reduce the impact on the tank owner and the environment. Paying back the accrued interest on the initial loan disbursement should be manageable, and the rule allows for modification of the interest payment if necessary.

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

ENVIRONMENTAL QUALITY  
ENVIRONMENTAL RESPONSE AND  
REMEDATION  
FIRST FLOOR  
195 N 1950 W  
SALT LAKE CITY, UT 84116-3085  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Gary Astin by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 09/19/2011 10:00 AM, DEQ, 195 N 1950 W, Room 1015, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/17/2011

AUTHORIZED BY: Brent Everett, Director

### **R311. Environmental Quality, Environmental Response and Remediation.**

#### **R311-212. Administration of the Petroleum Storage Tank Loan Fund.**

##### **R311-212-1. Definitions.**

Definitions are found in Section R311-200.

##### **R311-212-2. Loan Application Submittal.**

(a) Application for a loan shall be made on forms incorporated in Section R311-212-10, in accordance with Subsection 19-6-405.3(7). Loan applications shall be accepted during application periods designated by the Executive Secretary.

(b) As long as loan funds are available at least one application period shall be designated each fiscal year. Additional funds available through repayment of existing loans shall be loaned according to priorities from the most recent application period.

(c) Applications must be received by the Executive Secretary by 5:00 p.m. on the last day of a given application period.

(d) Loan applications received outside the application period shall be invalid.

##### **R311-212-3. Eligibility Review.**

(a) The Executive Secretary shall determine if the applicant meets the eligibility criteria stated in Subsections 19-6-405.3(3), 19-6-405.3(4), 19-6-405.3(5) and 19-6-405.3(6).

(b) To meet the eligibility requirements of 19-6-405.3(4) the applicant must, for all facilities for which the applicant requests a loan, demonstrate current compliance with all state and federal UST laws, rules and regulations, including compliance with all requirements for remediation of facilities with leaking underground storage tanks, or must be able to achieve compliance with the loan proceeds.

(c) To meet the eligibility requirements of 19-6-405.3(4) the applicant must meet the following for all facilities owned or operated by the applicant for which the applicant does not request a loan:

(1) The applicant has demonstrated current compliance with all state and federal UST laws, rules and regulations, including compliance with all requirements for remediation of facilities with leaking underground storage tanks;

(2) All regulated underground petroleum storage tanks owned by the applicant have met the requirements of Section 19-6-412(2) and have a current certificate of compliance;

(3) The applicant has paid all underground storage tank registration fees, interest and penalties which have been assessed; and

(4) The applicant has paid all applicable petroleum storage tank fees, interest and penalties which have been assessed.

(d) To meet the requirements of Section 19-6-405.3(3), the loan request must be for the purpose of:

(1) Upgrading petroleum USTs;

(2) replacing USTs; or

(3) Permanently closing USTs. If an applicant requests a loan for closing USTs which will be replaced by above-ground storage tanks, the loan, if approved, will be only for closing the USTs. The security pledged by the applicant for a loan to replace USTs with above-ground storage tanks shall be subject to the limitations in R311-212-6.

##### **R311-212-4. Prioritization of Loan Applications.**

(a) When determined by the Executive Secretary to be necessary, all applications received during a designated application period shall be prioritized by total points assigned. Ten points shall be given for each item that applies to the applicant or the facility for which the loan is requested:

(1) The applicant has less than \$1,000,000 annual gross income and fewer than five full-time employee equivalents and is not owned or operated by any person not meeting the income and employee criteria.

(2) The applicant's income is derived solely from operations at UST facilities.

(3) The applicant owns or operates no more than two facilities.

(4) The facility is located in a U.S. Census Bureau population unit containing fewer than 5,000 people.

(5) There are no more than three operating retail outlets selling motor fuel within 15 miles road distance in all directions.

(6) Loan proceeds will be used solely for replacing or upgrading USTs.

- (7) All USTs at the facility are greater than 15 years old.
- (b) One point shall be given for each road mile of distance from the facility to the nearest operating retail outlet selling motor fuel, to a maximum of 30 points.
- (c) Applications which receive the same number of points shall be sub-prioritized according to the date postmarked or the date delivered to the Executive Secretary by any other method.
- (d) Applications shall remain in priority order regardless of availability of funds until a new application period is declared. When a new application period begins, priority order of applications which have not been reviewed terminates. An applicant whose application has not been reviewed or an applicant whose application has not been approved because the applicant has not satisfied the requirements of Subsections 19-6-405.3(3) through (6), loses eligibility to apply for a loan and must submit a new application in the subsequent period to be considered for a loan in that period.

#### **R311-212-5. Loan Application Review.**

- (a) The applicant shall ensure that the loan application is complete. The completed application with supporting documents shall contain all information required by the application. If the applicant does not submit a complete application within 60 days of eligibility approval, the applicant's eligibility approval shall be forfeited, and the applicant must re-apply.
- (b) All costs incurred in processing the application including appraisals, title reports, or UCC-1 releases shall be the responsibility of and paid for by the applicant. The Executive Secretary may require payment of costs in advance. The Executive Secretary shall not reimburse costs which have been expended, even if the loan fails to close, regardless of the reason.
- (c) The review and approval of the application shall be based on information provided by the applicant, and:
  - (1) review of any and all records and documents on file;
  - (2) verification of any and all information provided by the applicant;
  - (3) review of credit worthiness and security pledged; and
  - (4) review of a site construction work plan.
- (d) The applicant must close the loan within 30 days after the Executive Secretary mails the loan documents for the applicant's signature. If the applicant fails to close the loan within this time period, the approval is forfeited and the applicant must re-apply. An exception to the 30 day period may be granted by the Executive Secretary if the closing is delayed due to circumstances beyond the applicant's control.

#### **R311-212-6. Security for Loans.**

- (a) When an applicant applies for a loan of greater than \$30,000, the loan applicant must pledge for security personal or real property which meets or exceeds the following criteria:
  - (1) The loan amount may not be greater than 80 percent of the value of the applicant's equity in the security for cases where the Department obtains a first mortgage position, or
  - (2) The loan amount may not be greater than 60 percent of the value of the applicant's equity in the security for cases where the Department obtains a second mortgage position.
- (b) The applicant shall provide acceptable documentation of the value of the property to be used as security using:
  - (1) a current written appraisal, performed by a State of Utah certified appraiser;

- (2) a current county tax assessment notice, or
- (3) other documentation acceptable to the Executive Secretary.
- (c) A title report on all real property and a UCC-1 clearance on all personal property used as security shall be submitted to the Executive Secretary by a title company or appropriate professional person approved by the Executive Secretary.
- (d) When the title report indicates an existing lien or encumbrance on real property to be used as security, the existing lien holders may subordinate their interest in favor of the Department. The Department shall accept no less than a second mortgage position on real property pledged for loan security.
- (e) Whenever a corporation seeks a loan, its principals must guarantee the loan personally.
- (f) The applicant must provide a complete financial statement with cash flow projections for debt service.
- (g) Above ground storage tanks and real property on which they are located shall not be acceptable as security.
- (h) Underground storage tanks and the real property on which they are located shall not be acceptable as security unless:
  - (1) The UST facility offered for security has not had a petroleum release which has not been properly remediated; and
  - (2) The applicant provides documentation to demonstrate the UST facility is currently in compliance with the loan eligibility requirements set forth in R311-212-3.
- (i) If a loan is made without security, the maximum loan repayment period shall be seven years.

#### **R311-212-7. Procedure for Making Loans.**

- (a) Loan funds shall be obligated after all documents to secure a loan are complete, processed, and appropriately signed by the applicant and the Executive Secretary.
- (b) ~~Loan proceeds shall be disbursed to the applicant after closing documents are processed, work at the site is completed, and all paperwork and notifications have been received by the Executive Secretary.~~ The Executive Secretary may approve a borrower's request for one initial disbursement of loan proceeds to the borrower after the loan is closed, and before work begins. The initial disbursement shall be for no more than 40 per cent of the approved loan amount. Disbursement of the remaining loan proceeds, or disbursement of the entire loan proceeds if no initial disbursement is made, shall be made after work at the site is completed, and all paperwork and notifications have been received by the Executive Secretary.
  - (1) If an initial loan disbursement is made, the borrower shall begin work on the project no later than 60 days, or another time period approved by the Executive Secretary, following the initial disbursement. Disbursement of the remaining loan proceeds shall be made no later than 180 days, or another time period approved by the Executive Secretary, following the initial disbursement.
  - (2) Funds disbursed through an initial disbursement under Subsection R311-212-7(b) shall begin to accrue interest at 3% per annum on the day they are disbursed. The interest accumulated on these funds from the date of the initial disbursement until the date of the final loan disbursement shall be repaid in full with the first loan payment made by the borrower after the final disbursement, or as otherwise approved by the Executive Secretary.

(3) If work is not initiated or completed within the time periods established in Subsection R311-212-7(b)(1), the loan balance shall be paid within 30 days of notice provided by the Executive Secretary.

(c) Loan proceeds shall not be used to pay underground storage tank registration fees, penalties, or interest assessed under Section 19-6-408 or petroleum storage tank fees, penalties, or interest assessed under Section 19-6-411.

(d) Loans shall not be made for work which is performed before the applicant's loan application is approved and the loan is closed.

#### **R311-212-8. Servicing the Loans.**

(a) The Executive Secretary shall establish a ~~[-loan]~~ repayment schedule for each ~~[borrower]~~ loan based on the financial situation and income circumstances of the borrower and ~~[within]~~ the term of loans allowed by Subsection 19-6-405.3(6)(e). Loans shall be amortized with equal payment amounts and payments shall be of such amount to pay all interest and principal in full.

(b) The initial installment payment ~~[is]~~ shall be due on a date established by the Executive Secretary. Subsequent installment payments ~~[are]~~ shall be due on the first day of each month. A notice of payment and due date shall be sent for each subsequent payment. Non-receipt of the statement of account or notice of payment shall not be a defense for non-payment or late payment.

(c) The Executive Secretary shall apply loan payments received first to penalty, next to interest and then to principal.

(d) Loan payments may be made in advance, ~~and~~ ~~[or]~~ the remaining principal balance of the loan may be paid in full at any time without penalty.

(e) Notices of late payment penalty assessed with amounts of penalty and the total payment due shall be sent to the borrower.

(f) The penalty for late loan payments shall be 10 percent of the payment due. The penalty shall be assessed and payable on payments received by the Executive Secretary more than five days after the due date. A penalty shall be assessed only once on a given late payment. Payments shall be considered received the day of the U.S. Postal Service post mark date or receipted date for payments delivered to the Executive Secretary by methods other than the U.S. Postal Service. If a loan payment check is returned due to insufficient funds, a service charge in the amount allowed by law shall be added to the payment amount due.

(g) Notice of loans paid in full shall be sent after all penalties, interest and principal have been paid.

(h) Releases of the Executive Secretary's interest in security shall be prepared and sent to the borrower or filed for public notice as applicable.

#### **R311-212-9. Recovering on Defaulted Loans.**

(a) Loans may be considered in default when two consecutive payments are past due by 30 days or more, when the applicant's ability to receive payments for claims against the fund lapses, or if the certificate of compliance lapses or is revoked. Lapsing under section R311-206-7(e) shall not be considered as grounds for default for USTs which are permanently closed.

(b) The Executive Secretary may declare the full amount of the defaulted loan, penalty, and interest immediately due.

(c) The Executive Secretary need not give notice of default prior to declaring the full amount due and payable.

(d) The borrower shall be liable for attorney's fees and collection costs for defaulted loans whether incurred before or after court action.

#### **R311-212-10. Forms.**

(a) The forms dated and listed below, on file with the Department, are incorporated by reference as part of Section R311-212, and shall be used by the Executive Secretary for making loans.

(1) Loan Application version ~~[08/19/10]~~ 06/21/11

(2) Balance Sheet version 04/02/04

(3) Loan Commitment Agreement version 06/15/95

(4) Corporate Authorization version 06/15/95

(5) Promissory Note version 06/15/95

(6) Extension and Modification Agreement version 06/15/95

(7) Security Agreement version 06/15/95

(8) Hypothecation Agreement 06/15/95

(9) General Pledge Agreement 06/15/95

(10) Assignment 06/15/95

(11) Assignment of Account 06/15/95

(12) Trust Deed

(i) property with underground storage tanks version 06/15/95; or

(ii) property without underground storage tanks version 06/15/95.

(b) The Executive Secretary may require or allow the use of other forms that are consistent with these rules as necessary for the loan approval process. The Executive Secretary may change these forms for administrative purposes provided the revised forms remain consistent with the substantive provisions of the adopted forms.

#### **R311-212-11. Rules in Effect.**

(a) The rules in effect on the closing date of the loan and the forms signed by the parties shall govern the parties.

**KEY: hazardous substances, petroleum, underground storage tanks**

**Date of Enactment or Last Substantive Amendment: ~~[February 14, 2011]~~**

**Notice of Continuation: April 18, 2007**

**Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-403; 19-6-405.3**

## Financial Institutions, Administration

### **R331-3**

## Rule to Govern Persons Soliciting Savings or Share Accounts, Deposit Accounts, or Similar Evidence of Indebtedness or Participation Interests Therein from Residents of this State



**NOTICE OF PROPOSED RULE**

(Repeal)

DAR FILE NO.: 35153

FILED: 08/11/2011

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After an internal review, Rule R331-3 is being repealed because it conflicts with Utah Code Ann. Section 7-1-618 and 12 U.S.C. 1835a and contains outdated references to the Utah Code.

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

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 7-1-505 and Subsection 7-1-401(8) and Subsection 7-1-501(8)(d)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: The repeal of Rule R331-3 will not require additional appropriations.
- ◆ LOCAL GOVERNMENTS: Local governments are not involved in the regulation of deposit production offices and are therefore not subject to this rule.
- ◆ SMALL BUSINESSES: Depository institutions, under the jurisdiction of the Department, are currently required to comply with Section 7-1-618 and 12 U.S.C. 1835a.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Depository institutions, under the jurisdiction of the Department, are currently required to comply with Section 7-1-618 and 12 U.S.C. 1835a.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Depository institutions, under the jurisdiction of the Department, are currently required to comply with Section 7-1-618 and 12 U.S.C. §1835a.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Depository institutions, under the jurisdiction of the Department, are currently required to comply with Section 7-1-618 and 12 U.S.C. 1835a.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at [pallred@utah.gov](mailto:pallred@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Edward Leary, Commissioner

**R331. Financial Institutions, Administration.**

~~[R331-3. Rule to Govern Persons Soliciting Savings or Share Accounts, Deposit Accounts, or Similar Evidence of Indebtedness or Participation Interests Therein from Residents of this State.~~

**R331-3-1. Authority, Scope and Purpose.**

~~(1) This rule is issued pursuant to Subsections 7-1-401(5), 7-1-501(8) and Section 7-1-505.~~

~~(2) The purpose of this rule is to regulate persons soliciting savings or share accounts, deposit accounts or similar evidence of indebtedness or participation interests therein from residents of this state.~~

~~(3) The purpose of this rule is to protect the deposits of the residents of this state.~~

**R331-3-2. Definitions.**

~~(1) "Commissioner" means the Commissioner of Financial Institutions.~~

~~(2) "Department" means the Department of Financial Institutions.~~

~~(3) "Person" means any individual, partnership, corporation, association or other entity.~~

**R331-3-3. Registration.**

~~Any person "soliciting savings or share accounts, deposit accounts or similar evidence of indebtedness or participation interest therein from residents of this state" as defined in Section 7-1-501(8) shall register with the department on forms designated by the commissioner.~~

**R331-3-4. Fees.**

~~(1) Each person registering with the department shall pay an annual registration fee of \$100.00.~~

~~(2) Each person registering with the department shall be subject to examination by the department at such times as the commissioner designates.~~

**KEY: financial institutions**

**Date of Enactment or Last Substantive Amendment: 1995**

**Notice of Continuation: September 24, 2007**

**Authorizing, and Implemented or Interpreted Law: 7-1-401(8); 7-1-501(8)(d); 7-1-505]**

Health, Disease Control and  
Prevention, Laboratory Improvement

**R444-14**

Rule for the Certification of  
Environmental Laboratories

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35110

FILED: 08/04/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to update the citation for the National Environmental Laboratory Accreditation Conference (NELAC) Institute standard currently in force.

**SUMMARY OF THE RULE OR CHANGE:** The NELAC 2003 Standard was revised and reformatted to become The NELAC Institute(TNI) 2009 Standard. The revised standard removes nonessential requirements and clarifies the language of the standard. This amendment will incorporate the revised standard by reference into this rule.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 26-1-30(2)(m)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** It is not likely the revised standard will have any impact on state budgets, but any impact would be minimal. The transition to the new standard will require training of the regulating staff but the program is funded by fees.

◆ **LOCAL GOVERNMENTS:** It is not likely the revised standard will have any impact on local budgets, but any impact would be minimal. For those local governments with a regulated laboratory, there will be minor changes in requirements that could reduce compliance costs.

◆ **SMALL BUSINESSES:** It is not likely the revised standard will have any impact. No significant change to current enforcement practices is predicted. There will be minor changes in requirements that could reduce compliance costs for the regulated laboratory but the savings would be minimal and are not expected to be passed to the client.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** It is not likely the revised standard will have any impact. No significant change to current enforcement practices is predicted. There will be minor changes in requirements that could reduce compliance costs for the regulated laboratory but the savings would be minimal and are not expected to be passed to the client.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** It is not likely the revised standard will have any impact. No significant change to current enforcement practices is predicted. There may be minor changes in requirements that could reduce compliance costs. For example: 1) The regulated laboratory will have an easier mechanism to document each analyst's demonstration of capability. The laboratory will be able to use a form that fits their procedures and will not need to keep the documentation with the analyst's personnel file. Minimal cost saving for each working analyst. 2) The previously required glassware cleaning procedure will be eliminated for chemistry testing. Quality control steps will be used to monitor for contamination. The laboratory will use any procedure to clean glassware that will produce clean glassware free of contamination. 3) Expiration dates for reagents are not required unless provided by the manufacturer. Laboratories may eliminate one procedure (for setting expiration dates) and may use reagents until they reach the set expiration date or the quality of the reagent decreases. 4) Proficiency testing challenges may now be reported to the laboratory's limit of quantitation instead of to a set reporting level. Laboratories will now be able to treat the proficiency testing sample as they would any sample they receive and not perform special calibration and quality checks to be able to report to a lower level than they routinely do.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** As part of ongoing review of administrative rules in the Department to reduce unnecessary negative business impacts, this rule change adopts a current standard that provides more flexibility to regulated business. Positive fiscal impact on business.

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

HEALTH  
DISEASE CONTROL AND PREVENTION,  
LABORATORY IMPROVEMENT  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231

or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ David Mendenhall by phone at 801-965-2530, by FAX at 801-965-2544, or by Internet E-mail at davidmendenhall@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011**

**AUTHORIZED BY: David Patton, PhD, Executive Director**

**R444. Health, Disease Control and Prevention, Laboratory Improvement.**

**R444-14. Rule for the Certification of Environmental Laboratories.**

**R444-14-1. Introduction.**

(1) This rule is authorized by Utah Code Section 26-1-30(2)(m).

(2) This rule applies to laboratories that analyze samples for compliance with Federal Safe Drinking Water Act, Federal Clean Water Act, and the Federal Resource Conservation and Recovery Act.

(3) A laboratory that analyzes samples for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory, must become certified under this rule and comply with its provisions.

(4) A laboratory that, under subcontract with another laboratory, analyzes samples for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory, must become certified under this rule and comply with its provisions.

(5) A laboratory certified under this rule to analyze samples for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory must also obtain approval under this rule for each analyte analyzed by a specific method.

**R444-14-2. Definitions.**

(1) "Analyte" means the substance or thing for which a sample is analyzed to determine its presence or quantity.

(2) "Approved" means the determination by the department that a certified laboratory may analyze for an analyte under this rule.

(3) "Clean Water Act" means U.S. Public Law 92-500, as amended, governing water pollution control programs.

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

(5) "Revoke" means to withdraw a certified laboratory's certification or the approval for a certified laboratory to perform one or more specified methods.

(6) "Resource Conservation and Recovery Act" means U.S. Public Law 94-580, as amended, governing solid and hazardous waste programs.

(7) "Safe Drinking Water Act" means U.S. Public Law 93-523 94-580, as amended, governing drinking water programs.

(8) "TNI" means The NELAC Institute.

**R444-14-3. Laboratory Certification.**

(1) A laboratory is the organization and facilities established for testing samples.

(2) A laboratory that conducts tests that are required by Department of Environmental Quality rules to be conducted by a certified laboratory must be certified under this rule.

(3) To become certified, to renew certification, or to become recertified under this rule, a laboratory must adhere to the requirements found in Volume 1 "Management and Technical Requirements for Laboratories Performing Environmental Analysis" of the TNI Standard adopted September 8, 2009[Chapter 4, "Accreditation Process", of the National Environmental Laboratory Accreditation Conference Standards approved June 2003], which are incorporated by reference.

**R444-14-4. Analytical Methods.**

(1) The department may only approve a certified laboratory to analyze an analyte by specific method. The department may approve a certified laboratory for an analyte using methods described in the July 1, 1992 through ~~2010~~[2008], editions of 40 CFR Parts 141, 142, and 143 (Safe Drinking Water Act); 40 CFR Parts 136 and 503.8 (Clean Water Act); 40 CFR Parts 260 and 261 (Resource Conservation and Recovery Act).

(2) In analyzing a sample for compliance with the Safe Drinking Water Act, the Clean Water Act, or the Resource Conservation and Recovery Act, a certified laboratory must follow the method that it reports on its final report to have used.

**R444-14-5. Proficiency Testing.**

For a certified laboratory to become approved and to maintain approval for an analyte by a specific method, the certified laboratory must, at its own expense, meet the proficiency testing requirements of this rule. A certified laboratory must adhere to the requirements found in Volume 1 Module 1 "Proficiency Testing" of the TNI Standard adopted September 8, 2009[Chapter 2, "Proficiency Testing", of the National Environmental Laboratory Accreditation Conference Standards approved July 2003], which are incorporated by reference.

**R444-14-6. Quality System.**

(1) A certified laboratory must adhere to the requirements found in Volume 1 Modules 2, 3, 4, 5, 6, 7 "Quality systems" of the TNI Standard adopted September 8, 2009[Chapter 5, Quality Systems, of the National Environmental Laboratory Accreditation Conference Standards approved June 2003], which are incorporated by reference.

**R444-14-7. Recognition of TNI Accreditation.**

The department may certify a laboratory that is TNI accredited. A laboratory seeking certification because of its TNI accreditation must provide evidence of its accreditation and apply for certification on that basis. A laboratory certified on the basis of TNI accreditation must obtain approval from the department for each analyte and meet the approval requirements of this rule.

**R444-14-8. Penalties.**

A laboratory violates this rule and is subject to the penalties provided in Title 26, Chapter 23, including administrative and civil if it:

(1) without being certified under this rule, holds itself out as one capable of testing samples for compliance with Federal Safe Drinking Water Act, Federal Clean Water Act, Federal Resource Conservation and Recovery Act; or

(2) without being approved to analyze for the analyte, analyzes samples for the analyte for compliance with rules established by the Utah Department of Environmental Quality that require that the analysis be conducted by a certified laboratory.

**KEY: laboratories**

**Date of Enactment or Last Substantive Amendment:** ~~[March 15, 2010]~~**2011**

**Notice of Continuation:** February 26, 2007

**Authorizing, and Implemented or Interpreted Law:** 26-1-30(2)(m)

**Labor Commission, Administration**  
**R600-2**  
**Business Hours**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 35126  
 FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose for this rule amendment is to comply with H.B. 328, "Government Work Week," and Governor Herbert's directive to state agencies by setting the Utah Labor Commission's business hours from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (DAR NOTE: A corresponding 120-day (emergency) filing that is effective 09/06/2011 is under DAR No. 35125 in this issue, September 1, 2011, of the Bulletin.)

**SUMMARY OF THE RULE OR CHANGE:** The amendment discontinues the Commission's four-day workweek as of 09/06/2011, and provides that the Commission will be open for business from 8 a.m. until 5 p.m., Monday through Friday, excluding holidays recognized by the state. Other provisions of the rule remain unchanged.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 34A-1-104

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** Any personnel costs to the state budget associated with this change in business hours are expected to be minimal and will be absorbed within existing budgets.
- ◆ **LOCAL GOVERNMENTS:** The change to Commission business hours will have no fiscal impact on local governments.
- ◆ **SMALL BUSINESSES:** The change to Commission business hours will have no net fiscal impact on small businesses. Although Commission services will no longer be available on an "in-person" basis before 8 a.m. or after 5 p.m., those services will now be available on Friday. Additionally, many Commission services are available at any time through the Internet.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The change to Commission business hours will have no fiscal impact on other persons. Although Commission services will no longer be available on an "in-person" basis before 8 a.m. or after 5 p.m., those services will now be available on Friday. Additionally, many Commission services are available at any time through the Internet.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed amendment imposes no compliance costs on affected persons.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** In effect, the proposed amendment to the Commission's business hours involves a trade-off--shorter hours of daily operation are offset by a longer work week. On balance, this change is unlikely to have any appreciable fiscal impact on businesses. This is particularly true in light of the increasing availability of Commission services over the internet, which services can be accessed 24 hours a day, 7 days a week.

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

LABOR COMMISSION  
 ADMINISTRATION  
 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:

◆ Alan Hennebold by phone at 801-530-6937, by FAX at 801-530-6390, or by Internet E-mail at [ahennebold@utah.gov](mailto:ahennebold@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Sherrie Hayashi, Commissioner

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**R600. Labor Commission, Administration.**

**R600-2. Operations.**

**R600-2-1. Business Hours.**

The offices of the Commission shall be open for receipt of official documents between the hours of [7]8:00 a.m. to [6]5:00 p.m. Monday through [Thursday]Friday. Commission offices shall not be open for business [Friday through]Saturday or Sunday and on state-recognized holidays. Any official document, including fax transmissions, received when the Commission is not open, including fax transmissions after [6]5:00 p.m. shall be considered received on the next working day.

**KEY: labor commission, hours of business**

**Date of Enactment or Last Substantive Amendment:**  
 [September 9, 2008]2011

**Notice of Continuation:** August 15, 2007

**Authorizing, and Implemented or Interpreted Law:** 34A-1-104

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**Public Safety, Criminal Investigations  
 and Technical Services, Criminal  
 Identification**  
**R722-330**  
**Licensing of Private Investigators**

**NOTICE OF PROPOSED RULE**

(Repeal and Reenact)  
 DAR FILE NO.: 35139  
 FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Based on the passage of S.B. 177, 2011 General Session, which made substantial changes to the Private Investigator Act, this rule is necessary to implement provisions of the new statute.

**SUMMARY OF THE RULE OR CHANGE:** The new rule provides procedures for the licensing of private investigators in accordance with the changes that were made to the Private Investigator Regulation Act. The old rule is being repealed because the statutory references and requirements were changed in the 2011 Legislative Session as a result of S.B. 177.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Title 53, Chapter 9

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** No aggregate anticipated cost or savings to the state budget. This rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect the state budget nor are there any anticipated costs or savings.
- ◆ **LOCAL GOVERNMENTS:** No aggregate anticipated cost or savings to local government. This rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect local government nor are there any anticipated costs or savings.
- ◆ **SMALL BUSINESSES:** No aggregate anticipated cost or savings to small businesses. This rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect small businesses nor are there any anticipated costs or savings.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This rule addresses the changes in the actual process of applying for a Private Investigator License or the renewal of the license. The statutory changes made will not affect persons other than small businesses, businesses, or local government entities nor are there any anticipated costs or savings.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No compliance costs. As this rule addresses changes in the actual process for applying for a Private Investigator License or the renewal of the license there are not anticipated compliance costs for any of the persons addressed in aggregate cost information above.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This rule does not have any fiscal impact on businesses because it only describes the procedures necessary for an individual to obtain a Private Investigator License or the renewal of the license.

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

PUBLIC SAFETY  
 CRIMINAL INVESTIGATIONS AND TECHNICAL SERVICES, CRIMINAL IDENTIFICATION  
 3888 W 5400 S  
 TAYLORSVILLE, UT 84118  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Alice Moffat by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/10/2011

**AUTHORIZED BY:** Alice Moffat, Bureau Chief

**R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.**

**[R722-330. Licensing of Private Investigators.**

**R722-330-1. Purpose.**

~~\_\_\_\_\_ The purpose of this rule is to define the licensing and regulation standards of private investigators as set forth in Title 53, Chapter 9, the "Private Investigator Regulation Act."~~

**R722-330-2. Authority.**

~~\_\_\_\_\_ This rule is authorized by Subsection 53-9-103(6).~~

**R722-330-3. Definitions.**

~~\_\_\_\_\_ A. Terms used in this rule are defined in Section 53-9-102.~~

~~\_\_\_\_\_ B. In addition:~~

~~\_\_\_\_\_ 1. "Act constituting dishonesty or fraud" as used in Subsection 53-9-108(1)(a)(iv), means conviction of any crime as itemized in R724-4-3(M).~~

~~\_\_\_\_\_ 2. "Act involving illegally using, carrying, or possessing a dangerous weapon" as used in Subsection 53-9-108(1)(a)(ii), means conviction of any firearms violation involving a crime of violence.~~

~~\_\_\_\_\_ 3. "Act of personal violence or force on any person or threatening to commit any act of personal violence or force against another person" as used in Subsection 53-9-108(1)(a)(iii), means conviction of any crime in Subsection 76-10-501(2)(b).~~

~~\_\_\_\_\_ 4. "Division" means the Division of Law Enforcement and Technical Services of the Department of Public Safety.~~

~~\_\_\_\_\_ 5. "Moral turpitude" as used in Subsection 53-9-108(1)(a)(v), means conviction of any crime in R724-4-3(M).~~

**R722-330-4. Application.**

~~\_\_\_\_\_~~ A. Applicants must use the application form provided by the division.

~~\_\_\_\_\_~~ B. Applicants will be classified into three categories as set forth in Section 53-9-107: agencies, registrants, and apprentices.

~~\_\_\_\_\_~~ 1. If approved for licensure, an agency applicant will receive one private investigation agency license and one identification card.

~~\_\_\_\_\_~~ 2. Registrants and apprentices must be employed or contracted by a licensed agency.

~~\_\_\_\_\_~~ C. Applicants must meet the qualifications set forth in Section 53-9-108 and will be required to provide all of the information and fees as set forth in Sections 53-9-109 through 111. Previous work experience must be verifiable for it to apply to the work experience requirement.

**R722-330-5. Fees.**

~~\_\_\_\_\_~~ A. The information regarding license and registration fees as established by Section 53-9-111, shall apply to this rule.

~~\_\_\_\_\_~~ B. In addition, in accordance with Section 53-9-111, a fee of \$24 shall be charged for fingerprint processing and background investigation for each applicant. This fee is non-refundable.

**R722-330-6. Issuance and Expiration of Identification Cards.**

~~\_\_\_\_\_~~ A. Information regarding the issuance and expiration of identification cards is set forth in Section 53-9-112.

~~\_\_\_\_\_~~ B. In addition:

~~\_\_\_\_\_~~ 1. The board shall not issue licenses or registrations, but rather shall review applications and then make recommendations to the commissioner for approval or disapproval.

~~\_\_\_\_\_~~ 2. Upon approval by the commissioner, the division shall issue to the applicant an identification card that will expire two years from the issue date.

**R722-330-7. Records Access.**

~~\_\_\_\_\_~~ A. Information supplied to the division by an applicant, including the completed application form, shall be considered "private" information in accordance with Section 63G-2-302.

~~\_\_\_\_\_~~ B. Information gathered by the division in the course of investigating an application or complaint shall be considered "protected" information in accordance with Subsections 53-9-118(2) (e) and 63G-2-305(8). However, if such information is used as the basis for denial of a license or registration or discipline of a licensee or registrant, such information shall be considered "private" information in accordance with Section 63G-2-302 and the applicant shall have access to it.

**R722-330-8. Adjudicative Proceedings.**

~~\_\_\_\_\_~~ A. The adjudicative proceedings set forth in this section shall be conducted informally as authorized by Section 63G-4-202 and as set forth in Section 63G-4-203.

~~\_\_\_\_\_~~ B. Denials of initial and renewal licenses or registrations are appealable as set forth in Section 53-9-113.

~~\_\_\_\_\_~~ C. The board may take disciplinary action against a licensee or registrant for violation of Subsection 53-9-118(1).

~~\_\_\_\_\_~~ 1. Except for summary suspension in emergency cases, disciplinary action will be taken only after the issuance of a notice of intent to discipline and an opportunity for hearing. A letter of

~~caution is not considered to be disciplinary action and is not appealable.~~

~~\_\_\_\_\_~~ 2. The notice of intent to discipline will be issued by the commissioner, and will notify the licensee or registrant of the charge(s) and the right to a hearing before the board within 60 days.

~~\_\_\_\_\_~~ 3. Following the hearing, the board may take any of the actions set forth in Subsection 53-9-118(6).

~~\_\_\_\_\_~~ D. Appeals to the Commissioner on denials of initial and renewal licenses or registrations are provided for in Subsection 53-9-113(4). Appeals to the commissioner on disciplinary action are provided for in Subsection 53-9-118(8). Such appeals to the commissioner shall not result in de novo hearings before the commissioner, but rather shall result in a review of the board's findings by the department's administrative law judge, who shall review the board's findings and issue a recommendation to the commissioner for the commissioner's approval and decision. The decision of the commissioner is appealable to the district court in accordance with Subsection 53-9-113(5) and Subsection 53-9-118(9) pursuant to Section 63G-4-402. ]

**R722-330. Licensing of Private Investigators.****R722-330-1. Purpose.**

\_\_\_\_\_ The purpose of this rule is to establish procedures for the licensing of private investigator agencies, registrants, and apprentices.

**R722-330-2. Authority.**

\_\_\_\_\_ This rule is authorized by Subsection 53-9-103(6) which provides that the commissioner may make rules as necessary to administer the Private Investigator Regulation Act.

**R722-330-3. Definitions.**

\_\_\_\_\_ (1) Terms used in this rule are defined in Section 53-9-102.

\_\_\_\_\_ (2) In addition:

\_\_\_\_\_ (a) "act involving moral turpitude" means conduct which:  
\_\_\_\_\_ (i) is done knowingly contrary to justice, honesty, or good morals;

\_\_\_\_\_ (ii) has an element of falsification or fraud; or

\_\_\_\_\_ (iii) contains an element of harm or injury directed to another person or another's property;

\_\_\_\_\_ (b) "FBI" means the Federal Bureau of Investigation;

\_\_\_\_\_ (c) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;

\_\_\_\_\_ (d) "legal resident of this state" means a person who has established a domicile in Utah, as that term is defined in Section 41-1a-202;

\_\_\_\_\_ (e) "license" means a license for a private investigator agency, registrant, or apprentice;

\_\_\_\_\_ (f) "revocation" means the permanent deprivation of a private investigator license, however revocation of a private investigator license does not preclude an individual from applying for a new private investigator license if the reason for revocation no longer exists; and

\_\_\_\_\_ (g) "suspension" means the temporary deprivation, for a specified period of time, of a private investigator license.

**R722-330-4. Application for Licensure.**

(1)(a) An applicant seeking to obtain a license must submit a completed application packet to the bureau.

(b) The application packet shall include:

(i) a written application form provided by the bureau which shall include the applicant's residential address;

(ii) one recent color photographs of passport quality which contains the applicant's name written on the back of the photograph

(iii) a photocopy of a state-issued driver license or identification card;

(iv) one completed FBI applicant fingerprint card (Form FD-258) with the applicant's legible fingerprints; and

(v) the non-refundable license and registration fee in the amount indicated in Section 53-9-111 plus the FBI fingerprint processing fee, in the form of cash, check, money order, or credit card.

(2) If an applicant is applying for an agency license, the applicant must also provide:

(a) the name under which the applicant intends to do business;

(b) the applicant's business address;

(c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 10,000 hours of investigative experience as provided in Section 53-9-108(3);

(d) a certificate of liability insurance for the applicant in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(e) a certificate of workers' compensation insurance, if applicable.

(3) If the applicant is applying for a registrant license, the applicant must also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant;

(c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 2,000 hours of investigative experience as provided in Section 53-9-108(3); and

(d) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(4) If the applicant is applying for an apprentice license, the applicant must also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant; and

(c) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

**R722-330-5. Verification of Investigative Experience**

(1)(a) When completing the Verification of Investigative Experience Form which must be submitted for an agency or registrant license, the applicant must describe, in detail, the number of hours and the type of investigative work which the applicant performed.

(b) The investigative experience must have been performed within ten years from the date of the application while the applicant was working as a licensed private investigator or an investigator for a governmental entity.

(c) The Verification of Investigative Experience Form must be certified by the private investigator or governmental employer for whom the applicant performed the investigative work.

(d) If the applicant is unable to provide certification from a private investigator or governmental employer, the applicant may provide certification from the individual for whom the applicant performed the investigative work.

(2) An applicant seeking to receive credit towards the investigative experience requirement for licensure under Section 53-9-108(5), must provide written documentation of the degree or certification for which the applicant is seeking credit.

**R722-330-6. Issuance of License.**

(1)(a) Upon receipt of a completed application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements for licensure.

(b) Once the background check is complete, the bureau shall submit the completed application packet to the board for review, unless the application is for an apprentice license.

(c) The bureau shall review all applications for apprentice licenses to determine whether the applicants meet the requirements for licensure.

(d) If the bureau finds that an applicant for an apprentice license meets the requirements for licensure, the bureau shall issue the apprentice license within 5 days.

(e) If the bureau finds that an applicant for an apprentice license does not meet the requirements for licensure, the bureau shall submit the application to the board.

(2)(a) The board shall review all application packets submitted by the bureau to determine whether applicants meet the requirements for licensure.

(b) If the board determines that an applicant meets the requirements for licensure, the board shall direct the bureau to issue the license.

(3) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-9-108(1)(b), the board shall consider any mitigating circumstances submitted by the applicant.

(4)(a) If the board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.

(b) The board shall issue a written denial which states the reasons why the license was denied and indicates that the applicant may request a hearing before the board by filing a written request within thirty calendar days from the date the board's written denial was issued.

(5)(a) If the applicant requests a hearing, the board shall conduct an informal hearing during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within 10 business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 calendar days.

(6)(a) If the applicant requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the applicant, and the findings of the board.

(b) The commissioner shall issue a written decision, within calendar 30 days from the date of the request for review, which states the reasons for the decision and indicates that the applicant may appeal to the district court by complying with the requirements found in Section 63G-4-402.

**R722-330-7. Renewal of a License.**

(1)(a) A licensee seeking to renew a license must submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau which shall include the applicant's residential address;

(ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph; and

(iii) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-9-111.

(2) If the licensee has an agency license, the licensee must also provide evidence that the licensee has a valid certificate of:

(a) liability insurance for the licensee in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(b) workers' compensation insurance, if applicable.

(3) If the licensee has a registrant or an apprentice license, the licensee must provide evidence that the licensee has a valid surety bond for the licensee in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(4) A licensee whose license has been expired for more than ninety days, must reapply and meet all requirements found in R722-330-4.

(5) If the applicant meets the qualifications for renewal the bureau shall renew the license.

(6)(a) If the bureau determines that the applicant does not meet the qualifications for renewal the bureau shall deny the renewal.

(b) The bureau's written denial shall state the reasons why the renewal was denied and indicate that the licensee may request a hearing before the board by filing a written request within 30 calendar days from the date the bureau's written denial was issued.

(7)(a) If the licensee requests review by the board, the board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within 10 business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 calendar days.

(8)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review,

which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

**R722-330-8. Suspension and Revocation of a License.**

(1) The bureau shall conduct an investigation, as provided in Section 53-9-117, if the bureau is made aware of an allegation that a licensee has engaged in conduct in violation of Section 53-9-118.

(2) The bureau shall notify a licensee who is the subject of an investigation of the date and time of the board meeting where the board will consider the bureau's investigative findings.

(3) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.

(4) The board shall issue a written decision, within 10 business days after the hearing, which states the reasons for the board's decision and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.

(5)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

**R722-330-9. Records Access.**

(1) Information supplied to the division by an applicant or licensee, including a completed application or renewal form, shall be considered "private" information in accordance with Subsection 63G-2-302(2)(d).

(2)(a) Information gathered by the division in the course of investigating an application or complaint shall be considered "protected" information in accordance with 63G-2-305(9).

(b) If such information is used as the basis for the denial, suspension or revocation of a license, the applicant or licensee shall be entitled to access the information.

**KEY: private investigators, license**

**Date of Enactment or Last Substantive Amendment: [June 14, 1999]2011**

**Notice of Continuation: April 22, 2010**

**Authorizing, and Implemented or Interpreted Law: 53-9-103(6)**

**Tax Commission, Auditing  
R865-3C-1  
Allocation of Net Income Pursuant to  
Utah Code Ann. Section 59-7-204**



**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 35142  
FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment replaces outdated language.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment updates this rule to match statutory changes regarding when an out-of-state corporation with Utah income shall attribute gross receipts to the state.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-7-204

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ THE STATE BUDGET: None--The amendments update the rule to match current statute and processes.
- ◆ LOCAL GOVERNMENTS: None--The amendments update the rule to match current statute and processes.
- ◆ SMALL BUSINESSES: None--The amendments update the rule to match current statute and processes.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The amendments update the rule to match current statute and processes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The amendments update the rule to match current statute and processes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment conforms the rule to current statute and practice, creating no fiscal impact.

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

TAX COMMISSION  
AUDITING  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011**

**AUTHORIZED BY: Michael Cragun, Tax Commissioner**

**R865. Tax Commission, Auditing.**

**R865-3C. Corporation Income Tax.**

**R865-3C-1. Allocation of Net Income Pursuant to Utah Code Ann. Section 59-7-204.**

~~[A:](1)~~ In general, the provisions of Section R865-6F-8 shall be applied to determine net income attributable to Utah for corporation income tax purposes.

~~[B:](2)~~ If a corporation derives income from sources within this state, but does not maintain an office within this state from which sales are negotiated or effected, the gross receipts attributable to Utah shall include all receipts of the corporation for the:

~~(a) [services performed within this state]~~ performance of a service if the purchaser of the service receives a greater benefit of the service in this state than in any other state; and

~~(b) [for sales]~~ sale of goods delivered to this state or shipped to a purchaser within this state, regardless of the F.O.B. point or other conditions of the [sales]sale.

**KEY: taxation, corporation tax**

**Date of Enactment or Last Substantive Amendment:** ~~[1987]~~2011

**Notice of Continuation: March 21, 2007**

**Authorizing, and Implemented or Interpreted Law: 59-7-204**

**Tax Commission, Auditing  
R865-6F-14  
Extent to Which Federal Income Tax  
Provisions Are Followed for  
Corporation Franchise Tax Purposes  
Pursuant to Utah Code Ann. Sections  
59-7-106, 59-7-108, 59-7-501, and 59-  
7-502**

**NOTICE OF PROPOSED RULE  
(Amendment)**

DAR FILE NO.: 35144  
FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment deletes outdated and unnecessary language and adds language to match current practice.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment deletes references to rules that are no longer effective, deletes outdated language, adds new items that require different treatment under the state and federal statutes, and makes technical changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-7-106 and Section 59-7-108 and Section 59-7-501 and Section 59-7-502

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--The amendments all reflect current practice.
- ◆ LOCAL GOVERNMENTS: None--The amendments all reflect current practice.
- ◆ SMALL BUSINESSES: None--The amendments all reflect current practice.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The amendments all reflect current practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments all reflect current practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment will create no fiscal impact as it does not change current practice.

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

TAX COMMISSION  
AUDITING  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Michael Cragun, Tax Commissioner

#### **R865. Tax Commission, Auditing.**

##### **R865-6F. Franchise Tax.**

**R865-6F-14. Extent to Which Federal Income Tax Provisions Are Followed for Corporation Franchise Tax Purposes Pursuant to Utah Code Ann. Sections 59-7-106, 59-7-108, 59-7-501, and 59-7-502.**

[A-](1) It is the policy of the [Tax Commission]commission, in matters involving the determination of [net]income for Utah corporation franchise tax purposes, to follow as closely as possible federal requirements with respect to the same matters. In some instances[~~of course,~~] the federal and state statutes differ[~~and due to such conflict,~~] and as a result the federal rulings, regulations, and decisions [cannot]may not be followed. Furthermore, in some instances, the [Tax Commission]commission

may disagree with the federal determinations and does not consider them controlling for Utah corporation franchise tax purposes.

[1-](2) The items of major importance ordinarily allowed in conformity with federal requirements are:

- [a-](a) depreciation[~~(see rule R865-6F-9)~~],
- [b-](b) depletion,
- [e-](c) exploration and development expenses,
- [d-](d) intangible drilling costs,
- [e-](e) accounting methods and periods[~~(see rule R865-6F-2)~~], and
- [f-](f) Subpart F income.

[2-](3) The following are the major items [which]that require different treatment under the state and federal statutes:

- [a-](a) [installment sales (see rule R865-6F-15)]combined reporting,
- [b-](b) consolidated returns[~~(see rule R865-6F-4)~~],
- [e-](c) [~~liquidating~~ dividends]dividends received deduction,
- [d-](d) municipal bond interest,
- [e-](e) capital loss deduction,
- [f-](f) loss carry-overs and carry-backs, and
- [g-](g) gross-up on foreign dividends.

[~~-----~~Note: The only reserves permitted in determining net income for Utah corporation franchise tax purposes are depreciation, depletion, and bad debts.

]

**KEY: taxation, franchises, historic preservation, trucking industries**

**Date of Enactment or Last Substantive Amendment: [June 23,] 2011**

**Notice of Continuation: March 8, 2007**

**Authorizing, and Implemented or Interpreted Law: 9-2-401 through 9-2-415; 16-10a-1501 through 16-10a-1533; 53B-8a-112; 59-1-1301 through 59-1-1309; 59-6-102; 59-7; 59-7-101; 59-7-102; 59-7-104 through 59-7-106; 59-7-108; 59-7-109; 59-7-110; 59-7-112; 59-7-302 through 59-7-321; 59-7-402; 59-7-403; 59-7-501; 59-7-502; 59-7-505; 59-7-601 through 59-7-614; 59-7-608; 59-7-701; 59-7-703; 59-10-603; 59-13-202; 59-13-301; 63M-1; 63M-1-401 through 63M-1-416**

Tax Commission, Auditing

## **R865-12L-16**

Notification to Tax Commission Upon Change in the Election to Collect County or Municipality Imposed Transient Room Taxes Pursuant to Utah Code Ann. Sections 59-12-301 and 59-12-355

### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35145

FILED: 08/11/2011

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The removal of this section is required to implement H.B. 82 (2011 General Session).

SUMMARY OF THE RULE OR CHANGE: The section is removed since 2011 legislation repeals the ability of a county or municipality to elect to collect transient room taxes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-301 and Section 59-12-355

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None--Any impact would have been considered in H.B. 82 (2011 General Session).
- ◆ LOCAL GOVERNMENTS: None--Any impact would have been considered in H.B. 82 (2011 General Session).
- ◆ SMALL BUSINESSES: None--Any impact would have been considered in H.B. 82 (2011 General Session).
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--Any impact would have been considered in H.B. 82 (2011 General Session).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--All providers of accommodations will now be required to remit transient room taxes to the Tax Commission.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any fiscal impact was addressed in the passage of H.B. 82 (2011 General Session).

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

TAX COMMISSION  
AUDITING  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Michael Cragun, Tax Commissioner

**R865. Tax Commission, Auditing.**

**R865-12L. Local Sales and Use Tax.**

~~[R865-12L-16. Notification to Tax Commission Upon Change in the Election to Collect County or Municipality Imposed Transient Room Taxes Pursuant to Utah Code Ann. Sections 59-12-301 and 59-12-355.~~

~~A. If a county or municipality that has imposed a transient room tax elects to change the responsibility for collecting the transient room tax from the local government entity to the Tax Commission, or from the Tax Commission to the local government entity, the change in the collection shall take place:~~

- ~~1. on the first day of a calendar quarter; and~~
- ~~2. after a 90-day period beginning on the date the Tax Commission receives notice from the local government entity.~~

~~B. Notices required under A. should be directed to the Revenue and Distribution Director, Administration Division, Utah State Tax Commission, 210 North 1950 West, Salt Lake City, Utah 84134.~~

]

**KEY: taxation, sales tax, restaurants, collections**

**Date of Enactment or Last Substantive Amendment: [April 8, 2010]2011**

**Notice of Continuation: March 16, 2007**

**Authorizing, and Implemented or Interpreted Law: 59-12-118; 59-12-205; 59-12-207; 59-12-210; 59-12-210.1; 59-12-301; 59-12-355; 59-12-501; 59-12-502; 59-12-602; 59-12-603; 59-12-703; 59-12-802; 59-12-804**

**Tax Commission, Auditing**  
**R865-13G-10**  
**Exemption For Purchase of Motor**  
**Fuels by State and Local Government**  
**Agencies Pursuant to Utah Code Ann.**  
**Section 59-13-201**

**NOTICE OF PROPOSED RULE**  
(Amendment)

DAR FILE NO.: 35146  
FILED: 08/11/2011

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment updates the section to match the current agency practice.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment provides that a licensed motor fuels distributor that claims a deduction of Utah motor fuels tax as a result of sales to the state must retain a copy of the relevant sales invoice, but is not required to attach any such invoices to the motor fuels tax return, and makes technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-13-201**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--The amendments update the rule to match current processes.
- ◆ **LOCAL GOVERNMENTS:** None--The amendments update the rule to match current processes.
- ◆ **SMALL BUSINESSES:** None--The amendments update the rule to match current processes.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The amendments update the rule to match current processes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The amendments update the rule to match current processes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment creates no fiscal impact because it conforms the rule to agency practice.

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

TAX COMMISSION  
AUDITING  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/10/2011

**AUTHORIZED BY:** Michael Cragun, Tax Commissioner

**R865. Tax Commission, Auditing.****R865-13G. Motor Fuel Tax.****R865-13G-10. Exemption For Purchase of Motor Fuels by State and Local Government Agencies Pursuant to Utah Code Ann. Section 59-13-201.**

[A-](1) Sales to an Indian tribe for its exclusive use, acting in its tribal capacity, are exempt from taxation. Sales to individual tribal members, to Indian businesses operating on or off tribal territory, or to other nontribal organizations for personal use, retail sales purposes, or distribution to third parties do not qualify for the exemption for sales to Indian tribes.

[B-](2) Licensed distributors may claim the exemption on sales to government agencies by taking the deduction on their motor fuel tax return for the month in which the sales occurred.

[1-](a) Nonlicensed distributors making qualifying sales to government agencies must obtain credit for the exemption through the return of the licensed distributor supplying them with the fuel for the sales.

[2-](b) ~~Each~~ A licensed distributor shall support each sale claimed as a deduction ~~[must be supported with]~~ by retaining a copy of the sales invoice ~~[attached to the return]~~. The sales invoice must be in proper form and must contain sufficient information to substantiate the exemption status of the sale according to this rule.

[C-](3) The fuel tax exemption for motor fuel sold to the United States, this state, or a political subdivision of this state shall be administered in the form of a refund if the government entity purchases the motor fuel after the tax imposed by Title 59, Chapter 13, Part 2 was paid. For refund procedures, see rule R865-13G-13.

**KEY:** taxation, motor fuel, gasoline, environment

**Date of Enactment or Last Substantive Amendment:** ~~[September 14, 2004]~~ 2011

**Notice of Continuation:** March 9, 2007

**Authorizing, and Implemented or Interpreted Law:** 59-13-201; 59-13-202; 59-13-203.1; 59-13-204; 59-13-208; 59-13-210; 59-13-404

**Tax Commission, Auditing**  
**R865-150-1**  
**Oil and Gas Severance Tax Pursuant to**  
**Utah Code Ann. Sections 59-5-102 and**  
**59-5-104**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35147

FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment deletes outdated language.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment deletes language referring to an annual exemption from oil and gas severance tax since this exemption no longer exists in statute, and makes technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-5-102 and Section 59-5-104

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--The amendment deletes outdated language.
- ◆ **LOCAL GOVERNMENTS:** None--The amendment deletes outdated language.
- ◆ **SMALL BUSINESSES:** None--The amendment deletes outdated language.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The amendment deletes outdated language.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment deletes outdated language.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This update to a statutory reference will create no fiscal impact.

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

TAX COMMISSION  
AUDITING  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Michael Cragun, Tax Commissioner

#### **R865. Tax Commission, Auditing.**

##### **R865-150. Oil and Gas Tax.**

##### **R865-150-1. Oil and Gas Severance Tax Pursuant to Utah Code Ann. Sections 59-5-102 and 59-5-104.**

~~[A-](1)~~ Definitions

~~[1-](a)~~ "Person" means any individual, partnership, company, joint stock company, association, receiver, trustee, executor, administrator, guardian, fiduciary agent or other representative of any kind.

~~[2-](b)~~ "Operator" means any person engaged in the business of operating oil or gas wells, whether as a working interest owner, an independent contractor, or otherwise. An operator who is also a working interest owner shall be referred to as a producer.

~~[B-]~~ ~~The proportion of the annual exemption an operator is entitled to shall be reduced by any exempt royalties.~~

~~C. Owners who take production in kind and report and pay their own tax shall receive a proportionate share of each operator's exemption from whom production in kind is taken.~~

~~D. For those who are required to report and pay the tax on a quarterly basis, the annual exemption taken for each quarterly installment shall be the lesser of one fourth of the annual exemption, or an amount that reduces the installment to zero.~~

~~E-](2)~~ For purposes of filing the statement required under Section 59-5-104, if working interest owners engage in a unitization agreement or other business arrangement in which someone other than themselves are conducting the operations of an oil or gas lease, ~~[then]~~:

~~[1-](a)~~ Each ~~[such-]~~ working interest owner~~[-]~~ who receives a share of production in kind~~[-]~~ must file the statement required in Section 59-5-104. The operator of the well must inform the ~~[Tax Commission]~~ commission, on forms provided by the ~~[Tax Commission]~~ commission, of any party taking production in kind.

~~[2-](b)~~ A working interest owner may enter into an agreement with the lease operator requiring the lease operator to distribute the proceeds from the purchase or sale of oil and gas production to the working interest owners and any other parties claiming an interest through them.

~~[3-](c)~~ Working interest owners who are parties to the unitization agreement or other business arrangement may designate the operator as the person who shall file the statement on behalf of all working interest owners. For ~~[such]~~ these arrangements to be recognized by this state, the designated operator must also be empowered to deduct, from the share of each interest owner, the tax imposed under Title 59, Chapter 5, Part 1.

~~[4-](d)~~ If a designated operator fails to file the tax return, or files a false, fraudulent, or otherwise inaccurate statement, or fails to pay the full amount of the tax due, the primary and ultimate liability for the statement and the tax shall rest solely upon the producers or interest owners.

~~[a-](i)~~ If the designated operator fails to file and pay the tax due, the state shall hold a hearing and is no longer bound by any arrangement between the parties.

~~[b-](ii)~~ Nothing in Subsections (2)(b) through ~~[(4)](d)~~ shall deprive the ~~[Tax Commission]~~ commission of the authority to require each working interest owner to file the required statement where the ~~[Tax Commission]~~ commission determines that a jeopardy situation exists.

~~[F-](3)~~ A person entering into an agreement during the taxable year shall file a return covering independent production prior to entering the agreement. ~~[The allowable exemption on the independent production is one-twelfth of the prorated annual exemption for each full month of independent operation during the year.]~~

**KEY: taxation, petroleum, petroleum industries**

**Date of Enactment or Last Substantive Amendment:** ~~[1987]~~ **2011**

**Notice of Continuation: March 19, 2007**

**Authorizing, and Implemented or Interpreted Law: 59-5-101 through 59-5-115**

## Tax Commission, Collections **R867-2B-1** Collection of Penalty Pursuant to Utah Code Ann. Section 59-1-302

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 35148

FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment updates the rule to match the statute.

**SUMMARY OF THE RULE OR CHANGE:** The penalty imposed under Section 59-1-302 applies to any responsible party, and not just an officer or director of a business. Accordingly, this proposed amendment clarifies that the Tax Commission may impose a lien on any person who is required to truthfully account for and pay over certain taxes but who willfully fails to collect or truthfully fails to account for that tax. The amendment also makes technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-1-302

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ THE STATE BUDGET: None--The amendments update the rule to match current statute and processes.
- ◆ LOCAL GOVERNMENTS: None--The amendments update the rule to match current statute and processes.
- ◆ SMALL BUSINESSES: None--The amendments update the rule to match current statute and processes.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The amendments update the rule to match current statute and processes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The amendments update the rule to match current statute and processes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment conforms the rule to correct statute and process, creating no fiscal impact.

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

TAX COMMISSION  
COLLECTIONS  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/10/2011

**AUTHORIZED BY:** Michael Cragun, Tax Commissioner

**R867. Tax Commission, Collections.**

**R867-2B. Delinquent Tax Collection.**

**R867-2B-1. Collection of Penalty Pursuant to Utah Code Ann. Section 59-1-302.**

[A-](1) The [Tax Commission]commission may impose a lien upon the real and personal property of [an officer or director of a corporation]a person liable [to pay]for a penalty under Section 59-1-302.

[B-](2) The statute of limitations for imposing liens under [A-]Subsection (1) is three years from the date of the penalty assessment.

**KEY:** taxation, controlled substances, seizure of property[\*], drug stamps[\*]

**Date of Enactment or Last Substantive Amendment:** [~~March 21, 1997~~]2011

**Notice of Continuation:** October 28, 2010

**Authorizing, and Implemented or Interpreted Law:** 59-1-302; 59-1-706; 59-1-701; 59-1-702; 59-1-703; 59-1-707; 59-19-104; 59-19-105; 59-19-107

## Tax Commission, Property Tax

### R884-24P-28

## Reporting Requirements For Leased or Rented Personal Property, Pursuant to Utah Code Ann. Section 59-2-306

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 35149

FILED: 08/11/2011

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment updates language to match Tax Commission practice.

**SUMMARY OF THE RULE OR CHANGE:** The proposed amendment decreases the filing frequency of a report filed by an owner of leased or rented heavy equipment from semi-annually to annually, clarifies that this report may be filed electronically, and makes technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-306

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ THE STATE BUDGET: None--Property tax revenues are local revenues.
- ◆ LOCAL GOVERNMENTS: None--The amendment updates language to match commission practice.
- ◆ SMALL BUSINESSES: None--The amendment updates language to match commission practice.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--The amendment updates language to match commission practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment updates language to match commission practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment will create no fiscal impact because it conforms the rule to agency practice.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 TAX COMMISSION  
 PROPERTY TAX  
 210 N 1950 W  
 SALT LAKE CITY, UT 84134  
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Michael Cragun, Tax Commissioner

**R884. Tax Commission, Property Tax.**  
**R884-24P. Property Tax.**  
**R884-24P-28. Reporting Requirements For Leased or Rented Personal Property[;] Pursuant to Utah Code Ann. Section 59-2-306.**

~~[A-](1)~~ The procedure set forth herein is required in reporting heavy equipment leased or rented during the tax year.

~~[1-](2)~~ ~~[On forms or diskette provided by the Tax Commission, the]~~The owner of leased or rented heavy equipment shall file ~~[semi-annual]~~annual reports with the ~~[Tax Commission]~~commission, either on forms provided by the commission or electronically, for the periods January 1 through June 30, and July 1 through December 31 of each year. The reports shall contain the following information:

- ~~[a-](a)~~ a description of the leased or rented equipment;
- ~~[b-](b)~~ the year of manufacture and ~~[acquisition]~~acquisition cost;
- ~~[e-](c)~~ a listing, by month, of the counties where the equipment has situs; and
- ~~[d-](d)~~ any other information required.

~~[2-](3)~~ For purposes of this rule, situs is established when leased or rented equipment is kept in an area for thirty days. Once situs is established, any portion of thirty days during which that

equipment stays in that area shall be counted as a full month of situs. In no case may situs exceed twelve months for any year.

~~[3-](4)(a)~~ The completed report shall be submitted to the Property Tax Division of the ~~[Tax Commission]~~commission within thirty days after each reporting period.

~~[a-](b)~~ Noncompliance will require accelerated reporting.

**KEY: taxation, personal property, property tax, appraisals**  
**Date of Enactment or Last Substantive Amendment:**  
~~[December 15, 2010]~~2011  
**Notice of Continuation: March 12, 2007**  
**Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365**

**Tax Commission, Property Tax**  
**R884-24P-33**  
**2011 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 35150  
 FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The valuation guides and schedules contained in this rule are reviewed and updated annually by the Property Tax Division. The personal property guides and schedules are used for local property tax valuation and assessment of business personal property and certain motor vehicles by county assessors.

**SUMMARY OF THE RULE OR CHANGE:** Section 59-2-107 authorizes the State Tax Commission to promulgate rules that define classes of items considered to be personal property and provide valuation percent good schedules to value locally assessed personal property. County assessors must use the percent good schedules as contained in this rule. Any deviation which affects an entire class or type of personal property requires a written report documenting the schedule change to be submitted to the Tax Commission for approval prior to use.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amount of savings or cost to state government is not affected by this rule. Tax revenue generated by taxing personal property is distributed to local governments to finance public services, programs, school districts and local districts. No tax revenues generated by taxation of personal property will be retained by state government.

◆ **LOCAL GOVERNMENTS:** The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property values and the change in the annual property tax rate. Increases or decreases in 2012 property tax revenue cannot be determined, even if there were no changes in the percent good tables, because taxpayer acquisitions and deletions of personal property during 2012 are unknown. The proposed personal property schedules in this amendment are raised, lowered or remain the same for 2012 based upon the type and age of the personal property assessed. Schedules for Classes 12, 15, 21, 24 and 27 are proposed with no changes for 2012. Schedules used to value business personal property increase or decrease based upon the calculation of economic trends from cost indexes published by the Marshall Valuation Service. Generally, these cost indexes indicate a small increase due to a recovering economy. Thus, most proposed personal property schedules reflect a small increase from 2011. In aggregate, for all personal property schedules, it is anticipated that the change in the annual property tax rate will have a larger impact on revenue than will the proposed amendments to this rule.

◆ **SMALL BUSINESSES:** In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate. The proposed personal property schedules in this rule are raised, lowered or remain the same for 2012 based upon the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2012 personal property mix compared to the previous year.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay property taxes based on increased or decreased personal property values and the change in the annual property tax rate. The proposed personal property schedules in this rule are raised, lowered or remain the same for 2012 based upon the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2012 personal property mix compared to the previous year.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Local business owners and property tax practitioners will once again be required to be aware of new percent good figures. This is an annual occurrence; therefore, the compliance cost in completing the assessment process will not change. The change in taxes charged for these businesses depends entirely on the owner's mix of personal property since some percent good schedules are increasing and others decreasing. For example, the owner of a business may discard some personal property items and add new equipment or replace equipment which may increase or decrease personal property values. In addition, the personal property percent good schedule percentages often change from the previous year due to current economic conditions.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Fiscal impact will vary according to amount, age, and type of personal property owned and property tax rate.

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

TAX COMMISSION  
PROPERTY TAX  
210 N 1950 W  
SALT LAKE CITY, UT 84134  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at [cj@utah.gov](mailto:cj@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Michael Cragun, Tax Commissioner

**R884. Tax Commission, Property Tax.**

**R884-24P. Property Tax.**

**R884-24P-33. [2011]2012 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.**

(1) Definitions.

(a)(i) "Acquisition cost" does not include indirect costs such as debugging, licensing fees and permits, insurance, or security.

(ii) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

(b)(i) "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

(ii) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.



(c) "Cost new" means the actual cost of the property when purchased new.

(i) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

(A) documented actual cost of the new or used vehicle; or  
(B) recognized publications that provide a method for approximating cost new for new or used vehicles.

(ii) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(A) class 6 heavy and medium duty trucks;  
(B) class 13 heavy equipment;  
(C) class 14 motor homes;  
(D) class 17 vessels equal to or greater than 31 feet in length; and  
(E) class 21 commercial trailers.

(d) For purposes of Sections 59-2-108 and 59-2-1115, "item of taxable tangible personal property" means a piece of equipment, machinery, furniture, or other piece of tangible personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is generally capable of performing that function without being combined with other items of personal property. An item of taxable tangible personal property is not an individual component part of a piece of machinery or equipment, but the piece of machinery or equipment. For example, a fully functioning computer is an item of taxable tangible personal property, but the motherboard, hard drive, tower, or sound card are not.

(e) "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

(i) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

(ii) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as Penton Price Digests.

(2) Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

(a) Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

(b) A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

(c) County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

(d) A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

(3) The provisions of this rule do not apply to:

(a) a vehicle subject to the age-based uniform fee under Section 59-2-405.1;

(b) the following personal property subject to the age-based uniform fee under Section 59-2-405.2:

(i) an all-terrain vehicle;  
(ii) a camper;  
(iii) an other motorcycle;  
(iv) an other trailer;  
(v) a personal watercraft;  
(vi) a small motor vehicle;  
(vii) a snowmobile;  
(viii) a street motorcycle;  
(ix) a tent trailer;  
(x) a travel trailer; and  
(xi) a vessel, including an outboard motor of the vessel, that is less than 31 feet in length and

(c) an aircraft subject to the uniform statewide fee under Section 59-2-404.

(4) Other taxable personal property that is not included in the listed classes includes:

(a) Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

(b) Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

(c) Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

(5) Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

(6) All taxable personal property, other than personal property subject to an age-based uniform fee under Section 59-2-405.1 or 59-2-405.2, or a uniform statewide fee under Section 59-2-404, is classified by expected economic life as follows:

(a) Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

(i) Examples of property in the class include:

(A) barricades/warning signs;  
(B) library materials;  
(C) patterns, jigs and dies;  
(D) pots, pans, and utensils;  
(E) canned computer software;  
(F) hotel linen;  
(G) wood and pallets;  
(H) video tapes, compact discs, and DVDs; and  
(I) uniforms.

(ii) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

(iii) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer

software if no acquisition cost for the canned computer software is stated:

- (A) retail price of the canned computer software;
- (B) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or
- (C) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.
- (iv) Video tapes, compact discs, and DVDs are valued at \$15.00 per tape or disc for the first year and \$3.00 per tape or disc thereafter.

TABLE 1

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | [68%] 71%                        |
| [09] 10             | [38%] 41%                        |
| [08] 09 and prior   | 10%                              |

(b) Class 2 - Computer Integrated Machinery.

(i) Machinery shall be classified as computer integrated machinery if all of the following conditions are met:

(A) The equipment is sold as a single unit. If the invoice breaks out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(B) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(C) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(D) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(E) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

(ii) Examples of property in this class include:

- (A) CNC mills;
- (B) CNC lathes;
- (C) high-tech medical and dental equipment such as MRI equipment, CAT scanners, and mammography units.

(iii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | [86%] 90%                        |
| [09] 10             | [74%] 80%                        |
| [08] 09             | [67%] 68%                        |
| [07] 08             | 58%                              |
| [06] 07             | [49%] 48%                        |
| [05] 06             | 38%                              |
| [04] 05             | [28%] 27%                        |
| [03] 04 and prior   | 14%                              |

(c) Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

(i) Examples of property in this class include:

- (A) office machines;
- (B) alarm systems;
- (C) shopping carts;
- (D) ATM machines;
- (E) small equipment rentals;
- (F) rent-to-own merchandise;
- (G) telephone equipment and systems;
- (H) music systems;
- (I) vending machines;
- (J) video game machines; and
- (K) cash registers and point of sale equipment.
- (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | [81%] 84%                        |
| [09] 10             | [63%] 68%                        |
| [08] 09             | [50%] 51%                        |
| [07] 08             | 35%                              |
| [06] 07 and prior   | 18%                              |

(d) Class 4 Short Life Expensed Property.

(i) Property shall be classified as short life expensed property if all of the following conditions are met:

(A) the property is an item of taxable tangible personal property with an acquisition cost of \$1,000 or less;

(B) the property is the same type as the following personal property:

- (I) short life property;
- (II) short life trade fixtures; or
- (III) computer hardware; and
- (C) the owner of the property elects to have the property assessed as short life expensed property.

(ii) Examples of property in this class include:

- (A) short life property defined in Class 1;
- (B) short life trade fixtures defined in Class 3 ; and
- (C) computer hardware defined in Class 12.

(iii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 4

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | 66%                              |
| [09] 10             | 50%                              |
| [08] 09             | 30%                              |
| [07] 08             | 15%                              |
| [06] 07             | 10%                              |

(e) Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

(i) Examples of property in this class include:

- (A) furniture;
- (B) bars and sinks;
- (C) booths, tables and chairs;
- (D) beauty and barber shop fixtures;
- (E) cabinets and shelves;

- (F) displays, cases and racks;
- (G) office furniture;
- (H) theater seats;
- (I) water slides; and
- (J) signs, mechanical and electrical.
- (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10]11              | [87%]91%                         |
| [09]10              | [76%]82%                         |
| [08]09              | [70%]71%                         |
| [07]08              | [62%]63%                         |
| [06]07              | [55%]54%                         |
| [05]06              | 46%                              |
| [04]05              | [37%]36%                         |
| [03]04              | [25%]26%                         |
| [02]03 and prior    | 13%                              |

- (f) Class 6 - Heavy and Medium Duty Trucks.
  - (i) Examples of property in this class include:
    - (A) heavy duty trucks;
    - (B) medium duty trucks;
    - (C) crane trucks;
    - (D) concrete pump trucks; and
    - (E) trucks with well-boring rigs.
  - (ii) Taxable value is calculated by applying the percent good factor against the cost new.
  - (iii) Cost new of vehicles in this class is defined as follows:
    - (A) the documented actual cost of the vehicle for new vehicles; or
    - (B) 75 percent of the manufacturer's suggested retail price.
  - (iv) For state assessed vehicles, cost new shall include the value of attached equipment.
  - (v) The [2011]2012 percent good applies to [2011]2012 models purchased in [2010]2011.
  - (vi) Trucks weighing two tons or more have a residual taxable value of \$1,750.

TABLE 6

| Model Year       | Percent Good of Cost New |
|------------------|--------------------------|
| [11]12           | 90%                      |
| [10]11           | [75%]71%                 |
| [09]10           | [69%]66%                 |
| [08]09           | [63%]60%                 |
| [07]08           | [57%]54%                 |
| [06]07           | [52%]49%                 |
| [05]06           | [46%]43%                 |
| [04]05           | [40%]38%                 |
| [03]04           | [34%]32%                 |
| [02]03           | [28%]27%                 |
| [01]02           | [23%]21%                 |
| [00]01           | [17%]15%                 |
| [99]00           | [11%]10%                 |
| [98]99 and prior | [5%]4%                   |

(g) Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

- (i) Examples of property in this class include:
  - (A) medical and dental equipment and instruments;
  - (B) exam tables and chairs;
  - (C) microscopes; and
  - (D) optical equipment.
- (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10]11              | [89%]93%                         |
| [09]10              | [79%]85%                         |
| [08]09              | [75%]76%                         |
| [07]08              | [69%]70%                         |
| [06]07              | [64%]63%                         |
| [05]06              | [58%]57%                         |
| [04]05              | [52%]50%                         |
| [03]04              | [42%]43%                         |
| [02]03              | [32%]33%                         |
| [01]02              | [21%]23%                         |
| [00]01 and prior    | 11%                              |

(h) Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

- (i) Examples of property in this class include:
  - (A) manufacturing machinery;
  - (B) amusement rides;
  - (C) bakery equipment;
  - (D) distillery equipment;
  - (E) refrigeration equipment;
  - (F) laundry and dry cleaning equipment;
  - (G) machine shop equipment;
  - (H) processing equipment;
  - (I) auto service and repair equipment;
  - (J) mining equipment;
  - (K) ski lift machinery;
  - (L) printing equipment;
  - (M) bottling or cannery equipment;
  - (N) packaging equipment; and
  - (O) pollution control equipment.
- (ii) Except as provided in Subsection (6)(g)(iii), taxable value is calculated by applying the percent good factor against the acquisition cost of the property.
  - (iii) (A) Notwithstanding Subsection (6)(g)(ii), the taxable value of the following oil refinery pollution control equipment required by the federal Clean Air Act shall be calculated pursuant to Subsection (6)(g)(iii)(B):
    - (I) VGO (Vacuum Gas Oil) reactor;
    - (II) HDS (Diesel Hydrotreater) reactor;
    - (III) VGO compressor;
    - (IV) VGO furnace;
    - (V) VGO and HDS high pressure exchangers;
    - (VI) VGO, SRU (Sulfur Recovery Unit), SWS (Sour Water Stripper), and TGU; (Tail Gas Unit) low pressure exchangers;

- (VII) VGO, amine, SWS, and HDS separators and drums;
- (VIII) VGO and tank pumps;
- (IX) TGU modules; and
- (X) VGO tank and air coolers.

(B) The taxable value of the oil refinery pollution control equipment described in Subsection (6)(g)(iii)(A) shall be calculated by:

- (I) applying the percent good factor in Table 8 against the acquisition cost of the property; and
- (II) multiplying the product described in Subsection (6)(g)(iii)(B)(I) by 50%.

TABLE 8

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | [89%] 93%                        |
| [09] 10             | [79%] 85%                        |
| [08] 09             | [75%] 76%                        |
| [07] 08             | [69%] 70%                        |
| [06] 07             | [64%] 63%                        |
| [05] 06             | [58%] 57%                        |
| [04] 05             | [52%] 50%                        |
| [03] 04             | [42%] 43%                        |
| [02] 03             | [32%] 33%                        |
| [01] 02             | [21%] 23%                        |
| [00] 01 and prior   | 11%                              |

- (i) Class 9 - Off-Highway Vehicles.

(i) Because Section 59-2-405.2 subjects off-highway vehicles to an age-based uniform fee, a percent good schedule is not necessary.

(j) Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

- (i) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | [91%] 94%                        |
| [09] 10             | [82%] 89%                        |
| [08] 09             | [80%] 81%                        |
| [07] 08             | [76%] 77%                        |
| [06] 07             | [74%] 72%                        |
| [05] 06             | 69%                              |
| [04] 05             | [66%] 64%                        |
| [03] 04             | [59%] 60%                        |
| [02] 03             | [51%] 53%                        |
| [01] 02             | [43%] 45%                        |
| [00] 01             | [35%] 36%                        |
| [99] 00             | [26%] 27%                        |
| [98] 99             | [18%] 19%                        |
| [97] 98 and prior   | 9%                               |

- (k) Class 11 - Street Motorcycles.

(i) Because Section 59-2-405.2 subjects street motorcycles to an age-based uniform fee, a percent good schedule is not necessary.

- (l) Class 12 - Computer Hardware.

- (i) Examples of property in this class include:

- (A) data processing equipment;
- (B) personal computers;
- (C) main frame computers;
- (D) computer equipment peripherals;
- (E) cad/cam systems; and
- (F) copiers.

- (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | 62%                              |
| [09] 10             | 46%                              |
| [08] 09             | 21%                              |
| [07] 08             | 9%                               |
| [06] 07 and prior   | 7%                               |

- (m) Class 13 - Heavy Equipment.

- (i) Examples of property in this class include:

- (A) construction equipment;
- (B) excavation equipment;
- (C) loaders;
- (D) batch plants;
- (E) snow cats; and
- (F) pavement sweepers.

- (ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

- (iii) [2011]2012 model equipment purchased in [2010]2011 is valued at 100 percent of acquisition cost.

TABLE 13

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | 53%                              |
| [09] 10             | 50%                              |
| [08] 09             | 47%                              |
| [07] 08             | [43%] 44%                        |
| [06] 07             | [40%] 41%                        |
| [05] 06             | [37%] 38%                        |
| [04] 05             | [34%] 35%                        |
| [03] 04             | [31%] 32%                        |
| [02] 03             | [28%] 29%                        |
| [01] 02             | [25%] 26%                        |
| [00] 01             | [22%] 23%                        |
| [99] 00             | [18%] 19%                        |
| [98] 99             | [15%] 16%                        |
| [97] 98 and prior   | 12%                              |

- (n) Class 14 - Motor Homes.

- (i) Taxable value is calculated by applying the percent good against the cost new.

- (ii) The [2011]2012 percent good applies to [2011]2012 models purchased in [2010]2011.

- (iii) Motor homes have a residual taxable value of \$1,000.

TABLE 14

| Model Year       | Percent Good of Cost New |
|------------------|--------------------------|
| [11]12           | 90%                      |
| [10]11           | 66%                      |
| [09]10           | 62%                      |
| [08]09           | 59%                      |
| [07]08           | [55%]56%                 |
| [06]07           | 52%                      |
| [05]06           | [48%]49%                 |
| [04]05           | 45%                      |
| [03]04           | [41%]42%                 |
| [02]03           | 38%                      |
| [01]02           | [34%]35%                 |
| [00]01           | 31%                      |
| [99]00           | [27%]28%                 |
| [98]99           | [24%]25%                 |
| [97]98           | [20%]21%                 |
| [96]97           | [17%]18%                 |
| [95]96 and prior | 13%                      |

(o) Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products. Equipment used in the semiconductor manufacturing industry is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.

(i) Examples of property in this class include:

- (A) crystal growing equipment;
- (B) die assembly equipment;
- (C) wire bonding equipment;
- (D) encapsulation equipment;
- (E) semiconductor test equipment;
- (F) clean room equipment;
- (G) chemical and gas systems related to semiconductor manufacturing;
- (H) deionized water systems;
- (I) electrical systems; and
- (J) photo mask and wafer manufacturing dedicated to semiconductor production.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10]11              | 47%                              |
| [09]10              | 34%                              |
| [08]09              | 24%                              |
| [07]08              | 15%                              |
| [06]07 and prior    | 6%                               |

(p) Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

(i) Examples of property in this class include:

- (A) billboards;
- (B) sign towers;
- (C) radio towers;
- (D) ski lift and tram towers;
- (E) non-farm grain elevators; and
- (F) bulk storage tanks.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10]11              | [92%]96%                         |
| [09]10              | [86%]90%                         |
| [08]09              | [85%]86%                         |
| [07]08              | 84%                              |
| [06]07              | [83%]81%                         |
| [05]06              | [82%]80%                         |
| [04]05              | [81%]78%                         |
| [03]04              | [76%]77%                         |
| [02]03              | [71%]73%                         |
| [01]02              | [64%]68%                         |
| [00]01              | [59%]61%                         |
| [99]00              | [53%]55%                         |
| [98]99              | [46%]49%                         |
| [97]98              | [40%]42%                         |
| [96]97              | [34%]35%                         |
| [95]96              | [28%]29%                         |
| [94]95              | 22%                              |
| [93]94              | 15%                              |
| [92]93 and prior    | 8%                               |

(q) Class 17 - Vessels Equal to or Greater Than 31 Feet in Length.

(i) Examples of property in this class include:

- (A) houseboats equal to or greater than 31 feet in length;
- (B) sailboats equal to or greater than 31 feet in length;
- (C) yachts equal to or greater than 31 feet in length.

and

(ii) A vessel, including an outboard motor of the vessel, under 31 feet in length:

- (A) is not included in Class 17;
- (B) may not be valued using Table 17; and
- (C) is subject to an age-based uniform fee under Section 59-2-405.2.

(iii) Taxable value is calculated by applying the percent good factor against the cost new of the property.

(iv) The Tax Commission and assessors shall rely on the following sources to determine cost new for property in this class:

- (A) the following publications or valuation methods:
  - (I) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;
  - (II) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value for the property divided by the percent good factor; or
  - (III) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:
    - (aa) the manufacturer's suggested retail price for comparable property; or
    - (bb) the cost new established for that property by a documented valuation source; or
  - (B) the documented actual cost of new or used property in this class.

(v) The [2011]2012 percent good applies to [2011]2012 models purchased in [2010]2011.

(vi) Property in this class has a residual taxable value of \$1,000.

TABLE 17

| Model Year        | Percent Good of Cost New |
|-------------------|--------------------------|
| [11] 12           | 90%                      |
| [10] 11           | [61%] 59%                |
| [09] 10           | [58%] 57%                |
| [08] 09           | [56%] 55%                |
| [07] 08           | 53%                      |
| [06] 07           | 51%                      |
| [05] 06           | [48%] 50%                |
| [04] 05           | [46%] 47%                |
| [03] 04           | [43%] 45%                |
| [02] 03           | [41%] 42%                |
| [01] 02           | [38%] 40%                |
| [00] 01           | [36%] 37%                |
| [99] 00           | [33%] 35%                |
| [98] 99           | [31%] 32%                |
| [97] 98           | [28%] 30%                |
| [96] 97           | [26%] 27%                |
| [95] 96           | [23%] 25%                |
| [94] 95           | [21%] 22%                |
| [93] 94           | [18%] 20%                |
| [92] 93           | [16%] 17%                |
| [91] 92           | [13%] 15%                |
| [90] 91 and prior | [11%] 12%                |

(r) Class 17a - Vessels Less Than 31 Feet in Length

(i) Because Section 59-2-405.2 subjects vessels less than 31 feet in length to an age-based uniform fee, a percent good schedule is not necessary.

(s) Class 18 - Travel Trailers and Class 18a - Tent Trailers/Truck Campers.

(i) Because Section 59-2-405.2 subjects travel trailers and tent trailers/truck campers to an age-based uniform fee, a percent good schedule is not necessary.

(t) Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

(i) Examples of property in this class include:

- (A) oil and gas exploration equipment;
- (B) distillation equipment;
- (C) wellhead assemblies;
- (D) holding and storage facilities;
- (E) drill rigs;
- (F) reinjection equipment;
- (G) metering devices;
- (H) cracking equipment;
- (I) well-site generators, transformers, and power lines;
- (J) equipment sheds;
- (K) pumps;
- (L) radio telemetry units; and
- (M) support and control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10] 11             | [90%] 92%                        |
| [09] 10             | [81%] 83%                        |
| [08] 09             | [80%] 81%                        |
| [07] 08             | 75%                              |

|                   |           |
|-------------------|-----------|
| [06] 07           | [73%] 71% |
| [05] 06           | [69%] 67% |
| [04] 05           | [65%] 62% |
| [03] 04           | [57%] 58% |
| [02] 03           | [48%] 50% |
| [01] 02           | [39%] 40% |
| [00] 01           | [30%] 31% |
| [99] 00           | 20%       |
| [98] 99 and prior | 11%       |

(u) Class 21 - Commercial Trailers.

(i) Examples of property in this class include:

- (A) dry freight van trailers;
- (B) refrigerated van trailers;
- (C) flat bed trailers;
- (D) dump trailers;
- (E) livestock trailers; and
- (F) tank trailers.

(ii) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, cost new shall include the value of attached equipment.

(iii) The [2011]2012 percent good applies to [2011]2012 models purchased in [2010]2011.

(iv) Commercial trailers have a residual taxable value of \$1,000.

TABLE 21

| Model Year        | Percent Good of Cost New |
|-------------------|--------------------------|
| [11] 12           | 95%                      |
| [10] 11           | 83%                      |
| [09] 10           | 79%                      |
| [08] 09           | 74%                      |
| [07] 08           | 70%                      |
| [06] 07           | 65%                      |
| [05] 06           | 60%                      |
| [04] 05           | 56%                      |
| [03] 04           | 51%                      |
| [02] 03           | 46%                      |
| [01] 02           | 42%                      |
| [00] 01           | 37%                      |
| [99] 00           | 33%                      |
| [98] 99           | 28%                      |
| [97] 98           | 23%                      |
| [96] 97           | 19%                      |
| [95] 96 and prior | 14%                      |

(v) Class 21a - Other Trailers (Non-Commercial).

(i) Because Section 59-2-405.2 subjects this class of trailers to an age-based uniform fee, a percent good schedule is not necessary.

(w) Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

(i) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

(ii) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary.

(x) Class 22a - Small Motor Vehicles.

(i) Because Section 59-2-405.2 subjects small motor vehicles to an age-based uniform fee, a percent good schedule is not necessary.

(y) Class 23 - Aircraft Required to be Registered With the State.

(i) Because Section 59-2-404 subjects aircraft required to be registered with the state to a statewide uniform fee, a percent good schedule is not necessary.

(z) Class 24 - Leasehold Improvements on Exempt Real Property.

(i) The Class 24 schedule is to be used only for those leasehold improvements where the underlying real property is owned by an entity exempt from property tax under Section 59-2-1101. See Tax Commission rule R884-24P-32. Leasehold improvements include:

- (A) walls and partitions;
- (B) plumbing and roughed-in fixtures;
- (C) floor coverings other than carpet;
- (D) store fronts;
- (E) decoration;
- (F) wiring;
- (G) suspended or acoustical ceilings;
- (H) heating and cooling systems; and
- (I) iron or millwork trim.

(ii) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

(iii) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

| Year of Installation | Percent of Installation Cost |
|----------------------|------------------------------|
| [10]11               | 94%                          |
| [09]10               | 88%                          |
| [08]09               | 82%                          |
| [07]08               | 77%                          |
| [06]07               | 71%                          |
| [05]06               | 65%                          |
| [04]05               | 59%                          |
| [03]04               | 54%                          |
| [02]03               | 48%                          |
| [01]02               | 42%                          |
| [00]01               | 36%                          |
| [99]00 and prior     | 30%                          |

(aa) Class 25 - Aircraft Parts Manufacturing Tools and Dies. Property in this class is generally subject to rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry. Heavy wear and tear is also a factor in valuing this class of property.

(i) Examples of property in this class include:

- (A) aircraft parts manufacturing jigs and dies;
- (B) aircraft parts manufacturing molds;
- (C) aircraft parts manufacturing patterns;
- (D) aircraft parts manufacturing taps and gauges;
- (E) aircraft parts manufacturing test equipment; and
- (F) aircraft parts manufacturing fixtures.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 25

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10]11              | [81%]84%                         |
| [09]10              | [63%]69%                         |
| [08]09              | 51%                              |
| [07]08              | 36%                              |
| [06]07              | [20%]19%                         |
| [05]06 and prior    | 4%                               |

(bb) Class 26 - Personal Watercraft.

(i) Because Section 59-2-405.2 subjects personal watercraft to an age-based uniform fee, a percent good schedule is not necessary.

(cc) Class 27 - Electrical Power Generating Equipment and Fixtures

(i) Examples of property in this class include:

- (A) electrical power generators; and
- (B) control equipment.

(ii) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 27

| Year of Acquisition | Percent Good of Acquisition Cost |
|---------------------|----------------------------------|
| [10]11              | 97%                              |
| [09]10              | 95%                              |
| [08]09              | 92%                              |
| [07]08              | 90%                              |
| [06]07              | 87%                              |
| [05]06              | 84%                              |
| [04]05              | 82%                              |
| [03]04              | 79%                              |
| [02]03              | 77%                              |
| [01]02              | 74%                              |
| [00]01              | 71%                              |
| [99]00              | 69%                              |
| [98]99              | 66%                              |
| [97]98              | 64%                              |
| [96]97              | 61%                              |
| [95]96              | 58%                              |
| [94]95              | 56%                              |
| [93]94              | 53%                              |
| [92]93              | 51%                              |
| [91]92              | 48%                              |
| [90]91              | 45%                              |
| [89]90              | 43%                              |
| [88]89              | 40%                              |
| [87]88              | 38%                              |
| [86]87              | 35%                              |
| [85]86              | 32%                              |
| [84]85              | 30%                              |
| [83]84              | 27%                              |
| [82]83              | 25%                              |
| [81]82              | 22%                              |
| [80]81              | 19%                              |
| [79]80              | 17%                              |
| [78]79              | 14%                              |
| [77]78              | 12%                              |
| [76]77 and prior    | 9%                               |

The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, [2011]2012.

**KEY:** taxation, personal property, property tax, appraisals  
**Date of Enactment or Last Substantive Amendment:**  
~~[December 15, 2010]~~2011  
**Notice of Continuation:** March 12, 2007  
**Authorizing, and Implemented or Interpreted Law:** Art. XIII,  
 Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-  
 102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-  
 211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-  
 305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-  
 405.1; 59-2-406; 59-2-508; 59-2-515; 59-2-701; 59-2-702; 59-2-  
 703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through  
 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-  
 1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-  
 1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302;  
 59-2-1303; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-  
 1351; 59-2-1365

**Tax Commission, Property Tax**  
**R884-24P-42**  
**Farmland Assessment Audits and**  
**Personal Property Audits Pursuant to**  
**Utah Code Ann. Subsection 59-2-**  
**508(2), and Section 59-2-705**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 35151  
 FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The proposed amendment updates language to match agency practice.

**SUMMARY OF THE RULE OR CHANGE:** Since there is no requirement in statute for the Tax Commission to conduct audits of this property, this change makes the rule more consistent with statute as well as reflects agency practice.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-508 and Section 59-2-705

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** None--Property tax revenues are local revenues.
- ◆ **LOCAL GOVERNMENTS:** None--The amendment reflects agency practice.
- ◆ **SMALL BUSINESSES:** None--The amendment reflects agency practice.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The amendment reflects agency practice.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--The amendment reflects agency practice.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment will create no fiscal impact because it does not change agency practice.

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

TAX COMMISSION  
 PROPERTY TAX  
 210 N 1950 W  
 SALT LAKE CITY, UT 84134  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/10/2011

**AUTHORIZED BY:** Michael Cragun, Tax Commissioner

**R884. Tax Commission, Property Tax.**  
**R884-24P. Property Tax.**

**R884-24P-42. Farmland Assessment Audits and Personal Property Audits Pursuant to Utah Code Ann. Subsection 59-2-508(2), and Section 59-2-705.**

~~[A.](1) [The Tax Commission is responsible for auditing the administration of the Farmland Assessment Act to verify proper listing and classification of all properties assessed under the act. The Tax Commission also conducts routine audits of personal property accounts.] Upon completion of commission audits of personal property accounts or land subject to the Farmland Assessment Act, the following procedures shall be implemented:~~

~~[1.](a) If an audit reveals an incorrect assignment of property, or an increase or decrease in value, the county assessor shall correct the assessment on the assessment roll and the tax roll.~~

~~[2.](b) A revised [assessment notice] Notice of Property Valuation and Tax Changes or tax notice or both shall be mailed to the taxpayer for the current year and any previous years affected.~~

~~[3.](c) The appropriate tax rate for each year shall be applied when computing taxes due for previous years.~~

~~[B.](2) Assessors shall not alter results of an audit without first submitting the changes to the [Tax] commission for review and approval.~~

~~[C.](3) The [Tax Commission] commission shall review assessor compliance with this rule. Noncompliance may result in an order for corrective action.~~



**KEY:** taxation, personal property, property tax, appraisals  
**Date of Enactment or Last Substantive Amendment:**  
~~[December 15, 2010]~~2011  
**Notice of Continuation:** March 12, 2007  
**Authorizing, and Implemented or Interpreted Law:** Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365

**Tax Commission, Property Tax**  
**R884-24P-57**  
**Judgment Levies Pursuant to Utah**  
**Code Ann. Sections 59-2-918.5, 59-2-**  
**924, 59-2-1328, and 59-2-1330**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 35152  
 FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Section 59-2-1308.5 of S.B. 157 (2011 General Session) requires the Tax Commission promulgate rules to ensure that payments under a property tax equal payment contract to not affect the certified tax rate calculation.

**SUMMARY OF THE RULE OR CHANGE:** The proposed rule indicates that an agreement with a commercial or industrial taxpayer for equal property tax payments must be agreed to by all parties on or before May 31 to be effective in the current calendar year; provides that a payment agreement affects only those taxing entities that are a party to the agreement, and, to ensure that the agreement does not impact the calculation of the certified tax rate, requires the commission to adjust the formula under Section 59-2-924 for each taxing entity that is a party to the agreement to equal what it would have been in the absence of the agreement.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 59-2-1328 and Section 59-2-1330 and Section 59-2-918.5 and Section 59-2-924

**ANTICIPATED COST OR SAVINGS TO:**  
 ♦ **THE STATE BUDGET:** None--Any impact would have been considered in S.B. 157 (2011 General Session).

- ♦ **LOCAL GOVERNMENTS:** None--Any impact would have been considered in S.B. 157 (2011 General Session).
- ♦ **SMALL BUSINESSES:** None--Any impact would have been considered in S.B. 157 (2011 General Session).
- ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--Any impact would have been considered in S.B. 157 (2011 General Session).

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** None--S.B. 157 (2011 General Session) provides an option for certain property tax taxpayers to enter into agreements with local government entities and the Tax Commission for equal property tax payments over a period of up to 20 years.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This amendment will create no fiscal impact because it matches statutory requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 TAX COMMISSION  
 PROPERTY TAX  
 210 N 1950 W  
 SALT LAKE CITY, UT 84134  
 or at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
 ♦ Christa Johnson by phone at 801-297-3901, by FAX at 801-297-3907, or by Internet E-mail at cj@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Michael Cragun, Tax Commissioner

**R884. Tax Commission, Property Tax.**  
**R884-24P. Property Tax.**  
**R884-24P-57. Judgment Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330.**

~~[A.](1)~~ Definitions.  
~~[+](a)~~ "Issued" means the date on which the judgment is signed.

~~[2.](b)~~ "[~~One percent~~]2.5% of the total ad valorem property taxes collected by the taxing entity in the previous fiscal year" includes any revenues collected by a judgment levy imposed in the prior year.

~~[B.](2)~~ A taxing entity's share of a judgment or order shall include the taxing entity's share of any interest that must be paid with the judgment or order.

~~[C.](3)~~ The judgment levy public hearing required by Section 59-2-918.5 shall be held as follows:

~~[+](a)~~ For taxing entities operating under a July 1 through June 30 fiscal year, the public hearing shall be held at least

10 days after the Notice of Property Valuation and Tax Changes is mailed.

[2-](b) For taxing entities operating under a January 1 through December 31 fiscal year:

[a-](i) for judgments issued from the prior June 1 through December 15, the public hearing shall be held at the same time as the hearing at which the annual budget is adopted;

[b-](ii) for judgments issued from the prior December 16 through May 31, the public hearing shall be held at least 10 days after the Notice of Property Valuation and Tax Changes is mailed.

[3-](c) If the taxing entity is required to hold a hearing under Section 59-2-919, the judgment levy hearing required by [C-1-]Subsections (3)(a) and [C-2-b-](3)(b)(ii) shall be held at the same time as the hearing required under Section 59-2-919.

[D-](4) If the Section 59-2-918.5 advertisement is combined with the Section [59-2-918 or] 59-2-919 advertisement, the combined advertisement shall aggregate the general tax increase and judgment levy information.

[E-](5) In the case of taxing entities operating under a January 1 through December 31 fiscal year, the advertisement for judgments issued from the previous December 16 through May 31 shall include any judgments issued from the previous June 1 through December 15 that the taxing entity advertised and budgeted for at its December budget hearing.

[F-](6) All taxing entities imposing a judgment levy shall file with the [Tax Commission]commission a signed statement certifying that all judgments for which the judgment levy is imposed have met the statutory requirements for imposition of a judgment levy.

[1-](a) The signed statement shall contain the following information for each judgment included in the judgment levy:

[a-](i) the name of the taxpayer awarded the judgment;

[b-](ii) the appeal number of the judgment; and

[e-](iii) the taxing entity's pro rata share of the judgment.

[2-](b) Along with the signed statement, the taxing entity must provide the [Tax Commission]commission the following:

[a-](i) a copy of all judgment levy newspaper advertisements required;

[b-](ii) the dates all required judgment levy advertisements were published in the newspaper;

[e-](iii) a copy of the final resolution imposing the judgment levy;

[d-](iv) a copy of the Notice of Property Valuation and Tax Changes, if required; and

[e-](v) any other information required by the [Tax Commission]commission.

[G-](7) The provisions of House Bill 268, Truth in Taxation - Judgment Levy (1999 General Session), do not apply to judgments issued prior to January 1, 1999.

**KEY:** taxation, personal property, property tax, appraisals

**Date of Enactment or Last Substantive Amendment:** [December 15, 2010]2011

**Notice of Continuation:** March 12, 2007

**Authorizing, and Implemented or Interpreted Law:** Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-

405.1; 59-2-406; 59-2-508; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365

## Transportation, Operations, Construction **R916-1** Advertising and Awarding Construction Contracts

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 35130

FILED: 08/11/2011

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify advertisement for bids and the prequalification process and to make other stylistic changes.

**SUMMARY OF THE RULE OR CHANGE:** The amendment clarifies advertisement for bids and the prequalification process and makes other stylistic changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63G-6-505 and Section 72-1-201 and Section 72-6-107 and Subsection 63G-6-207(3)

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated cost or savings to the state budget because the amendment only clarifies the existing practice of the Department.

◆ **LOCAL GOVERNMENTS:** There are no anticipated cost or savings to local government because the amendment only clarifies the existing practice of the Department.

◆ **SMALL BUSINESSES:** There are no anticipated cost or savings to small businesses because the amendment only clarifies the existing practice of the Department.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the amendment only clarifies the existing practice of the Department.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons because the change only clarifies the existing practice of the Department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts on businesses because the change only clarifies the existing practice of the Department.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: John Njord, Executive Director

## **R916. Transportation, Operations, Construction.**

### **R916-1. Advertising and Awarding Construction Contracts.**

#### **R916-1-1. Authority and Purpose.**

This rule establishes the procedures for the advertising and awarding of Utah Department of Transportation construction contracts. This rule is authorized under Sections 72-1-201, 72-6-107, 63G-6-505, and Subsection 63G-6-207(3).

#### **R916-1-2. Definitions.**

- (1) Terms used in this rule are defined in Section 72-1-102.
- (2) In addition, "Notice to Contractors" means the advertisement or public announcement inviting bids for work to be performed or materials to be furnished.

#### **R916-1-3. Invitation for Bids.**

- (1) The department shall prepare a notice to contractors inviting bid proposals on each project. The notice to contractors shall specify the type of construction, the location, the principal items of work, and the bid opening time and date.
- (2) The advertisement for bids shall be published pursuant to the requirements of Section 72-6-107(2)(c)(i) ~~for a minimum period of two weeks in a newspaper of general circulation in the county in which the work is to be performed.~~
- (3) Contractors and suppliers may receive notice to contractors by requesting their name be placed on a distribution list which is maintained by the department.

#### **R916-1-4. Bidding Proposals, Plans and Specifications.**

- (1) Bidding proposals, plans and specifications shall be available for inspection at all Region offices, Cedar City, Price,

Richfield and Salt Lake City headquarters. Plans are available for download at the department's website, [www.udot.utah.gov](http://www.udot.utah.gov).

(2) Prior to submitting a bid, the bidder ~~must~~shall become prequalified at least 10 working days prior to bid opening date, under Rule R916-2 concerning prequalification of contractors. Prequalification of bidders is not required on projects estimated under \$1,500,000.

(3) Prequalified contractors may obtain bidding proposals, plans and specifications and non-prequalified contractors may obtain non-bidding plans and specifications from the department's website, [www.udot.utah.gov](http://www.udot.utah.gov).

(a) Projects shall not be awarded when the sum of the amount of uncompleted work, both in and outside of the state of Utah, shown on the contractor's "Status of Work Under Contract" form and the bid amount submitted exceeds the amount for which the contractor is prequalified. This ~~calculation~~transaction is performed at the close of bid opening for all apparent low bidders, on all projects with an advertised engineer's estimate over \$1,500,000. This process does not apply to contractors who are prequalified as "unlimited."

(b) Two or more contractors who have prequalified separately and desire to enter a joint bid on a single project may do so upon submitting a letter of intent to the department prequalification secretary at least four working days prior to bid opening. The prequalification of each contractor can then be considered for consolidation to place a bid as prime.

(4) If it is necessary to issue an addendum to the plans and specifications during the advertising period, ~~the department shall fax a copy to the prime bidders, then mail a copy of the addendum by certified mail to each contractor holding bidding proposals~~the contractors and suppliers listed on the planholders list will be faxed and e-mailed a copy of the addendum by the department.

#### **R916-1-5. Bidding Requirements and Conditions.**

- (1) Each bidder shall submit their proposal upon the forms furnished by the department.
- (2) Sealed proposals shall be submitted to the department prior to the time and at the place specified in the notice to contractors.
- (3) Proposals shall be publicly opened and read at the time and place indicated in the notice to contractors.
- (4) No proposal shall be considered unless accompanied by a guaranty in the form of certified check, cashier's check or guaranty bond for not less than five percent of the total amount of the bid.
- (5) Each bidder must comply with the laws of Utah relative to the licensing of contractors. A contractor's license is required prior to the submission of a bid, except that a contractor may submit a bid on a Federal-aid highway project without having first obtained a license, provided the contractor, prior to undertaking any construction under that bid (at time of official award notification), shall be licensed in Utah.
- (6) ~~The department reserves the right to reject any or all bid proposals~~is reserved by the department.

#### **R916-1-6. Award of Contracts.**

- (1) The department shall award the contract to the lowest responsible and qualified bidder.

(2) When all bids received exceed the engineer's estimate by more than 10%, the department reserves the right to either accept the low bid or to reject all bids.

(3) The award, if made, shall be within 30 days after the opening of proposals. The department may, subject to approval of the successful bidder, withhold the award beyond the 30 day time frame. After 30 days, if no award has been made, the contractor may withdraw their proposal without liability.

(4) The successful bidder shall be notified, by mail using the address shown on their proposal, that they have been awarded the contract.

(5) The department reserves the right to cancel the award of any contract at any time before the execution of the contract by all parties with no liability against the department.

#### **R916-1-7. Execution of Contracts.**

(1) Unless the bonds are waived pursuant to Subparagraph (6), when the contract is executed, the successful bidder shall furnish a performance bond and a payment bond, each in a sum equal to the full amount of the contract. Each bond shall be on the form provided by the department and shall be executed by a surety company or companies licensed by the state of Utah. These companies must be listed on the current United States Department of the Treasury Circular 570 as acceptable sureties on Federal bonds. ~~The [department shall make available to the public this Circular at the following locations: Construction Division, UDOT Library, and Internet]United States Department of the Treasury Circular 570 is available on the internet at [www.fms.treas.gov/c570/c570.html](http://www.fms.treas.gov/c570/c570.html).~~

(2) The contract shall be signed by the successful bidder and returned together with the fully executed contract bonds and appropriate insurance documents within 15 days after the contract has been awarded.

(3) Failure to execute a contract and file acceptable bonds and appropriate insurance documents within 15 days after the contract has been awarded shall be just cause for the cancellation of the award and the forfeiture of the proposal guaranty.

(4) If the contract is not executed by the Department within 30 days after receiving signed contracts, bonds, and insurance documentation, the bidder shall have the right to withdraw their bid without penalty.

(5) No contract shall be considered effective until it has been fully executed by all the parties thereto.

(6) In accordance with ~~[Utah Code Ann.]~~Section 63G-6-505, the Executive Director or designee may reduce or waive the amount of the payment and performance bonds below the 100% normally required, if he or she determines that the circumstances are such that the normal bonding requirement is unnecessary to protect the State.

**KEY: bids, advertising, contracts, bonding requirements**

**Date of Enactment or Last Substantive Amendment:** ~~[January 3, 2007]~~**2011**

**Notice of Continuation:** November 29, 2006

**Authorizing, and Implemented or Interpreted Law:** 72-1-201; 72-6-107; 63G-6-505; 63G-6-207(3)

## Transportation, Operations, Construction **R916-2** Prequalification of Contractors

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 35132

FILED: 08/11/2011

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the amendment is to require reviewed financial statements for prequalification and to make other minor clarifications and stylistic changes.

**SUMMARY OF THE RULE OR CHANGE:** The amendment clarifies that for prequalification, contractors must submit unaudited, but reviewed financial statements, and to make other minor clarifications and stylistic changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 72-1-102 and Section 72-1-201 and Subsection 63G-6-207(3)

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the amendment only clarifies the prequalification process and makes minor stylistic changes.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the amendment only clarifies the prequalification process and makes minor stylistic changes.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the amendment only clarifies the prequalification process and makes minor stylistic changes.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the amendment only clarifies the prequalification process and makes minor stylistic changes.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no anticipated cost for affected persons because the amendment only clarifies the prequalification process and makes minor stylistic changes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no anticipated fiscal impacts on businesses because the amendment only clarifies the prequalification process and makes minor stylistic changes.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON  
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO  
LATER THAN AT 5:00 PM ON 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: John Njord, Executive Director

#### **R916. Transportation, Operations, Construction.**

##### **R916-2. Prequalification of Contractors.**

###### **R916-2-1. Authority and Purpose.**

This rule establishes procedure for prequalification of contractors desiring to submit bid proposals on Utah Department of Transportation construction projects. This rule is authorized under Section 72-1-201, and Subsection 63G-6-207(3).

###### **R916-2-2. Definitions.**

(1) Terms used in this rule are defined in Section 72-1-102 and Subsection 63G-6-207(3).

(2) In addition, "board" means the prequalification board, consisting of 4 positions: Department of Transportation comptroller, project development engineer, engineer for construction, and the construction administrative secretary.

###### **R916-2-3. Prequalification[ Policy].**

(1) Contractors desiring to submit bid proposals for construction contracts shall be prequalified by the department to ensure they have the resources and capability to successfully complete awarded contracts. Prequalification of contractors is not required for contracts that have an advertised estimate under \$1,500,000.

(2) Qualification ratings establish the type of construction work contractors may be permitted to perform and the maximum dollar value of contracts they are allowed to undertake at any one time.

(3) Contractors who attain a total prequalification of \$50,000,000 shall be classified as unlimited. Each contractor's prequalification shall be reviewed at least annually; more often if circumstances so warrant.

(4) Qualification ratings shall be based on evaluation of the contractor's:

- (a) experience;
- (b) past performance; and

(c) analysis of certified audited financial statements, including balance sheet, income statements, and changes in financial condition.

(i) ~~[Unaudited]~~ Reviewed financial statements accompanied by the company federal income tax return for the same time period may be accepted in lieu of the required certified audited financial statements, however, this shall result in a lower prequalification rating.

(5) Each bid proposal submitted shall include a complete "Status of Work Under Contract" form. The form shall include all work presently the responsibility of said contractor, both in and out of the state of Utah.

(a) Contractors with a prequalification amount classified as unlimited are exempt from this requirement.

(6) This ~~[policy]~~ rule shall be administered to ensure adequate financial resources and competition in bidding for construction contracts.

##### **R916-2-4. Prequalification Board.**

(1) The Prequalification board is established to:

- (a) direct the prequalification of contractors;
- (b) review and analyze prequalification applications; and
- (c) establish the amount and type of prequalification to be granted to contractors.

##### **R916-2-5. Disqualification.**

(1) If the board determines a contractor is not performing in a satisfactory manner on projects, the board may disqualify the contractor from bidding on future projects for a period of time as the board may determine.

(2) ~~[Each contractor desiring to bid on a project shall be required to complete a "Status of Work Under Contract" form. The form shall include all work, both in and out of the state of Utah, presently the responsibility of that contractor.]~~ If it is determined any contractor knowingly or negligently falsifies their "Status of Work Under Contract," they may be disqualified from bidding on projects for a period of time as the board may determine.

(3) Bonding companies that do not satisfactorily perform on contract bonds, as determined by the board, or are not listed in the Department of ~~the~~ Treasury Circular 570, may be suspended from supplying bonds for projects for a period of time as the board may determine. ~~The [department shall make Circular 570 available to the public at the following locations: Construction Division, UDOT Library, and Internet]~~ Department of the Treasury Circular 570 is available on the internet at [www.fms.treas.gov/c570/c570.html](http://www.fms.treas.gov/c570/c570.html).

(4) Any contractor or bonding company so suspended may appeal any decision of the board to the transportation commission.

##### **KEY: bids, contracts, prequalification**

**Date of Enactment or Last Substantive Amendment:** ~~[January 3, 2007]~~ **2011**

**Notice of Continuation:** **November 29, 2006**

**Authorizing, and Implemented or Interpreted Law:** **72-1-102; 72-1-201; 63G-6-207(3)**

Transportation, Operations,  
Construction  
**R916-4**  
Construction Manager/General  
Contractor Contracts

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35135

FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to make various stylistic and grammatical changes, to clarify selection of the evaluation team, and to remove reference to "guaranteed maximum price" so contractors will not have to include the price of the risk associated with a "guaranteed maximum price" in their bids.

**SUMMARY OF THE RULE OR CHANGE:** This amendment makes various stylistic and grammatical changes, clarifies selection of the evaluation team, and removes reference to "guaranteed maximum price" so contractors will not have to include the price of the risk associated with a "guaranteed maximum price" in their bids.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63G-6-207 and Section 63G-6-501 and Section 72-1-201 and Section 72-2-206 and Section 72-6-105

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** Removing the requirement of a "guaranteed maximum price" will result in savings in the costs of transportation projects because contractors will not have to include the costs of that risk in their bids.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the amendment only makes various stylistic and grammatical changes, clarifies selection of the evaluation team, and removes reference to "guaranteed maximum price."

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the amendment only makes various stylistic and grammatical changes, clarifies selection of the evaluation team, and removes reference to "guaranteed maximum price."

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government entities because the amendment only makes various stylistic and grammatical changes, clarifies selection of the evaluation team, and removes reference to "guaranteed maximum price."

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons because the amendment only makes various stylistic and grammatical changes, clarifies selection of the evaluation team, and removes reference to "guaranteed maximum price."

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no anticipated fiscal impact on businesses because the amendment only makes various stylistic and grammatical changes, clarifies selection of the evaluation team, and removes reference to "guaranteed maximum price."

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011**

**AUTHORIZED BY: John Njord, Executive Director**

**R916. Transportation, Operations, Construction.  
R916-4. Construction Manager/General Contractor Contracts.  
R916-4-1. Purpose.**

(1) Pursuant to ~~[Utah Code Ann.]~~Section 63G-6-207, this rule establishes the Department's ~~[ability]~~procedures to procure transportation construction under the Construction Manager/General Contractor (CM/GC) approach authorized in ~~[Utah Code Ann.]~~Section 63G-6-501~~[2]~~1. CM/GC seeks to provide: a savings of time, and cost; improved quality expectations as to the end product, schedule, and budget; and risk management savings ~~[due to]~~through lack of duplication of expenses, and through early, ~~[and]~~ continuous and coordinat~~[ion]~~ed ~~[of]~~ efforts.

**R916-4-2. Authority.**

(1) T~~he~~ ~~provisions of t~~his rule ~~are~~is authorized by ~~[the following]~~ grants of rulemaking authority ~~[and provisions of Utah Code:]~~in Title 63G, Chapter 6, Utah Procurement Code; Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and Sections 72-1-201, 72-~~[5-114]~~2-206, and 72-6-105.

**R916-4-3. Policy.**

(1) When the Executive Director or designee determines it appropriate, Department may use CM/G~~[A]~~C method of project

delivery. CM/GC is not recommended for every project[~~];~~ therefore, the decision to use the method must take into account the [individual specific needs of the project] factors listed in Subsection 63G-6-501(1)(c).

**R916-4-4. Request for Proposals (RFP).**

- (1) The Department will issue a request for proposals (RFP) from interested contractors.
- (2) The RFP may require separate technical and price proposals, meeting requirements as stated in the RFP.
- (3) The RFP may require a minimum mandatory technical level.

**R916-4-5. Evaluation Team.**

- (1) The Department may establish a team for evaluating the technical proposals consisting of not more than 7 people.
- (2) [At least ~~o~~]One member of the team may be a registered professional engineer, selected based on recommendation from the ACEC; and
- (3) [At least ~~o~~]One member may be a senior management employee of a licensed contractor, selected based on recommendation from the AGC.

**R916-4-6. Evaluation of Proposals and Discussions with Proposers.**

- (1) The Department shall evaluate proposals, in accordance with the evaluation factors set forth in the RFP.
- (2) As part of the qualifications specified in the RFP, the Department may require that potential contractors at least demonstrate their:
  - (a) construction experience in similar projects;
  - (b) financial, manpower and equipment resources available for the project;
  - (c) experience in other negotiated contracts; and
  - (d) preconstruction or design support experience.
- (3) The Department may require that potential contractors participate in formal interviews as part of the selection process.

**R916-4-7. Acceptable Bid Security; Performance and Payment Bonds.**

- (1) The Executive Director or designee shall have the right to waive the requirement to provide bid security, or may reduce the amount of such security, if he or she determines that the bid security otherwise required by Utah Code Ann. Sections 63G-6-504 through 507 to be unnecessary to protect the State.
- (2) The Executive Director or designee may reduce the amount of the payment and performance bonds below the 100% level required by [Utah Code Ann.]Sections 63G-6-50[~~4~~]<sup>4</sup> through 507, if he or she determines that a 100% bond is unnecessary to protect the State.
- (3) Bid security, payment bonds and performance bonds must be provided on the forms included in the RFP.

**R916-4-8. Required Contract Clauses.**

The CM/GC contract documents shall include the contract clauses set forth in Utah Administrative Code R23-1-7, subject to such modifications as the Executive Director or designee believes appropriate. Any modifications shall be supported by a written determination of the Executive Director or designee that describes

the circumstances justifying the variations, and notice of any material variation shall be included in the RFP.

**R916-4-9. Selection.**

- The basis for selection shall be stated in the RFP. Selection may be based on any of the following approaches.
- (1) By the responsible proposer offering the lowest priced responsive proposal. If the RFP includes a mandatory technical level, no proposal shall be considered responsive unless it meets that level; or
  - (2) By the responsible proposer whose proposal is evaluated as providing the best value to Department.

**R916-4-10. Award of Contract.**

- (1) The Contract will be awarded in two phases. The first is for preconstruction or design services, which may include value engineering, cost estimating, conceptual estimating, constructability reviews, scheduling, and Maintenance of Traffic plans.
- (2) The second phase is for construction services. The second phase will be awarded after the plans have been sufficiently developed and a [Guaranteed Maximum P]price for construction services has been successfully [negotiated]validated. In the event that a [Guaranteed Maximum P]price is not [negotiated]validated, the Department will not award construction phase of the contract.
- (3) In order to accelerate completion, incremental construction phases may be awarded after [Guaranteed Maximum P]prices are [negotiated]validated for each phase.
- (4) The Department is not required to ever award a contract. Following award, however, a contract shall be executed and notice given to the successful CM/GC proposer to proceed with the work.

**KEY: transportation, highways, contracts, construction**

**Date of Enactment or Last Substantive Amendment: ~~[June 27, 2005]~~2011**

**Notice of Continuation: March 11, 2010**

**Authorizing, and Implemented or Interpreted Law: 63G-6-502; 63G-6-207; 72-1-201**

Transportation, Operations,  
Construction  
**R916-5**  
Health Reform -- Health Insurance  
Coverage in State Contracts --  
Implementation

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35136

FILED: 08/11/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify when a contractor is required to certify compliance with this rule.

**SUMMARY OF THE RULE OR CHANGE:** The amendment clarifies that contractors are required to certify compliance with this rule upon execution of the contract.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 72-6-107.5

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget because the amendment only clarifies when a contractor is required to certify compliance with this rule.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government because the amendment only clarifies when a contractor is required to certify compliance with this rule.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses because the amendment only clarifies when a contractor is required to certify compliance with this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to persons other than small businesses, businesses, or local government because the amendment only clarifies when a contractor is required to certify compliance with this rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no anticipated compliance costs for affected persons because the amendment only clarifies when a contractor is required to certify compliance with this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no anticipated fiscal impact on businesses because the amendment only clarifies when a contractor is required to certify compliance with this rule.

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

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/03/2011**

**THIS RULE MAY BECOME EFFECTIVE ON:** 10/10/2011

**AUTHORIZED BY:** John Njord, Executive Director

**R916. Transportation, Operations, Construction.****R916-5. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.****R916-5-1. Purpose.**

The purpose of this rule is to comply with Section 72-6-107.5 and establish the requirements and procedures a contractor, subcontractor, consultant and subconsultant must follow to demonstrate they will maintain an offer of health insurance as required by Section 72-6-107.5. This rule also establishes penalties for intentional violations of Section 72-6-107.5.

**R916-5-2. Authority.**

This rule is authorized under Section 72-6-107.5 which requires the Utah Department of Transportation to make rules related to health insurance in certain design and construction contracts.

**R916-5-3. Definitions.**

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 72-6-107.5

(2) In addition:

(a) "Executive Director" means the Executive Director of the Department of Transportation, including, unless otherwise stated, the Executive Director's duly authorized designee.

(b) "Department" means the Department of Transportation established pursuant to Section 72-1-201.

(c) "Employee(s)" is as defined in 72-6-107.5 and includes only those employees that live and/or work in the State of Utah along with their dependents. "Employee" for purposes of this rule, shall not be construed as to be broader than that the use of the term employee for purposes of State of Utah Workers' Compensation laws.

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

**R916-5-4. Applicability of Rule.**

(1) Except as provided in Subsection (2) below, this rule applies to all contracts entered into by the Department on or after July 1, 2009, and is applicable to a prime contractor if its contract is in the amount of \$1,500,000 or greater, and to a subcontractor if its subcontract is in the amount of \$750,000 or greater.

(2) This rule does not apply if:

(a) the application of this rule jeopardizes the receipt of federal funds;

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

(c) the contract is an emergency procurement; or

(d) the rule is in conflict with federal law.

(3) This rule does not apply to a change order as defined in Section 63G-6-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R916-5-4(1).

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



**R916-5-5. Contractors or Consultants to Comply with Section 72-6-107.5.**

All contractors, subcontractors, consultants or subconsultants that are subject to the requirements of Section 72-6-107.5 shall comply with all the requirements, and be subject to the penalties and liabilities of Section 72-6-107.5.

**R916-5-6. Not Basis for Protest, Suspension, Disruption, or Termination Design or Construction.**

(1) The failure of contractors, subcontractors, consultants, or subconsultants to comply with Section 72-6-107.5:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor or consultant under Section 63G-6-801 or any other provision in Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor or consultant as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

(2) A contractor who is unable to demonstrate compliance ~~[within 14 calendar days of bid opening or when proposals are due] upon submission of the executed contract, signed by the successful bidder,~~ may be declared non-responsive and the Department may award the contract to the next lowest responsive bidder.

(3) A consultant who is unable to demonstrate compliance within 14 calendar days of being ranked first during the consultant selection process, may be declared non-responsive and the Department may enter negotiations with the new first-ranked responsive consultant.

**R916-5-7. Requirements and Procedures a Contractor or Consultant Must Follow.**

(1) A contractor, or consultant, subcontractors or subconsultants must comply with the following requirements and procedures, and demonstrate, no later than the time of execution of the contract, compliance with Section 72-6-107.5:

(a) by providing a written certification to the Executive Director that the contractor, consultants, subcontractors, and subconsultants have and will maintain for the duration of the contract an offer of qualified health insurance coverage for the employees who live and/or work within the State, along with their dependents; and

(b) the contractor or consultant shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors or subconsultants at any tier that are subject to the requirements of this rule.

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

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsection (1) of 72-6-107.5 is met by the contractor or consultant if the contractor or consultant provides the Executive

Director with a written statement of actuarial equivalency from either the Utah Insurance Department, an actuary selected by the contractor or the contractor's insurer, an actuary selected by the consultant or the consultant's insurer, or an underwriter who is responsible for developing the employer groups premium rates.

(a) For purposes of this[;] rule, actuarial equivalency, or greater is achieved by meeting or exceeding the requirements of qualified health insurance coverage as defined in Subsection 72-6-107.5(1)(c). The benchmark plan referred to in Subsection 72-6-107.5(1)(c), may be found at: <http://dfcm.utah.gov/downloads/Health%20Insurance%20Benchmark.pdf>.

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

(5) Consultant Compliance Process. Consultants who are subject to this rule must demonstrate compliance with this rule in their initial Financial Screening Application. The consultant's will then be required to demonstrate the offer of health insurance that meets the requirements outlined in Section 72-6-107.5. During the procurement process and no later than the execution of the contract with the consultant, the consultant will confirm the prime is still in compliance with this rule and the subconsultants of the consultant will certify through their prime consultant they meet the requirements of this rule. The written contract will contain a provision where the consultant confirms compliance with this rule by both the consultant and applicable subconsultants.

(6) Contractor Compliance Process. Contractors who are subject to this rule must demonstrate compliance with this rule. ~~[The contractor will indicate in the Pre-qualification Application that the contractor will offer health insurance which meets the requirements outlined in Section 72-6-107.5.]~~ When a contract is written, contractors will confirm the prime contractor is ~~[still]~~ in compliance with this rule and their subcontractors will certify through their contractor that they meet the requirements of this rule. The written contract shall contain a provision where the contractor confirms compliance with this rule by both the contractor and applicable subcontractors.

(7) Must be in Compliance at the Time the Contract is Executed. Notwithstanding any prequalification of a contractor, subcontractor, consultant or subconsultant that is subject to this rule, the contractor subcontractor, consultant or subconsultant must agree to the language in the executed contract that requires the contractor to be in compliance with this rule at the time of the execution of the contract and throughout the duration of the contract.

**R916-5-8. Department Hearing and Penalties.**

(1) Hearing. Any hearing regarding the failure to comply with this rule shall be held in accordance with the Utah Administrative Procedures Act and Rule 907-1 unless specifically stated otherwise in a governing statute.

(2) Penalties. The penalties that may be imposed if a contractor, consultant, subcontractor or subconsultant, at any tier intentionally violates this rule include:

(a) a three-month suspension of the contractor or subcontractor from entering into future contracts with the state upon the first violation, regardless of which tier the contractor or subcontractor is involved;

(b) a six-month suspension of the contractor, subcontractor, consultant or subconsultant from entering into future contracts with the state upon the second violation, regardless of which tier the contractor or subcontractor is involved;

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

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

(e) A prime contractor or consultant will not be subject to penalties for the failure of a subcontractor or subconsultant to meet the requirement of maintaining their offer of qualified health care coverage.

**R916-5-9. Does Not Create Any Contractual Relationship With Any Subcontractor or Subconsultant.**

Nothing in this rule shall be construed as to create any contractual relationship whatsoever between the Department or the State with any subcontractor or subconsultant at any tier.

**KEY: contracts, health insurance, health insurance in state contracts, health reform**

**Date of Enactment or Last Substantive Amendment: ~~July 13, 2010~~ 2011**

**Authorizing, and Implemented or Interpreted Law: 72-6-107.5**

**Workforce Services, Employment  
Development  
R986-200-218  
Exceptions to the Time Limit**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 35109

FILED: 08/04/2011

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to clarify existing policy and law.

**SUMMARY OF THE RULE OR CHANGE:** Subsection 35A-3-306(4) allows an extension to the time limits for education. Subsection 35A-3-306(4)(d) provides that this extension reason is not available if a client has received 60 months of financial assistance. This rule change is to make the current rule more clear and to reflect the statute.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 35A-1-104 and Section 35A-3-301 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. This change reflects current law and Department practice and is being made to make the rule more clear.

♦ **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 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 10/03/2011

THIS RULE MAY BECOME EFFECTIVE ON: 10/10/2011

AUTHORIZED BY: Kristen Cox, Executive Director

**R986. Workforce Services, Employment Development.  
R986-200. Family Employment Program.  
R986-200-218. Exceptions to the Time Limit.**

Exceptions to the time limit may be allowed for up to 20% of the average monthly number of families receiving financial assistance from FEP and FEPT during the previous Federal fiscal year for the following reasons:

(1) A hardship under Section 35A-3-306 is determined to exist when a parent:

(a) is determined to be medically unable to work. The client must provide proof of inability to work in one of the following ways:

(i) receipt of disability benefits from SSA;

(ii) receipt of VA Disability benefits based on the parent being 100% disabled;

(iii) placement on the Division of Services to People with Disabilities' waiting list. Being on the waiting list indicates the person has met the criteria for a disability; or

(iv) is currently receiving Temporary Total or Permanent Total disability Workers' Compensation benefits;

(v) a medical statement completed by a medical doctor, a licensed Advanced Practice Registered Nurse, a licensed Physician's Assistant, or a doctor of osteopathy, stating the parent has a medical condition supported by medical evidence, which prevents the parent from engaging in work activities capable of generating income of at least \$500 a month. The statement must be completed by a professional skilled in both the diagnosis and treatment of the condition; or

(vi) a statement completed by a licensed clinical social worker, licensed psychologist, licensed Mental Health Therapist as defined in UCA Section 58-60-102, or psychiatrist stating that the parent has been diagnosed with a mental health condition that prevents the parent from engaging in work activities capable of generating income of at least \$500 a month. Substance abuse is considered the same as mental health condition;

(b) is under age 19 through the month of their nineteenth birthday;

(c) is currently engaged in an approved full-time job preparation, educational or training activity which the parent was expected to complete within the 36 month time limit but completion within the 36 months was not possible through no fault of the parent. Additionally, if the parent has previously received, beginning with the month of January 1997, 24 months of financial assistance while attending educational or training activities, good cause for additional months must be shown and approved;

(d) was without fault and a delay in the delivery of services provided by the Department occurred. The delay must have had an adverse effect on the parent causing a hardship and preventing the parent from obtaining employment. An extension under this section cannot be granted for more than the length of the delay;

(e) moved to Utah after exhausting 36 months of assistance in another state or states and the parent did not receive supportive services in that state or states as required under the provisions of PRWORA. To be eligible for an extension under this section, the failure to receive supportive services must have occurred through no fault of the parent and must contribute to the parent's inability to work. An extension under this section can never be for longer than the delay in services;

(f) completed an educational or training program at the 36th month and needs additional time to obtain employment;

(g) is unable to work because the parent is required in the home to meet the medical needs of a dependent. Dependent for the purposes of this paragraph means a person who the parent claims as a dependent on his or her income tax filing. Proof, consisting of a medical statement from a health care professional listed in

subparagraph (1)(a)(v) or (vi) of this section is required unless the dependent is on the Travis C medicaid waiver program. The medical statement must include all of the following:

(i) the diagnosis of the dependent's condition,

(ii) the recommended treatment needed or being received for the condition,

(iii) the length of time the parent will be required in the home to care for the dependent, and

(iv) whether the parent is required to be in the home full-time or part-time; or

(h) is currently receiving assistance under one of the exceptions in this section and needs additional time to obtain employment. A client can only receive assistance for one month under this subparagraph. If the Department determines that granting an exception under this subparagraph adversely impacts its federally mandated participation rate requirements or might otherwise jeopardize its funding, the one month exception will not be granted or

(i) is no longer employed due to a verified reduction in force (layoff) and needs additional time to find work. Participation in eligible activities is required for an exception under this subparagraph. This exception is only available for parents who were laid off on or after January 1, 2008. This exception will not be available after December 31, 2011.

(2) Additional months of financial assistance may be provided if the family includes an individual who has been battered or subjected to extreme cruelty which is a barrier to employment and the implementation of the time limit would make it more difficult to escape the situation. Battered or subjected to extreme cruelty means:

(a) physical acts which resulted in, or threatened to result in, physical injury to the individual;

(b) sexual abuse;

(c) sexual activity involving a dependent child;

(d) threats of, or attempts at, physical or sexual abuse;

(e) mental abuse which includes stalking and harassment;

or

(f) neglect or deprivation of medical care.

(3) Employment extension. An exception to the time limit can be granted for a maximum of an additional 24 months if: ~~—~~ ~~(a)~~ during the previous two months, the parent client was employed for no less than 20 hours per week. The employment can consist of self-employment if the parent's net income from that self-employment is at or above minimum wage. ~~and~~

~~(b)~~ If, at the end of the 24-month extension, the parent client qualifies for an extension under subs[~~S~~]ections (1) or (2) of this ~~rule~~section, an additional extension can be granted under the provisions of those sections.

(b) A family cannot receive financial assistance for more than a total of 60 months unless an extension can be granted under subsections (1) and (2) of this section.

(4) All clients receiving an extension must continue to participate, to the maximum extent possible, in an employment plan. This includes cooperating with ORS in the collection, establishment, and enforcement of child support and the establishment of paternity, if necessary.

(5) If a household filing unit contains more than one parent, and one parent has received at least 36 months of assistance as a parent, then the entire filing unit is ineligible unless both

parents meet one of the exceptions listed above. Both parents need not meet the same exception.

(6) A family in which the only parent or both parents are ineligible aliens cannot be granted an extension under Section (3) above or for any of the reasons in Subsections (1)(c), (d), (e) or (f). This is because ineligible aliens are not legally able to work and supportive services for work, education and training purposes are inappropriate.

(7) A client who is no longer eligible for financial assistance may be eligible for other kinds of public assistance including food stamps, Child Care Assistance and medical coverage. The client must follow the appropriate application process to determine eligibility for assistance from those other programs.

(8) Exceptions are subject to a review at least once every six months.

**KEY: family employment program**

**Date of Enactment or Last Substantive Amendment: [~~June 15,~~ 2011**

**Notice of Continuation: September 8, 2010**

**Authorizing, and Implemented or Interpreted Law: 35A-3-301 et seq.**

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**End of the Notices of Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

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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.

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### Labor Commission, Administration **R600-2** Business Hours

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 35125  
FILED: 08/11/2011

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose for this rule amendment is to comply with H.B. 328 "Government Work Week," and Governor Herbert's directive to state agencies by setting the Utah Labor Commission's business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

**SUMMARY OF THE RULE OR CHANGE:** The amendment discontinues the Commission's four-day workweek as of 09/06/2011, and provides that the Commission will be open for business from 8 a.m. until 5 p.m., Monday through Friday, excluding holidays recognized by the state. Other provisions of the rule remain unchanged. (DAR NOTE: A corresponding proposed amendment is under DAR No. 35126 in this issue, September 1, 2011, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 34A-1-104

**EMERGENCY RULE REASON AND JUSTIFICATION:** REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

**JUSTIFICATION:** Without this emergency rule, the Labor Commission would be in violation of H.B. 328 and Governor Herbert's directive to state agencies regarding the agencies' work week.

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Any personnel costs to the state budget associated with this change in business hours are expected to be minimal and will be absorbed within existing budgets.

◆ **LOCAL GOVERNMENTS:** The change to Commission business hours will have no fiscal impact on local governments.

◆ **SMALL BUSINESSES:** The change to Commission business hours will have no net fiscal impact on small businesses. Although Commission services will no longer be available on an "in-person" basis before 8 a.m. or after 5 p.m., those services will now be available on Friday. Additionally, many Commission services are available at any time through the Internet.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The change to Commission business hours will have no fiscal impact on other persons. Although Commission services will no longer be available on an "in-person" basis before 8 a.m. or after 5 p.m., those services will now be available on Friday. Additionally, many Commission services are available at any time through the Internet.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The proposed amendment imposes no compliance costs on affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In effect, the proposed amendment to the Commission's business hours involves a trade-off -- shorter hours of daily operation are offset by a longer work week. On balance, this change is unlikely to have any appreciable fiscal impact on businesses. This is particularly true in light of the increasing availability of Commission services over the Internet, which services can be accessed 24 hours a day, 7 days a week.

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

LABOR COMMISSION  
ADMINISTRATION  
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:  
♦ Alan Hennebold by phone at 801-530-6937, by FAX at 801-530-6390, or by Internet E-mail at [ahennebold@utah.gov](mailto:ahennebold@utah.gov)

EFFECTIVE: 09/06/2011

AUTHORIZED BY: Sherrie Hayashi, Commissioner

**R600. Labor Commission, Administration.**

**R600-2. Operations.**

**R600-2-1. Business Hours.**

The offices of the Commission shall be open for receipt of official documents between the hours of [7]8:00 a.m. to [6]5:00 p.m. Monday through [~~Thursday~~]Friday. Commission offices shall not be open for business [~~Friday through~~]Saturday or Sunday and on state-recognized holidays. Any official document, including fax transmissions, received when the Commission is not open, including fax transmissions after [6]5:00 p.m. shall be considered received on the next working day.

**KEY: labor commission, hours of business**

**Date of Enactment or Last Substantive Amendment: September 6, 2011**

**Notice of Continuation: August 15, 2007**

**Authorizing, and Implemented or Interpreted Law: 34A-1-104**

**End of the Notices of 120-Day (Emergency) Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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.

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## Administrative Services, Facilities Construction and Management **R23-25** Administrative Rules Adjudicative Proceedings

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

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

DAR FILE NO.: 35157  
FILED: 08/15/2011

### 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: This rule establishes procedures for adjudicative proceedings in accordance with the Utah Administrative Procedures Act, Section 63G-4-101 et seq., except as provided in Subsections 63G-4-101(2) through (4). This rule is authorized by Section 63A-5-103.

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 Division of Facilities and Construction Management has not received any comments for or against this Rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes procedures for adjudicative proceedings. It is necessary that it continue so that the affected agencies and institutions understand the proper method of conducting adjudicative proceedings.

### DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at [abachman@utah.gov](mailto:abachman@utah.gov)  
♦ Cecilia Niederhauser by phone at 801-538-3261, by FAX at 801-538-9694, or by Internet E-mail at [cniederhauser@utah.gov](mailto:cniederhauser@utah.gov)  
♦ Chiarina Gleed by phone at 801-538-3240, by FAX at 801-538-3313, or by Internet E-mail at [cgleed@utah.gov](mailto:cgleed@utah.gov)  
♦ Priscilla Anderson by phone at 801-538-9595, by FAX at 801-538-3378, or by Internet E-mail at [phanderson@utah.gov](mailto:phanderson@utah.gov)

AUTHORIZED BY: D. Gregg Buxton, Director

EFFECTIVE: 08/15/2011

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## Agriculture and Food, Regulatory Services **R70-930** Method of Sale of Commodities

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

DAR FILE NO.: 35127  
FILED: 08/11/2011

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-9-2 authorizes the Department to make and enforce such rules as in its judgement are necessary to administer and enforce Title 4, Chapter 9. Section 4-9-5.3, "Adopting uniform regulation for the method of sale of commodities," allows us to have these modifications: "unless modified by the department, the Uniform Regulation for the the Method of Sale of Commodities, adopted by the National Conference on Weights and Measures, in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to the method of sale of commodities in the state."

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 in support or opposing this rule have been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This regulation requires accurate and adequate information about commodities so purchasers can make price and quantity comparisons. This permits fair competition among businesses, and provides uniformity and protection to consumers in commercial weights and measures practices. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD  
REGULATORY SERVICES  
350 N REDWOOD RD  
SALT LAKE CITY, UT 84116-3034  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Brett Gurney by phone at 801-538-7158, by FAX at 801-538-7126, or by Internet E-mail at [bgurney@utah.gov](mailto:bgurney@utah.gov)
- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at [kmathews@utah.gov](mailto: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](mailto:kylestephens@utah.gov)
- ◆ Richard Clark by phone at 801-538-7150, by FAX at 801-538-7126, or by Internet E-mail at [richardwclark@utah.gov](mailto:richardwclark@utah.gov)

AUTHORIZED BY: Leonard Blackham, Commissioner

EFFECTIVE: 08/11/2011

Agriculture and Food, Regulatory  
Services

**R70-940**

**Standards and Testing of Motor Fuel**

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

DAR FILE NO.: 35128

FILED: 08/11/2011

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-33-4, "Administrative and enforcement powers of the department." "The department shall administer and enforce this chapter and may: (1) make and enforce such rules, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as it considers necessary for the effective administration and enforcement of this chapter."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes standards for the sale of motor fuel in the state. This rule also permits fair competition among businesses, and provides uniformity and protection to consumers in commercial practices. It is consistent with other states' requirements. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD  
REGULATORY SERVICES  
350 N REDWOOD RD  
SALT LAKE CITY, UT 84116-3034  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Brett Gurney by phone at 801-538-7158, by FAX at 801-538-7126, or by Internet E-mail at [bgurney@utah.gov](mailto:bgurney@utah.gov)
- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at [kmathews@utah.gov](mailto: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](mailto:kylestephens@utah.gov)
- ◆ Richard Clark by phone at 801-538-7150, by FAX at 801-538-7126, or by Internet E-mail at [richardwclark@utah.gov](mailto:richardwclark@utah.gov)



AUTHORIZED BY: Leonard Blackham, Commissioner

EFFECTIVE: 08/11/2011

**Commerce, Consumer Protection  
R152-1a  
Internet Content Provider Ratings  
Methods**

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

DAR FILE NO.: 35119  
FILED: 08/09/2011

**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: Subsection 76-10-1231(7)(c) requires the Division to make rules to fulfill its duties. Section 76-10-1234 requires the Division to make rules to establish acceptable rating methods to be implemented by content providers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received in support of or opposing the administrative 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 Division is mandated to promulgate administrative rules that enable internet content providers to comply with Chapter 10, Part 12 of the Utah Criminal Code. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
COMMERCE  
CONSUMER PROTECTION  
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:  
♦ Angela Hendricks by phone at 801-530-6035, by FAX at 801-538-6001, or by Internet E-mail at ahendricks@utah.gov

AUTHORIZED BY: Traci Gunderson, Director

EFFECTIVE: 08/09/2011

**Commerce, Consumer Protection  
R152-11  
Utah Consumer Sales Practices Act**

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

DAR FILE NO.: 35121  
FILED: 08/09/2011

**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: Subsection 13-11-8(2) requires the Division to adopt substantive rules and appropriate procedural rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received in support of or opposing the administrative rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule is necessary for the Division to meet its statutory mandate to enforce the Consumer Sales Practices Act.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
COMMERCE  
CONSUMER PROTECTION  
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:  
♦ Angela Hendricks by phone at 801-530-6035, by FAX at 801-538-6001, or by Internet E-mail at ahendricks@utah.gov

AUTHORIZED BY: Traci Gunderson, Director

EFFECTIVE: 08/09/2011

**Commerce, Consumer Protection  
R152-26  
Telephone Fraud Prevention Act**

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

DAR FILE NO.: 35120  
FILED: 08/09/2011

**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: Subsection 13-26-3(4) provides that the Division may establish by administrative rule the registration requirements for telephone soliciting businesses.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received in support of or opposing the administrative rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule is necessary for the Division to meet its statutory mandate and is essential to effective implementation of the registration requirements of the Telephone Fraud Prevention Act.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
COMMERCE  
CONSUMER PROTECTION  
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:  
♦ Angela Hendricks by phone at 801-530-6035, by FAX at 801-538-6001, or by Internet E-mail at ahendricks@utah.gov

AUTHORIZED BY: Traci Gundersen, Director

EFFECTIVE: 08/09/2011

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**Commerce, Occupational and Professional Licensing**

**R156-40**

**Recreational Therapy Practice Act Rule**

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

DAR FILE NO.: 35160  
FILED: 08/15/2011

**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: Title 58, Chapter 40, provides for the licensure of master therapeutic recreational specialists, therapeutic recreational specialists and therapeutic recreational technicians. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-40-4(3) provides that the Recreational Therapy Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 40, with respect to classifications of recreational therapists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in September 2006, it has been amended once in December 2008. However, the Division has received no written comments with respect to this rule since it was last reviewed.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 40, with respect to classifications of recreational therapists. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
COMMERCE  
OCCUPATIONAL AND PROFESSIONAL LICENSING  
HEBER M WELLS BLDG  
160 E 300 S  
SALT LAKE CITY, UT 84111-2316  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Noel Taxin by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at ntaxin@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 08/15/2011

**Commerce, Occupational and  
Professional Licensing  
R156-77  
Direct-Entry Midwife Act Rule**

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

DAR FILE NO.: 35159  
FILED: 08/15/2011

**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: Title 58, Chapter 77, provides for the licensure of direct-entry midwives. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-77-201(3)(a) provides that the Licensed Direct-Entry Midwife Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 77, with respect to licensed direct-entry midwives.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: A proposed new rule filing was filed in October 2005 based on 2005 legislation which created Title 58, Chapter 77, with respect to licensure of direct-entry midwives. The Division and Direct-Entry Midwife Board received numerous written comments with respect to the proposed new rule in October, November, and December 2005. Written comments received both supported the proposed new rule and also provided suggested changes to the proposed new rule. The Division and Board reviewed and considered the written comments which had been received. As a result of written comments received and input received during a December 2005 rule hearing, the Division filed a change in proposed rule (CPR) filing to the new rule in March 2006. The Division again received numerous written comments which both supported the proposed changes to the rule and also provided additional suggested changes to the proposed rule. The Division and Board again reviewed and considered the written comments which had been received. As a result of written comments received and input received during an April 2006 rule hearing, the Division filed a second change in proposed rule (CPR) filing to the new rule in July 2006. Again the Division received numerous comments which both supported the proposed changes to the rule and also provided additional suggested changes to the proposed rule. The Division and Board again reviewed and considered the written comments which had been received.

As a result of written comments received and further input received during an August 2006 rule hearing, the Division and Board determined that the proposed new rule filing should be made effective with no additional changes to be made at this point. The rule filing was finally made effective on 09/14/2006. The Division again updated the rule in August 2009 as the result of 2008 legislative statutory amendments which created the Licensed Direct-Entry Administrative Rules Advisory Committee in Title 58, Chapter 77. The Division received two written comments in relation to this proposed rule filing: a 09/02/2009 letter from Deanne Williams in which she had questions relating to the proposed rule amendments along with some suggested changes to the proposed rule. The Division also received a 10/12/2009 letter from Jenalyn Lovell in which she supported the proposed amendments in this rule filing. As a result of written comments received and further input received during an September 2009 rule hearing, the Division and Board determined that the proposed amendments in this rule filing should be made effective with no additional changes. The rule filing was made effective on 10/22/2009. In late October 2009 the Division filed a nonsubstantive rule change to the rule to amend the definition of "weeks gestation". In November 2009 Hunter Finch, Governor's Office of Planning and Budget, notified the Division that in his determination, the nonsubstantive rule change which was being proposed was actually a substantive change. As a result of Mr. Finch's communication with the Division, the Division filed a proposed rule amendment. The Division received no written comments with respect to the November 2009 proposed rule amendments filing. The proposed rule amendment filing was made effective on 02/08/2010.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 77, with respect to licensed direct-entry midwives. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions and ethical standards relating to the profession.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ W. Ray Walker by phone at 801-530-6256, by FAX at 801-530-6511, or by Internet E-mail at raywalker@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 08/15/2011

## Health, Center for Health Data, Vital Records and Statistics

### **R436-5**

## New Birth Certificates After Legitimation, Court Determination of Paternity or Adoption

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

DAR FILE NO.: 35118  
FILED: 08/08/2011

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-10 requires the state registrar to issue a supplementary certificate of birth in the event of an adoption, legitimation or court determination of paternity, if requested by the subject of the certificate or the subject's legal representative. Rule R436-5 outlines further the requirements to fulfill the request.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Utah is a closed adoption state. Rule R436-5 outlines the process for sealing files and the criteria for issuance of a supplementary certificate and who is authorized to request the supplementary. In order for us to maintain the privacy of all involved in an adoption, these criteria must remain detailed in rule. The process and criteria for a court-ordered paternity is also detailed in this rule. Without this process outlined, we would not receive adequate information from the courts to comply with the requirements of Section 26-2-10. Legitimations--the process needs to be in rule as well so that customers know what is required to complete the changes. Therefore, this rule should be continued.

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

HEALTH  
CENTER FOR HEALTH DATA,  
VITAL RECORDS AND STATISTICS  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Doug Springmeyer by phone at 801-538-6971, by FAX at 801-538-6306, or by Internet E-mail at dspringm@utah.gov  
 ♦ Janice Houston by phone at 801-538-6262, by FAX at 801-538-7012, or by Internet E-mail at jlhouston@utah.gov

AUTHORIZED BY: David Patton, PhD, Executive Director

EFFECTIVE: 08/08/2011

## Health, Disease Control and Prevention, Laboratory Improvement

### **R444-1**

## Approval of Clinical Laboratories

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

DAR FILE NO.: 35107  
FILED: 08/03/2011

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Authority for the rule is from Subsection 26-1-30(2)(m) which directs the Department of Health to establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Clinical laboratories fall under the jurisdiction of federal law through the Clinical Laboratory Improvement Amendments, 1988. This rule allows Utah to regulate

laboratories to the same standard should the need arise. Therefore, this rule should be continued.

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

HEALTH  
DISEASE CONTROL AND PREVENTION,  
LABORATORY IMPROVEMENT  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ David Mendenhall by phone at 801-965-2530, by FAX at 801-965-2544, or by Internet E-mail at davidmendenhall@utah.gov

AUTHORIZED BY: David Patton, Executive Director

EFFECTIVE: 08/03/2011

**Health, Disease Control and  
Prevention, Laboratory Improvement  
R444-14  
Rule for the Certification of  
Environmental Laboratories**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 35111  
FILED: 08/04/2011

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-1-30(2)(m) which directs the Department of Health to establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: For Utah to maintain primacy under EPA (especially for drinking water) there must exist a laboratory

certification program within the state. This rule allows this program to certify laboratories to perform testing acceptable to the state environmental programs. Therefore, this rule should be continued.

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

HEALTH  
DISEASE CONTROL AND PREVENTION,  
LABORATORY IMPROVEMENT  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ David Mendenhall by phone at 801-965-2530, by FAX at 801-965-2544, or by Internet E-mail at davidmendenhall@utah.gov

AUTHORIZED BY: David Patton, Executive Director

EFFECTIVE: 08/04/2011

**Human Services, Administration  
R495-876  
Provider Code of Conduct**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 35124  
FILED: 08/10/2011

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-1-111 authorizes the department to adopt rules necessary for the provision of social services and gives authority to create a code of conduct for providers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Providers shall not abuse, neglect, exploit or maltreat clients in any way, whether through acts or omissions or by failing to deter others from acting. This rule clarifies the provider code of conduct. Therefore, this rule should be continued.

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

HUMAN SERVICES  
ADMINISTRATION  
DHS ADMINISTRATIVE OFFICE  
MULTI STATE OFFICE BUILDING  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhjones@utah.gov](mailto:jhjones@utah.gov)

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 08/10/2011

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

HUMAN SERVICES  
ADMINISTRATION  
DHS ADMINISTRATIVE OFFICE  
MULTI STATE OFFICE BUILDING  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Julene Jones by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhjones@utah.gov](mailto:jhjones@utah.gov)

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 08/10/2011

Human Services, Administration  
**R495-880**  
Adoption Assistance

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE NO.: 35123  
FILED: 08/10/2011

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is to provide information regarding the adoption assistance advisory committee within each region of the Division of Child and Family Services as defined in Section 62-4a-902.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is required that each region of the Division of Child and Family Services have an adoption advisory committee to review and make recommendations on individual requests for supplemental adoption assistance. This rule designates who is on the committee within each region. Therefore, this rule should be continued.

Human Services, Services for People With Disabilities  
**R539-9**  
Supported Employment Pilot Program

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
DAR FILE NO.: 35122  
FILED: 08/10/2011

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-5-103.1 authorizes and requires Rule R538-9 to detail eligibility and priority for participation in the state-funded supported employment program. This program received ongoing funding in the 2011 general legislative session for FY 2012.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 62A-5-103.1 authorizes and requires Rule R538-9 to detail eligibility and priority for participation in the state-funded supported employment program. This program received ongoing funding in the 2011 general legislative session for FY 2012. Therefore, this rule should be continued.

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

HUMAN SERVICES  
SERVICES FOR PEOPLE WITH DISABILITIES  
195 N 1950 W  
THIRD FLOOR  
SALT LAKE CITY, UT 84116  
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Paul Day by phone at 801-538-4118, by FAX at 801-538-4279, or by Internet E-mail at pday@utah.gov

AUTHORIZED BY: Palmer DePaulis, Executive Director

EFFECTIVE: 08/10/2011

**Insurance, Administration**  
**R590-178**  
**Securities Custody**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 35108  
FILED: 08/03/2011

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The code citations that relate to this rule are the following: Section 31A-2-201 which gives the commissioner authority to write rules to implement the insurance code, Title 31A; Section 31A-2-206 which gives the commissioner the authority to write rules regarding the receipt and handling of deposited securities; Section 31A-4-108 which allows the commissioner to write rules to safeguard and ensure that they are not loaned to other insurers. Section R590-178-4 of the rule sets standards, guidelines and forms to be used when an insurer transfers their securities to a custodian.

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 rule was amended after receiving comments during a hearing and two comment periods provided prior to putting the changes into effect on 9-19-06. Comments dealt with grammar, a request to reinstate the definition of Federal Reserve Book-entry system, a change to clarify differences between Federal Reserve book-entry system and Clearing Corporation, language to clarify that broker dealers cannot hold securities that are used to meet deposit requirements set forth in Subsection 31a-2-206(2) and a request that changes be made to replace trust-

related reports with general terminology that also applies to broker/dealers.

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 authorizes domestic insurance companies to utilize modern systems for holding and transferring securities without physical delivery of securities certificates. It also sets standards for national banks, state banks, trust companies and broker/dealers to qualify and operate as custodians for insurance company securities. Without it, insurers could place their investments under risky custodial arrangements, or situations that could threaten the security of the company's assets, and in the end, the security of its insureds. 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: 08/03/2011

**Transportation, Administration**  
**R907-1**  
**Appeal of Departmental Actions**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 35140  
FILED: 08/11/2011

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63G-4-202 of the Utah Administrative Procedures Act authorizes agencies to establish by rule whether adjudicative proceedings are informal or formal. If an agency enacts a rule establishing informal adjudicative proceedings, Section 63G-4-203 requires agencies to establish procedures by rule for informal adjudicative proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received from interested persons during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of this rule is justified because the Department is required to have a rule establishing procedures in its informal administrative proceedings.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

AUTHORIZED BY: John Njord, Executive Director

EFFECTIVE: 08/11/2011

**Transportation, Administration  
R907-63**

**Structure Repair and Loss Recovery  
Procedure**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 35138  
FILED: 08/11/2011

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule establishes procedures for loss recovery for damages to bridge structures, appurtenances and roadways as provided in Section 72-7-301 and as authorized by Section 72-1-201(8).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments in

the last five years from interested persons supporting or opposing 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 rule provides the procedures for the Department to meet its fiduciary duty to recover losses to highway facilities caused by third parties. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

AUTHORIZED BY: John Njord, Executive Director

EFFECTIVE: 08/11/2011

**Transportation, Operations,  
Construction  
R916-1  
Advertising and Awarding Construction  
Contracts**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
OF CONTINUATION**  
DAR FILE NO.: 35129  
FILED: 08/11/2011

**NOTICE OF REVIEW AND STATEMENT OF  
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under the general provisions of Section 72-1-201 and the specific grant of rulemaking authority found in Section 63G-6-207(3) authorizing the Department of Transportation to make rules governing procurement of highway construction or improvement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR



OPPOSING THE RULE: There have been no comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should remain in effect to ensure fairness and competition in awarding state contracts. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

AUTHORIZED BY: John Njord, Executive Director

EFFECTIVE: 08/11/2011

**Transportation, Operations,  
 Construction  
 R916-2  
 Prequalification of Contractors**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION  
 DAR FILE NO.: 35131  
 FILED: 08/11/2011**

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted under the general provisions of Section 72-1-201 and the specific grant of rulemaking authority found in Subsection 63G-6-207(3) authorizing the Department of Transportation to make rules governing procurement of highway construction or improvement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should remain in effect to ensure fairness in prequalifying and awarding state contracts. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

AUTHORIZED BY: John Njord, Executive Director

EFFECTIVE: 08/11/2011

**Transportation, Operations,  
 Construction  
 R916-3  
 DESIGN-BUILD Contracts**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT  
 OF CONTINUATION  
 DAR FILE NO.: 35133  
 FILED: 08/11/2011**

**NOTICE OF REVIEW AND STATEMENT OF  
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is required by Subsection 63G-6-502(3)(a)(ii) to establish requirements for the procurement of design-build transportation project contracts.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments from interested persons during and 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: This rule should remain in effect because it is

required by Subsection 63G-6-502(3)(a)(ii) to establish requirements for the procurement of design-build transportation project contracts. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
TRANSPORTATION  
OPERATIONS, CONSTRUCTION  
CALVIN L RAMPTON COMPLEX  
4501 S 2700 W  
SALT LAKE CITY, UT 84119-5998

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Linda Barrow by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at lindabarrow@utah.gov

AUTHORIZED BY: John Njord, Executive Director

EFFECTIVE: 08/11/2011

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**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

### Commerce

Occupational and Professional Licensing

No. 34912 (AMD): R156-78. Vocational Rehabilitation

Counselor Licensing Act Rule

Published: 07/01/2011

Effective: 08/08/2011

### Real Estate

No. 34907 (AMD): R162-2c. Utah Residential Mortgage

Practices and Licensing Rules

Published: 07/01/2011

Effective: 08/08/2011

No. 34908 (AMD): R162-2f-102. Definitions

Published: 07/01/2011

Effective: 08/10/2011

No. 34909 (AMD): R162-2f-205. Registration of Entity

Published: 07/01/2011

Effective: 08/10/2011

No. 34910 (AMD): R162-2f-401a. Affirmative Duties

Required of all Licensed Individuals

Published: 07/01/2011

Effective: 08/10/2011

No. 34911 (AMD): R162-2f-403. Trust Accounts

Published: 07/01/2011

Effective: 08/10/2011

### Community and Culture

History

No. 34534 (AMD): R212-6. State Register for Historic

Resources and Archaeological Sites

Published: 04/15/2011

Effective: 08/11/2011

### Corrections

Administration

No. 34853 (REP): R251-112. Americans With Disabilities Act Implementation and Complaint Process

Published: 06/15/2011

Effective: 08/03/2011

No. 34854 (REP): R251-113. Distribution of Reimbursement for the Felony Probation Inmate Costs Reimbursement Program/Fund

Published: 06/15/2011

Effective: 08/03/2011

No. 34855 (REP): R251-304. Contract Procedures

Published: 06/15/2011

Effective: 08/03/2011

### Education

Administration

No. 34922 (NEW): R277-405. Requirements for Assessment Pilot Programs

Published: 07/01/2011

Effective: 08/08/2011

No. 34923 (AMD): R277-436. Gang Prevention and Intervention Programs in the Schools

Published: 07/01/2011

Effective: 08/08/2011

No. 34924 (AMD): R277-473. Testing Procedures

Published: 07/01/2011

Effective: 08/08/2011

No. 34925 (AMD): R277-474. School Instruction and Human Sexuality

Published: 07/01/2011

Effective: 08/08/2011

No. 34926 (AMD): R277-478. Block Grant Funding

Published: 07/01/2011

Effective: 08/08/2011

No. 34927 (AMD): R277-491. School Community Councils  
Published: 07/01/2011  
Effective: 08/08/2011

No. 34928 (AMD): R277-616. Education for Homeless and  
Emancipated Students and State Funding for Homeless and  
Disadvantaged Minority Students  
Published: 07/01/2011  
Effective: 08/08/2011

No. 34936 (AMD): R277-705. Secondary School Completion  
and Diplomas  
Published: 07/01/2011  
Effective: 08/08/2011

No. 34937 (NEW): R277-707. Enhancement for Accelerated  
Students Program  
Published: 07/01/2011  
Effective: 08/08/2011

#### Governor

##### Economic Development

No. 34930 (NEW): R357-6. Technology and Life Science  
Economic Development and Related Tax Credits  
Published: 07/01/2011  
Effective: 08/08/2011

#### Insurance

##### Administration

No. 34931 (AMD): R590-99. Delay or Failure to Record  
Documents and the Insuring of Properties with the False  
Appearance of Unmarketability as Unfair Title Insurance  
Practices  
Published: 07/01/2011  
Effective: 08/09/2011

No. 34896 (AMD): R590-149. ADA Complaint Procedure  
Rule  
Published: 06/15/2011  
Effective: 08/02/2011

No. 34892 (AMD): R590-207. Health Agent Commissions for  
Small Employer Groups  
Published: 06/15/2011  
Effective: 08/02/2011

##### Title and Escrow Commission

No. 34510 (AMD): R592-6-4. Unfair Methods of  
Competition, Acts and Practices  
Published: 04/01/2011  
Effective: 08/09/2011

No. 34510 (CPR): R592-6-4. Unfair Methods of Competition,  
Acts and Practices  
Published: 07/01/2011  
Effective: 08/09/2011

#### Regents (Board Of)

##### University of Utah, Administration

No. 34808 (NEW): R805-5. Enforcement of No Smoking  
Areas at University of Utah Hospitals and Clinics  
Published: 06/01/2011  
Effective: 08/09/2011

No. 34808 (CPR): R805-5. Enforcement of No Smoking  
Areas at University of Utah Hospitals and Clinics  
Published: 07/01/2011  
Effective: 08/09/2011

#### Tax Commission

##### Auditing

No. 34870 (AMD): R865-4D-3. User-Dealer's License  
Pursuant to Utah Code Ann. Section 59-13-302  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34871 (AMD): R865-6F-23. Utah Steam Coal Tax Credit  
Pursuant to Utah Code Ann. Section 59-7-604  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34872 (AMD): R865-13G-16. Aviation Fuel Tax Refund  
or Credit Pursuant to Utah Code Ann. Section 59-13-404  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34882 (AMD): R865-19S-42. Sales to The State of Utah  
and Its Subdivisions Pursuant to Utah Code Ann. Section 59-  
12-104  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34873 (AMD): R865-20T-5. Bonding Requirements For  
Tobacco-Products Dealers Pursuant to Utah Code Ann.  
Section 59-14-301  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34876 (AMD): R865-20T-6. Purchase of Cigarette  
Stamps Pursuant to Utah Code Ann. Section 59-14-206  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34869 (AMD): R865-20T-13. Calculation of Tax on Moist  
Snuff Pursuant to Utah Code Ann. Section 59-14-302  
Published: 06/15/2011  
Effective: 08/11/2011

##### Motor Vehicle

No. 34877 (AMD): R873-22M-31. Determination of Special  
Interest Vehicle Pursuant to Utah Code Ann. Section 41-1a-  
102  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34878 (AMD): R873-22M-37. Standard Issue License Plates Pursuant to Utah Code Ann. Sections 41-1a-402 and 41-1a-1211  
Published: 06/15/2011  
Effective: 08/11/2011

Property Tax  
No. 34879 (AMD): R884-24P-8. Security for Property Tax on Uranium and Vanadium Mines Pursuant to Utah Code Ann. Section 59-2-211  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34880 (AMD): R884-24P-14. Valuation of Real Property Encumbered by Preservation Easements Pursuant to Utah Code Ann. Section 59-2-303  
Published: 06/15/2011  
Effective: 08/11/2011

No. 34881 (AMD): R884-24P-41. Adjustment or Deferral of Property Taxes Pursuant to Utah Code Ann. Section 59-2-1347  
Published: 06/15/2011  
Effective: 08/11/2011

Workforce Services  
Employment Development  
No. 34897 (AMD): R986-200-247. Utah Back to Work Pilot Program (BWP)  
Published: 06/15/2011  
Effective: 08/02/2011

Unemployment Insurance  
No. 34899 (AMD): R994-207-101. General Definition  
Published: 06/15/2011  
Effective: 08/02/2011

No. 34898 (AMD): R994-403-112c. Available  
Published: 06/15/2011  
Effective: 08/02/2011

**End of the Notices of Rule Effective Dates Section**



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

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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 August 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/>).

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## 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 |
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| 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         |
| R23-23  | Health Reform - Health Insurance Coverage in State Contracts - Implementation | 34803       | AMD    | 07/11/2011     | 2011-11/6           |
| R23-25  | Administrative Rules Adjudicative Proceedings                                 | 35157       | 5YR    | 08/15/2011     | Not Printed         |
| R23-31  | Executive Residence Commission  | 34802       | NEW    | 07/11/2011     | 2011-11/8           |
| <u>Finance</u>                                |   |             |        |                |                     |
| R25-7   | Travel-Related Reimbursements for State Employees                             | 34764       | AMD    | 07/01/2011     | 2011-10/6           |
| <u>Fleet Operations</u>                       |   |             |        |                |                     |
| R27-3   | Vehicle Use Standards   | 34256       | AMD    | 01/25/2011     | 2010-24/6           |
| R27-3-4                                       | Authorized and Unauthorized Use of State Vehicles                             | 34786       | AMD    | 07/12/2011     | 2011-11/10          |
| R27-4-11                                      | Capital Credit or Reservation of Vehicle Allocation for Surrendered Vehicles  | 34257       | AMD    | 01/25/2011     | 2010-24/7           |
| <b>AGRICULTURE AND FOOD</b>                   |   |             |        |                |                     |
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| 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           |
| R58-2   | Diseases, Inspections and Quarantines   | 34975       | 5YR    | 06/23/2011     | 2011-14/135         |
| R58-4   | Use of Animal Drugs and Biologicals in the State of Utah                      | 34976       | 5YR    | 06/23/2011     | 2011-14/135         |
| R58-11  | Slaughter of Livestock  | 34694       | AMD    | 06/21/2011     | 2011-9/2            |
| R58-11-2                                      | Definitions   | 34914       | NSC    | 06/30/2011     | Not Printed         |
| R58-14  | Holding Live Raccoons or Coyotes in Captivity                                 | 34974       | 5YR    | 06/23/2011     | 2011-14/136         |
| R58-20  | Domesticated Elk Hunting Park   | 34906       | EMR    | 06/07/2011     | 2011-13/79          |
| <u>Marketing and Development</u>              |   |             |        |                |                     |
| R65-8   | Management of the Junior Livestock Show Appropriation                         | 34489       | 5YR    | 03/03/2011     | 2011-7/44           |



Plant Industry

|          |  |       |     |            |             |
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| 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    | Utah Pesticide Control Rule  | 34711 | AMD | 06/21/2011 | 2011-10/10  |
| 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 |

Regulatory Services

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| R70-330 | Raw Milk for Retail   | 34518 | 5YR | 03/16/2011 | 2011-8/29   |
| R70-370 | Butter  | 34519 | 5YR | 03/16/2011 | 2011-8/29   |
| R70-380 | Grade A Condensed and Dry Milk Products and Condensed and Dry Whey          | 34517 | 5YR | 03/16/2011 | 2011-8/30   |
| R70-410 | Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes | 34378 | 5YR | 01/24/2011 | 2011-4/35   |
| R70-930 | Method of Sale of Commodities   | 35127 | 5YR | 08/11/2011 | Not Printed |
| R70-940 | Standards and Testing of Motor Fuel   | 35128 | 5YR | 08/11/2011 | Not Printed |

ALCOHOLIC BEVERAGE CONTROL

Administration

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|----------|---|-------|-----|------------|-------------|
| R81-1    | Scope, Definitions, and General Provisions                | 34787 | 5YR | 05/10/2011 | 2011-11/123 |
| R81-1    | Scope, Definitions, and General Provisions                | 35070 | NSC | 08/04/2011 | Not Printed |
| R81-1-29 | Disclosure of Conflicts of Interest                       | 34337 | AMD | 02/24/2011 | 2011-2/4    |
| R81-1-30 | Factors for Granting Licenses                             | 34336 | AMD | 02/24/2011 | 2011-2/5    |
| R81-2    | State Stores  | 34788 | 5YR | 05/10/2011 | 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 |
| R81-4B   | Airport Lounges   | 35071 | NSC | 08/04/2011 | Not Printed |
| R81-4E   | Resort Licenses   | 35073 | NSC | 08/04/2011 | Not Printed |
| 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 |
| R81-6    | Special Use Permits                                       | 35074 | NSC | 08/04/2011 | Not Printed |
| R81-7    | Single Event Permits                                      | 34793 | 5YR | 05/10/2011 | 2011-11/128 |
| R81-7    | Single Event Permits                                      | 35075 | NSC | 08/04/2011 | Not Printed |
| R81-8    | Manufacturers (Distillery, Winery, Brewery)               | 34794 | 5YR | 05/10/2011 | 2011-11/128 |
| R81-8    | Manufacturers (Distillery, Winery, Brewery)               | 35076 | NSC | 08/04/2011 | Not Printed |
| R81-9    | Liquor Warehousing License                                | 34795 | 5YR | 05/10/2011 | 2011-11/129 |
| R81-9    | Liquor Warehousing License                                | 35077 | NSC | 08/04/2011 | Not Printed |
| R81-10   | Off-Premise Beer Retailers                                | 35078 | NSC | 08/04/2011 | Not Printed |
| R81-10B  | Temporary Special Event Beer Permits                      | 35079 | NSC | 08/04/2011 | Not Printed |
| R81-11   | Beer Wholesalers  | 34796 | 5YR | 05/10/2011 | 2011-11/129 |
| R81-11   | Beer Wholesalers  | 35080 | NSC | 08/04/2011 | Not Printed |
| R81-12   | Manufacturer Representative (Distillery, Winery, Brewery) | 34797 | 5YR | 05/10/2011 | 2011-11/130 |

CAPITOL PRESERVATION BOARD (STATE)

Administration

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|--------|---|-------|-----|------------|------------|
| R131-4 | Capitol Preservation Board General Procurement Rule | 34675 | 5YR | 04/11/2011 | 2011-9/117 |
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CAREER SERVICE REVIEW OFFICE

Administration

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| R137-1 | Grievance Procedure Rules | 35083 | 5YR | 07/18/2011 | 2011-16/49 |
|--------|---------------------------|-------|-----|------------|------------|

COMMERCE

Administration

|        |                                      |       |     |            |            |
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| R151-3 | Americans With Disabilities Act Rule | 34752 | AMD | 06/21/2011 | 2011-10/20 |
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| 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>                     |   |       |     |            |             |
| R152-1a  | Internet Content Provider Ratings Methods   | 35119 | 5YR | 08/09/2011 | Not Printed |
| R152-11  | Utah Consumer Sales Practices Act   | 35121 | 5YR | 08/09/2011 | Not Printed |
| R152-11-9                                      | Direct Solicitations  | 34100 | AMD | 02/07/2011 | 2010-20/4   |
| R152-26  | Telephone Fraud Prevention Act  | 35120 | 5YR | 08/09/2011 | Not Printed |
| <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   | General Rule of the Division of Occupational and Professional Licensing                       | 34885 | AMD | 07/26/2011 | 2011-12/12  |
| 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   |
| R156-17b-310                                   | Exemption from Licensure - Physicians Dispensing Cosmetic Drug or Injectable Weight Loss Drug | 34887 | AMD | 07/26/2011 | 2011-12/22  |
| R156-22  | Professional Engineers and Professional Land Surveyors Licensing Act Rule                     | 34409 | AMD | 03/24/2011 | 2011-4/6    |
| R156-39a                                       | Alternative Dispute Resolution Providers Certification Act                                    | 34888 | REP | 07/26/2011 | 2011-12/25  |
| R156-40  | Recreational Therapy Practice Act Rule  | 35160 | 5YR | 08/15/2011 | Not Printed |
| 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 |
| R156-46b                                       | Division Utah Administrative Procedures Act Rule  | 34886 | AMD | 07/26/2011 | 2011-12/27  |
| R156-50  | Private Probation Provider Licensing Act Rules  | 34282 | NSC | 01/06/2011 | Not Printed |
| R156-55a                                       | Utah Construction Trades Licensing Act Rule   | 34470 | AMD | 04/25/2011 | 2011-6/35   |
| R156-55c-102                                   | Definitions   | 34338 | AMD | 02/24/2011 | 2011-2/10   |
| R156-55e-303a                                  | Continuing Education - Standards  | 34673 | NSC | 04/27/2011 | Not Printed |
| R156-60a                                       | Social Worker Licensing Act Rule  | 34310 | AMD | 02/10/2011 | 2011-1/6    |
| R156-60c                                       | Professional Counselor Licensing Act Rule   | 34339 | AMD | 02/24/2011 | 2011-2/12   |
| R156-60d                                       | Substance Abuse Counselor Act Rule  | 34395 | 5YR | 01/31/2011 | 2011-4/37   |
| R156-63a                                       | Security Personnel Licensing Act Contract Security Rule                                       | 34370 | AMD | 03/24/2011 | 2011-4/12   |
| R156-63a-302f                                  | Qualifications for Licensure - Good Moral Character - Disqualifying Convictions               | 34360 | NSC | 01/26/2011 | Not Printed |
| R156-63b                                       | 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   |
| R156-77  | Direct-Entry Midwife Act Rule   | 35159 | 5YR | 08/15/2011 | Not Printed |
| R156-78  | Vocational Rehabilitation Counselor Licensing Act Rule  | 34912 | AMD | 08/08/2011 | 2011-13/4   |
| 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  |

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| R156-83-306        | Drugs Approved for Online Prescribing, Dispensing, and Facilitation | 34544 | AMD | 05/26/2011 | 2011-8/15   |
| R156-83-306        | Drugs Approved for Online Prescribing, Dispensing, and Facilitation | 34913 | NSC | 06/30/2011 | Not Printed |
| <u>Real Estate</u> |   |       |     |            |             |
| 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            | Utah Residential Mortgage Practices and Licensing Rules             | 34907 | AMD | 08/08/2011 | 2011-13/6   |
| 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 |
| R162-2e            | Appraisal Management Company Administrative Rules                   | 34704 | AMD | 06/22/2011 | 2011-9/5    |
| R162-2f-102        | Definitions   | 34908 | AMD | 08/10/2011 | 2011-13/8   |
| R162-2f-205        | Registration of Entity  | 34909 | AMD | 08/10/2011 | 2011-13/10  |
| R162-2f-401a       | Affirmative Duties Required of all Licensed Individuals             | 34910 | AMD | 08/10/2011 | 2011-13/12  |
| R162-2f-403        | Trust Accounts  | 34911 | AMD | 08/10/2011 | 2011-13/14  |
| 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   |
| R162-104-14        | Special Circumstances   | 34703 | AMD | 06/22/2011 | 2011-9/7    |

COMMUNITY AND CULTURE

History

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| R434-50 | Assistance for People with Bleeding Disorders | 34327 | NEW | 03/01/2011 | 2011-2/38 |
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HUMAN RESOURCE MANAGEMENT

Administration

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|-----------|---|-------|-----|------------|-------------|
| R477-1    | Definitions                             | 34741 | AMD | 07/01/2011 | 2011-10/33  |
| R477-2    | Administration                          | 34742 | AMD | 07/01/2011 | 2011-10/38  |
| R477-4    | Filling Positions                       | 34743 | AMD | 07/01/2011 | 2011-10/40  |
| 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   |
| R477-6    | Compensation                            | 34744 | AMD | 07/01/2011 | 2011-10/41  |
| R477-7    | Leave                                   | 34745 | AMD | 07/01/2011 | 2011-10/45  |
| R477-9    | Employee Conduct                        | 34747 | AMD | 07/01/2011 | 2011-10/53  |
| R477-10   | Employee Development                    | 34748 | NSC | 05/25/2011 | Not Printed |
| R477-12-3 | Reduction in Force                      | 34749 | AMD | 07/01/2011 | 2011-10/54  |
| R477-13   | Volunteer Programs                      | 34750 | AMD | 07/01/2011 | 2011-10/56  |
| R477-14   | Substance Abuse and Drug-Free Workplace | 34751 | AMD | 07/01/2011 | 2011-10/57  |

HUMAN SERVICES

Administration

|          |                                       |       |     |            |             |
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| R495-862 | Communicable Disease Control Act      | 34536 | 5YR | 03/30/2011 | 2011-8/33   |
| R495-876 | Provider Code of Conduct              | 35124 | 5YR | 08/10/2011 | Not Printed |
| R495-879 | Parental Support for Children in Care | 34288 | AMD | 02/07/2011 | 2011-1/25   |
| R495-880 | Adoption Assistance                   | 35123 | 5YR | 08/10/2011 | Not Printed |

Administration, Administrative Services, Licensing

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| 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

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|----------|---|-------|-----|------------|-------------|
| 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 |
| R512-205 | Child Protective Services, Investigation of Domestic Violence Related Child Abuse | 34779 | NEW | 07/28/2011 | 2011-11/69  |
| R512-308 | Out-of-Home Services, Guardianship Services and Placements                        | 34471 | 5YR | 02/28/2011 | 2011-6/104  |

Recovery Services

|          |  |       |     |            |           |
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| 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 |
| R527-250 | Emancipation   | 34685 | NEW | 07/01/2011 | 2011-9/96 |
| 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 |

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|        |                                    |       |     |            |             |
|--------|------------------------------------|-------|-----|------------|-------------|
| R539-1 | Eligibility                        | 34710 | NSC | 05/25/2011 | Not Printed |
| R539-9 | Supported Employment Pilot Program | 35122 | 5YR | 08/10/2011 | Not Printed |

Substance Abuse and Mental Health

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|------------|----------------------------------|-------|-----|------------|------------|
| R523-20-11 | Division Rules of Administration | 34726 | AMD | 07/12/2011 | 2011-10/59 |
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| R523-21  | Division of Substance Abuse and Mental Health Rules  | 34540 | 5YR | 03/30/2011 | 2011-8/34   |
| R523-24  | Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration                                    | 35037 | 5YR | 07/13/2011 | 2011-15/141 |
| <u>Substance Abuse and Mental Health, State Hospital</u> |  |       |     |            |             |
| R525-8   | Forensic Mental Health Facility  | 34720 | 5YR | 04/26/2011 | 2011-10/118 |
| INSURANCE  |  |       |     |            |             |
| <u>Administration</u>                                    |  |       |     |            |             |
| 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 |
| R590-99 (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 | 34931 | AMD | 08/09/2011 | 2011-13/66  |
| 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   |
| R590-149   | ADA Complaint Procedure Rule   | 34896 | AMD | 08/02/2011 | 2011-12/51  |
| 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  |
| R590-178   | Securities Custody   | 35108 | 5YR | 08/03/2011 | Not Printed |
| R590-186   | Bail Bond Surety Business  | 34259 | AMD | 02/10/2011 | 2010-24/47  |
| R590-192   | Unfair Accident and Health Income Replacement Claims Settlement Practices Rule   | 34769 | AMD | 06/30/2011 | 2011-10/61  |
| R590-200   | Diabetes Treatment and Management  | 34485 | 5YR | 03/01/2011 | 2011-6/106  |
| R590-203   | Health Grievance Review Process and Disability Claims  | 34768 | AMD | 06/30/2011 | 2011-10/66  |
| R590-206   | Privacy of Consumer Financial and Health Information Rule  | 34921 | 5YR | 06/15/2011 | 2011-13/84  |
| R590-207   | Health Agent Commissions for Small Employer Groups   | 34892 | AMD | 08/02/2011 | 2011-12/54  |
| 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 |
| R590-246-4   | Initial and Renewal Licensing Process  | 34709 | AMD | 06/27/2011 | 2011-10/70  |
| R590-246-4   | Initial and Renewal Licensing Process  | 34989 | NSC | 07/13/2011 | Not Printed |
| R590-256-1   | Authority  | 34875 | NSC | 06/23/2011 | Not Printed |
| R590-259   | Dependent Coverage to Age 26   | 34276 | NEW | 01/25/2011 | 2010-24/51  |
| R590-259   | Dependent Coverage to Age 26   | 34727 | AMD | 06/27/2011 | 2011-10/72  |
| 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   |
| R590-261   | Health Benefit Plan Adverse Benefit Determinations   | 34770 | NEW | 06/30/2011 | 2011-10/73  |
| <u>Title and Escrow Commission</u>                       |  |       |     |            |             |
| 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   |
| R592-6-4   | Unfair Methods of Competition, Acts and Practices  | 34510 | AMD | 08/09/2011 | 2011-7/9    |
| R592-6-4   | Unfair Methods of Competition, Acts and Practices  | 34510 | CPR | 08/09/2011 | 2011-13/74  |
| R592-11  | Title Insurance Producer Annual and Controlled Business Reports  | 34932 | 5YR | 06/15/2011 | 2011-13/85  |
| R592-15  | Submission of a Schedule of Minimum Charges for Escrow Services  | 34447 | NEW | 04/11/2011 | 2011-5/36   |

LABOR COMMISSION

Adjudication

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| R602-1   | General Provisions  | 34728 | AMD | 06/22/2011 | 2011-10/77 |
| R602-2-1 | Pleadings and Discovery   | 34729 | AMD | 06/22/2011 | 2011-10/78 |
| R602-4-4 | Pleadings and Discovery   | 34732 | AMD | 06/22/2011 | 2011-10/82 |
| R602-7   | Adjudication of Discrimination Claims                               | 34730 | AMD | 06/22/2011 | 2011-10/84 |
| R602-8   | Adjudication of Utah Occupational Safety and Health Citation Claims | 34731 | AMD | 06/22/2011 | 2011-10/88 |

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|           |   |       |     |            |             |
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| R612-12   | Reporting Requirements for Workers' Compensation Coverage Waivers | 34725 | R&R | 06/22/2011 | 2011-10/93  |
| 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 |
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LIEUTENANT GOVERNOR

Elections

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|----------|--|-------|-----|------------|------------|
| R623-1-4 | Registration/License Application Procedure | 34784 | AMD | 07/11/2011 | 2011-11/70 |
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MONEY MANAGEMENT COUNCIL

Administration

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|---------|---|-------|-----|------------|-------------|
| 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

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|----------|--|-------|-----|------------|------------|
| 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  |
| R652-150 | Utah Bioprospecting Act                                      | 34763 | NEW | 06/21/2011 | 2011-10/95 |

Oil, Gas and Mining: Coal

|              |  |       |     |            |             |
|--------------|--|-------|-----|------------|-------------|
| R645-103-400 | Utah Processes for Designating Areas Unsuitable for Coal Mining and Reclamation Operations | 35019 | NSC | 08/04/2011 | Not Printed |
| R645-106     | Exemption for Coal Extraction Incidental to the Extraction of Other Minerals               | 34550 | 5YR | 04/04/2011 | 2011-9/119  |
| R645-301-400 | Land Use and Air Quality   | 35020 | NSC | 08/04/2011 | Not Printed |

Oil, Gas and Mining: Non-Coal

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|------------|---|-------|-----|------------|-----------|
| 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

|         |                           |       |     |            |            |
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| 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  |
| R651-201-6 | Tow(ed)(ing)                | 34864 | AMD | 07/27/2011 | 2011-12/56 |
| 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  |

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| R651-206                  | Carrying Passengers for Hire   | 34353 | 5YR | 01/11/2011 | 2011-3/57   |
| R651-206-2                | Outfitting Company Responsibilities  | 34865 | AMD | 07/27/2011 | 2011-12/57  |
| R651-207                  | Registration Fee   | 34388 | 5YR | 01/26/2011 | 2011-4/42   |
| R651-208                  | Backing Plates   | 34389 | 5YR | 01/26/2011 | 2011-4/42   |
| R651-210                  | Change of Address  | 34391 | 5YR | 01/26/2011 | 2011-4/43   |
| R651-211                  | Assigned Numbers   | 34392 | 5YR | 01/26/2011 | 2011-4/43   |
| R651-212                  | Display of Yearly Registration Decals and Month of Expiration Decals   | 34393 | 5YR | 01/26/2011 | 2011-4/44   |
| R651-213                  | Dealer Numbers and Registrations   | 34417 | 5YR | 02/10/2011 | 2011-5/108  |
| R651-214                  | Temporary Registration   | 34418 | 5YR | 02/10/2011 | 2011-5/109  |
| R651-215                  | Personal Flotation Devices   | 34355 | 5YR | 01/11/2011 | 2011-3/57   |
| R651-215                  | Personal Flotation Devices   | 34511 | AMD | 05/09/2011 | 2011-7/11   |
| R651-216                  | Navigation Lights - Note: Figures 1 through 7 mentioned below are on file with the Utah Division of Parks and Recreation | 34419 | 5YR | 02/10/2011 | 2011-5/109  |
| R651-216-2                | Navigation Lights On Motorboats 40 Feet To Less than 65 Feet   | 34512 | AMD | 05/09/2011 | 2011-7/12   |
| R651-217                  | Fire Extinguishers   | 34420 | 5YR | 02/10/2011 | 2011-5/110  |
| R651-217-2                | Fire Extinguishers Required  | 34513 | AMD | 05/09/2011 | 2011-7/13   |
| R651-218                  | Carburetor Backfire Flame Control  | 34421 | 5YR | 02/10/2011 | 2011-5/110  |
| R651-219                  | Additional Safety Equipment  | 34422 | 5YR | 02/10/2011 | 2011-5/111  |
| R651-219                  | Additional Safety Equipment  | 34514 | AMD | 05/09/2011 | 2011-7/14   |
| R651-220                  | Registration and Numbering Exemptions  | 34423 | 5YR | 02/10/2011 | 2011-5/111  |
| R651-221                  | Boat Liveries - Boat Rental Companies  | 34424 | 5YR | 02/10/2011 | 2011-5/112  |
| R651-221                  | Boat Liveries - Boat Rental Companies  | 34515 | AMD | 05/09/2011 | 2011-7/15   |
| R651-222                  | Muffling Requirements  | 34356 | 5YR | 01/11/2011 | 2011-3/58   |
| R651-224                  | Towed Devices  | 34357 | 5YR | 01/11/2011 | 2011-3/59   |
| R651-224-3                | Flag Required  | 34866 | AMD | 07/27/2011 | 2011-12/59  |
| 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   |
| R651-606-5                | Time-Limit in Campsite may not be Exceeded   | 34889 | AMD | 07/27/2011 | 2011-12/60  |
| 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 |
| R651-611-3                | Camping Fees   | 34890 | AMD | 07/27/2011 | 2011-12/61  |
| 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   |
| R657-5                    | Taking Big Game  | 34807 | AMD | 07/11/2011 | 2011-11/71  |
| 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   |

PARDONS (BOARD OF)

Administration

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| R671-102 | Americans with Disabilities Act Complaint Procedures Rule | 34867 | AMD | 07/26/2011 | 2011-12/62 |
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PUBLIC LANDS POLICY COORDINATING OFFICE

Administration

|        |                       |       |     |            |             |
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| R694-1 | Archeological Permits | 34977 | EXT | 06/23/2011 | 2011-14/143 |
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PUBLIC SAFETY

Criminal Investigations and Technical Services, 911 Committee (Utah)

|        |                         |       |     |            |           |
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| R720-1 | Utah 911 Committee Rule | 34501 | NEW | 05/11/2011 | 2011-7/22 |
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Criminal Investigations and Technical Services, Criminal Identification

|            |  |       |     |            |             |
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| 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   |

Driver License

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| 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 |
| R708-41-3 | Definitions  | 34724 | AMD | 07/06/2011 | 2011-10/97  |
| R708-41-3 | Definitions  | 34805 | AMD | 07/12/2011 | 2011-11/82  |
| 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 |
| R708-46   | Refugee or Approved Asylee Knowledge Test in Applicant's Native Language | 34804 | NEW | 07/12/2011 | 2011-11/85  |

Fire Marshal

|          |   |       |     |            |             |
|----------|---|-------|-----|------------|-------------|
| 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 |
| R710-2   | Rules Pursuant to the Utah Fireworks Act                              | 34809 | AMD | 07/08/2011 | 2011-11/86  |
| 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   |
| R710-8-3 | Amendments and Additions  | 34837 | AMD | 07/08/2011 | 2011-11/90  |
| R710-9   | Rules Pursuant to the Utah Fire Prevention Law                        | 34242 | AMD | 01/09/2011 | 2010-23/58  |
| R710-9   | Rules Pursuant to the Utah Fire Prevention Law                        | 34836 | AMD | 07/08/2011 | 2011-11/92  |
| 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   |

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| 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 |

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| R714-600 | Performance Standards for Tow-Truck Motor Carriers | 34255 | R&R | 01/24/2011 | 2010-24/61 |
| R714-600 | Performance Standards for Tow Truck Motor Carriers | 34895 | AMD | 08/01/2011 | 2011-12/66 |

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| R746-343-15 | Surcharge   | 34760 | AMD | 08/01/2011 | 2011-10/100 |
| R746-360-8  | Calculation of Fund Distributions in Rate-of-Return Incumbent Telephone Corporation Territories | 34176 | AMD | 01/19/2011 | 2010-22/109 |

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| R765-604 | New Century Scholarship   | 34734 | AMD | 06/22/2011 | 2011-10/101 |
| R765-604 | New Century Scholarship   | 34905 | NSC | 06/30/2011 | Not Printed |
| R765-608 | Utah Engineering and Computer Science Loan Forgiveness Program    | 34441 | AMD | 04/11/2011 | 2011-5/93   |
| R765-608 | Utah Engineering and Computer Science Scholarship Program         | 34980 | 5YR | 06/28/2011 | 2011-14/141 |
| R765-609 | Regents' Scholarship  | 34798 | AMD | 07/11/2011 | 2011-11/94  |
| R765-612 | Lender Participation  | 34721 | REP | 06/30/2011 | 2011-10/106 |
| R765-649 | Utah Higher Education Assistance Authority (UHEAA) Privacy Policy | 34530 | 5YR | 03/25/2011 | 2011-8/39   |

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| R805-2 | Government Records Access and Management Act Procedures                     | 34387 | AMD | 03/24/2011 | 2011-4/31  |
| R805-5 | Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics | 34808 | NEW | 08/09/2011 | 2011-11/99 |
| R805-5 | Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics | 34808 | CPR | 08/09/2011 | 2011-13/76 |

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Administration

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| 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 |

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| 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 |
| 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-29 | Decisions, Orders, and Reconsideration Pursuant to Utah Code Ann. Section 63G-4-302  | 34753 | AMD | 06/23/2011 | 2011-10/107 |
| R861-1A-43 | Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207  | 34326 | AMD | 02/23/2011 | 2011-2/42   |
| R861-1A-43 | Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207  | 34687 | AMD | 06/23/2011 | 2011-9/102  |
| R861-1A-45 | Procedures for Commission Meetings Not Open to the Public Pursuant to Utah Code Ann. Section 59-1-405  | 34754 | AMD | 06/23/2011 | 2011-10/108 |

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| R865-4D-3  | User-Dealer's License Pursuant to Utah Code Ann. Section 59-13-302     | 34870 | AMD | 08/11/2011 | 2011-12/68 |
| R865-6F-23 | Utah Steam Coal Tax Credit Pursuant to Utah Code Ann. Section 59-7-604 | 34871 | AMD | 08/11/2011 | 2011-12/69 |

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| R865-6F-40           | Foreign Operating Company Subtraction from Unadjusted Income Pursuant to Utah Code Ann. Sections 59-7-101 and 59-7-106   | 34755 | AMD | 06/23/2011 | 2011-10/109 |
| R865-11Q             | Sales and Use Tax  | 34535 | NSC | 04/12/2011 | Not Printed |
| R865-13G-16          | Aviation Fuel Tax Refund or Credit Pursuant to Utah Code Ann. Section 59-13-404  | 34872 | AMD | 08/11/2011 | 2011-12/70  |
| R865-19S-42          | Sales to The State of Utah and Its Subdivisions Pursuant to Utah Code Ann. Section 59-12-104   | 34882 | AMD | 08/11/2011 | 2011-12/71  |
| 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 |
| R865-19S-92          | Computer Software and Other Related Transactions Pursuant to Utah Code Ann. Section 59-12-103  | 34756 | AMD | 06/23/2011 | 2011-10/110 |
| R865-19S-103         | Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303, 10-1-306, and 10-1-307  | 34757 | AMD | 06/23/2011 | 2011-10/112 |
| R865-20T-5           | Bonding Requirements For Tobacco-Products Dealers Pursuant to Utah Code Ann. Section 59-14-301   | 34873 | AMD | 08/11/2011 | 2011-12/72  |
| R865-20T-6           | Purchase of Cigarette Stamps Pursuant to Utah Code Ann. Section 59-14-206  | 34876 | AMD | 08/11/2011 | 2011-12/74  |
| R865-20T-13          | Calculation of Tax on Moist Snuff Pursuant to Utah Code Ann. Section 59-14-302   | 34869 | AMD | 08/11/2011 | 2011-12/75  |
| <u>Motor Vehicle</u> |  |       |     |            |             |
| R873-22M-27          | Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-418, 41-1a-419, 41-1a-420, and 41-1a-421  | 34686 | AMD | 06/23/2011 | 2011-9/103  |
| R873-22M-31          | Determination of Special Interest Vehicle Pursuant to Utah Code Ann. Section 41-1a-102   | 34877 | AMD | 08/11/2011 | 2011-12/76  |
| R873-22M-37          | Standard Issue License Plates Pursuant to Utah Code Ann. Sections 41-1a-402 and 41-1a-1211   | 34878 | AMD | 08/11/2011 | 2011-12/77  |
| <u>Property Tax</u>  |  |       |     |            |             |
| R884-24P-8           | Security for Property Tax on Uranium and Vanadium Mines Pursuant to Utah Code Ann. Section 59-2-211  | 34879 | AMD | 08/11/2011 | 2011-12/78  |
| R884-24P-14          | Valuation of Real Property Encumbered by Preservation Easements Pursuant to Utah Code Ann. Section 59-2-303  | 34880 | AMD | 08/11/2011 | 2011-12/79  |
| 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-41          | Adjustment or Deferral of Property Taxes Pursuant to Utah Code Ann. Section 59-2-1347  | 34881 | AMD | 08/11/2011 | 2011-12/80  |
| 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

Administration

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|--------|---|-------|-----|------------|-------------|
| 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 |

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| 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

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| R907-1  | Appeal of Departmental Actions               | 35140 | 5YR | 08/11/2011 | Not Printed |
| R907-63 | Structure Repair and Loss Recovery Procedure | 35138 | 5YR | 08/11/2011 | Not Printed |

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| 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 |

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| R916-1 | Advertising and Awarding Construction Contracts | 35129 | 5YR | 08/11/2011 | Not Printed |
| R916-2 | Prequalification of Contractors                 | 35131 | 5YR | 08/11/2011 | Not Printed |
| R916-3 | DESIGN-BUILD Contracts                          | 35133 | 5YR | 08/11/2011 | Not Printed |

Operations, Maintenance

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| R918-5 | Construction or Improvement of Highway | 34693 | NEW | 06/07/2011 | 2011-9/107 |
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| R920-50 | Ropeway Operation Safety Rules | 34241 | AMD | 01/10/2011 | 2010-23/63 |
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| R930-5-13 | Notice of Intended Action | 34415 | EMR | 02/09/2011 | 2011-5/105 |
| R930-5-13 | Notice on Intended Action | 34452 | AMD | 04/21/2011 | 2011-6/90  |

Preconstruction, Right-of-Way Acquisition

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| R933-1 | Right of Way Acquisition | 34363 | AMD | 03/10/2011 | 2011-3/51 |
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|         |  |       |     |            |             |
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| 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   |
| R926-11 | Rules for Permitting of Eligible Vehicles for a Clean Fuel Special Group License Plate On or After January 1, 2009 | 34765 | AMD | 06/21/2011 | 2011-10/113 |

TRANSPORTATION COMMISSION

Administration

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| 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  |

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| 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 |
| R986-200-247 | Utah Back to Work Pilot Program (BWP)                             | 34897 | AMD | 08/02/2011 | 2011-12/81  |



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| 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  |
| <u>Unemployment Insurance</u> |                                |       |     |            |             |
| R994-207-101                  | General Definition             | 34899 | AMD | 08/02/2011 | 2011-12/82  |
| 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 |
| R994-403-112c                 | Available                      | 34898 | AMD | 08/02/2011 | 2011-12/83  |
| 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<br>AGENCY   | FILE<br>NUMBER | CODE<br>REFERENCE | ACTION | EFFECTIVE<br>DATE | BULLETIN<br>ISSUE/PAGE |
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| <u>accelerated learning</u>                                     |                |                   |        |                   |                        |
| Education, Administration                                       | 34937          | R277-707          | NEW    | 08/08/2011        | 2011-13/63             |
|   | 34830          | R277-711          | REP    | 07/11/2011        | 2011-11/57             |
|   | 34831          | R277-712          | REP    | 07/11/2011        | 2011-11/59             |
| <u>acceptable documents</u>                                     |                |                   |        |                   |                        |
| Public Safety, Driver License                                   | 34724          | R708-41-3         | AMD    | 07/06/2011        | 2011-10/97             |
|   | 34805          | R708-41-3         | AMD    | 07/12/2011        | 2011-11/82             |
| <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>ADA</u>  |                |                   |        |                   |                        |
| Insurance, Administration                                       | 34896          | R590-149          | AMD    | 08/02/2011        | 2011-12/51             |
| <u>adjudicative proceedings</u>                                 |                |                   |        |                   |                        |
| Administrative Services, Facilities Construction and Management | 35157          | R23-25            | 5YR    | 08/15/2011        | Not Printed            |
| 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>                                       |                |                   |        |                   |                        |
| Administrative Services, Facilities Construction and Management | 35157          | R23-25            | 5YR    | 08/15/2011        | Not Printed            |
| Human Services, Recovery Services                               | 34529          | R527-200          | 5YR    | 03/25/2011        | 2011-8/34              |
| <u>administrative procedures</u>                                |                |                   |        |                   |                        |
| Agriculture and Food, Animal Industry                           | 34974          | R58-14            | 5YR    | 06/23/2011        | 2011-14/136            |

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| 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 |
|  | 34886 | R156-46b    | AMD | 07/26/2011 | 2011-12/27  |
| Community and Culture, History                               | 34918 | R212-3      | 5YR | 06/14/2011 | 2011-13/83  |
| Corrections, Administration                                  | 34840 | R251-108    | NSC | 06/14/2011 | Not Printed |
| Crime Victim Reparations, Administration                     | 34991 | R270-2      | 5YR | 06/29/2011 | 2011-14/137 |
| Environmental Quality, Drinking Water                        | 34112 | R309-100-4  | AMD | 02/03/2011 | 2010-20/51  |
| Environmental Quality, Radiation Control                     | 35011 | R313-17     | 5YR | 07/07/2011 | 2011-15/131 |
| Human Resource Management, Administration                    | 34749 | R477-12-3   | AMD | 07/01/2011 | 2011-10/54  |
| Labor Commission, Adjudication                               | 34728 | R602-1      | AMD | 06/22/2011 | 2011-10/77  |
|  | 34729 | R602-2-1    | AMD | 06/22/2011 | 2011-10/78  |
|  | 34732 | R602-4-4    | AMD | 06/22/2011 | 2011-10/82  |
|  | 34730 | R602-7      | AMD | 06/22/2011 | 2011-10/84  |
|  | 34731 | R602-8      | AMD | 06/22/2011 | 2011-10/88  |
| Labor Commission, Industrial Accidents                       | 34725 | R612-12     | R&R | 06/22/2011 | 2011-10/93  |
|  | 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 |
| Transportation, Administration                               | 35140 | R907-1      | 5YR | 08/11/2011 | Not Printed |
| <u>administrative responsibility</u>                         |       |             |     |            |             |
| Human Resource Management, Administration                    | 34742 | R477-2      | AMD | 07/01/2011 | 2011-10/38  |
| <u>administrative rules</u>                                  |       |             |     |            |             |
| Human Resource Management, Administration                    | 34750 | R477-13     | AMD | 07/01/2011 | 2011-10/56  |
| <u>adoption</u>  |       |             |     |            |             |
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| Human Services, Administration                               | 35123 | R495-880    | 5YR | 08/10/2011 | Not Printed |
| <u>adult education</u>                                       |       |             |     |            |             |
| Education, Administration                                    | 34231 | R277-733    | AMD | 01/10/2011 | 2010-23/31  |
| <u>advertising</u>   |       |             |     |            |             |
| Commerce, Consumer Protection                                | 35121 | R152-11     | 5YR | 08/09/2011 | Not Printed |
|  | 34100 | R152-11-9   | AMD | 02/07/2011 | 2010-20/4   |
| Transportation, Operations, Construction                     | 35129 | R916-1      | 5YR | 08/11/2011 | Not Printed |
| <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 |
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|  | 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>air quality</u>   |       |             |     |            |             |
| Environmental Quality, Air Quality                           | 34559 | R307-204    | AMD | 07/07/2011 | 2011-9/14   |

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| <u>air travel</u>  |       |             |     |            |             |
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| <u>aircraft</u>  |       |             |     |            |             |
| Tax Commission, Motor Vehicle                                      | 34686 | R873-22M-27 | AMD | 06/23/2011 | 2011-9/103  |
|  | 34877 | R873-22M-31 | AMD | 08/11/2011 | 2011-12/76  |
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|  | 35070 | R81-1       | NSC | 08/04/2011 | Not Printed |
|  | 34337 | R81-1-29    | AMD | 02/24/2011 | 2011-2/4    |
|  | 34336 | R81-1-30    | AMD | 02/24/2011 | 2011-2/5    |
|  | 34788 | R81-2       | 5YR | 05/10/2011 | 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 |
|  | 35071 | R81-4B      | NSC | 08/04/2011 | Not Printed |
|  | 35073 | R81-4E      | NSC | 08/04/2011 | Not Printed |
|  | 34791 | R81-5       | 5YR | 05/10/2011 | 2011-11/126 |
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|  | 35074 | R81-6       | NSC | 08/04/2011 | Not Printed |
|  | 34793 | R81-7       | 5YR | 05/10/2011 | 2011-11/128 |
|  | 35075 | R81-7       | NSC | 08/04/2011 | Not Printed |
|  | 34794 | R81-8       | 5YR | 05/10/2011 | 2011-11/128 |
|  | 35076 | R81-8       | NSC | 08/04/2011 | Not Printed |
|  | 34795 | R81-9       | 5YR | 05/10/2011 | 2011-11/129 |
|  | 35077 | R81-9       | NSC | 08/04/2011 | Not Printed |
|  | 35078 | R81-10      | NSC | 08/04/2011 | Not Printed |
|  | 35079 | R81-10B     | NSC | 08/04/2011 | Not Printed |
|  | 34796 | R81-11      | 5YR | 05/10/2011 | 2011-11/129 |
|  | 35080 | R81-11      | NSC | 08/04/2011 | Not Printed |
|  | 34797 | R81-12      | 5YR | 05/10/2011 | 2011-11/130 |
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|  | 34404 | R708-38     | NSC | 02/14/2011 | Not Printed |
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|  | 34839 | R251-104    | NSC | 06/14/2011 | Not Printed |
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|  | 34881 | R884-24P-41 | AMD | 08/11/2011 | 2011-12/80  |
|  | 34759 | R884-24P-64 | NSC | 05/25/2011 | Not Printed |
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| Administrative Services, Facilities Construction and Management  | 34801 | R23-23      | EMR | 05/10/2011 | 2011-11/105 |
|  | 34803 | R23-23      | AMD | 07/11/2011 | 2011-11/6   |
| Commerce, Occupational and Professional Licensing                | 34470 | R156-55a    | AMD | 04/25/2011 | 2011-6/35   |
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| Administrative Services, Facilities Construction and Management  | 34801 | R23-23      | EMR | 05/10/2011 | 2011-11/105 |
|  | 34803 | R23-23      | AMD | 07/11/2011 | 2011-11/6   |
| Capitol Preservation Board (State), Administration               | 34675 | R131-4      | 5YR | 04/11/2011 | 2011-9/117  |
| Corrections, Administration                                      | 34855 | R251-304    | REP | 08/03/2011 | 2011-12/38  |
| Transportation, Operations, Construction                         | 35129 | R916-1      | 5YR | 08/11/2011 | Not Printed |
|  | 35131 | R916-2      | 5YR | 08/11/2011 | Not Printed |
|  | 35133 | R916-3      | 5YR | 08/11/2011 | Not Printed |
| <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 |
|  | 34855 | R251-304    | REP | 08/03/2011 | 2011-12/38  |
|  | 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>county jails</u>  |       |             |     |            |             |
| Corrections, Administration                                      | 34854 | R251-113    | REP | 08/03/2011 | 2011-12/35  |
| <u>court</u>   |       |             |     |            |             |
| Health, Center for Health Data, Vital Records and Statistics     | 35118 | R436-5      | 5YR | 08/08/2011 | Not Printed |
| <u>coverage groups</u>   |       |             |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 34229 | R414-303-11 | AMD | 01/27/2011 | 2010-23/52  |
| <u>credit enhancements</u>                                       |       |             |     |            |             |
| Environmental Quality, Drinking Water                            | 34552 | R309-700-5  | AMD | 07/01/2011 | 2011-9/22   |
| <u>criminal background checks</u>                                |       |             |     |            |             |
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| <u>crossing</u>                                      |       |             |     |            |             |
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|  | 34452 | R930-5-13   | AMD | 04/21/2011 | 2011-6/90   |
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| 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 |
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|  | 34936 | R277-705    | AMD | 08/08/2011 | 2011-13/60  |
|  | 34827 | R277-713    | AMD | 07/11/2011 | 2011-11/61  |
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| Human Services, Administration                       | 34288 | R495-879    | AMD | 02/07/2011 | 2011-1/25   |
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| Agriculture and Food, Regulatory Services            | 34518 | R70-330     | 5YR | 03/16/2011 | 2011-8/29   |
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| 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>damages</u>                                       |       |             |     |            |             |
| Transportation, Administration                       | 35138 | R907-63     | 5YR | 08/11/2011 | Not Printed |
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| 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  |
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| Public Safety, Fire Marshal                          | 34837 | R710-8-3    | AMD | 07/08/2011 | 2011-11/90  |
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| Human Services, Recovery Services                    | 34521 | R527-936    | 5YR | 03/17/2011 | 2011-8/35   |
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| 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   |
| Environmental Quality, Radiation Control             | 35008 | R313-12     | 5YR | 07/07/2011 | 2011-15/129 |
| Human Resource Management, Administration            | 34741 | R477-1      | AMD | 07/01/2011 | 2011-10/33  |
|  | 34750 | R477-13     | AMD | 07/01/2011 | 2011-10/56  |
| <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   |
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| 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  |
|  | 34963 | R313-25-8   | NSC | 07/13/2011 | Not Printed |

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| <u>depository</u>                                     |       |            |     |            |             |
| Money Management Council, Administration              | 34676 | R628-10    | 5YR | 04/11/2011 | 2011-9/119  |
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| Natural Resources, Wildlife Resources                 | 34299 | R657-44    | AMD | 02/07/2011 | 2011-1/32   |
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| Transportation, Operations, Construction              | 35133 | R916-3     | 5YR | 08/11/2011 | Not Printed |
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| 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                        | 34753 | R861-1A-29 | AMD | 06/23/2011 | 2011-10/107 |
|   | 34326 | R861-1A-43 | AMD | 02/23/2011 | 2011-2/42   |
|   | 34687 | R861-1A-43 | AMD | 06/23/2011 | 2011-9/102  |
|   | 34754 | R861-1A-45 | AMD | 06/23/2011 | 2011-10/108 |
| Technology Services, Administration                   | 34439 | R895-2     | 5YR | 02/15/2011 | 2011-5/117  |
|   | 34681 | R895-2     | AMD | 06/08/2011 | 2011-9/105  |
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| Governor, Economic Development                        | 34762 | R357-5     | NEW | 06/30/2011 | 2011-10/22  |
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| Commerce, Consumer Protection                         | 34100 | R152-11-9  | AMD | 02/07/2011 | 2010-20/4   |
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| Commerce, Occupational and Professional Licensing     | 35159 | R156-77    | 5YR | 08/15/2011 | Not Printed |
| <u>disabilities</u>                                   |       |            |     |            |             |
| Commerce, Administration                              | 34752 | R151-3     | AMD | 06/21/2011 | 2011-10/20  |
| Human Services, Services for People with Disabilities | 34710 | R539-1     | NSC | 05/25/2011 | Not Printed |
| Pardons (Board Of), Administration                    | 34867 | R671-102   | AMD | 07/26/2011 | 2011-12/62  |
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| Technology Services, Administration                   | 34439 | R895-2     | 5YR | 02/15/2011 | 2011-5/117  |
|   | 34681 | R895-2     | AMD | 06/08/2011 | 2011-9/105  |
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| Human Services, Services for People with Disabilities | 35122 | R539-9     | 5YR | 08/10/2011 | Not Printed |
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| Administrative Services, Administration               | 34347 | R13-3      | AMD | 03/10/2011 | 2011-3/4    |
|   | 34674 | R13-3-2    | NSC | 04/27/2011 | Not Printed |
| Corrections, Administration                           | 34853 | R251-112   | REP | 08/03/2011 | 2011-12/33  |
| <u>disasters</u>                                      |       |            |     |            |             |
| Education, Administration                             | 34331 | R277-400   | AMD | 02/22/2011 | 2011-2/17   |
| <u>disciplinary actions</u>                           |       |            |     |            |             |
| Education, Administration                             | 34824 | R277-609   | AMD | 07/11/2011 | 2011-11/48  |
| <u>disciplinary problems</u>                          |       |            |     |            |             |
| Education, Administration                             | 34923 | R277-436   | AMD | 08/08/2011 | 2011-13/44  |
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| Human Resource Management, Administration             | 34751 | R477-14    | AMD | 07/01/2011 | 2011-10/57  |
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| Tax Commission, Administration                        | 34718 | R861-1A-3  | NSC | 05/25/2011 | Not Printed |
|   | 34758 | R861-1A-13 | NSC | 05/25/2011 | Not Printed |
|   | 34753 | R861-1A-29 | AMD | 06/23/2011 | 2011-10/107 |
|   | 34326 | R861-1A-43 | AMD | 02/23/2011 | 2011-2/42   |
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| <u>disease control</u>                            |       |             |     |            |             |
| Agriculture and Food, Animal Industry             | 34343 | R58-1       | AMD | 03/24/2011 | 2011-3/7    |
|   | 34976 | R58-4       | 5YR | 06/23/2011 | 2011-14/135 |
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| Environmental Quality, Drinking Water             | 34375 | R309-215-16 | NSC | 02/14/2011 | Not Printed |
| <u>disruptive students</u>                        |       |             |     |            |             |
| Education, Administration                         | 34824 | R277-609    | AMD | 07/11/2011 | 2011-11/48  |
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|   | 34323 | R156-1-102  | AMD | 02/24/2011 | 2011-2/7    |
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| 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 |
|   | 34779 | R512-205    | NEW | 07/28/2011 | 2011-11/69  |
| <u>drinking water</u>                             |       |             |     |            |             |
| Environmental Quality, Drinking Water             | 34112 | R309-100-4  | AMD | 02/03/2011 | 2010-20/51  |
|   | 34243 | R309-110-4  | AMD | 05/09/2011 | 2010-23/34  |
|   | 34243 | R309-110-4  | CPR | 05/09/2011 | 2011-7/28   |
|   | 34375 | R309-215-16 | NSC | 02/14/2011 | Not Printed |
|   | 34244 | R309-520    | AMD | 05/09/2011 | 2010-24/8   |
|   | 34244 | R309-520    | CPR | 05/09/2011 | 2011-7/33   |
|   | 34450 | R309-800    | AMD | 05/23/2011 | 2011-6/72   |
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| Public Safety, Driver License                     | 34371 | R708-42     | 5YR | 01/20/2011 | 2011-4/49   |
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| Public Safety, Driver License                     | 34374 | R708-44     | 5YR | 01/20/2011 | 2011-4/50   |
|   | 34373 | R708-44     | NSC | 02/14/2011 | Not Printed |
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| Education, Administration                         | 34834 | R277-760    | REP | 07/11/2011 | 2011-11/67  |
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| Human Resource Management, Administration         | 34751 | R477-14     | AMD | 07/01/2011 | 2011-10/57  |
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|   | 34929 | R357-6      | EMR | 06/15/2011 | 2011-13/80  |
|   | 34930 | R357-6      | NEW | 08/08/2011 | 2011-13/65  |
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| Commerce, Real Estate                             | 34476 | R162-103    | AMD | 04/27/2011 | 2011-6/46   |
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|   | 34333 | R277-470-12 | AMD | 02/22/2011 | 2011-2/21   |

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| Education, Administration  | 34359 | R277-800-5    | NSC | 01/27/2011 | Not Printed |
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|  | 34926 | R277-478      | AMD | 08/08/2011 | 2011-13/53  |
|  | 35000 | R277-479      | 5YR | 06/30/2011 | 2011-14/138 |
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| Education, Administration  | 34924 | R277-473      | AMD | 08/08/2011 | 2011-13/46  |
|  | 34831 | R277-712      | REP | 07/11/2011 | 2011-11/59  |
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| Human Resource Management, Administration  | 34748 | R477-10       | NSC | 05/25/2011 | Not Printed |
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| Education, Administration  | 34822 | R277-500      | NEW | 07/11/2011 | 2011-11/43  |
|  | 34823 | R277-501-9    | AMD | 07/11/2011 | 2011-11/48  |
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| Education, Administration  | 34494 | R277-510      | 5YR | 03/04/2011 | 2011-7/48   |
|  | 34334 | R277-520      | AMD | 02/22/2011 | 2011-2/22   |
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| Public Safety, Driver License  | 34402 | R708-33       | 5YR | 01/31/2011 | 2011-4/48   |
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| Commerce, Occupational and Professional Licensing                                      | 34673 | R156-55e-303a | NSC | 04/27/2011 | Not Printed |
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| 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>eligible regional service center</u>  |       |               |     |            |             |
| Education, Administration  | 34826 | R277-706      | NEW | 07/11/2011 | 2011-11/54  |
| <u>emancipation</u>  |       |               |     |            |             |
| Human Services, Recovery Services  | 34685 | R527-250      | NEW | 07/01/2011 | 2011-9/96   |
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| Human Resource Management, Administration  | 34442 | R477-6       | AMD | 04/07/2011 | 2011-5/29   |  |
|  | 34744 | R477-6       | AMD | 07/01/2011 | 2011-10/41  |  |
| <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 |  |
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| Human Resource Management, Administration  | 34749 | R477-12-3    | AMD | 07/01/2011 | 2011-10/54  |  |
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| Workforce Services, Unemployment Insurance | 34776 | R994-302     | 5YR | 05/05/2011 | 2011-11/133 |  |
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| Human Resource Management, Administration  | 34743 | R477-4       | AMD | 07/01/2011 | 2011-10/40  |  |
|  | 34443 | R477-4-12    | AMD | 04/07/2011 | 2011-5/27   |  |
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| 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   |  |
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| Agriculture and Food, Animal Industry      | 34974 | R58-14       | 5YR | 06/23/2011 | 2011-14/136 |  |
| Commerce, Real Estate                      | 34431 | R162-2c      | AMD | 05/10/2011 | 2011-5/13   |  |
|  | 34907 | R162-2c      | AMD | 08/08/2011 | 2011-13/6   |  |
|  | 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 |  |
|  | 34908 | R162-2f-102  | AMD | 08/10/2011 | 2011-13/8   |  |
|  | 34909 | R162-2f-205  | AMD | 08/10/2011 | 2011-13/10  |  |
|  | 34910 | R162-2f-401a | AMD | 08/10/2011 | 2011-13/12  |  |
|  | 34911 | R162-2f-403  | AMD | 08/10/2011 | 2011-13/14  |  |
| Environmental Quality, Radiation Control   | 35009 | R313-14      | 5YR | 07/07/2011 | 2011-15/130 |  |
| Human Services, Recovery Services          | 34490 | R527-800     | 5YR | 03/03/2011 | 2011-7/49   |  |
| <u>enforcement (administrative)</u>        |       |              |     |            |             |  |
| Transportation, Administration             | 35140 | R907-1       | 5YR | 08/11/2011 | Not Printed |  |
| <u>engineering</u>                         |       |              |     |            |             |  |
| Education, Administration                  | 34999 | R277-717     | 5YR | 06/30/2011 | 2011-14/139 |  |
|  | 34833 | R277-717     | REP | 07/11/2011 | 2011-11/65  |  |
| <u>English Language Learners</u>           |       |              |     |            |             |  |
| Education, Administration                  | 34832 | R277-715     | REP | 07/11/2011 | 2011-11/63  |  |
| <u>enhancement program</u>                 |       |              |     |            |             |  |
| Education, Administration                  | 34937 | R277-707     | NEW | 08/08/2011 | 2011-13/63  |  |
| <u>environment</u>                         |       |              |     |            |             |  |
| Tax Commission, Auditing                   | 34872 | R865-13G-16  | AMD | 08/11/2011 | 2011-12/70  |  |
| <u>environmental protection</u>            |       |              |     |            |             |  |
| Environmental Quality, Drinking Water      | 34112 | R309-100-4   | AMD | 02/03/2011 | 2010-20/51  |  |
| <u>equipment leasing</u>                   |       |              |     |            |             |  |
| Commerce, Corporations and Commercial Code | 34785 | R154-2       | 5YR | 05/10/2011 | 2011-11/131 |  |
| <u>exceptional children</u>                |       |              |     |            |             |  |
| Education, Administration                  | 34834 | R277-760     | REP | 07/11/2011 | 2011-11/67  |  |

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| <u>Executive Residence Commission</u>  |       |               |     |            |             |  |
| Administrative Services, Facilities Construction and Management                        | 34802 | R23-31        | NEW | 07/11/2011 | 2011-11/8   |  |
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| Environmental Quality, Radiation Control   | 35008 | R313-12       | 5YR | 07/07/2011 | 2011-15/129 |  |
| <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   |  |
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| Commerce, Real Estate  | 34703 | R162-104-14   | AMD | 06/22/2011 | 2011-9/7    |  |
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| 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  | 34742 | R477-2        | AMD | 07/01/2011 | 2011-10/38  |  |
|  | 34743 | R477-4        | AMD | 07/01/2011 | 2011-10/40  |  |
|  | 34443 | R477-4-12     | AMD | 04/07/2011 | 2011-5/27   |  |
| <u>fair hearings</u>   |       |               |     |            |             |  |
| Health, Children's Health Insurance Program  | 34560 | R382-1        | AMD | 06/16/2011 | 2011-9/59   |  |
| <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 |  |
|  | 34897 | R986-200-247  | AMD | 08/02/2011 | 2011-12/81  |  |
| <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 |  |
|  | 34890 | R651-611-3    | AMD | 07/27/2011 | 2011-12/61  |  |
| Public Safety, Driver License  | 34399 | R708-18       | 5YR | 01/31/2011 | 2011-4/46   |  |
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| Labor Commission, Adjudication   | 34728 | R602-1        | AMD | 06/22/2011 | 2011-10/77  |  |
| Workforce Services, Unemployment Insurance   | 34898 | R994-403-112c | AMD | 08/02/2011 | 2011-12/83  |  |
|  | 34361 | R994-403-113c | AMD | 03/15/2011 | 2011-3/52   |  |

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| Financial Institutions, Industrial Loan Corporations             | 34205 | R339-6     | AMD | 02/01/2011 | 2010-22/65  |  |
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|  | 34740 | R311-207-9 | LNR | 05/01/2011 | 2011-10/123 |  |
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| Human Services, Substance Abuse and Mental Health                | 34726 | R523-20-11 | AMD | 07/12/2011 | 2011-10/59  |  |
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| Education, Administration  | 34822 | R277-500   | NEW | 07/11/2011 | 2011-11/43  |  |
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| Environmental Quality, Air Quality                               | 34868 | R307-202   | NSC | 06/14/2011 | Not Printed |  |
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| Public Safety, Fire Marshal                                      | 34837 | R710-8-3   | AMD | 07/08/2011 | 2011-11/90  |  |
|  | 34242 | R710-9     | AMD | 01/09/2011 | 2010-23/58  |  |
|  | 34836 | R710-9     | AMD | 07/08/2011 | 2011-11/92  |  |
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|  | 34505 | R710-10    | EMR | 03/14/2011 | 2011-7/37   |  |
|  | 34502 | R710-10    | NEW | 05/11/2011 | 2011-7/18   |  |
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| Public Safety, Fire Marshal                                      | 34247 | R710-2     | AMD | 01/21/2011 | 2010-24/57  |  |
|  | 34835 | R710-2     | EMR | 05/17/2011 | 2011-11/109 |  |
|  | 34809 | R710-2     | AMD | 07/08/2011 | 2011-11/86  |  |
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| 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   |  |
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|  | 34168 | R657-58    | AMD | 01/04/2011 | 2010-22/105 |  |
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| Administrative Services, Fleet Operations                        | 34257 | R27-4-11   | AMD | 01/25/2011 | 2010-24/7   |  |
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| Natural Resources, Water Rights                                  | 34691 | R655-11    | 5YR | 04/14/2011 | 2011-9/121  |  |
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| Agriculture and Food, Animal Industry                            | 34694 | R58-11     | AMD | 06/21/2011 | 2011-9/2    |  |
|  | 34914 | R58-11-2   | NSC | 06/30/2011 | Not Printed |  |
| 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   |  |



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|  | 34517 | R70-380     | 5YR | 03/16/2011 | 2011-8/30   |
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| Tax Commission, Auditing   | 34871 | R865-6F-23  | AMD | 08/11/2011 | 2011-12/69  |
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| 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 |
| Tax Commission, Auditing   | 34755 | R865-6F-40  | AMD | 06/23/2011 | 2011-10/109 |
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| Tax Commission, Auditing   | 34870 | R865-4D-3   | AMD | 08/11/2011 | 2011-12/68  |
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| Environmental Quality, Drinking Water                                | 34450 | R309-800    | AMD | 05/23/2011 | 2011-6/72   |
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| Tax Commission, Auditing   | 34872 | R865-13G-16 | AMD | 08/11/2011 | 2011-12/70  |
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|  | 34349 | R307-328    | CPR | 06/07/2011 | 2011-9/114  |
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|  | 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   |
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| Corrections, Administration                                       | 34862 | R251-111    | NSC | 06/14/2011 | Not Printed |
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| Education, Administration   | 34820 | R277-490    | AMD | 07/11/2011 | 2011-11/39  |
| Health, Health Systems Improvement, Primary Care and Rural Health | 34327 | R434-50     | NEW | 03/01/2011 | 2011-2/38   |
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|   | 34410 | R590-259-13 | NSC | 02/24/2011 | Not Printed |
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| Labor Commission, Adjudication                                  | 34729 | R602-2-1    | AMD | 06/22/2011 | 2011-10/78  |
|   | 34732 | R602-4-4    | AMD | 06/22/2011 | 2011-10/82  |
|   | 34730 | R602-7      | AMD | 06/22/2011 | 2011-10/84  |
|   | 34731 | R602-8      | AMD | 06/22/2011 | 2011-10/88  |
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| Education, Administration                                       | 34827 | R277-713    | AMD | 07/11/2011 | 2011-11/61  |
| Regents (Board Of), Administration                              | 34734 | R765-604    | AMD | 06/22/2011 | 2011-10/101 |
|   | 34905 | R765-604    | NSC | 06/30/2011 | Not Printed |
|   | 34441 | R765-608    | AMD | 04/11/2011 | 2011-5/93   |
|   | 34980 | R765-608    | 5YR | 06/28/2011 | 2011-14/141 |
|   | 34798 | R765-609    | AMD | 07/11/2011 | 2011-11/94  |
|   | 34721 | R765-612    | REP | 06/30/2011 | 2011-10/106 |
|   | 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   |
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| Transportation, Operations, Construction                        | 35133 | R916-3      | 5YR | 08/11/2011 | Not Printed |
| Transportation, Program Development                             | 34459 | R926-9      | 5YR | 02/24/2011 | 2011-6/107  |
|   | 34460 | R926-9      | AMD | 04/21/2011 | 2011-6/89   |

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|  | 34443 | R477-4-12   | AMD | 04/07/2011 | 2011-5/27   |
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|  | 34716 | R212-9      | 5YR | 04/26/2011 | 2011-10/118 |
| Tax Commission, Auditing   | 34871 | R865-6F-23  | AMD | 08/11/2011 | 2011-12/69  |
|  | 34755 | R865-6F-40  | AMD | 06/23/2011 | 2011-10/109 |
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|  | 34534 | R212-6      | AMD | 08/11/2011 | 2011-8/16   |
|  | 34919 | R212-8      | 5YR | 06/14/2011 | 2011-13/83  |
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| Community and Culture, History                                     | 34918 | R212-3      | 5YR | 06/14/2011 | 2011-13/83  |
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| Agriculture and Food, Plant Industry                               | 34558 | R68-21-2    | NSC | 04/27/2011 | Not Printed |
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| Transportation Commission, Administration                          | 34461 | R940-1      | 5YR | 02/24/2011 | 2011-6/108  |
|  | 34462 | R940-1      | AMD | 04/21/2011 | 2011-6/91   |
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|  | 34455 | R235-1      | AMD | 04/27/2011 | 2011-6/51   |
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|  | 34805 | R708-41-3   | AMD | 07/12/2011 | 2011-11/82  |
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| Transportation, Operations, Maintenance                            | 34693 | R918-5      | NEW | 06/07/2011 | 2011-9/107  |
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| Environmental Quality, Water Quality                               | 34437 | R317-1-7    | AMD | 04/13/2011 | 2011-5/26   |
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| Health, Epidemiology and Laboratory Services, Epidemiology | 34508 | R386-703    | 5YR | 03/14/2011 | 2011-7/48   |
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| 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 |
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| 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 |
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|  | 34711 | R68-7       | AMD | 06/21/2011 | 2011-10/10  |
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|  | 34498 | R68-7-10    | AMD | 06/02/2011 | 2011-7/2    |
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|  | 35128 | R70-940     | 5YR | 08/11/2011 | Not Printed |
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|  | 34312 | R590-148-24 | AMD | 02/08/2011 | 2011-1/27   |
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| Commerce, Occupational and Professional Licensing          | 34913 | R156-83-306 | NSC | 06/30/2011 | Not Printed |
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|  | 34836 | R710-9       | AMD | 07/08/2011 | 2011-11/92  |  |
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|  | 34799 | R722-330     | EMR | 05/10/2011 | 2011-11/118 |  |
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| Public Safety, Driver License  | 34724 | R708-41-3    | AMD | 07/06/2011 | 2011-10/97  |  |
|  | 34805 | R708-41-3    | AMD | 07/12/2011 | 2011-11/82  |  |
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|  | 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   |  |
|  | 34887 | R156-17b-310 | AMD | 07/26/2011 | 2011-12/22  |  |
|  | 34888 | R156-39a     | REP | 07/26/2011 | 2011-12/25  |  |

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|   | 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   |
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|   | 34503 | R156-73       | 5YR | 03/14/2011 | 2011-7/47   |
|   | 35159 | R156-77       | 5YR | 08/15/2011 | Not Printed |
|   | 34912 | R156-78       | AMD | 08/08/2011 | 2011-13/4   |
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|   | 34544 | R156-83-306   | AMD | 05/26/2011 | 2011-8/15   |
|   | 34913 | R156-83-306   | NSC | 06/30/2011 | Not Printed |
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|   | 34366 | R359-1-501    | AMD | 03/28/2011 | 2011-4/19   |
|   | 34408 | R359-1-501    | AMD | 03/28/2011 | 2011-4/21   |
|   | 34901 | R359-1-501    | AMD | 07/26/2011 | 2011-12/43  |
|   | 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   |
|   | 34900 | R359-1-515    | AMD | 07/26/2011 | 2011-12/45  |
| 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   |
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|   | 34026 | R590-93       | CPR | 01/10/2011 | 2010-22/116 |
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| 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 | 2011-13/80  |
|   | 34930 | R357-6        | NEW | 08/08/2011 | 2011-13/65  |
| <u>limited-term driver license</u>                                  |       |               |     |            |             |
| Public Safety, Driver License                                       | 34804 | R708-46       | NEW | 07/12/2011 | 2011-11/85  |
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| Public Safety, Driver License                                       | 34724 | R708-41-3     | AMD | 07/06/2011 | 2011-10/97  |
|   | 34805 | R708-41-3     | AMD | 07/12/2011 | 2011-11/82  |

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|  | 34487 | R710-6-4    | AMD | 04/21/2011 | 2011-6/84   |  |
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| Agriculture and Food, Animal Industry                            | 34694 | R58-11      | AMD | 06/21/2011 | 2011-9/2    |  |
|  | 34914 | R58-11-2    | NSC | 06/30/2011 | Not Printed |  |
| Agriculture and Food, Marketing and Development                  | 34489 | R65-8       | 5YR | 03/03/2011 | 2011-7/44   |  |
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| Commerce, Real Estate  | 34431 | R162-2c     | AMD | 05/10/2011 | 2011-5/13   |  |
|  | 34907 | R162-2c     | AMD | 08/08/2011 | 2011-13/6   |  |
|  | 34225 | R162-2c-201 | AMD | 01/08/2011 | 2010-23/16  |  |
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| Lieutenant Governor, Elections                                   | 34784 | R623-1-4    | AMD | 07/11/2011 | 2011-11/70  |  |
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| Corrections, Administration                                      | 34858 | R251-114    | NSC | 06/14/2011 | Not Printed |  |
| <u>loss recovery</u>   |       |             |     |            |             |  |
| Transportation, Administration                                   | 35138 | R907-63     | 5YR | 08/11/2011 | Not Printed |  |
| <u>MACT</u>  |       |             |     |            |             |  |
| Environmental Quality, Air Quality                               | 34428 | R307-214    | AMD | 06/01/2011 | 2011-5/20   |  |
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| Transportation, Operations, Maintenance                          | 34693 | R918-5      | NEW | 06/07/2011 | 2011-9/107  |  |
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| Natural Resources, Forestry, Fire and State Lands                | 34435 | R652-41     | 5YR | 02/14/2011 | 2011-5/116  |  |
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|  | 34683 | R414-305    | AMD | 06/16/2011 | 2011-9/80   |  |
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| Education, Administration  | 34822 | R277-500    | NEW | 07/11/2011 | 2011-11/43  |  |
| <u>professional employer organization licensing</u>                  |       |             |     |            |             |  |
| Insurance, Administration  | 34709 | R590-246-4  | AMD | 06/27/2011 | 2011-10/70  |  |
|  | 34989 | R590-246-4  | NSC | 07/13/2011 | Not Printed |  |
| <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   | 34879 | R884-24P-8  | AMD | 08/11/2011 | 2011-12/78  |  |
|  | 34880 | R884-24P-14 | AMD | 08/11/2011 | 2011-12/79  |  |
|  | 34883 | R884-24P-35 | NSC | 06/14/2011 | Not Printed |  |
|  | 34881 | R884-24P-41 | AMD | 08/11/2011 | 2011-12/80  |  |
|  | 34759 | R884-24P-64 | NSC | 05/25/2011 | Not Printed |  |
| <u>provider conduct</u>  |       |             |     |            |             |  |
| Human Services, Administration                                       | 35124 | R495-876    | 5YR | 08/10/2011 | Not Printed |  |
| <u>public assistance</u>   |       |             |     |            |             |  |
| Public Service Commission, Administration                            | 34760 | R746-343-15 | AMD | 08/01/2011 | 2011-10/100 |  |
| <u>public buildings</u>  |       |             |     |            |             |  |
| Capitol Preservation Board (State), Administration                   | 34675 | R131-4      | 5YR | 04/11/2011 | 2011-9/117  |  |
| <u>public comment</u>  |       |             |     |            |             |  |
| Environmental Quality, Radiation Control                             | 35011 | R313-17     | 5YR | 07/07/2011 | 2011-15/131 |  |
| <u>public education online program</u>                               |       |             |     |            |             |  |
| Education, Administration  | 35003 | R277-726    | EMR | 06/30/2011 | 2011-14/129 |  |
| <u>public health</u>   |       |             |     |            |             |  |
| Health, Epidemiology and Laboratory Services, Environmental Services | 34144 | R392-200    | AMD | 02/16/2011 | 2010-21/17  |  |
| Regents (Board Of), University of Utah, Administration               | 34808 | R805-5      | NEW | 08/09/2011 | 2011-11/99  |  |
|  | 34808 | R805-5      | CPR | 08/09/2011 | 2011-13/76  |  |
| <u>public hearings</u>   |       |             |     |            |             |  |
| Environmental Quality, Radiation Control                             | 35011 | R313-17     | 5YR | 07/07/2011 | 2011-15/131 |  |
| <u>public information</u>  |       |             |     |            |             |  |
| Human Resource Management, Administration                            | 34742 | R477-2      | AMD | 07/01/2011 | 2011-10/38  |  |
| Technology Services, Administration                                  | 34438 | R895-1      | 5YR | 02/15/2011 | 2011-5/117  |  |

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| <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 schools</u>                         |       |             |     |            |             |
| Education, Administration                     | 34923 | R277-436    | AMD | 08/08/2011 | 2011-13/44  |
|   | 34820 | R277-490    | AMD | 07/11/2011 | 2011-11/39  |
| <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   |
|   | 34975 | R58-2       | 5YR | 06/23/2011 | 2011-14/135 |
| <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  |
|   | 34963 | R313-25-8   | NSC | 07/13/2011 | Not Printed |
| <u>radiation safety</u>                       |       |             |     |            |             |
| Environmental Quality, Radiation Control      | 35012 | R313-18     | 5YR | 07/07/2011 | 2011-15/132 |
| <u>radioactive materials</u>                  |       |             |     |            |             |
| Environmental Quality, Radiation Control      | 35012 | R313-18     | 5YR | 07/07/2011 | 2011-15/132 |
| <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  |
|   | 34963 | R313-25-8   | NSC | 07/13/2011 | Not Printed |
| <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>rates</u>                                  |       |             |     |            |             |
| Public Service Commission, Administration     | 34760 | R746-343-15 | AMD | 08/01/2011 | 2011-10/100 |
| <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   |
|   | 34703 | R162-104-14 | AMD | 06/22/2011 | 2011-9/7    |

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|  | 34909 | R162-2f-205   | AMD | 08/10/2011 | 2011-13/10  |
|  | 34910 | R162-2f-401a  | AMD | 08/10/2011 | 2011-13/12  |
|  | 34911 | R162-2f-403   | AMD | 08/10/2011 | 2011-13/14  |
| <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           | 35019 | R645-103-400  | NSC | 08/04/2011 | Not Printed |
|  | 34550 | R645-106      | 5YR | 04/04/2011 | 2011-9/119  |
|  | 35020 | R645-301-400  | NSC | 08/04/2011 | Not Printed |
| <u>records</u>   |       |               |     |            |             |
| Regents (Board Of), University of Utah, Administration | 34387 | R805-2        | AMD | 03/24/2011 | 2011-4/31   |
| <u>recreation therapy</u>                              |       |               |     |            |             |
| Commerce, Occupational and Professional Licensing      | 35160 | R156-40       | 5YR | 08/15/2011 | Not Printed |
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| Commerce, Occupational and Professional Licensing      | 35160 | R156-40       | 5YR | 08/15/2011 | Not Printed |
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| Commerce, Administration                               | 34761 | R151-14       | 5YR | 05/02/2011 | 2011-10/117 |
|  | 34735 | R151-14-3     | NSC | 05/25/2011 | Not Printed |
| <u>refugee</u>   |       |               |     |            |             |
| Public Safety, Driver License                          | 34804 | R708-46       | NEW | 07/12/2011 | 2011-11/85  |
| <u>regionalization</u>                                 |       |               |     |            |             |
| Environmental Quality, Drinking Water                  | 34450 | R309-800      | AMD | 05/23/2011 | 2011-6/72   |
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| Commerce, Real Estate                                  | 34704 | R162-2e       | AMD | 06/22/2011 | 2011-9/5    |
| Natural Resources, Forestry, Fire and State Lands      | 34313 | R652-140      | AMD | 02/07/2011 | 2011-1/30   |
|  | 34763 | R652-150      | NEW | 06/21/2011 | 2011-10/95  |
| Workforce Services, Unemployment Insurance             | 34898 | R994-403-112c | AMD | 08/02/2011 | 2011-12/83  |
|  | 34361 | R994-403-113c | AMD | 03/15/2011 | 2011-3/52   |
| <u>reimbursement</u>                                   |       |               |     |            |             |
| Corrections, Administration                            | 34854 | R251-113      | REP | 08/03/2011 | 2011-12/35  |
| <u>religious activities</u>                            |       |               |     |            |             |
| Tax Commission, Auditing                               | 34882 | R865-19S-42   | AMD | 08/11/2011 | 2011-12/71  |
|  | 34268 | R865-19S-78   | AMD | 01/27/2011 | 2010-24/68  |
|  | 34688 | R865-19S-78   | NSC | 04/27/2011 | Not Printed |
|  | 34756 | R865-19S-92   | AMD | 06/23/2011 | 2011-10/110 |
|  | 34757 | R865-19S-103  | AMD | 06/23/2011 | 2011-10/112 |
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| Labor Commission, Industrial Accidents                 | 34725 | R612-12       | R&R | 06/22/2011 | 2011-10/93  |
|  | 34294 | R612-12-2     | NSC | 01/06/2011 | Not Printed |
| <u>reports</u>   |       |               |     |            |             |
| Education, Administration                              | 34819 | R277-484      | AMD | 07/11/2011 | 2011-11/35  |
| <u>research data requests</u>                          |       |               |     |            |             |
| Education, Administration                              | 34819 | R277-484      | AMD | 07/11/2011 | 2011-11/35  |
| <u>reservoirs</u>                                      |       |               |     |            |             |
| Natural Resources, Water Rights                        | 34690 | R655-10       | 5YR | 04/14/2011 | 2011-9/121  |
|  | 34691 | R655-11       | 5YR | 04/14/2011 | 2011-9/121  |



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|  | 34692 | R655-12     | 5YR | 04/14/2011 | 2011-9/122  |
| <u>residential mortgage</u>                                      |       |             |     |            |             |
| Commerce, Real Estate  | 34431 | R162-2c     | AMD | 05/10/2011 | 2011-5/13   |
|  | 34907 | R162-2c     | AMD | 08/08/2011 | 2011-13/6   |
|  | 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>resources</u>   |       |             |     |            |             |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 34683 | R414-305    | AMD | 06/16/2011 | 2011-9/80   |
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| Education, Administration  | 34818 | R277-480    | AMD | 07/11/2011 | 2011-11/33  |
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| 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  |
| <u>right of way</u>  |       |             |     |            |             |
| Transportation, Program Development                              | 34451 | R926-6      | AMD | 04/21/2011 | 2011-6/87   |
| <u>right of way acquisition</u>                                  |       |             |     |            |             |
| Transportation, Preconstruction, Right-of-Way Acquisition        | 34363 | R933-1      | AMD | 03/10/2011 | 2011-3/51   |
| <u>risk adjuster plan operation</u>                              |       |             |     |            |             |
| Insurance, Administration  | 34362 | R590-260    | NEW | 03/22/2011 | 2011-3/36   |
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| Transportation, Operations, Traffic and Safety                   | 34241 | R920-50     | AMD | 01/10/2011 | 2010-23/63  |
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| School and Institutional Trust Lands, Administration             | 34289 | R850-10     | NSC | 01/06/2011 | Not Printed |
| <u>rules and procedures</u>                                      |       |             |     |            |             |
| Fair Corporation (Utah State), Administration                    | 34464 | R325-1      | 5YR | 02/24/2011 | 2011-6/101  |
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|  | 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   |
| Human Resource Management, Administration                        | 34741 | R477-1      | AMD | 07/01/2011 | 2011-10/33  |
|  | 34750 | R477-13     | AMD | 07/01/2011 | 2011-10/56  |
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| 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   |
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| Education, Administration  | 34331 | R277-400    | AMD | 02/22/2011 | 2011-2/17   |
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| Public Safety, Highway Patrol                                    | 34285 | R714-160    | NEW | 02/09/2011 | 2011-1/37   |

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|   | 34744 | R477-6        | AMD | 07/01/2011 | 2011-10/41  |
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| Tax Commission, Auditing  | 34882 | R865-19S-42   | AMD | 08/11/2011 | 2011-12/71  |
|   | 34268 | R865-19S-78   | AMD | 01/27/2011 | 2010-24/68  |
|   | 34688 | R865-19S-78   | NSC | 04/27/2011 | Not Printed |
|   | 34756 | R865-19S-92   | AMD | 06/23/2011 | 2011-10/110 |
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| Regents (Board Of), Administration                                      | 34734 | R765-604      | AMD | 06/22/2011 | 2011-10/101 |
|   | 34905 | R765-604      | NSC | 06/30/2011 | Not Printed |
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| Education, Administration   | 34927 | R277-491      | AMD | 08/08/2011 | 2011-13/55  |
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|   | 34817 | R277-477      | AMD | 07/11/2011 | 2011-11/29  |
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| Education, Administration   | 34999 | R277-717      | 5YR | 06/30/2011 | 2011-14/139 |
|   | 34833 | R277-717      | REP | 07/11/2011 | 2011-11/65  |
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| Environmental Quality, Drinking Water                                   | 34244 | R309-520      | AMD | 05/09/2011 | 2010-24/8   |
|   | 34244 | R309-520      | CPR | 05/09/2011 | 2011-7/33   |
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|   | 34905 | R765-604      | NSC | 06/30/2011 | Not Printed |
|   | 34798 | R765-609      | AMD | 07/11/2011 | 2011-11/94  |
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|   | 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 |

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|  | 34849 | R251-708   | NSC | 06/14/2011 | Not Printed |
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| Tax Commission, Auditing                               | 34535 | R865-11Q   | NSC | 04/12/2011 | Not Printed |
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|  | 34732 | R602-4-4   | AMD | 06/22/2011 | 2011-10/82  |
|  | 34730 | R602-7     | AMD | 06/22/2011 | 2011-10/84  |
|  | 34731 | R602-8     | AMD | 06/22/2011 | 2011-10/88  |
| Labor Commission, Industrial Accidents                 | 34725 | R612-12    | R&R | 06/22/2011 | 2011-10/93  |
|  | 34294 | R612-12-2  | NSC | 01/06/2011 | Not Printed |
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| Corrections, Administration                            | 34841 | R251-110   | NSC | 06/14/2011 | Not Printed |
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| Corrections, Administration                            | 34841 | R251-110   | NSC | 06/14/2011 | Not Printed |
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| Corrections, Administration                            | 34861 | R251-109   | NSC | 06/14/2011 | Not Printed |
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| Agriculture and Food, Animal Industry                  | 34694 | R58-11     | AMD | 06/21/2011 | 2011-9/2    |
|  | 34914 | R58-11-2   | NSC | 06/30/2011 | Not Printed |
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| Environmental Quality, Air Quality                     | 34559 | R307-204   | AMD | 07/07/2011 | 2011-9/14   |
| Regents (Board Of), University of Utah, Administration | 34808 | R805-5     | NEW | 08/09/2011 | 2011-11/99  |
|  | 34808 | R805-5     | CPR | 08/09/2011 | 2011-13/76  |
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| Regents (Board Of), University of Utah, Administration | 34808 | R805-5     | NEW | 08/09/2011 | 2011-11/99  |
|  | 34808 | R805-5     | CPR | 08/09/2011 | 2011-13/76  |
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| Human Services, Administration                         | 34536 | R495-862   | 5YR | 03/30/2011 | 2011-8/33   |
|  | 35124 | R495-876   | 5YR | 08/10/2011 | Not Printed |
| Human Services, Child and Family Services              | 34344 | R512-1-6   | NSC | 01/26/2011 | Not Printed |
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| Workforce Services, Unemployment Insurance                       | 34898 | R994-403-112c | AMD | 08/02/2011 | 2011-12/83  |  |
|  | 34361 | R994-403-113c | AMD | 03/15/2011 | 2011-3/52   |  |
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| Education, Administration  | 34928 | R277-616      | AMD | 08/08/2011 | 2011-13/58  |  |
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| Governor, Economic Development                  | 34930 | R357-6       | NEW | 08/08/2011 | 2011-13/65  |
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|   | 34876 | R865-20T-6   | AMD | 08/11/2011 | 2011-12/74  |
|   | 34869 | R865-20T-13  | AMD | 08/11/2011 | 2011-12/75  |
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| Insurance, Title and Escrow Commission                          | 34510 | R592-6-4    | AMD | 08/09/2011 | 2011-7/9    |  |
|   | 34510 | R592-6-4    | CPR | 08/09/2011 | 2011-13/74  |  |
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|   | 34869 | R865-20T-13 | AMD | 08/11/2011 | 2011-12/75  |  |
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|   | 34454 | R912-8      | NSC | 03/10/2011 | Not Printed |  |
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| Transportation, Program Development                             | 34451 | R926-6      | AMD | 04/21/2011 | 2011-6/87   |  |
|   | 34459 | R926-9      | 5YR | 02/24/2011 | 2011-6/107  |  |
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| Workforce Services, Unemployment Insurance  | 34899 | R994-207-101  | AMD | 08/02/2011 | 2011-12/82  |  |
|   | 34776 | R994-302      | 5YR | 05/05/2011 | 2011-11/133 |  |
|   | 34777 | R994-308      | 5YR | 05/05/2011 | 2011-11/134 |  |
|   | 34898 | R994-403-112c | AMD | 08/02/2011 | 2011-12/83  |  |
|   | 34361 | R994-403-113c | AMD | 03/15/2011 | 2011-3/52   |  |
|   | 34445 | R994-508      | AMD | 04/11/2011 | 2011-5/97   |  |
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| Crime Victim Reparations, Administration                            | 34990 | R270-1     | 5YR | 06/29/2011 | 2011-14/137 |  |
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|   | 34866 | R651-224-3 | AMD | 07/27/2011 | 2011-12/59  |  |
| <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   |
|   | 34901 | R359-1-501 | AMD | 07/26/2011 | 2011-12/43  |
|   | 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   |
|   | 34900 | R359-1-515 | AMD | 07/26/2011 | 2011-12/45  |
| <u>wildland fire</u>                              |       |            |     |            |             |
| Environmental Quality, Air Quality                | 34559 | R307-204   | AMD | 07/07/2011 | 2011-9/14   |
| <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   |
|   | 34807 | R657-5     | AMD | 07/11/2011 | 2011-11/71  |
|   | 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>witness fees</u>                               |       |            |     |            |             |
| Labor Commission, Adjudication                    | 34728 | R602-1     | AMD | 06/22/2011 | 2011-10/77  |
| <u>workers' compensation</u>                      |       |            |     |            |             |
| Labor Commission, Adjudication                    | 34729 | R602-2-1   | AMD | 06/22/2011 | 2011-10/78  |
|   | 34732 | R602-4-4   | AMD | 06/22/2011 | 2011-10/82  |
|   | 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  |
| <u>x-rays</u>                                     |       |            |     |            |             |
| Environmental Quality, Radiation Control          | 35010 | R313-16    | 5YR | 07/07/2011 | 2011-15/131 |