

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, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-538-3764. 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

Environmental Quality Air Quality

Notice of Public Comment Period for Exceptional Events -- PM2.5 Wildfire: Logan Monitoring Station - September 18 and 21, 2012; and Ogden Monitoring Station - September 17, 2012

Federal regulations, 40 Code of Federal Regulations (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, wildfires, 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 exceedances have been attributed to a wildfire exceptional event.

Monitoring Station	PM10 microg/m ³	Standard microg/m ³	PM2.5 microg/m ³	Standard microg/m ³
Ogden	NA	NA	35.5	35
Logan	NA	NA	36.3-36.8	35

The documentation for public review and comment to support removing these data from use in regulatory determinations will be available beginning September 15, 2013 at 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 in Salt Lake City. 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 801-536-4414).

The comment period will close at 5:00 p.m. on October 15, 2013. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to 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*

Health Health Care Financing, Coverage and Reimbursement Policy

Notice for October 2013 Medicaid Rate Changes

Effective October 1, 2013, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. Nursing home rate changes to case mix components are consistent with adopted payment methodology. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/bcrp.htm>.

EXECUTIVE DOCUMENTS

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

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution. All orders issued by the Governor not in conflict with existing laws have the full force and effect of law during a state of emergency when a copy of the order is filed with the Division of Administrative Rules. (See Section 63K-4-401).

Governor's Executive Order EO/006/2013: Reauthorizing the State of Utah Martin Luther King, Jr. Human Rights Commission

EXECUTIVE ORDER

Reauthorizing the State of Utah Martin Luther King, Jr. Human Rights Commission

WHEREAS, Dr. Martin Luther King, Jr. summoned the best qualities that guide and sustain the American spirit and our nation's commitment of equality, justice, freedom, and peace; and

WHEREAS, he awakened the necessary goodness of our people and led a nonviolent movement that enriched our moral purpose as a nation; and

WHEREAS, this human rights movement advocated nonviolent methods of social change in the struggle for justice, equality, and freedom; and

WHEREAS, he raised the consciousness of our country through his personal dream of a nation where all people are judged, not by the color of their skin, but by the content of their character; and

WHEREAS, Dr. Martin Luther King, Jr. was recognized on November 2, 1983, by the United States Congress and the President in the enactment of legislation establishing the third Monday in January as a national holiday in celebration of Dr. King's birthday, beginning in 1986; and

WHEREAS, the State of Utah recognizes the significance of Dr. King's life and accomplishments, and the State Legislature passed S.B. 17 in 1986, which set aside the third Monday in January to observe as the anniversary of the birth of Dr. Martin Luther King, Jr.; and,

WHEREAS, the Martin Luther King, Jr. Human Rights Commission was created by executive order on July 1, 1991;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do hereby reauthorize the Martin Luther King, Jr. Human Rights Commission as follows.

1. There is created the Martin Luther King, Jr. Human Rights Commission.
2. The Martin Luther King, Jr. Human Rights Commission shall promote Dr. Martin Luther King, Jr. Day by:
 - a. Encouraging appropriate ceremonies and activities commemorating the federal and state holiday which occurs on the third Monday of January each year.

- b. Seeking to involve all sectors, private and public, in a conscious effort to promote diversity, equity, and human rights.
 - c. Providing advice and assistance to governments and private organizations on the observance of the holiday.
 - d. Coordinating efforts with Americans of diverse backgrounds and with private organizations on the observance of the holiday.
 - e. Partnering with public education to assist schools in promoting appropriate events to honor human rights and the holiday.
3. The Commission shall be organized as follows:
- a. The Commission shall consist of thirteen (13) members appointed by the Governor to two-year terms, but at all times members shall serve at the pleasure of the Governor and may be removed by the Governor at any time. The Governor may adjust the length of terms to ensure that the terms of members are staggered.
 - b. The members of the Commission may not serve more than two consecutive two-year terms. Second terms will be appointed by the Governor.
 - c. When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the Governor for the unexpired term.
 - d. The Governor shall appoint one of the members as chair.
 - e. The Commission shall meet at least quarterly or more often if necessary as determined by the Commission Chair or at the request of the Governor.
 - f. Seven (7) members of the Commission constitute a quorum for the transaction of business.
 - g. Members of the Commission shall receive no compensation or benefits for their services, but may receive, subject to budget availability, per diem and expenses incurred in the performance of official Commission duties at the rates established by the Division of Finance under Utah Code Sections 63A-3-106 and 63A-3-107. Members may decline to receive per diem and expenses for their service.
4. The Commission shall develop and present a report to the Governor annually.
5. The Commission shall coordinate its efforts with the Utah Office of Multicultural Affairs and the Utah Multicultural Commission.
6. This supersedes all previous Executive Orders directly referencing this Commission.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, on this 28th day of August 2013.

(State Seal)

Gary R. Herbert
Governor

Attest:

Greg Bell
Lieutenant Governor

EO/006/2013

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between August 16, 2013, 12:00 a.m., and September 03, 2013, 11:59 p.m. are included in this, the September 15, 2013 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 15, 2013. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through January 13, 2014, the agency may notify the Division of Administrative Rules that it wants to make the **PROPOSED RULE** effective. The agency sets the effective date. The date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a **CHANGE IN PROPOSED RULE** in response to comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE OF a CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on **PROPOSED RULES**. *Comment may be directed to the contact person identified on the Rule Analysis for each rule.*

PROPOSED RULES are governed by Section 63G-3-301; Rule R15-2; and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page

Administrative Services, Purchasing and General Services

R33-11 Surplus Property

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37938

FILED: 08/23/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment is in response to S.B. 68 which passed during the 2013 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: The changes set new policies and procedures which govern the acquisition and disposition of state and federal surplus property, vehicles, and firearms. (DAR NOTE: A corresponding 120-day (emergency) rule that is effective as 08/23/2013 is in this issue, September 15, 2013, of the Bulletin under DAR No. 37937.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-2-103

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no compliance costs for any other persons, the amendments simply shift responsibilities of the program from one entity to another in certain circumstances.
- ◆ **LOCAL GOVERNMENTS:** There are no compliance costs for any other persons, the amendments simply shift responsibilities of the program from one entity to another in certain circumstances.
- ◆ **SMALL BUSINESSES:** There are no compliance costs for any other persons, the amendments simply shift responsibilities of the program from one entity to another in certain circumstances.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no compliance costs for any other persons, the amendments simply shift responsibilities of the program from one entity to another in certain circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any other persons, the amendments simply shift responsibilities of the program from one entity to another in certain circumstances.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These amendments have no fiscal impact on businesses.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG
450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Chris Bruhn by phone at 801-538-3524, or by Internet E-mail at cbruhn@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Kent Beers, Director

R33. Administrative Services, Purchasing and General Services.

R33-11. Surplus Property.

R33-11-1. State Surplus Property[~~Disposal~~] - General.

11-101. Purpose.

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

11-102. Authority.

Under the provisions of Title 63A, Chapter 2, [~~Part 4,~~]
Section 103, the division shall:

(1) except when a state surplus property contractor administers the state's program for disposition of state surplus property operate, manage, and maintain the state surplus property program;

(2) when a state surplus property contractor administers the state's program for disposition of state surplus property, oversee the state surplus property contractor's administration of the state surplus property program.

(3) Manage the federal surplus property program as the Utah State Agency for Surplus Property and in compliance with 41 CFR 102-37 and Public Law 94-519 through a State Plan of Operation. The standards and procedures governing the contract between the state and the federal government are contained in the Plan of Operation.

(4) Manage the disposition of state owned vehicles.

(5) Control the sale or transfer of firearms from state agencies and participating local agencies, as authorized in Utah Code Title 63A, Chapter 2, Section 4.

(6) Handheld devices/technology (not transferred from state agencies to public schools). [~~the Utah State Agency for Surplus Property (USASP) within the Division of Purchasing and General Services, under the Department of Administrative Services is responsible for operating both a state and a federal surplus property~~

~~program. The standards and procedures governing the operation of these two programs are found in two separate State Plans of Operation, one for state surplus property and a second plan for federal surplus property, the latter being a contract between the state and federal government. The State Plans of Operation may be reviewed at the USASP.]~~

11-103. Definitions.

(A) Terms used in the Surplus Property Rules are defined in Section 63A-2-101.5.

(B) In addition:

(1) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain;

(2) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (11), or (22), designed for or capable of travel over unimproved terrain and includes a class A side-by-side vehicle. "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(3) "Aircraft" means any contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.

(4) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

(5) "Division" means the Division of Purchasing and General Services within the Department of Administrative Services created under Section 63A-2-101.

(6) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(7) "Firearm" means any state owned firearm, including any confiscated or seized firearm over which the state has disposal authority, and any firearm declared by surplus property by a local subdivision.

(8) "Handgun" means any pistol or revolver.

(9) "Hunting or sporting rifle" means any long barreled shotgun or rifle manufactured for hunting or sporting purposes.

(10) "Licensed firearm dealer" means a firearms dealer licensed by the Federal Bureau of Alcohol, Tobacco and Firearms.

(11) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

(12) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

(13) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

(15)[(+)] As used in this section "Personal handheld electronic device":

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

(b) includes a mobile phone, pocket personal computer, personal digital assistant, wireless, or similar device.

(16) "Personal Watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

(17)(a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

(b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable tarp, or similar structure.

(18) "Reconstructed vehicle" means every vehicle type of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(19)(a) "Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.

(b) "Recreational vehicle" includes:

(i) a travel trailer;

(ii) a camping trailer;

(iii) a motor home;

(iv) a fifth wheel trailer; and

(v) a van.

(20) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry and load either independently or any part of the weight of a vehicle or load this is drawn.

(21) "Sailboat" means any vessel having one or more sails and propelled by wind.

(22) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

(23)(a) "Special mobile equipment" means every vehicle:

(i) not designed or used primarily for the transportation of persons or property;

(ii) not designed to operate in traffic; and

(iii) only incidentally operated or moved over the highways.

(b) "special mobile equipment" includes:

(i) farm tractors;

(ii) on or off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

(iii) ditch-digging apparatus;

(iv) forklifts, warehouse equipment, golf carts, electric carts, etc.

(24) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(25) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

(26) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(27) "USASP" means Utah State Agency for Surplus Property.

(28) "Vehicle" means the items identified and defined in R33-11-103, except items (5), (7), (8), (9) (15), and (27), and includes all auxiliary equipment and components associated or attached to the vehicle and equipment used by the vehicle for its intended purpose. Examples of auxiliary equipment and components include snow plow blades, spreaders, sanders, vehicle fire extinguishers, emergency equipment, radios, truck bed racks and truck bed covers, generators, mounted welders, non-OEM, lights and light bars, etc.

(29) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[11-104. Procedures.]~~ **R33-11-2. Non-vehicle Disposition Procedures.**

11-201. General Provision.

(1) State-owned non-vehicle personal property shall not be destroyed, sold, transferred, traded-in, traded, discarded, donated or otherwise disposed of [without] unless the procedures set forth in this rule are followed. [first submitting a properly completed form SP-1 to and receiving authorization from the USASP.] State-owned non-vehicle personal property shall not be processed by the division.

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

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

(a) transfer the non-vehicle surplus property directly to another department or agency of the state without involvement of the division; or

(b) notify the state surplus property contractor that the department or agency has surplus property.

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

~~[(4)]~~ 11-202. Information Technology Equipment.

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

(2) Pursuant to the provisions of section 63A-2-407, state-owned information technology equipment may be transferred directly to [N] non-profit entities for distribution to, and use by, persons with a disability as defined in subsections 62A-5-101(9). However, interagency transfers and sales of surplus property to state and local agencies [within the 30-day period under section 63A-2-406] shall

~~have priority over transfers under this subsection. [The 30-day holding period may be waived if shown to be in the best interest of the state.~~

~~(6) Requests for state-owned information technology equipment from non-profit entities shall be:~~

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

~~(b) Reviewed and approved by DSPD and forwarded to the USASP manager to properly track and arrange for distribution.~~

~~(7) State agencies transferring state-owned information technology equipment to non-profit entities for distribution to, and use by persons with a disability as defined in subsections 62A-5-101(9), shall provide the USASP with completed SP-1 forms in order to account for the transfer of said equipment. In such cases, the USASP will not assess a fee to the donating agency.~~

~~(8) Pursuant to the provisions of subsection 63A-2-407(3), the USASP shall prepare an annual report to DSPD containing the names of non-profit entities that received state-owned information technology equipment under subsection 63A-2-407(1), and the types and amounts of equipment received.]~~

(9) Prior to submitting information technology equipment to [Surplus Property] the state surplus property contractor, another department or agency, or donating it directly to the public institutions or non-profit entities, agencies shall delete all information from all storage devices. Information shall be deleted in such a manner as to not be retrievable by data recovery technologies.

(4) Except as it relates to a vehicle or federal surplus property, the transfer of surplus property from one agency directly to another does not require approval by the division, the director of the division, or any other person.

~~[(10)]~~ 11-203. Federal Surplus Property.

(1) Federal [s] Surplus [p] Property is not available for sale to the general public [on a day-to-day basis]. Donation of federal surplus property shall be administered in accordance with the procedures identified in the State Plan of Operation for the Federal Property Assistance Program.

(2) Public auctions of federal surplus property are authorized under certain circumstances and conditions. The division [USASP Manager] shall coordinate such auctions when deemed necessary or appropriate. Federal surplus property auctions are primarily conducted online, but are regulated and accomplished by the U.S. General Services Administration.

~~[(11) This section sets forth policy and procedure, which governs the sale of personal handheld electronic devices to a user who is provided such a device by an agency, and who subsequently leaves or changes employment. These personal handheld electronic devices usually rely on technology that is rapidly changing, resulting in the devices becoming continuously outdated as more capable devices are offered; therefore, their value depreciates significantly over the period of their service. Their usefulness is generally tied to a service contract with a service provider.~~

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

~~(b) Purchase of a handheld device is exempt from the requirements of related party transactions under Subsection R33-11-11-106.~~

~~(c) Prior to a purchase of a handheld device, the following requirements shall be completed in substantially the following order:~~

~~(i) the agency that assigned or provided the personal handheld electronic device shall:~~

~~(A) authorize, in writing to USASP, the sale to the assigned user in lieu of exchange or surplus;~~

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

~~(C) remove, or cause to be removed, from the personal handheld electronic device any:~~

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

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

~~(III) State-owned records and data.~~

~~(D) Obtain a written certification from the Department of Technology Services that state-owned records and data have been purged from the device.~~

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

~~(ii) The USASP shall:~~

~~(A) have an established fee that has been approved by the Department of Administrative Services Rate Committee;~~

~~(B) receive the SP-1 form, and;~~

~~(C) generate an invoice for the transaction upon receiving full payment of the fee from the designated purchaser of the device.~~

~~(iii) The designated purchaser of the device shall:~~

~~(A) make full payment of the fee to the USASP for the item, and;~~

~~(B) sign the invoice and return the signed invoice to USASP.~~

~~(iv) The agency may be authorized by the division to transfer ownership of the personal handheld electronic device to the designated purchaser of the device.~~

~~(12) The USASP Manager or designee may make an exception to the written authorization requirement identified in paragraph A above. Exceptions must be for good cause and must consider:~~

~~(a) The cost to the state;~~

~~(b) The potential liability to the state;~~

~~(c) The overall best interest of the state.~~

~~] [11-105]11-205. Related Party Transactions.~~

~~(1) The [USASP]division has a duty to the public to ensure that State-owned surplus property is disposed of [at fair market value, in an independent and ethical manner, and that the property or the value of the property has not been misrepresented.]in accordance with Section 63A-2. A conflict of interest may exist or appear to exist when a related party attempts to purchase surplus property.~~

~~(2) A related party is defined as someone who may fit into any of the following categories pertaining to the surplus property in question:~~

~~(a) Has purchasing authority.~~

~~(b) Has maintenance authority.~~

~~(c) Has disposition or signature authority.~~

~~(d) Has authority regarding the disposal price.~~

~~(e) Has access to restricted information.~~

~~(f) Is perceived to be a related party using other criteria which may prohibit independence.~~

~~[(3) Owning state agencies may list any recommended purchasers on the standard form SP-1 Final decision rests with USASP as to selling price and buyer.~~

~~(4) When a prospective purchaser is identified or determined to be a related party, the USASP will employ one of the following procedures:~~

~~(a) The USASP may require written justification and authorization from the Department or Division Head or authorized agent. Justification may include reference to maintenance history, purchase price and the absence of conflicts of interest. If the related party is an authorized agent, a higher approval may be sought.~~

~~(b) The USASP may choose to hold the property for sale by public auction or sealed bid. The prospective buyer may then compete against other bidders.~~

~~(c) The USASP may hold the property for a 30-day period before allowing the related party the opportunity to purchase the property, thus allowing for purchase of the property in accordance with the priorities listed below. The 30-day holding period may be waived if shown to be in the best interest of the state.~~

~~] 11-2[+1]06. Priorities.~~

~~(1) Public agencies are given priority for the purchase of state-owned surplus property.~~

~~(2) Property [received by the USASP]that is determined by the Division to be unique, in short supply or in high demand by public agencies [shall]may be held for a period of up to 30 days before being offered for sale to the general public through the state surplus property contractor.[The 30-day holding period may be waived if shown to be in the best interest of the state.]~~

~~(3) For this rule, the entities listed below, in priority order, are considered to be public agencies:~~

~~(a) State Agencies~~

~~(b) State Universities, Colleges, and Community Colleges~~

~~(c) Other tax supported educational agencies or political subdivisions in the State of Utah including cities, towns, counties and local law enforcement agencies~~

~~(d) Other tax supported educational entities~~

~~(e) Non-profit health and educational institutions~~

~~(4) State-owned personal property that is not purchased by or transferred to public agencies [during the 30-day hold period]may be offered for public sale.[The 30-day holding period may be waived if shown to be in the best interest of the state.]~~

~~(5) The [USASP Manager or designee]division shall make the determination as to whether property is subject to [the 30-day]hold period. The decision shall consider the following:~~

~~(a) The cost to the state;~~

~~(b) The potential liability to the state;~~

~~(c) The overall best interest of the state.~~

R33-11-3. Accounting and Reimbursement Procedures.

~~11-[107]301. Accounting [and Reimbursement].~~

~~(1) The Division will record and maintain records of all transactions related to the acquisition and sale of all federal surplus property.~~

~~(2) The division will require regular and detailed accounting by the state surplus property contractor of:~~

~~(a) the receipt and sale of state surplus property; and~~

~~(b) the receipt and payment of any and all funds; and~~

~~(c) ensure public transparency regarding the sale of state surplus property.~~

~~(1) The USASP will record and maintain records of all transactions related to the acquisition and sale of all state and federal surplus property. A summary of the total yearly sales of state surplus by agency or department will be provided to the legislature following the close of each fiscal year.~~

~~(2) Reimbursements to state agencies from the sale of their surplus property will be made through the Division of Finance on interagency transfers or warrant requests. The Surplus Agency is authorized to deduct operating costs from the selling price of all state surplus property. In all cases property will be priced to sale for fair market value. Items that are not marketable for whatever reason may be discounted in price or disposed of by abandonment, donation, or sold as scrap.~~

~~(3) Deposits from cash sales will be made to the State Treasurer in accordance with Title 51, Chapter 7.~~

~~(4)3) The [USASP]division may maintain a federal working capital reserve not to exceed one year's operating expenses. In the event the [Surplus Agency]division accumulates funds in excess of the allowable working capital reserve, they will reduce [their service and handling charge to under recover operating expenses and reduce] the Retained Earnings balance accordingly. The only exception is where the [USASP]division is accumulating excess funds in anticipation of the purchase of new facilities or capital items. Prior to the accumulation of excess funds, the [USASP]division must obtain the written approval of the Executive Director of the Department of Administrative Services.~~

11-302. Reimbursement.

~~(1) After paying the amount owed to the state surplus property contractor, the division shall transfer the remaining money to the agency that requested the sale of the particular item in accordance with Title 63J, Budgetary Procedures Act.~~

(2) Vehicles.

~~(a) Reimbursements to state agencies from the sale of their vehicles will be made through the Division of Finance on interagency transfers or warrant requests. The division is authorized to deduct operating costs from the selling price of all vehicles. In all cases property will be priced to sale for fair market value. Items that are not marketable for whatever reason may be discounted in price or disposed of by abandonment, donation, or sold as scrap.~~

~~(3) Payment for vehicles, information technology equipment, federal surplus property, personal handheld devices, and firearms shall be as follows:~~

~~11-108. Payment.~~

~~(1) a) Payment received from public purchasers may be in the form of cash and/or certified funds, authorized bank credit cards, and personal checks. Personal checks may not be accepted for amounts exceeding \$200. Two-party checks shall not be accepted, or~~

~~(2) b) Payment received from [state subdivisions]governmental entities, school districts, special districts, and higher education institutions shall be in the form of agency or subdivision check or purchasing card, or~~

~~(3) c) Payment made by [public purchasers]governmental entities, school districts, special districts, and higher education institutions shall be at the time of purchase and prior to removal of the property purchased. [Payment for purchases by state subdivisions shall be within 60 days following the purchase and removal of the property.]~~

~~(4) d) The [USASP Manager or]division director or designee may make exceptions to the payment provisions of this rule for good cause. A good cause exception requires a weighing of:~~

~~(a) i) The cost to the state;~~

~~(b) ii) The potential liability to the state;~~

~~(e) iii) The overall best interest of the state.~~

~~[11-109:](4) Bad Debt Collection.~~

~~(1) a) The [USASP]division shall initiate formal collection procedures in the event that a check from the general public, state subdivisions, or other agencies is returned to the [USASP]division for "insufficient funds".~~

~~(2) b) In the event that a check is returned to the [USASP]division is returned for "insufficient fund," the [USASP]division may:~~

~~(a) i) Prohibit the debtor from making any future purchases from the [USASP]division until the debt is paid in full.~~

~~(b) ii) Have division accountant send a certified letter to the debtor stating that:~~

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

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

~~(3) c) Debts for which payments have not been received in full within the 15 day period referred to above, shall be assigned to the Office of State Debt Collection in accordance with statute.~~

~~[11-110. Public Sale of Surplus Property:](5) Division Rate Schedule.~~

R33-11-4. Public Sale of State-owned Vehicles.

11-401. Procedures.

~~(1) State-owned [surplus property]excess vehicles may be purchased at any time by the general public, subject to any [30-day] holding period that may be assigned by [USASP management:]the division and subject to the division's operating days and hours. [The 30-day holding period may be waived if shown to be in the best interest of the state.~~

~~(2) At the discretion of the USASP Manager, any state-owned surplus property may be sold to the general public by auction, sealed bid, or other acceptable method. Property to be auctioned may be consigned out to an auction service. If a consignment approach is considered, the USASP Manager must ensure that the auction service is contracted by and authorized by the Division of Purchasing.]~~

~~(3) 2) Federal surplus property auctions to the general public may be accomplished on occasions and subject to the limitations as indicated previously.~~

~~(4) 3) The frequency of public auctions, for either State-owned vehicles or federal surplus property will be regulated by current law as applicable, the volume of items held in inventory [at]by the [USASP]division, and the profitability of conducting auctions versus other approaches to disposing of surplus property.~~

~~(5) State-owned vehicles available for sale may not have any ancillary or component parts or equipment removed, destroyed, or detached, from the vehicle prior to sale without the approval of the division.~~

~~(6) State agencies are prohibited from removing ancillary or component parts or equipment from vehicles intended for surplus unless:~~

~~(a) The state agency intends on using the ancillary or component parts or equipment on other agency vehicles; or~~

~~(b) The state agency in possession of the vehicle intends to transfer the ancillary or component parts or equipment to another state agency; or~~

~~(c) The state agency has obtained prior approval from the division to remove ancillary or component parts or equipment from the vehicle intended for surplus.~~

R33-11-~~2~~5. Surplus Firearms.

11-~~2~~501. Purpose and Authority.

This ~~rule~~ subsection sets forth policies and procedures for disposing of surplus firearms from state agencies and participating local agencies, as authorized in ~~the Utah Code, Title 63A, Chapter 2, Part 4~~ 63A-2-4. This rule governs the destruction, sale, transfer, or donation of surplus firearms to any agency or to the general public.

~~11-202. Definitions:~~

~~(1) As used in this rule:~~

~~(a) "Firearm" means any state owned firearm, including any confiscated or seized firearm over which the state has disposal authority, and any firearm declared surplus by a local subdivision.~~

~~(b) "USASP" means Utah State Agency for Surplus Property.~~

~~(c) "Handgun" means any pistol or revolver.~~

~~(d) "Hunting or sporting rifle" means any long barreled shotgun or rifle manufactured for hunting or sporting purposes.~~

~~(e) "Licensed firearms dealer" means a firearms dealers licensed by the Federal Bureau of Alcohol, Tobacco and Firearms.~~

11-~~203~~502. Procedures.

(1) All state owned firearms shall be disposed of under the general provisions of Subsection R33-11-1 11-101.

(a) ~~[As an exception to the purchase priority listed in Subsection R33-11-1 11-106, t]~~The sale of firearms directly to the general public by the [USASP]division is prohibited.

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

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

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

(ii) [USASP]The division may authorize the sale of a handgun to a legally constituted law enforcement agency.

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

(A) the individual's name;

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

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

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

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

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

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

R33-11-~~3~~6. Utah State Agency for Surplus Property Adjudicative Proceedings.

11-~~3~~601. Purpose.

As required by the Utah Administrative Procedures Act, this rule provides the procedures for adjudicating disputes brought before the ~~[Utah State Agency for Surplus Property]division~~ under the authority granted by Section 63A-2-401 and Section 63G-4, et seq.

~~11-302. Definitions:~~

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

11-~~303~~602. Proceedings to be Informal.

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

11-~~304~~603. Procedures Governing Informal Adjudicatory Proceedings.

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

(2) The [USASP]division may hold a hearing at the discretion of the director of the Division of Purchasing and General Services or his designee unless a hearing is required by statute. A request for hearing must be made within ten days after receipt of the notice of agency action or request for agency action.

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

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

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

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

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

(8) Within thirty days after the close of any hearing, the director of the Division of Purchasing and General Services or his designee shall issue a written decision stating the decision, the reasons for the decision, time limits for filing an appeal with the director of the superior agency, notice of right of judicial review, and the time limits for filing an appeal to the appropriate district court.

(9) The decision rendered by the Director of the Division of Purchasing and General Services or his designee shall be based on the facts in the [USASP]division file and if a hearing is held, the facts based on evidence presented at the hearing.

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

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

[R33-11-7. Surplus Property Rate Schedule.

~~11-701. Purpose and Authority:~~

~~As allowed in Section 63A-2-405 of the Utah Code, charges and fees are assessed based on the value of the surplus property sold or donated as well as for services and handling of the property by the Utah State Agency for Surplus Property.~~

~~11-702. Definitions:~~

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

~~11-703. Rate Schedule:~~

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

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

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

[R33-11-7. State Surplus Property Contractor.

~~11-701. General Requirements.~~

~~(1) The state surplus contractor must be selected through a Request for Proposals that results in a term contract.~~

~~(2) The contractor may sell state surplus property by auction, bid or other manner designed to get the best price available for the state surplus property.~~

~~(3) The contractor may not engage in the sale of state surplus property in a manner that would constitute a conflict of interest.~~

~~(4) The contractor must submit regular and detailed accounting to the division of:~~

~~(a) the receipt and sale of state surplus property; and,~~

~~(b) the receipt and payment of funds by the contractor.~~

~~(5) The contractor must ensure public transparency regarding the sale of state surplus property and is required to:~~

~~(a) post online information related to a sale or attempted sale of state surplus property that includes:~~

~~(i) a detailed description of the item or items;~~

~~(ii) the name of the state agency that requested the sale;~~

~~(iii) the price at which the state surplus property was sold; and,~~

~~(iv) post the information within a period of time established by the division.~~

~~(6) The division may, through the contract with the state surplus contractor, require the state surplus contractor:~~

~~(a) to store the state surplus property; or,~~

~~(b) charge for the storage of state surplus property.~~

R33-11-8. Donation, Disposal, or Destruction of State Surplus Property.

~~11-801. A state agency or department may donate to a charitable organization, destroy, or dispose of as waste any state surplus property that is worth less than \$30.00 without involvement of the division or state surplus property contractor if:~~

~~(a) the state surplus property fails to sell at auction; or~~

~~(b) the cost of selling the state surplus property is greater or equal to the value of the state surplus property; or~~

~~(c) the state surplus property is no longer usable; or~~

~~(d) the state surplus property is damaged and either cannot be repaired or the cost of repair is greater than or equal to the value of the state surplus property in a repaired state; or~~

~~(e) the state surplus property can be replaced for less than the cost of repairing the state surplus property.~~

KEY: [rates;]state surplus property

Date of Enactment or Last Substantive Amendment: [September 11, 2011]2013

Authorizing, and Implemented or Interpreted Law: 63A-2-401; 63A-2-405; 63A-2-407; 63G-4

**Alcoholic Beverage Control,
Administration
R81-1-9
Liquor Dispensing Systems**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37962

FILED: 09/03/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 32B-5-304(1) requires that licensees use a calibrated metered dispensing system approved by the department in accordance with commission rules. To avoid the appearance that the department is approving companies rather than systems, this amendment outlines the requirements for an approved system and requires the licensee ensure that they comply with those requirements.

SUMMARY OF THE RULE OR CHANGE: This amendment outlines the requirements for an approved system and requires the licensee ensure that they comply with those requirements.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 32B-5-304(1)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--This rule filing outlines requirements for approved dispensing systems and does not create or save costs.
- ◆ **LOCAL GOVERNMENTS:** None--This rule filing outlines requirements for approved dispensing systems and does not create or save costs.
- ◆ **SMALL BUSINESSES:** None--This rule filing outlines requirements for approved dispensing systems and does not create or save costs.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--This rule filing outlines requirements for approved dispensing systems and does not create or save costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This rule filing outlines requirements for approved dispensing systems and does not have any associated compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--This rule filing outlines requirements for approved dispensing systems and does not have any associated costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ALCOHOLIC BEVERAGE CONTROL
 ADMINISTRATION
 1625 S 900 W
 SALT LAKE CITY, UT 84104-1630
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Nina McDermott by phone at 801-977-6805, by FAX at 801-977-6888, or by Internet E-mail at nmcdermott@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Sal Petilos, Executive Director

**R81. Alcoholic Beverage Control, Administration.
 R81-1. Scope, Definitions, and General Provisions.
 R81-1-9. Liquor Dispensing Systems.**

A licensee may not install or use any system for the automated mixing or dispensing of spirituous liquor unless the dispensing system has been approved by the department.

(1) A dispensing system is approved by the department if it meets the following [M]minimum requirements[-The department will only approve a dispensing system which]:

- (a) dispenses spirituous liquor in calibrated quantities not to exceed 1.5 ounces;[-and]
- (b) has a meter which counts the number of pours dispensed[-]; and

(c) The margin of error of the system for a one ounce pour size cannot exceed 1/16 of an ounce or two milliliters.

(2) Types of systems. Dispensing systems may be of various types including: gun, stationary head, tower, insertable spout, ring activator or similar method.

(3) ~~[Method of approval.]Licensee Responsibility.~~
~~[(a) Suppliers. Companies which manufacture, distribute, sell, or supply dispensing systems must first have their product approved by the department prior to use by any liquor licensee in the state. They shall complete the "Supplier Application for Dispensing System Approval" form provided by the department, which includes: the name, model number, manufacturer and supplier of the product; the type and method of dispensing, calibrating, and metering; the degree or tolerance of error; and a verification of compliance with federal and state laws, rules, and regulations.~~

~~]~~ ~~[(b)](a) [Licensees. Before any dispensing system is put into use by a licensee, the licensee shall complete the "Licensee Application for Dispensing System Approval" form provided by the department. The department shall maintain a list of approved products and shall only authorize installation of a product previously approved by the department as provided in subsection (a).]The licensee is [thereafter]responsible for verifying that the system, when initially installed, meets the specifications which [have been supplied to the department by the manufacturer]listed in subsection (1). Once installed, the licensee shall maintain the dispensing system to ensure that it continues to meet the [manufacturer's]approved specifications. Failure to maintain the system may be grounds for suspension or revocation of the licensee's liquor license.~~

~~[(c) Removal from approved list. In the event the system does not meet the specifications as represented by the manufacturer, the licensee shall immediately notify the department. The department shall investigate the situation to determine whether the product should be deleted from the approved list.~~

~~]~~ (4) Operational restrictions.

(a) The system must be calibrated to pour a quantity of spirituous liquor not to exceed 1.5 ounces.

(b) Voluntary consent is given that representatives of the department, State Bureau of Investigation, or any law enforcement officer shall have access to any system for inspection or testing purposes. A licensee shall furnish to the representatives, upon request, samples of the alcoholic products dispensed through any system for verification and analysis.

(c) Spirituous liquor bottles in use with a dispensing system at the dispensing location must be affixed to the dispensing system by the licensee. Spirituous liquor bottles in use with a remote dispensing system must be in a locked storage area. Any other primary spirituous liquor not in service must remain unopened. There shall be no opened primary spirituous liquor bottles at a dispensing location that are not affixed to an approved dispensing device.

(d) The dispensing system and spirituous liquor bottles attached to the system must be locked or secured in such a place and manner as to preclude the dispensing of spirituous liquor at times when liquor sales are not authorized by law.

(e) All dispensing systems and devices must
 (i) avoid an in-series hookup which would permit the contents of liquor bottles to flow from bottle to bottle before reaching the dispensing spigot or nozzle;

(ii) not dispense from or utilize containers other than original liquor bottles; and

(iii) prohibit the intermixing of different kinds of products or brands in the liquor bottles from which they are being dispensed.

(f) Pursuant to federal law, all liquor dispensed through a dispensing system shall be from its original container, and there shall be no re-use or refilling of liquor bottles with any substance whatsoever. The commission adopts federal regulations 27 CFR 31.261-31.262 and 26 USC Section 5301 and incorporates them by reference.

(g) Each licensee shall keep daily records for each dispensing outlet as follows:

(i) a list of brands of liquor dispensed through the dispensing system;

(ii) the number of portions of liquor dispensed through the dispensing system determined by the calculated difference between the beginning and ending meter readings and/or as electronically generated by the recording software of the dispensing system;

(iii) number of portions of liquor sold; and

(iv) a comparison of the number of portions dispensed to the number of portions sold including an explanation of any variances.

(v) These records must be made available for inspection and audit by the department or law enforcement.

(h) This rule does not prohibit the sale of pitchers of mixed drinks as long as the pitcher contains no more than 1.5 ounces of primary spirituous liquor and no more than a total of 2.5 ounces of spirituous liquor per person to which the pitcher is served.

(i) Licensees shall display in a prominent place on the premises a list of the types and brand names of spirituous liquor being served through its dispensing system. This requirement may be satisfied either by printing the list on an alcoholic beverage menu or by wall posting or both.

(j) All dispensing systems and devices must conform to federal, state, and local health and sanitation requirements. Where considered necessary, the department may:

(i) require the alteration or removal of any system,

(ii) require the licensee to clean, disinfect, or otherwise improve the sanitary conditions of any system.

KEY: alcoholic beverages

Date of Enactment or Last Substantive Amendment: [~~June 25,~~ 2013

Notice of Continuation: May 10, 2011

Authorizing, and Implemented or Interpreted Law: 32B-2-201(10); 32B-2-202; 32B-3-203(3)(c); 32B-5-304(1); 32B-1-305; 32B-1-306; 32B-1-307; 32B-1-607; 32B-1-304(1)(a); 32B-6-702; 32B-6-805(3); 32B-9-204(4); 32B-4-414(1)(b) and (c)

Commerce, Occupational and
Professional Licensing
R156-55d
Burglar Alarm Licensing Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37943

FILED: 08/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Alarm System Security and Licensing Board are proposing amendments to this rule to delete definitions included in the rule which contradict the recent passage of H.B. 12 during the 2013 General Legislative Session. The term "knowledge of specific applications" was used in the rule to define access of an alarm company agent in order to help determine if that agent needed a license. The rule provision contradicts the new language in H.B. 12 (2013) which defines new guidelines for licensure of an alarm company agent. H.B. 12 (2013) replaces "knowledge of specific applications" with the term "access to sensitive information". Therefore, the knowledge of specific applications test for licensure is no longer accurate. The Alarm System Security and Licensing Board has also determined that no further definitions are needed under the H.B. 12 definition of "sensitive alarm system information". The Division and Board are also proposing to amend a provision found under the unprofessional conduct section as that provision is too narrowly tailored and only applicable to limited situations.

SUMMARY OF THE RULE OR CHANGE: In Section R156-55d-102, the definitions for "individual employed" and "knowledge of specific applications" are being deleted and the remaining subsections are renumbered. Subsection R156-55d-502(7) is amended as the existing wording is too narrowly tailored and is only applicable to limited situations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101 and Subsection 58-1-106(1)(a) and Subsection 58-1-202(1)(a) and Subsection 58-55-302(3)(k) and Subsection 58-55-302(3)(l) and Subsection 58-55-302(4) and Subsection 58-55-308

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.

♦ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed alarm company agents and licensed alarm companies and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

♦ **SMALL BUSINESSES:** The proposed amendments may result in cost savings to small businesses for employees that no longer need to be licensed as an alarm company agent license. The Division, however, is not able to determine an exact amount of savings due to a wide range of circumstances.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendments may result in cost savings to other persons that no longer need to be licensed as an alarm company agent license. The Division, however, is not able to determine an exact amount of savings due to a wide range of circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments will not subject affected persons to any additional costs, but rather savings are anticipated as a result of the amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing responds to H.B. 12 (2013 General Legislative Session) by removing definitions that are no longer necessary under the revised statute. In addition, it clarifies an existing provision regarding unprofessional conduct. No fiscal impact to businesses is anticipated.

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:

◆ April Ellis by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at aprilellis@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 09/25/2013 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 474 (fourth floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.
R156-55d. Burglar Alarm Licensing Rule.
R156-55d-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapters 1 and 55, or this rule:

(1) "Immediate supervision", as used in this rule, means reasonable direction, oversight, inspection, and evaluation of the work of a person, in or out of the immediate presence of the supervision person, so as to ensure that the end result complies with applicable standards.

~~(2) ["Individual employed", as used in Subsection 58-55-102(2), means an individual who is an employee of a licensed burglar alarm company and who has or could have access to knowledge of specific applications.~~

~~_____ (3)]"Employee", as used in Subsections 58-55-102(17) and R156-55d-102(1), means an individual providing labor services for compensation who has federal and state taxes withheld and worker's compensation and unemployment insurance provided by the individual's employer.~~

~~_____ (4) "Knowledge of specific applications", as used in Subsection R156-55d-102(1), means obtaining specific information about any premises which is protected or is to be protected by an alarm system. This knowledge is gained through access to records, on-site visits or otherwise gathered through working for an alarm business or company.]~~

([5]3) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 55, is further defined, in accordance with Subsection 58-1-203(1), in Section R156-55d-502.

R156-55d-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing as an alarm company to notify the Division of the cessation of performance of its qualifying agent or failing to replace its qualifying agent as required under Section R156-55d-306;

(2) failing as an alarm company agent to carry or display a copy of the licensee's license as required under Section R156-55d-601;

(3) failing as an alarm agent to carry or display a copy of his Electronic Security Association (ESA), formerly known as the National Burglar and Fire Alarm Association (NBFAA) level one certification or equivalent training as required under Section R156-55d-603;

(4) employing as an alarm company a qualifying agent or alarm company agent knowing that individual has engaged in conduct inconsistent with the duties and responsibilities of an alarm company agent.

(5) failing to comply with operating standards established by rule;

(6) a judgment on, or a judicial or prosecutorial agreement concerning a felony, or a misdemeanor involving moral turpitude, entered against an individual by a federal, state or local court, regardless of whether the court has made a finding of guilt, accepted a plea of guilty or nolo contendere by an individual, or a settlement or agreement whereby an individual has entered into participation as a first offender, or an action of deferred adjudication, or other program or arrangement where judgment or conviction is withheld;

(7) making false, misleading, deceptive, fraudulent, or exaggerated claims by an alarm company agent [with respect to the need for an alarm system, the benefits of the alarm system, the installation of the alarm system or the response to the alarm system by law enforcement agencies]; and

(8) an alarm business or company having a residential or commercial false alarm rate 100% above the average of the residential or commercial false alarm rate of the municipality or county jurisdiction in which the alarm business or company's alarm systems are located.

KEY: licensing, alarm company, burglar alarms
Date of Enactment or Last Substantive Amendment:
~~November 22, 2010~~2013
Notice of Continuation: February 7, 2012
Authorizing, and Implemented or Interpreted Law: 58-55-101;
 58-1-106(1)(a); 58-1-202(1)(a); 58-55-302(3)(k); 58-55-302(3)(l);
 58-55-302(4); 58-55-308

**Commerce, Occupational and
 Professional Licensing**
R156-60
**Mental Health Professional Practice Act
 Rule**

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 37948
 FILED: 08/29/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2013 General Legislative Session, H.B. 56 was passed which amended provisions of Title 58, Chapter 60, the Mental Health Professional Practice Act. As a result, the Division and the various mental health therapy licensing boards are proposing amendments to this rule to comply with the provisions of H.B. 56 (2013). Additional amendments are also necessary due to the publishing of new versions of materials used by mental health professionals to diagnose mental illness.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-60-102(1), the proposed amendment expands the definition of "approved diagnostic and statistical manual for mental disorders" to include the DSM (Diagnostic and Statistical Manual of Mental Disorders)-5. The inclusion is necessary because the American Psychiatric Association released DSM-5 in May 2013 and it is already in use. The rule should still reference DSM-IV because it continues to be used by many practitioners. A reference to ICD-9 is added because many practitioners continue to use it. In Subsection R156-60-102(3), the definition of "direct supervision" is added as a result of H.B. 56 (2013). Under the proposed language, direct supervision may include when a supervisee meets with a supervisor remotely via real-time electronic methods. Section R156-60-502 is added because the licensing boards felt it was necessary in light of the new reference to the practice of mental health therapy remotely adopted in H.B. 56 (2013).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-60-101 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 due to the need for the Division and various licensing boards to review and approve written supervisory agreements from licensees seeking approval to complete some or all 100 hours of direct supervision via real-time electronic methods under Subsection R156-60-102(3). At this time, it is anticipated that only a few supervisees will seek this approval, resulting in minimal impact to the Division and its budget.

♦ **LOCAL GOVERNMENTS:** The proposed amendments only apply to mental health therapists. As a result, the proposed amendment does not apply to local governments.

♦ **SMALL BUSINESSES:** The proposed amendment to Subsection R156-60-102(3) expands the definition of direct supervision to include when a supervisee meets with a supervisor remotely via real-time electronic methods. Small businesses may experience a cost savings as a result of this proposed amendment because it may save a supervisor and supervisee the cost of traveling to physically meet with one another. This anticipated cost savings cannot be quantified by the Division due to a wide range of circumstances.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment to R156-60-102(3) expands the definition of direct supervision to include when a supervisee meets with a supervisor remotely via real-time electronic methods. In some cases, this proposed amendment may translate into a cost savings for individual supervisors and supervisees because they will save the cost of traveling to physically meet with one another. This anticipated cost savings cannot be quantified by the Division due to a wide range of circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment to Subsection R156-60-102(3) expands the definition of direct supervision to include when a supervisee meets with a supervisor remotely via real-time electronic methods. In some cases, this proposed amendment may translate into a cost savings for individual supervisors and supervisees because they will save the cost of traveling to physically meet with one another. This anticipated cost savings cannot be quantified by the Division due to a wide range of circumstances.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing updates an existing definition to reflect industry developments and creates, in response to H.B. 56 (2013), provisions to ensure that a supervisor who is not physically proximate to a supervisee fulfills the supervisory duties through real-time electronic methods and according to a written plan. Any fiscal impact to businesses was considered by the Legislature in determining to allow remote supervision. No additional fiscal impact is anticipated from these proposed 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 10/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

♦ 10/03/2013 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 475, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Mark Steinagel, Director

R156. Commerce, Occupational and Professional Licensing.

R156-60. Mental Health Professional Practice Act Rule.

R156-60-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(1) "Approved diagnostic and statistical manual for mental disorders" means the following: ~~current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, or the ICD-10-CM published by Medicode, the American Psychiatric Association, or Practice Management Information Corporation in conjunction with the World Health Organization.~~

(a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5 or Fourth Edition: DSM-IV published by the American Psychiatric Association;

(b) 2013 ICD-9-CM for Physicians, Volumes 1 and 2 Professional Edition published by the American Medical Association; or

(c) ICD-10-CM 2013: The Complete Official Draft Code Set published by the American Medical Association.

(2) "Client or patient" means an individual who, when competent requests, or when not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist agrees verbally or in writing to provide professional services to that individual, or without an overt agreement does in fact provide professional services to that individual.

(3) "Direct supervision" of a supervisee in training, as used in Subsection 58-60-205(1)(f), 58-60-305(1)(f), and 58-60-405(1)(f), means:

(a) a supervisor meeting with the supervisee when both are physically present in the same room at the same time; or

(b) a supervisor meeting with the supervisee remotely via real-time electronic methods that allow for visual and audio interaction between the supervisor and supervisee under the following conditions:

(i) the supervisor and supervisee shall enter into a written supervisory agreement which, at a minimum, establishes the following:

(A) frequency, duration, reason for, and objectives of electronic meetings between the supervisor and supervisee;

(B) a plan to ensure accessibility of the supervisor to the supervisee despite the physical distance between their offices;

(C) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervisee;

(D) a plan to inform a supervisee's client or patient and employer regarding the supervisee's use of remote supervision;

(E) a plan to comply with the supervisor's duties and responsibilities as established in rule; and

(F) a plan to physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision or at a lesser frequency as approved by the Division in collaboration with the Board;

(ii) the supervisee submits the supervisory agreement to the Division and obtains approval before counting direct supervision completed via live real-time methods toward the 100-hour direct supervision requirement; and

(iii) in evaluating a supervisory agreement, the Division shall consider whether it adequately protects the health, safety, and welfare of the public.

([3]4) "Employee" means an individual who is or should be treated as a W-2 employee by the Internal Revenue Service.

([4]5) "General supervision" means that the supervisor is available for consultation with the supervisee by personal face to face contact, or direct voice contact by telephone, radio, or some other means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.

R156-60-502. Unprofessional Conduct.

"Unprofessional conduct" includes when providing services remotely:

(1) failing to practice according to professional standards of care in the delivery of services remotely;

(2) failing to protect the security of electronic, confidential data and information; or

(3) failing to appropriately store and dispose of electronic, confidential data and information.

KEY: licensing, mental health, therapists

Date of Enactment or Last Substantive Amendment:
~~November 13, 2012~~ 2013

Notice of Continuation: July 27, 2009

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-60-101

**Commerce, Occupational and
Professional Licensing
R156-63a-102
Definitions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37944

FILED: 08/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Security Services Licensing Board are proposing an amendment to define the term "compensated" which was added to Title 58, Chapter 63, by S.B. 130 which was passed during the 2013 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-63a-102(6) is added to define the term "compensated" as that term is used in Subsection 58-63-302(c)(iii)(A). The remaining subsections have been renumbered.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 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.

◆ **LOCAL GOVERNMENTS:** The proposed amendment only applies to licensed contract security companies and licensed armed/unarmed private security officers and applicants for licensure in those classifications. As a result, the proposed amendment does not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendment only applies to licensed contract security companies and licensed armed/unarmed private security officers and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendment would not directly affect the business.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendment only applies to licensed contract security companies and licensed armed/unarmed private security officers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings to other persons as a result of the proposed definition addition beyond that which was considered by the Legislature in the passage of S.B. 130 (2013).

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment only applies to licensed contract security companies and licensed armed/unarmed private

security officers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings to other persons as a result of the proposed definition addition beyond that which was considered by the Legislature in the passage of S.B. 130 (2013).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing defines the term "compensated" which was introduced into the Security Personnel Licensing Act during the 2013 General Legislative Session. No fiscal impact to businesses is anticipated beyond that considered by the Legislature in determining to amend the statute.

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:

◆ April Ellis by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at aprilellis@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/10/2013 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 210 (second floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-63a. Security Personnel Licensing Act Contract Security Rule.
R156-63a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or this rule:

(1) "Approved basic education and training programs" means basic education and training that meets the standards set forth in Sections R156-63a-602 and R156-63a-603 that is approved by the Division.

(2) "Approved basic firearms education and training program" means basic firearms education and training that meets the standards set forth in Section R156-63a-604 that is approved by the Division.

(3) "Authorized emergency vehicle" is as defined in Subsection 41-6a-102(3).

(4) "Contract security company" includes a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed.

(5) "Contract security company" does not include a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible personal property, real property, or the life and well being of personnel employed by, or animals owned by or under the responsibility of that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(6) "Compensated", as used in Subsection 58-63-302(1)(c)(iii)(A), means remuneration in the form of W-2 wages unless the qualifying agent is an owner of a contract security or armored car company, in which case "compensated" means the owner's profit distributions or dividends.

([6]7) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

([7]8) "Employee" means an individual providing services in the security guard industry for compensation when the amount of compensation is based directly upon the security guard services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

([8]9) "Officer" as used in Subsections 58-63-201(1)(a) and R156-63a-302a(1)(b) means a manager, director, or administrator of a contract security company.

([9]10) "Qualified continuing education" means continuing education that meets the standards set forth in Subsection R156-63a-304.

([10]11) "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of a contract security company who exercises material authority in the conduct of the contract security company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter and who is not involved in any other employment or activity which conflicts with his duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.

([11]12) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or contract security company logo that clips on to or is placed over the front pocket.

([12]13) "Supervised on-the-job training" means training of an armed or unarmed private security officer under the supervision of a licensed private security officer who has been assigned to train and develop the on-the-job trainee.

([13]14) "Supervision" means general supervision as defined in Section R156-1-102a(4)(c).

([13]15) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(1)(c), in Section R156-63a-502.

KEY: licensing, security guards, private security officers

Date of Enactment or Last Substantive Amendment: [March 24, 2011] 2013

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101

Commerce, Occupational and Professional Licensing R156-63b-102 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37945

FILED: 08/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and Security Services Licensing Board are proposing an amendment to define the term "compensated" which was added to Title 58, Chapter 63, by S.B. 130 which was passed during the 2013 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: Subsection R156-63b-102(6) is added to define the term "compensated" as that term is used in Subsection 58-63-302(c)(iii)(A). The remaining subsections have been renumbered.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-63-101 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.

♦ **LOCAL GOVERNMENTS:** The proposed amendment only applies to licensed armored car companies and licensed armored car security officers and applicants for licensure in those classifications. As a result, the proposed amendment does not apply to local governments.

♦ **SMALL BUSINESSES:** The proposed amendment only applies to licensed armored car companies and licensed armored car security officers and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendment would not directly affect the business.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The proposed amendment only applies to licensed armored car companies and licensed armored car security officers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings to other persons as a result of the proposed definition addition beyond that which was considered by the Legislature in the passage of S.B. 130 (2013).

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment only applies to licensed armored car companies and licensed armored car security officers and applicants for licensure in those classifications. The Division does not anticipate any costs or savings to other persons as a result of the proposed definition addition beyond that which was considered by the Legislature in the passage of S.B. 130 (2013).

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This filing defines the term "compensated" which was introduced into the Security Personnel Licensing Act during the 2013 General Legislative Session. No fiscal impact to businesses is anticipated beyond that considered by the Legislature in determining to amend the statute.

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:

◆ April Ellis by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at aprilellis@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/10/2013 09:00 AM, Heber Wells Bldg, 160 E 300 S, Conference Room 210 (second floor), Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-63b. Security Personnel Licensing Act Armored Car Rule.**

R156-63b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 63, as used in Title 58, Chapters 1 and 63 or this rule:

(1) "Approved basic education and training program" means basic education and training that meets the standards set forth in Sections R156-63b-602 and R156-63b-603 that is approved by the Division.

(2) "Approved basic firearms education and training program" means basic firearms education and training that meets the standards set forth in Section R156-63b-604 that is approved by the Division.

(3) "Armored car company" includes a peace officer who engages in providing security or guard services when acting in a capacity other than as an employee of the law enforcement agency by whom he is employed.

(4) "Armored car company" does not include a company which hires as employees, individuals to provide security or guard services for the purpose of protecting tangible property, currency, valuables, jewelry, SNAP benefits as defined in Section 35A-1-102, or other high value items that require secured delivery from one place to another and are owned by or under the responsibility of that company, as long as the security or guard services provided by the company do not benefit any person other than the employing company.

(5) "Authorized emergency vehicle" is as defined in Subsection 41-6a-102(3).

(6) "Compensated", as used in Subsection 58-63-302(1)(c)(iii)(A), means remuneration in the form of W-2 wages unless the qualifying agent is an owner of a contract security or armored car company, in which case "compensated" experience means the owner's profit distributions or dividends.

([6]Z) "Conviction" means criminal conduct where the filing of a criminal charge has resulted in:

(a) a finding of guilt based on evidence presented to a judge or jury;

(b) a guilty plea;

(c) a plea of nolo contendere;

(d) a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation;

(e) a pending diversion agreement; or

(f) a conviction which has been reduced pursuant to Section 76-3-402.

([7]8) "Employee" means an individual providing services in the armored car industry for compensation when the amount of compensation is based directly upon the armored car services provided and upon which the employer is required under law to withhold federal and state taxes, and for whom the employer is required under law to provide worker's compensation insurance coverage and pay unemployment insurance.

([8]9) "Officer" as used in Subsection 58-63-201(1)(a) means a manager, director, or administrator of an armored car company.

([9]10) "Qualified continuing education" means continuing education that meets the standards set forth in Subsection R156-63b-304.

([10]11) "Qualifying agent" means an individual who is an officer, director, partner, proprietor or manager of an armored car company who exercises material authority in the conduct of the armored car company's business by making substantive technical and administrative decisions relating to the work performed for which a license is required under this chapter and who is not involved in any other employment or activity which conflicts with his duties and responsibilities to ensure the licensee's performance of work regulated under this chapter does not jeopardize the public health, safety, and welfare.

([11]12) "Soft uniform" means a business suit or a polo-type shirt with appropriate slacks. The coat or shirt has an embroidered badge or armored car company logo that clips onto or is placed over the front pocket.

([12]13) "Supervised on-the-job training" means training of an armored car security officer under the supervision of a licensed armored car security officer who has been assigned to train and develop the on-the-job trainee.

([13]14) "Supervision" means general supervision as defined in Section R156-1-102a(4)(c).

([14]15) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 63, is further defined, in accordance with Subsection 58-1-203(1)(c), in Section R156-63b-502.

KEY: licensing, security guards, armored car security officers, armored car company

Date of Enactment or Last Substantive Amendment: [~~May-26,~~ 2011]2013

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-63-101

**Commerce, Occupational and
Professional Licensing
R156-83**

**Online Prescribing, Dispensing, and
Facilitation Licensing Act Rule**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 37942
FILED: 08/27/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Online Prescribing, Dispensing and Facilitation Licensing Board are proposing amendments to the rule to add a new erectile dysfunction drug, Avanafil, to the approved drug list and to amend audit report requirements to accommodate licensees who are in compliance.

SUMMARY OF THE RULE OR CHANGE: In Section R156-83-306, the proposed amendment adds Avanafil, an erectile dysfunction drug, to the approved list. In Section R156-83-308, the proposed amendments allow for an Internet facilitator who has been licensed for two years to request the audit reports to be due biannually.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-83-101 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 \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

◆ **LOCAL GOVERNMENTS:** The proposed amendments only apply to licensed online prescribers, licensed Internet facilitators, and persons who may receive prescriptions via online methods. As a result, the proposed amendments do not apply to local governments.

◆ **SMALL BUSINESSES:** The proposed amendments may affect online dispensing/facilitation small businesses by increasing revenue if the business sells the approved drug Avanafil. An exact amount of increased revenue cannot be determined by the Division due to a wide range of circumstances. Licensed Internet facilitators, who have been licensed in this state for at least two years and who may qualify as a small business, may also see a slight decrease in their costs relating to required audit reports that need to be submitted to the Division as a result of the proposed amendment with respect to the required audit reports. However, the Division is not able to determine an exact amount of potential decreased costs relating to audit reports due to a wide range of circumstances.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed amendments may affect other persons who are involved in online dispensing/facilitation by increasing revenue if the person sells the approved drug Avanafil. An exact amount of increased revenue cannot be determined by the Division due to a wide range of circumstances. Licensed Internet facilitators who have been licensed in this state for at least two years may also see a slight decrease in their costs relating to required audit reports that need to be submitted to the Division as a result of the proposed amendment with respect to the required audit reports. However, the Division is not able to determine an exact amount of potential decreased costs relating to audit reports due to a wide range of circumstances. Additionally, the proposed amendment adding the approved drug Avanafil increases the options of obtaining the approved erectile dysfunction drug for patients who utilize licensed online prescribing and dispensing companies which may result in lower costs than obtaining the drug through a pharmacy. The Division, however, is not able to determine the amount of potential lower costs in obtaining the newly approved drug.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments may affect other persons who are involved in online dispensing/facilitation by increasing revenue if the person sells the approved drug Avanafil. An exact amount of increased revenue cannot be determined by the Division due to a wide range of circumstances. Licensed Internet facilitators who have been licensed in this state for at least two years may also see a slight decrease in their costs relating to required audit reports that need to be submitted to the Division as a result of the proposed amendment with respect to the required audit reports. However, the Division is not able to determine an exact amount of potential decreased costs relating to audit reports due to a wide range of circumstances. Additionally, the proposed amendment adding the approved drug Avanafil increases the options of obtaining the approved erectile dysfunction drug for patients who utilize licensed online prescribing and dispensing companies which may result in lower costs than obtaining the drug through a pharmacy. The Division, however, is not able to determine the amount of potential lower costs in obtaining the newly approved drug.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, no fiscal impact to business is anticipated from this rule filing, which adds a new drug to the list of medications that are approved for online prescribing, dispensing and facilitation; and allows an online facilitator that has been licensed for at least two years to request that its audit reports be due biannually rather than quarterly.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Mark Steinagel, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-83. Online Prescribing, Dispensing, and Facilitation
Licensing Act Rule.**

**R156-83-306. Drugs Approved for Online Prescribing,
Dispensing, and Facilitation.**

In accordance with Subsection 58-83-306(1)(c), the following legend, non-controlled drugs are approved for prescribing by an online prescriber:

- (1) finasteride;
- (2) sildenafil citrate;
- (3) tadalafil;
- (4) vardenafil hydrochloride;
- (5) hormonal based contraception (except injectable or implantable methods);~~and~~
- (6) varenicline;
- (7) hydroquinone up to 4%;~~and~~
- (8) tretinoin up to 0.1%; and
- (9) avanafil.

R156-83-308. Audit Reports.

In accordance with Subsection 58-83-308(3), an initially licensed Internet facilitator licensed under this chapter shall provide quarterly reports to the Division containing the information listed in Subsection 58-83-308(3). The reports are ~~is~~ due on the fifteenth day of each quarter, i.e. January 15, April 15, July 15, and October 15. If the Internet facilitator has been licensed for two years, the Board and Division may reduce the audit reports to be due biannually, January 15 and July 15.

KEY: licensing, online prescribing, internet facilitators

Date of Enactment or Last Substantive Amendment: [~~February 21, 2012~~2013

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a), 58-83-101

Commerce, Real Estate
R162-2c-204
License Renewal, Reinstatement, and
Reapplication

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37949

FILED: 08/30/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to require fingerprint background reports and credit reports as a condition of renewal beginning 11/01/2015 and every five years thereafter.

SUMMARY OF THE RULE OR CHANGE: In accordance with national licensing standards, mortgage licensees will be required to provide a fingerprint background report and a credit report in order to apply for renewal during the renewal period beginning 11/01/2015 and every fifth year following that renewal period.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2c-203 and Section 61-2c-205 and Subsection 61-2c-103(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state has the budget and staff to process license renewal applications. In the years where background reports and credit reports are generated, processing times are likely to increase, and the Division might find it necessary to bring disciplinary action against any licensee who is found to have violated ongoing criminal and financial disclosure requirements. However, it is not anticipated that additional staff or resources will be required.

◆ **LOCAL GOVERNMENTS:** Local government is not required to comply with or enforce the mortgage license renewal rules. No fiscal impact to local government is anticipated.

◆ **SMALL BUSINESSES:** A small business that chooses to pay the license renewal fees for its sponsored mortgage licensees in affected years will have increased costs associated with the fingerprinting fee and the credit report fee. Currently, the total of both fees is \$51.25. These fees are set and collected by the Nationwide Mortgage Licensing System. They are outside the control of the Division.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** An individual who renews a license in affected years will have increased costs associated with the fingerprinting fee and the credit report fee. Currently, the total of both fees is \$51.25. These fees are set and collected by the Nationwide Mortgage Licensing System. They are outside the control of the Division.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To comply in affected years, an affected person will pay \$51.25 more in renewal fees than would be required in an unaffected year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, the proposed amendment will not have any impact to a business unless the business chooses to pay license renewal fees for its sponsored mortgage licensees. A business that chooses to do so will, beginning in 2015 and every fifth year thereafter, pay an additional amount for each license renewal. Currently, the additional amount totals \$51.25.

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:

◆ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Jonathan Stewart, Director

**R162. Commerce, Real Estate.
R162-2c. Utah Residential Mortgage Practices and Licensing Rules.**

R162-2c-204. License Renewal, Reinstatement, and Reapplication.

(1) Deadlines.

(a) License renewal.

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

(ii)(A) 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 (1)(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 applying to renew or reinstate a license shall evidence that they maintain good moral character, honesty, integrity, and truthfulness as required for initial licensure.

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

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

~~(B)~~(II) 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.

(B) A licensee shall submit a fingerprint background report in order to renew a license:

(A) in the renewal period beginning November 1, 2015; and

(B) every fifth year following the renewal period beginning November 1, 2015.

(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.

(c) Financial responsibility. A licensee shall submit a credit report in order to renew a license:

(i) in the renewal period beginning November 1, 2015; and

(ii) every fifth year following the renewal period beginning November 1, 2015.

(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.

(3) Education requirements for renewal, reinstatement, and reapplication.

(a) License renewal.

(i) Except as provided in this Subsection (3)(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, the following courses, none of which may be duplicative of courses taken in the same or preceding renewal period:

(A) beginning with the 2014 renewal, a division-approved course on Utah law, completed annually; and

(B) eight hours of continuing education approved through the nationwide database, as follows:

(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 undefined instruction on mortgage origination.

(ii) An individual who completes the mortgage loan originator national pre-licensing education between January 1 and December 31 of the calendar year is exempt from continuing education, including the division-approved course on Utah law specified in Subsection (3)(a)(i)(A), for the renewal period ending December 31 of the same calendar year.

(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:

(i) the division-approved course on Utah law specified in Subsection (3)(a)(i)(A); and

(ii) eight hours of continuing education:

(A) in topics listed in this Subsection (3)(a)(i)(B); and

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

(II) 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 division-approved course on Utah law and continuing education requirement outlined in this Subsection (3)(b).

(ii) To reapply for licensure after the deadline described in this Subsection (3)(c)(i) passes, an individual shall:

(A) complete eight hours of continuing education:

(I) in topics listed in this Subsection (3)(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 15-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 lending manager pre-licensing education and associated examination, if the terminated license was a lending manager license; and

(C) complete the division-approved course on Utah law specified in Subsection (3)(a)(i)(A).

(4) Renewal, reinstatement, and reapplication procedures.

(a) An individual licensee shall:

(i) evidence having completed education as required by Subsection R162-2c-204(3);

(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; or

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

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

(b) 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 fees, including all applicable late fees, required by the division and by the nationwide database.

KEY: loan origination, licensing, enforcement, residential mortgage
Date of Enactment or Last Substantive Amendment: [August 7,] 2013
Authorizing, and Implemented or Interpreted Law: 61-2c-103(3); 61-2c-402(4)(a)

Commerce, Real Estate
R162-2g-307d
Instructor Certification for Pre-licensing Education

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 37950
 FILED: 08/30/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to ensure that instructors of pre-licensing education courses in the appraisal profession are appropriately qualified.

SUMMARY OF THE RULE OR CHANGE: In order to certify as a pre-licensing instructor, an individual is required to demonstrate current, active licensure or certification as applicable to the appraisal pre-licensing course proposed to be taught, as well as experience or education in the specific topic(s) addressed in the course.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2g-201(2)(h) and Subsection 61-2g-307(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The Division currently has the staff and budget necessary to review applications for instructor certifications. No impact to the state budget is anticipated from this rule filing.
- ◆ **LOCAL GOVERNMENTS:** Local government is not required to enforce or comply with the appraiser licensing and certification administrative rules. No impact to local government is anticipated from this rule filing.
- ◆ **SMALL BUSINESSES:** Small businesses that offer appraiser pre-licensing education will be required to hire licensed or certified appraisers to teach the courses being offered. Any associated costs will vary according to the terms of each instructor's employment.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Individuals who wish to teach appraiser pre-licensing courses will be required to demonstrate active, current licensure or certification as applicable to the course being taught. An individual who holds the required credential will have no associated costs. An individual who does not hold the

required credential will incur the education and examination costs attendant to initial licensure.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected education providers will be required to hire licensed or certified appraisers to teach appraiser pre-licensing courses. Affected instructors will be required to obtain or maintain current licensure or certification, as applicable to the course taught. Any associated costs will vary and cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, any costs to businesses that hire licensed or certified appraisers to teach appraisal pre-licensing education classes will vary and cannot be estimated.

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:

- ◆ Justin Barney by phone at 801-530-6603, or by Internet E-mail at justinbarney@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.
R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules.
R162-2g-307d. Instructor Certification for Pre-licensing Education.

- (1) To certify as a pre-licensing education instructor, an individual shall:
 - (a) evidence that the applicant meets the character and competency requirements outlined in Subsection R162-2g-302(2)-(3);
 - (b) submit a completed application as provided by the division;
 - (c) demonstrate knowledge of the subject matter to be taught as evidenced by:
 - (i) current, active licensure or certification as applicable to the pre-licensing course proposed to be taught;
 - (ii) a minimum of five years active experience in appraising; and
 - (iii) (A) college or other appropriate courses specific to the topic proposed to be taught; or

~~[(iii)](B)~~ other experience~~[- education, or credentials]~~ acceptable to the board in the topic proposed to be taught;

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

(e) pay a nonrefundable application fee.

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

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

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

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

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

(d) pay a nonrefundable application fee.

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

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

(ii) pay a nonrefundable late fee.

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

(i) comply with this Subsection (3);

(ii) pay a nonrefundable reinstatement fee; and

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

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

(5) A certified instructor shall comply with the reporting requirements of Section 61-2g-306(3).

KEY: real estate appraisals, licensing and certification, administrative procedures, trainee registration

Date of Enactment or Last Substantive Amendment: [August 21,] 2013

Authorizing, and Implemented or Interpreted Law: 61-2g-201(2)(h); 61-2g-307(3)

Environmental Quality, Water Quality R317-6-6 Implementation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37961

FILED: 09/03/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to allow the

Director of the Division of Water Quality discretion on length of comment period for public notice of ground water permits.

SUMMARY OF THE RULE OR CHANGE: In Subsection R317-6-6(6.5), insert "at least" before 30 days and "but no more than 60 days" in order to establish a minimum and maximum comment period and allow flexibility under certain situations.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 19, Chapter 5

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no cost or savings to the state budget since the amendment does not require additional action by the state or agency. Advertising cost for the public notice is not dependent on the length of time for the comment period.

◆ **LOCAL GOVERNMENTS:** This change does not apply to local government, but only to the length of time allowed for comments to be submitted to the Division of Water Quality for ground water permits.

◆ **SMALL BUSINESSES:** Some small businesses who may be seeking a permit may be affected, but costs are difficult to determine and depend on the project. Additional costs would be associated with delaying a project or construction. However, affected persons build public comment into their process and construction time frames.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Some persons other than small businesses, businesses, or local government entities, who may be seeking a permit, may be affected, but costs are difficult to determine and depend on the project. Additional costs would be associated with delaying a project or construction. However, affected persons build public comment into their process and construction time frames.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs are difficult to determine and depend on the project. Additional costs would be associated with delaying a project or construction. However, affected persons build public comment into their process and construction time frames.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As businesses begin the permit application process, they know that there is a time allotment needed for review, comment, and action on the application. The change in this rule is to help the department, the public, and the business have adequate time to review the proposed permit, comment on it, and take appropriate action. The proposed change will help to prevent the permit from possibly going into a legal appeal process which might cost much more than having the extra time to review, comment, and evaluate prior to taking action at the division level.

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

ENVIRONMENTAL QUALITY
WATER QUALITY
THIRD FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Judy Etherington by phone at 801-536-4344, by FAX at 801-536-4301, or by Internet E-mail at jetherington@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO
LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/23/2013

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality.

R317-6. Ground Water Quality Protection.

R317-6-6. Implementation.

6.1 DUTY TO APPLY FOR A GROUND WATER DISCHARGE PERMIT

A. No person may construct, install, or operate any new facility or modify an existing or new facility, not permitted by rule under R317-6-6.2, which discharges or would probably result in a discharge of pollutants that may move directly or indirectly into ground water, including, but not limited to land application of wastes; waste storage pits; waste storage piles; landfills and dumps; large feedlots; mining, milling and metallurgical operations, including heap leach facilities; and pits, ponds, and lagoons whether lined or not, without a ground water discharge permit from the Director. A ground water discharge permit application should be submitted at least 180 days before the permit is needed.

B. All persons who constructed, modified, installed, or operated any existing facility, not permitted by rule under R317-6-6.2, which discharges or would probably result in a discharge of pollutants that may move directly or indirectly into ground water, including, but not limited to: land application of wastes; waste storage pits; waste storage piles; landfills and dumps; large feedlots; mining, milling and metallurgical operations, including heap leach facilities; and pits, ponds, and lagoons whether lined or not, must have submitted a notification of the nature and location of the discharge to the division before February 10, 1990 and must submit an application for a ground water discharge permit within one year after receipt of written notice from the division that a ground water discharge permit is required.

C. No person may construct, install, or operate any new liquid waste storage facility or modify an existing or new liquid waste storage facility for a large animal feeding operation not permitted by rule under R317-6-6.2A.17, which discharges or would probably result in a discharge of pollutants that may move directly or indirectly into ground water, without a ground water discharge permit from the Director. A ground water discharge permit application should be submitted at least 180 days before the

permit is needed and the applicant must comply with the requirements of R317-1-2 for submitting plans and specifications and obtaining a construction permit.

6.2 GROUND WATER DISCHARGE PERMIT BY RULE

A. Except as provided in R317-6-6.2.C, the following facilities are considered to be permitted by rule and are not required to obtain a discharge permit under R317-6-6.1 or comply with R317-6-6.3 through R317-6-6.7, R317-6-6.9 through R317-6-6.11, R317-6-6.13, R317-6-6.16, R317-6-6.17 and R317-6-6.18:

1. facilities with effluent or leachate which has been demonstrated to the satisfaction of the Director to conform and will not deviate from the applicable class TDS limits, ground water quality standards, protection levels or other permit limits and which does not contain any contaminant that may present a threat to human health, the environment or its potential beneficial uses of the ground water. The Director may require samples to be analyzed for the presence of contaminants before the effluent or leachate discharges directly or indirectly into ground water. If the discharge is by seepage through natural or altered natural materials, the Director may require samples of the solution be analyzed for the presence of pollutants before or after seepage;

2. water used for watering of lawns, gardens, or shrubs or for irrigation for the revegetation of a disturbed land area except for the direct land application of wastewater;

3. application of agricultural chemicals including fertilizers, herbicides and pesticides including but not limited to, insecticides fungicides, rodenticides and fumigants when used in accordance with current scientifically based manufacturer's recommendations for the crop, soil, and climate and in accordance with state and federal statutes, regulations, rules, permits, and orders adopted to avoid ground water pollution;

4. water used for irrigated agriculture except for the direct land application of wastewater from municipal, industrial or mining facilities;

5. flood control systems including detention basins, catch basins and wetland treatment facilities used for collecting or conveying storm water runoff;

6. natural ground water seeping or flowing into conventional mine workings which re-enters the ground by natural gravity flow prior to pumping or transporting out of the mine and without being used in any mining or metallurgical process;

7. leachate which results entirely from the direct natural infiltration of precipitation through undisturbed materials;

8. wells and facilities regulated under the underground injection control (UIC) program;

9. land application of livestock wastes, within expected crop nitrogen uptake;

10. individual subsurface wastewater disposal systems approved by local health departments or large subsurface wastewater disposal systems approved by the Director;

11. produced water pits, and other oil field waste treatment, storage, and disposal facilities regulated by the Division of Oil, Gas, and Mining in accordance with Section 40-6-5(3)(d) and R649-9, Disposal of Produced Water;

12. reserve pits regulated by the Division of Oil, Gas and Mining in accordance with Section 40-6-5(3)(a) and R649-3-7, Drilling and Operating Practices;

13. storage tanks installed or operated under rules adopted by the Utah Solid and Hazardous Waste Control Board;

14. coal mining operations or facilities regulated under the Coal Mining and Reclamation Act by the Utah Division of Oil, Gas, and Mining (DOG M). The submission of an application for ground water discharge permit under R317-6-6.2.C may be required only if the Director, after consideration of recommendations, if any, by DOGM, determines that the discharge violates applicable ground water quality standards, applicable Class TDS limits, or is interfering with a reasonable foreseeable beneficial use of the ground water. DOGM is not required to establish any administrative or regulatory requirements which are in addition to the rules of DOGM for coal mining operations or facilities to implement these ground water rules;

15. hazardous waste or solid waste management units managed or undergoing corrective action under R315-1 through R315-14;

16. solid waste landfills permitted under the requirements of R315-303;

17. animal feeding operations, as defined in UAC R317-8-3.5(2) that use liquid waste handling systems, which are not located within Zone 1 (100 feet) for wells in a confined aquifer or Zone 2 (250 day time of travel) for wells and springs in unconfined aquifers, in accordance with the Public Drinking Water Regulations UAC R309-600, and which meet either of the following criteria:

a) operations constructed prior to the effective date of this rule which incorporated liquid waste handling systems and which are either less than 4 million gallons capacity or serve fewer than 1000 animal units, or

b. operations with fewer than the following numbers of confined animals:

- i. 1,500 slaughter and feeder cattle,
- ii. 1,050 mature dairy cattle, whether milked or dry cows,
- iii. 3,750 swine each weighing over 25 kilograms (approximately 55 pounds),
- iv. 18,750 swine each weighing 25 kilograms or less (approximately 55 pounds),
- v. 750 horses,
- vi. 15,000 sheep or lambs,
- vii. 82,500 turkeys,
- viii. 150,000 laying hens or broilers that use continuous

overflow watering but dry handle wastes,

- ix. 45,000 hens or broilers,
- x. 7,500 ducks, or
- xi. 1,500 animal units

18. animal feeding operations, as defined in UAC R317-8-3.5(2), which do not utilize liquid waste handling systems;

19. mining, processing or milling facilities handling less than 10 tons per day of metallic and/or nonmetallic ore and waste rock, not to exceed 2500 tons/year in aggregate unless the processing or milling uses chemical leaching;

20. pipelines and above-ground storage tanks;

21. drilling operations for metallic minerals, nonmetallic minerals, water, hydrocarbons, or geothermal energy sources when done in conformance with applicable rules of the Utah Division of Oil, Gas, and Mining or the Utah Division of Water Rights;

22. land application of municipal sewage sludge for beneficial use, at or below the agronomic rate and in compliance with the requirements of 40 CFR 503, July 1, 2000 edition;

23. land application of municipal sewage sludge for mine-reclamation at a rate higher than the agronomic rate and in compliance with 40 CFR 503, July 1, 2000 edition;

24. municipal wastewater treatment lagoons receiving no wastewater from a significant industrial discharger as defined in R317-8-8.2(12); and

25. facilities and modifications thereto which the Director determines after a review of the application will have a de minimis actual or potential effect on ground water quality.

B. No facility permitted by rule under R317-6-6.2.A may cause ground water to exceed ground water quality standards or the applicable class TDS limits in R317-6-3.1 to R317-6-3.7. If the background concentration for affected ground water exceeds the ground water quality standard, the facility may not cause an increase over background. This section, R317-6-6.2B, does not apply to facilities undergoing corrective action under R317-6-6.15A.3.

C. The submission of an application for a ground water discharge permit may be required by the Director for any discharge permitted by rule under R317-6-6.2 if it is determined that the discharge may be causing or is likely to cause increases above the ground water quality standards or applicable class TDS limits under R317-6-3 or otherwise is interfering or may interfere with probable future beneficial use of the ground water.

6.3 APPLICATION REQUIREMENTS FOR A GROUND WATER DISCHARGE PERMIT

Unless otherwise determined by the Director, the application for a permit to discharge wastes or pollutants to ground water shall include the following complete information:

A. The name and address of the applicant and the name and address of the owner of the facility if different than the applicant. A corporate application must be signed by an officer of the corporation. The name and address of the contact, if different than above, and telephone numbers for all listed names shall be included.

B. The legal location of the facility by county, quarter-quarter section, township, and range.

C. The name of the facility and the type of facility, including the expected facility life.

D. A plat map showing all water wells, including the status and use of each well, Drinking Water source protection zones, topography, springs, water bodies, drainages, and man-made structures within a one-mile radius of the discharge. The plat map must also show the location and depth of existing or proposed wells to be used for monitoring ground water quality. Identify any applicable Drinking Water source protection ordinances and their impacts on the proposed permit.

E. Geologic, hydrologic, and agricultural description of the geographic area within a one-mile radius of the point of discharge, including soil types, aquifers, ground water flow direction, ground water quality, aquifer material, and well logs.

F. The type, source, and chemical, physical, radiological, and toxic characteristics of the effluent or leachate to be discharged; the average and maximum daily amount of effluent or leachate discharged (gpd), the discharge rate (gpm), and the expected concentrations of any pollutant (mg/l) in each discharge or combination of discharges. If more than one discharge point is used, information for each point must be given separately.

G. Information which shows that the discharge can be controlled and will not migrate into or adversely affect the quality of any other waters of the state, including the applicable surface water quality standards, that the discharge is compatible with the receiving ground water, and that the discharge will comply with the applicable class TDS limits, ground water quality standards, class protection levels or an alternate concentration limit proposed by the facility.

H. For areas where the ground water has not been classified by the Board, information on the quality of the receiving ground water sufficient to determine the applicable protection levels.

I. A proposed sampling and analysis monitoring plan which conforms to EPA Guidance for Quality Assurance Project Plans, EPA QA/G-5 (EPA/600/R-98/018, February 1998) and includes a description, where appropriate, of the following:

1. ground water monitoring to determine ground water flow direction and gradient, background quality at the site, and the quality of ground water at the compliance monitoring point;
2. installation, use and maintenance of monitoring devices;
3. description of the compliance monitoring area defined by the compliance monitoring points including the dimensions and hydrologic and geologic data used to determine the dimensions;
4. monitoring of the vadose zone;
5. measures to prevent ground water contamination after the cessation of operation, including post-operational monitoring;
6. monitoring well construction and ground water sampling which conform where applicable to the Handbook of Suggested Practices for Design and Installation of Ground-Water Monitoring Wells (EPA/600/4-89/034, March 1991), ASTM Standards on Ground Water and Vadose Investigations (1996), Practical Guide for Ground Water Sampling EPA/600/2-85/104, (November 1985) and RCRA Ground Water Monitoring Technical Enforcement Guidance Document (1986), unless otherwise specified by the Director;
7. description and justification of parameters to be monitored;
8. quality assurance and control provisions for monitoring data.

J. The plans and specifications relating to construction, modification, and operation of discharge systems.

K. The description of the ground water most likely to be affected by the discharge, including water quality information of the receiving ground water prior to discharge, a description of the aquifer in which the ground water occurs, the depth to the ground water, the saturated thickness, flow direction, porosity, hydraulic conductivity, and flow systems characteristics.

L. The compliance sampling plan which in addition to the information specified in the above item I includes, where appropriate, provisions for sampling of effluent and for flow monitoring in order to determine the volume and chemistry of the discharge onto or below the surface of the ground and a plan for sampling compliance monitoring points and appropriate nearby water wells. Sampling and analytical methods proposed in the application must conform with the most appropriate methods specified in the following references unless otherwise specified by the Director:

1. Standard Methods for the Examination of Water and Wastewater, twentieth edition, 1998; Library of Congress catalogue number: ISBN: 0-87553-235-7.

2. E.P.A. Methods, Methods for Chemical Analysis of Water and Wastes, 1983; Stock Number EPA-600/4-79-020.

3. Techniques of Water Resource Investigations of the U.S. Geological Survey, (1998); Book 9.

4. Monitoring requirements in 40 CFR parts 141 and 142, 2000 ed., Primary Drinking Water Regulations and 40 CFR parts 264 and 270, 2000 ed.

5. National Handbook of Recommended Methods for Water-Data Acquisition, GSA-GS edition; Book 85 AD-2777, U.S. Government Printing Office Stock Number 024-001-03489-1.

M. A description of the flooding potential of the discharge site, including the 100-year flood plain, and any applicable flood protection measures.

N. Contingency plan for regaining and maintaining compliance with the permit limits and for reestablishing best available technology as defined in the permit.

O. Methods and procedures for inspections of the facility operations and for detecting failure of the system.

P. For any existing facility, a corrective action plan or identification of other response measures to be taken to remedy any violation of applicable ground water quality standards, class TDS limits or permit limit established under R317-6-6.4E. which has resulted from discharges occurring prior to issuance of a ground water discharge permit.

Q. Other information required by the Director.

R. All applications for a groundwater discharge permit must be performed under the direction, and bear the seal, of a professional engineer or professional geologist.

S. A closure and post closure management plan demonstrating measures to prevent ground water contamination during the closure and post closure phases of an operation.

6.4 ISSUANCE OF DISCHARGE PERMIT

A. The Director may issue a ground water discharge permit for a new facility if the Director determines, after reviewing the information provided under R317-6-6.3, that:

1. the applicant demonstrates that the applicable class TDS limits, ground water quality standards protection levels, and permit limits established under R317-6-6.4E will be met;
2. the monitoring plan, sampling and reporting requirements are adequate to determine compliance with applicable requirements;
3. the applicant is using best available technology to minimize the discharge of any pollutant; and
4. there is no impairment of present and future beneficial uses of the ground water.

B. The Director may approve an alternate concentration limit for a new facility if:

1. The applicant submits a petition for an alternate concentration limit showing the extent to which the discharge will exceed the applicable class TDS limits, ground water standards or applicable protection levels and demonstrates that:

- a. the facility is to be located in an area of Class III ground water;
- b. the discharge plan incorporates the use of best available technology;

c. the alternate concentration limit is justified based on substantial overriding social and economic benefits; and,
 d. the discharge would pose no threat to human health and the environment.

2. One or more public hearings have been held by the Director in nearby communities to solicit comment.

C. The Director may issue a ground water discharge permit for an existing facility provided:

1. the applicant demonstrates that the applicable class TDS limits, ground water quality standards and protection levels will be met;

2. the monitoring plan, sampling and reporting requirements are adequate to determine compliance with applicable requirements;

3. the applicant utilizes treatment and discharge minimization technology commensurate with plant process design capability and similar or equivalent to that utilized by facilities that produce similar products or services with similar production process technology; and,

4. there is no current or anticipated impairment of present and future beneficial uses of the ground water.

D. The Director may approve an alternate concentration limit for a pollutant in ground water at an existing facility or facility permitted by rule under R317-6-6.2 if the applicant for a ground water discharge permit shows the extent the discharge exceeds the applicable class TDS limits, ground water quality standards and applicable protection levels that correspond to the otherwise applicable ground water quality standards and demonstrates that:

1. steps are being taken to correct the source of contamination, including a program and timetable for completion;

2. the pollution poses no threat to human health and the environment; and

3. the alternate concentration limit is justified based on overriding social and economic benefits.

E. An alternate concentration limit, once adopted by the Director under R317-6-6.4B or R317-6-6.4D, shall be the pertinent permit limit.

F. A facility permitted under this provision shall meet applicable class TDS limits, ground water quality standards, protection levels and permit limits.

G. The Director may modify a permit for a new facility to reflect standards adopted as part of corrective action.

6.5 NOTICE OF INTENT TO ISSUE A GROUND WATER DISCHARGE PERMIT

The Director shall publish a notice of intent to approve in a newspaper in the affected area and shall allow at least 30 days, and no longer than 60 days, in which interested persons may comment to the Director. Final action will be taken by the Director following the ~~30-day~~ comment period.

6.6 PERMIT TERM

A. The ground water discharge permit term will run for 5 years from the date of issuance. Permits may be renewed for 5-year periods or extended for a period to be determined by the Director but not to exceed 5 years.

B. In the event that new ground water quality standards are adopted by the Board, permits may be reopened to extend the terms of the permit or to include pollutants covered by new standards. The holder of a permit may apply for a variance under the conditions outlined in R317-6-6.4.D.

6.7 GROUND WATER DISCHARGE PERMIT RENEWAL

The permittee for a facility with a ground water discharge permit must apply for a renewal or extension for a ground water discharge permit at least 180 days prior to the expiration of the existing permit. If a permit expires before an application for renewal or extension is acted upon by the Director, the permit will continue in effect until it is renewed, extended or denied. Permit renewals with significant changes to the original permit must be performed under the direction, and bear the seal, of a professional engineer or professional geologist.

6.8 TERMINATION OF A GROUND WATER DISCHARGE PERMIT BY THE DIRECTOR

A ground water discharge permit may be terminated or a renewal denied by the Director if one of the following applies:

A. noncompliance by the permittee with any condition of the permit where the permittee has failed to take appropriate action in a timely manner to remedy the permit violation;

B. the permittee's failure in the application or during the permit approval process to disclose fully all significant relevant facts at any time;

C. a determination that the permitted facility endangers human health or the environment and can only be regulated to acceptable levels by plan modification or termination; or

D. the permittee requests termination of the permit.

6.9 PERMIT COMPLIANCE MONITORING

A. Ground Water Monitoring

The Director may include in a ground water discharge permit requirements for ground water monitoring, and may specify compliance monitoring points where the applicable class TDS limits, ground water quality standards, protection levels or other permit limits are to be met.

The Director will determine the location of the compliance monitoring point based upon the hydrology, type of pollutants, and other factors that may affect the ground water quality. The distance to the compliance monitoring points must be as close as practicable to the point of discharge. The compliance monitoring point shall not be beyond the property boundaries of the permitted facility without written agreement of the affected property owners and approval by the Director.

B. Performance Monitoring

The Director may include in a ground water discharge permit requirements for monitoring performance of best available technology standards.

6.10 BACKGROUND WATER QUALITY DETERMINATION

A. Background water quality contaminant concentrations shall be determined and specified in the ground water discharge permit. The determination of background concentration shall take into account any degradation.

B. Background water quality contaminant concentrations may be determined from existing information or from data collected by the permit applicant. Existing information shall be used, if the permit applicant demonstrates that the quality of the information and its means of collection are adequate to determine background water quality. If existing information is not adequate to determine background water quality, the permit applicant shall submit a plan to determine background water quality to the Director for approval prior to data collection. One or more up-gradient, lateral

hydraulically equivalent point, or other monitoring wells as approved by the Director may be required for each potential discharge site.

C. After a permit has been issued, permittee shall continue to monitor background water quality contaminant concentrations in order to determine natural fluctuations in concentrations. Applicable up-gradient, and on-site ground water monitoring data shall be included in the ground water quality permit monitoring report.

6.11 NOTICE OF COMMENCEMENT AND DISCONTINUANCE OF GROUND WATER DISCHARGE OPERATIONS

A. The permittee shall notify the Division of Water Quality immediately upon commencement of the ground water discharge and submit a written notice within 30 days of the commencement of the discharge.

B. The permittee shall notify the Division of Water Quality of the date and reason for discontinuance of ground water discharge within 30 days.

6.12 SUBMISSION OF DATA

A. Laboratory Analyses

All laboratory analysis of samples collected to determine compliance with these rules shall be performed in accordance with standard procedures by the Utah Division of Laboratory Services or by a laboratory certified by the Utah Department of Health.

B. Field Analyses

All field analyses to determine compliance with these rules shall be conducted in accordance with standard procedures specified in R317-6-6.3.L.

C. Periodic Submission of Monitoring Reports

Results obtained pursuant to any monitoring requirements in the discharge permit and the methods used to obtain these results shall be periodically reported to the Director according to the schedule specified in the ground water discharge permit.

6.13 REPORTING OF MECHANICAL PROBLEMS OR DISCHARGE SYSTEM FAILURES

The permittee shall notify the Director within 24 hours of the discovery of any mechanical or discharge system failures that could affect the chemical characteristics or volume of the discharge. A written statement confirming the oral report shall be submitted to the Director within five days of the failure.

6.14 CORRECTION OF ADVERSE EFFECTS REQUIRED

A. If monitoring or testing indicates that the permit conditions may be or are being violated by ground water discharge operations or the facility is otherwise in an out-of-compliance status, the permittee shall promptly make corrections to the system to correct all violations of the discharge permit.

B. The permittee, operator, or owner may be required to take corrective action as described in R317-6-6.15 if a pollutant concentration has exceeded a permit limit.

6.15 CORRECTIVE ACTION

It is the intent of the Board that the provisions of these rules should be considered when making decisions under any state or federal superfund action; however, the protection levels are not intended to be considered as applicable, relevant or appropriate clean-up standards under such other regulatory programs.

A. Application of R317-6-6.15

1. Generally - R317-6-6.15 shall apply to any person who discharges pollutants into ground water in violation of Section 19-5-107, or who places or causes to be placed any wastes in a location where there is probable cause to believe they will cause pollution of ground water in violation of Section 19-5-107.

2. Corrective Action shall include, except as otherwise provided in R317-6-6.15, preparation of a Contamination Investigation and preparation and implementation of a Corrective Action Plan.

3. The procedural provisions of R-317-6-6.15 shall not apply to any facility where a corrective or remedial action for ground water contamination, that the Director determines meets the substantive standards of this rule, has been initiated under any other state or federal program. Corrective or remedial action undertaken under the programs specified in Table 2 are considered to meet the substantive standards of this rule unless otherwise determined by the Director.

TABLE 2
PROGRAM

Leaking Underground Storage Tank, Sections 19-6-401, et seq.

Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601, et seq.

Hazardous Waste Mitigation Act, Sections 19-6-301 et seq.
Utah Solid and Hazardous Waste Act, Sections 19-6-101 et seq.

B. Notification and Interim Action

1. Notification - A person who spills or discharges any petroleum hydrocarbon or other substance which may cause pollution of ground waters in violation of Section 19-5-107 shall notify the Director within 24 hours of the spill or discharge. A written notification shall be submitted to the Director within five days after the spill or discharge.

2. Interim Actions - A person is encouraged to take immediate, interim action without following the steps outlined in R317-6-6.15 if such action is required to control a source of pollutants. Interim action is also encouraged if required to protect public safety, public health and welfare and the environment, or to prevent further contamination that would result in costlier clean-up. Such interim actions should include source abatement and control, neutralization, or other actions as appropriate. A person that has taken these actions shall remain subject to R317-6-6.15 after the interim actions are completed unless he demonstrates that:

a. no pollutants have been discharged into ground water in violation of 19-5-107; and

b. no wastes remain in a location where there is probable cause to believe they will cause pollution of ground water in violation of 19-5-107, unless, in the case of diesel fuel and oil releases over 25 gallons, the responsible person demonstrates that the pollutant will not affect ground water quality by complying with the following:

(1) remove contaminated soil to the extent possible, or to established background levels, or 500 mg/kg total petroleum hydrocarbons for sensitive areas, or 5000 mg/kg total petroleum hydrocarbons for non sensitive areas as defined by R317-6-1;

(2) collect soil samples at locations and depths sufficient to document that cleanup has been achieved or as directed by the local health department;

(3) treat or dispose contaminated soil at a location approved by the local health department;

(4) submit an interim action report as defined by R317-6-1.23 or as directed by the local health department.

C. Contamination Investigation and Corrective Action Plan - General

1. The Director may require a person that is subject to R317-6-6.15 to submit for the Director's approval a Contamination Investigation and Corrective Action Plan, and may require implementation of an approved Corrective Action Plan. A person subject to this rule who has been notified that the Director is exercising his or her authority under R317-6-6.15 to require submission of a Contamination Investigation and Corrective Action Plan, shall, within 30 days of that notification, submit to the Director a proposed schedule for those submissions, which may include different deadlines for different elements of the Investigation and Plan. The Director may accept, reject, or modify the proposed schedule.

2. The Contamination Investigation or the Corrective Action Plan may, in order to meet the requirements of this Part, incorporate by reference information already provided to the Director in the Contingency Plan or other document.

3. The requirements for a Contamination Investigation and a Corrective Action Plan specified in R317-6-6.15.D are comprehensive. The requirements are intended to be applied with flexibility, and persons subject to this rule are encouraged to contact the Director's staff to assure its efficient application on a site-specific basis.

4. The Director may waive any or all Contamination Investigation and Corrective Action Plan requirements where the person subject to this rule demonstrates that the information that would otherwise be required is not necessary to the Director's evaluation of the Contamination Investigation or Corrective Action Plan. Requests for waiver shall be submitted to the Director as part of the Contamination Investigation or Corrective Action Plan, or may be submitted in advance of those reports.

D. Contamination Investigation and Corrective Action Plan - Requirements

1. Contamination Investigation - The contamination investigation shall include a characterization of pollution, a characterization of the facility, a data report, and, if the Corrective Action Plan proposes standards under R317-6-6.15.F.2. or Alternate Corrective Action Concentration Limits higher than the ground water quality standards, an endangerment assessment.

a. The characterization of pollution shall include a description of:

(1) The amount, form, concentration, toxicity, environmental fate and transport, and other significant characteristics of substances present, for both ground water contaminants and any contributing surficial contaminants;

(2) The areal and vertical extent of the contaminant concentration, distribution and chemical make-up; and

(3) The extent to which contaminant substances have migrated and are expected to migrate.

b. The characterization of the facility shall include descriptions of:

(1) Contaminant substance mixtures present and media of occurrence;

(2) Hydrogeologic conditions underlying and, upgradient and downgradient of the facility;

(3) Surface waters in the area;

(4) Climatologic and meteorologic conditions in the area of the facility; and

(5) Type, location and description of possible sources of the pollution at the facility;

(6) Groundwater withdrawals, pumpage rates, and usage within a 2-mile radius.

c. The report of data used and data gaps shall include:

(1) Data packages including quality assurance and quality control reports;

(2) A description of the data used in the report; and

(3) A description of any data gaps encountered, how those gaps affect the analysis and any plans to fill those gaps.

d. The endangerment assessment shall include descriptions of any risk evaluation necessary to support a proposal for a standard under R317-6-6.15.F.2 or for an Alternate Corrective Action Concentration Limit.

e. The Contamination Investigation shall include such other information as the Director requires.

2. Proposed Corrective Action Plan

The proposed Corrective Action Plan shall include an explanation of the construction and operation of the proposed Corrective Action, addressing the factors to be considered by the Director as specified in R317-6-6.15.E. and shall include such other information as the Director requires. It shall also include a proposed schedule for completion.

3. The Contaminant Investigation and Corrective Action Plan must be performed under the direction, and bear the seal, of a professional engineer or professional geologist.

E. Approval of the Corrective Action Plan

After public notice in a newspaper in the affected area and a 30-day period for opportunity for public review and comment, the Director shall issue an order approving, disapproving, or modifying the proposed Corrective Action Plan. The Director shall consider the following factors and criteria in making that decision:

1. Completeness and Accuracy of Corrective Action Plan.

The Director shall consider the completeness and accuracy of the Corrective Action Plan and of the information upon which it relies.

2. Action Protective of Public Health and the Environment

a. The Corrective Action shall be protective of the public health and the environment.

b. Impacts as a result of any off-site activities shall be considered under this criterion (e.g., the transport and disposition of contaminated materials at an off-site facility).

3. Action Meets Concentration Limits

The Corrective Action shall meet Corrective Action Concentration Limits specified in R317-6-6.15.F, except as provided in R317-6-6.15.G.

4. Action Produces a Permanent Effect

a. The Corrective Action shall produce a permanent effect.

b. If the Corrective Action Plan provides that any potential sources of pollutants are to be controlled in place, any cap

or other method of source control shall be designed so that the discharge from the source following corrective action achieves ground water quality standards or, if approved by the Director, alternate corrective action concentration limits (ACACLs). For purposes of this paragraph, sources of pollutants are controlled "in place" even though they are moved within the facility boundaries provided that they are not moved to areas with unaffected ground water.

5. Action May Use Other Additional Measures

The Director may consider whether additional measures should be included in the Plan to better assure that the criteria and factors specified in R317-6-6.15.E are met. Such measures may include:

- a. Requiring long-term ground water or other monitoring;
- b. Providing environmental hazard notices or other security measures;
- c. Capping of sources of ground water contamination to avoid infiltration of precipitation;
- d. Requiring long-term operation and maintenance of all portions of the Corrective Action; and
- e. Periodic review to determine whether the Corrective Action is protective of public health and the environment.

F. Corrective Action Concentration Limits

1. Contaminants with specified levels

Corrective Actions shall achieve ground water quality standards or, where applicable, alternate corrective action concentration limits (ACACLs).

2. Contaminants without specified levels

For contaminants for which no ground water quality standard has been established, the proposed Corrective Action Plan shall include proposed Corrective Action Concentration Limits. These levels shall be approved, disapproved or modified by the Director after considering U.S. Environmental Protection Agency maximum contaminant level goals, health advisories, risk-based contaminant levels or standards established by other regulatory agencies and other relevant information.

G. Alternate Corrective Action Concentration Limits

An Alternate Corrective Action Concentration Limit that is higher or lower than the Corrective Action Concentration Limits specified in R317-6-6.15.F may be required as provided in the following:

1. Higher Alternate Corrective Action Concentration Limits

A person submitting a proposed Corrective Action Plan may request approval by the Director of an Alternate Corrective Action Concentration Limit higher than the Corrective Action Concentration Limit specified in R317-6-6.15.F. The proposed limit shall be protective of human health, and the environment, and shall utilize best available technology. The Corrective Action Plan shall include the following information in support of this request:

- a. The potential for release and migration of any contaminant substances or treatment residuals that might remain after Corrective Action in concentrations higher than Corrective Action Concentration Limits;
- b. An evaluation of residual risks, in terms of amounts and concentrations of contaminant substances remaining following implementation of the Corrective Action options evaluated, including consideration of the persistence, toxicity, mobility, and

propensity to bioaccumulate such contaminants substances and their constituents; and

c. Any other information necessary to determine whether the conditions of R317-6-6.15.G have been met.

2. Lower Alternate Corrective Action Concentration Limits

The Director may require use of an Alternate Corrective Action Concentration Limit that is lower than the Corrective Action Concentration Limit specified in R317-6-6.15.F if necessary to protect human health or the environment. Any person requesting that the Director consider requiring a lower Alternate Corrective Action Concentration Limit shall provide supporting information as described in R317-6-6.15.G.3.

3. Protective of human health and the environment

The Alternate Corrective Action Concentration Limit must be protective of human health and the environment. In making this determination, the Director may consider:

- a. Information presented in the Contamination Investigation;
- b. Other relevant cleanup or health standards, criteria, or guidance;
- c. Relevant and reasonably available scientific information;
- d. Any additional information relevant to the protectiveness of a Corrective Action; and
- e. The impact of additional proposed measures, such as those described in R317-6-6.15.E.5.

4. Good cause

An Alternate Corrective Action Concentration Limit shall not be granted without good cause.

a. The Director may consider the factors specified in R317-6-6.15.E in determining whether there is good cause.

b. The Director may also consider whether the proposed remedy is cost-effective in determining whether there is good cause. Costs that may be considered include but are not limited to:

- (1) Capital costs;
- (2) Operation and maintenance costs;
- (3) Costs of periodic reviews, where required;
- (4) Net present value of capital and operation and maintenance costs;
- (5) Potential future remedial action costs; and
- (6) Loss of resource value.

5. Conservative

An Alternate Corrective Action Concentration Limit that is higher than the Corrective Action Concentration Limits specified in R317-6-6.15.F must be conservative. The Director may consider the concentration level that can be achieved using best available technology if attainment of the Corrective Action Concentration Limit is not technologically achievable.

6. Relation to background and existing conditions

a. The Director may consider the relationship between the Corrective Action Concentration Limits and background concentration limits in considering whether an Alternate Corrective Action Concentration Limit is appropriate.

b. No Alternate Corrective Action Concentration Limit higher than existing ground water contamination levels or ground water contamination levels projected to result from existing conditions will be granted.

6.16 OUT-OF-COMPLIANCE STATUS

A. Accelerated Monitoring for Probable Out-of-Compliance Status

If the value of a single analysis of any compliance parameter in any compliance monitoring sample exceeds an applicable permit limit, the facility shall:

1. Notify the Director in writing within 30 days of receipt of data;

2. Immediately initiate monthly sampling if the value exceeds both the background concentration of the pollutant by two standard deviations and an applicable permit limit, unless the Director determines that other periodic sampling is appropriate, for a period of two months or until the compliance status of the facility can be determined.

B. Violation of Permit Limits

Out-of-compliance status exists when:

1. The value for two consecutive samples from a compliance monitoring point exceeds:

a. one or more permit limits; and

b. the background concentration for that pollutant by two standard deviations (the standard deviation and background (mean) being calculated using values for the ground water pollutant at that compliance monitoring point) unless the existing permit limit was derived from the background pollutant concentration plus two standard deviations; or

2. the concentration value of any pollutant in two or more consecutive samples is statistically significantly higher than the applicable permit limit. The statistical significance shall be determined using the statistical methods described in Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities, Vol. 53, No. 196 of the Federal Register, Oct. 11, 1988 and supplemental guidance in Guidance For Data Quality Assessment (EPA/600/R-96/084 January 1998).

C. Failure to Maintain Best Available Technology Required by Permit

1. Permittee to Provide Information

In the event that the permittee fails to maintain best available technology or otherwise fails to meet best available technology standards as required by the permit, the permittee shall submit to the Director a notification and description of the failure according to R317-6-6.13. Notification shall be given orally within 24 hours of the permittee's discovery of the failure of best available technology, and shall be followed up by written notification, including the information necessary to make a determination under R317-6-6.16.C.2, within five days of the permittee's discovery of the failure of best available technology.

2. Director

The Director shall use the information provided under R317-6-6.16.C.1 and any additional information provided by the permittee to determine whether to initiate a compliance action against the permittee for violation of permit conditions. The Director shall not initiate a compliance action if the Director determines that the permittee has met the standards for an affirmative defense, as specified in R317-6-6.16.C.3.

3. Affirmative Defense

In the event a compliance action is initiated against the permittee for violation of permit conditions relating to best available technology, the permittee may affirmatively defend against that action by demonstrating the following:

a. The permittee submitted notification according to R317-6-6.13;

b. The failure was not intentional or caused by the permittee's negligence, either in action or in failure to act;

c. The permittee has taken adequate measures to meet permit conditions in a timely manner or has submitted to the Director, for the Director's approval, an adequate plan and schedule for meeting permit conditions; and

d. The provisions of 19-5-107 have not been violated.

6.17 PROCEDURE WHEN A FACILITY IS OUT-OF-COMPLIANCE

A. If a facility is out of compliance the following is required:

1. The permittee shall notify the Director of the out of compliance status within 24 hours after detection of that status, followed by a written notice within 5 days of the detection.

2. The permittee shall initiate monthly sampling, unless the Director determines that other periodic sampling is appropriate, until the facility is brought into compliance.

3. The permittee shall prepare and submit within 30 days to the Director a plan and time schedule for assessment of the source, extent and potential dispersion of the contamination, and an evaluation of potential remedial action to restore and maintain ground water quality and insure that permit limits will not be exceeded at the compliance monitoring point and best available technology will be reestablished.

4. The Director may require immediate implementation of the contingency plan submitted with the original ground water discharge permit in order to regain and maintain compliance with the permit limit standards at the compliance monitoring point or to reestablish best available technology as defined in the permit.

5. Where it is infeasible to re-establish BAT as defined in the permit, the permittee may propose an alternative BAT for approval by the Director.

6.18 GROUND WATER DISCHARGE PERMIT TRANSFER

A. The permittee shall give written notice to the Director of any transfer of the ground water discharge permit, within 30 days of the transfer.

B. The notice shall include a written agreement between the existing and new permittee establishing a specific date for transfer of permit responsibility, coverage and liability.

6.19 ENFORCEMENT

These rules are subject to enforcement under Section 19-5-115 of the Utah Water Quality Act.

KEY: water quality, ground water, cleanup standards, petroleum hydrocarbons

Date of Enactment or Last Substantive Amendment: [January 23, 2007]2013

Notice of Continuation: July 26, 2012

Authorizing, and Implemented or Interpreted Law: 19-5

Insurance, Administration
R590-267
Personal Injury Protection Relative
Value Study Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 37960

FILED: 09/03/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish a reasonable value of services and accommodations for the diagnosis, care, recovery, or rehabilitation of an injured person under automobile personal injury protection coverage as described in Subsection 31A-22-307(1)(a).

SUMMARY OF THE RULE OR CHANGE: This rule establishes a reasonable value of services and accommodations for the diagnosis, care, recovery, or rehabilitation of an injured person under automobile personal injury protection coverage.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-2-201(3) and Subsection 31A-22-307(2)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The department will be required to purchase two hard copies of the incorporated by reference Relative Values for Dentists (RVD) publication at \$129 each and the Relative Values for Physicians (RVP) publication at \$330 each; one copy each to be maintained by the department and one copy for the Division of Administrative Rules to comply with the rulemaking requirements. In the past, the department has printed 100-200 relative value study books containing reasonable fees for all CPT and CDT codes used by medical and dental providers in billing for the treatment of injuries in automobile accidents. Cost for printing was about \$5 per book and the department sold them for \$13 each. This rule changes that process. The rule contains the conversion factors health care providers will use to calculate reasonable fees for medical and dental services based on CPT and CDT codes. Now that the relative value study book is not required to be provided by the party doing the study for the department, cost of the study has decreased from \$25,000 to \$20,000 saving the department \$5,000 for biennial study.

◆ **LOCAL GOVERNMENTS:** This rule will have no impact on local government. It affects the process by which reasonable fees for treatment of injuries in automobile accidents are determined.

◆ **SMALL BUSINESSES:** Medical, dental, and chiropractic offices that provide services for individuals injured in auto accidents will need to purchase individually or as a group, the

RVD or RVP publication incorporated by reference in the rule. The cost of the RVP will be \$330 for a hard copy and \$700 for a data file; and the RVD will be \$129 for a hard copy and \$119 for an electronic file. By using the publication with the conversion factors in the rule, they will be able to determine the reasonable charges for services they provide to those injured in automobile accidents.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Auto insurers, or those they contract with to service their claims, may purchase the RVD or RVP publication incorporated by reference in the rule. The cost of the RVP will be \$330 for a hard copy and \$700 for a data file; and the RVD will be \$129 for a hard copy and \$119 for an electronic file. By using the publication with the conversion factors in the rule they will be able to determine the reasonable charges of medical and dental services they are required to reimburse providers for treatment under personal injury protection coverage in Utah.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Auto insurers, or those they contract with to service their claims, may purchase the RVD or RVP publication incorporated by reference in the rule. This is also true of health care providers who provide services or accommodations to those injured in auto accidents. The cost of the RVP will be \$330 for a hard copy and \$700 for a data file; and the RVD will be \$129 for a hard copy and \$119 for an electronic file.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Following the dissolution of arrangement with RVS, Inc. to conduct a study and to provide the department with the RVS book every two years the department found themselves in a situation where they could be in violation of copyright laws by continuing to put together an RVS book containing information from RVS, Inc.

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

INSURANCE
 ADMINISTRATION
 ROOM 3110 STATE OFFICE BLDG
 450 N MAIN ST
 SALT LAKE CITY, UT 84114-1201
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jilene Whitby by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

◆ 10/01/2013 11:00 AM, Senate (East) Bldg, 420 N State St, Spruce Rm, Salt Lake City, UT

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Todd Kiser, Commissioner

R590. Insurance, Administration.

R590-267. Personal Injury Protection Relative Value Study Rule.

R590-267-1. Authority.

This rule is promulgated by the insurance commissioner pursuant to Sections 31A-2-201(3), and 31A-22-307(2).

R590-267-2. Purpose.

(1) The purpose of this rule is to establish a reasonable value of services and accommodations for the diagnosis, care, recovery, or rehabilitation of an injured person under automobile personal injury protection coverage as described in 31A-22-307(1)(a).

(2) As required by 31A-22-307(2), the reasonable value is based on the 75th percentile of medical, dental, and chiropractic charges, as they presently exist in the most populous county in this State.

R590-267-3. Scope.

This rule applies to services and accommodations:

(1) provided under automobile personal injury protection coverage as described in 31A-22-307(1)(a); and

(2) provided on or after January 1, 2014.

R590-267-4. Definitions.

(1) As used in this rule "Conversion Factor" means a multiplier used to convert the relative value unit or units of a service or a procedure to a reimbursement rate.

(2) As used in this rule "RVD" means 2013 Edition of the Relative Values for Dentists published by Relative Values Studies, Inc., 12301 N. Grant St., Suite 230, Thornton, CO, 80241; phone: (866) 310-7874; email: info@rvsdata.com; website: www.rvsdata.com.

(3) As used in this rule "RVP" means 2013 Edition of the Relative Values for Physicians published by OptumInsight, 2525 Lake Park Blvd., Salt Lake City, UT 84120; phone: (800) 464-3649; email: customerassistance@optum.com; website: www.optum.com.

(4) As used in this rule "Relative Value Unit" means a numerical value assigned to a medical or dental procedure as published in RVP and RVD respectively.

(5) The publications identified in Subsections R590-267-4.(2) and (3) are hereby incorporated by reference within this rule.

R590-267-5. Conversion Factors.

(1) The following conversion factors shall be used to determine the reasonable value of medical services or accommodations:

(a) anesthesia, 91.57;

(b) surgery, 180.00;

(c) radiology, 35.18;

(d) pathology, 23.85;

(e) medicine, 10.87;

(f) evaluation and management, 11.85.

(2) The conversion factor used to determine the reasonable value of dental services or accommodations shall be 55.00.

R590-267-6. Fee Schedule.

The reasonable value of any service or accommodation shall be calculated by multiplying the relative value unit assign to the service or accommodation by the applicable conversion factor prescribed in R590-267-5.

R590-267-7. Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-267-8. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule on January 1, 2014.

R590-267-9. Severability.

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: relative value study

Date of Enactment or Last Substantive Amendment: 2013

Authorizing, and Implemented or Interpreted Law: 31A-2-201(3); 31A-22-307(2)

Public Safety, Driver License
R708-10
Classified License System

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 37933

FILED: 08/20/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this change is to repeal Rule R708-10, Classified License System, and to rename and reenact the portion of this rule which identifies and defines restrictions that are not contained in Utah statute.

SUMMARY OF THE RULE OR CHANGE: This change repeals Rule R708-10, Classified License System, because some of the information in this rule is defined in Statute. The reenacted rule is renamed to "Driver License Restrictions" which accurately reflects the substance of the rule which identifies and defines restrictions that are not contained in statute. The substantive provisions that were in the old rule that have been removed include specifications for Utah license classifications, all of the endorsement codes, and the following restriction codes: "E", "L", "M", "N" and "V". The restriction code "7" has been added to the new rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-3-208 and Subsection 53-3-104(1) (a)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no cost or savings to the state budget because this change removes language from administrative rule that is in statute.
- ◆ LOCAL GOVERNMENTS: There is no cost or savings to local government because local government does not issue driving certificates.
- ◆ SMALL BUSINESSES: There is no cost or savings to small businesses because small businesses do not issue driving certificates.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no cost or savings to persons other than small businesses, businesses or local government entities because small businesses, businesses, or local government entities do not issue driving certificates.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for persons obtaining a Utah driving certificate with endorsements or restrictions because this change does not affect the process or cost for a driver license endorsement or restriction.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and found that there is no anticipated fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL
 SALT LAKE CITY, UT 84119-5595
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Jill Laws by phone at 801-964-4469, by FAX at 801-964-4482, or by Internet E-mail at jlaws@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Nannette Rolfe, Director

R708. Public Safety, Driver License.
~~[R708-10. Classified License System.~~
R708-10-1. Authority:

~~This rule is authorized by Section 53-3-104 et seq.~~

R708-10-2. Specifications for Utah License Classifications:

- ~~Class A Commercial Driver -- (must be at least 18 years of age). Every person operating any combination of vehicles over 26,000 lbs. GVWR (Gross Vehicle Weight Rating) where the towed unit is more than 10,000 lbs. GVWR.~~
- ~~Class B Commercial Driver -- (must be at least 18 years of age). Every person operating a straight truck or bus (single vehicle) more than 26,000 lbs. GVWR or any combination of vehicles over 26,000 lbs. GVWR where the towed unit is less than 10,001 lbs. GVWR.~~
- ~~Class C operator -- (must be at least 21 years of age). Every person operating a vehicle or combination of vehicles less than 26,001 GVWR which transports amounts of hazardous materials requiring placarding or which transports more than 15 occupants including the driver, or which is used as a school bus.~~
- ~~Class D operator -- (must be at least 16 years of age). Every person operating vehicles not defined above except motoreycles.~~

R708-10-3. Endorsements:

- ~~H = Hazardous materials~~
- ~~M = Motoreycle~~
- ~~N = Tank vehicle~~
- ~~P = Passengers~~
- ~~S = School bus (includes P)~~
- ~~T = Double or triple trailers~~
- ~~X = Hazardous material and tank combination~~
- ~~Z = Taxis~~

R708-10-4. Restrictions:

- ~~A = No restrictions~~
- ~~B = Corrective lenses -- Restricted to wearing corrective lenses while operating a vehicle~~
- ~~C = Mechanical aid -- Mechanical aid or compensatory device must be installed in the vehicle the driver is operating~~
- ~~D = Prosthetic aid -- Prosthetic aid must be used while operating a vehicle~~
- ~~E = Automatic transmission -- Restricted to driving a vehicle with automatic transmission~~
- ~~F = Outside rearview mirrors -- Restricted to driving a vehicle with outside rearview mirrors~~
- ~~G = Daylight driving only -- Restricted to driving during daylight hours only~~
- ~~J = Restricted Other -- Used as a free text field to identify additional restrictions~~
- ~~K = CDL Intrastate only -- Restricted to intrastate operation of commercial vehicles~~
- ~~L = Vehicle without airbrake -- Restricted to vehicles not equipped with airbrakes~~
- ~~M = Except Class A bus -- Class A license prohibited from driving a Class A bus~~
- ~~N = Except Class A and Class B bus -- Class A license prohibited from driving a Class A or Class B bus~~
- ~~U = Three wheel motoreycle -- Restricted to operating only three wheel motoreycles~~
- ~~V = Medical variance -- Driver must have a medical variance letter accompanied by a DOT Medical Card~~
- ~~I = Interlock device -- Required to have an ignition interlock device installed in the vehicle they are operating~~

~~_____ 2 = 249cc or less motorcycle -- Restricted to operating a motorcycle with 249cc or less.~~

~~_____ 3 = 649cc or less motorcycle -- Restricted to operating a motorcycle with 649cc or less.~~

~~_____ 4 = Street legal ATV -- Restricted to operating a street legal ATV.~~

~~_____ 5 = 90cc or less motorcycle -- Restricted to operating a motorcycle with 90cc or less.~~

~~_____ 6 = Speed posted 40 mph or less -- Restricted to operating a vehicle on a road with a posted speed limit of 40 mph or less.]~~

R708-10. Driver License Restrictions.

R708-10-1. Authority.

This rule is authorized by Sections 53-3-104(1)(a) and 53-3-208.

R708-10-2. Purpose.

The purpose of this rule is to identify and define restriction codes that apply to a Utah driving privilege.

R708-10-3. Definitions.

(1) "Restriction Code" means a designation on a person's Utah driving certificate or Utah driving record that indicates a specific driving restriction identified by the Utah Driver License Division required for a person to safely operate a motor vehicle.

R708-10-4. Restriction Code.

(1) "A" indicates no restrictions are required for the driver while they are operating a motor vehicle.

(2) "B" indicates the driver is restricted to wearing corrective lenses while operating a motor vehicle.

(3) "C" indicates a mechanical aid or compensatory device must be installed in the motor vehicle the driver is operating.

(4) "D" indicates the driver must use a prosthetic aid while operating a vehicle.

(5) "F" indicates the driver is restricted to driving a motor vehicle with outside rearview mirrors.

(6) "G" indicates the driver is restricted to driving during daylight hours only.

(7) "J" is used as a free text field to identify additional restrictions for the driver.

(8) "K" indicates the driver is restricted to intrastate only while driving commercially.

(9) "U" indicates the driver is restricted to operating only three-wheel motorcycles.

(10) "I" indicates the driver is required to have an ignition interlock device installed in the motor vehicle they are operating.

(11) "2" indicates the driver is restricted to operating a motorcycle with 249cc or less.

(12) "3" indicates the driver is restricted to operating a motorcycle with 649cc or less.

(13) "4" indicates the driver is restricted to operating a street legal ATV.

(14) "5" indicates the driver is restricted to operating a motorcycle with 90cc or less.

(15) "6" indicates the driver is restricted to operating a motor vehicle on a road with a posted speed limit of 40 mph or less.

(16) "7" indicates the driver is restricted to operating a motor vehicle with an automatic transmission.

KEY: [~~classified license~~]driver license restrictions, licensing

Date of Enactment or Last Substantive Amendment: [~~August 9, 2012~~]2013

Notice of Continuation: April 7, 2009

Authorizing, and Implemented or Interpreted Law: 53-3-104(1)(a); [~~et seq.~~]53-3-208

School and Institutional Trust Lands, Administration **R850-5-200** Payments

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37934

FILED: 08/21/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The current rule requires a processing fee of \$30 be applied when a check is returned by the bank for insufficient funds and a 6% penalty on the amount of the payment. Current rule also requires a late penalty of 6% or \$30, whichever is greater, to be charged upon failure to pay any financial obligation within the time limit under which such payment is due. Potentially, a lessee or permittee could be charged two 6% penalties if their check was returned by the bank and the replacement payment was not made by the due date of the obligation. Agency staff believes this double penalty is excessive.

SUMMARY OF THE RULE OR CHANGE: Subsection R850-5-200(4) currently requires a 6% penalty and \$30 return check charge be assessed on all checks returned by the bank. The rule is being amended so that only the \$30 return check charge or amount charged by the bank for a returned check, whichever is greater, will be assessed on returned checks and the 6% penalty will only be assessed as a late charge if the replacement payment is made after the due date of the obligation.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53C-1-302(1)(a)(ii)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is a potential that the agency could forfeit a small amount of revenue as a result of this amendment, but it would be very minimal since the agency has needed to apply the existing rule only once since the agency's inception in 1994. Agency staff believes the 6% penalty, in addition to the return check charge, for replacement payments made by the obligation's due date is excessive. However, if the replacement payment is not submitted in a timely manner, the 6% penalty will then be applied as a late charge.

◆ LOCAL GOVERNMENTS: It is not anticipated that this rule amendment will have any effect on local government as a local government entity would need to be a lessee or permittee of the agency and the likelihood of its check being returned by the bank for insufficient funds is almost nonexistent.

◆ SMALL BUSINESSES: There is potential for a savings of 6% of the payment amount for small businesses if their check were to be returned by the bank for insufficient funds and the replacement payment was received by the agency by the due date of the obligation. The 6% penalty would still be assessed if the replacement payment was received after the due date of the obligation.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is potential for a savings of 6% of the payment amount for persons other than small businesses, businesses, or local government entities if their check were to be returned by the bank for insufficient funds and the replacement payment was received by the agency by the due date of the obligation. The 6% penalty would still be assessed if the replacement payment was received after the due date of the obligation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this rule amendment as it simply removes an excessive penalty.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses as the situation has only arisen once where a payor replaced their check prior to the cancellation date and was subject to the \$30 and 6% penalty. The penalty was waived in that instance.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Lisa Schneider by phone at 801-538-5120, by FAX at 801-355-0922, or by Internet E-mail at lisaschneider@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Kevin Carter, Director

R850. School and Institutional Trust Lands, Administration.

R850-5. Payments, Royalties, Audits, and Reinstatements.

R850-5-200. Payments.

Payments include rentals, royalties or any other financial obligation owed under the terms of a lease, permit or any other agreement.

1. As a matter of convenience, the agency allows parties other than the obligee to remit payments on the obligee's behalf; however, this practice in no way relieves the obligee of any statutory or contractual obligations concerning the proper and timely payments or the proper and timely filing of reports. For practical reasons, the agency often makes direct requests for reports and other records from parties other than the obligees. Payors should be aware that their actions subject leases to cancellation or subject delinquent royalties to interest charges. It is, therefore, in the best interest of all parties to cooperate in responsibly discharging their obligations to each other and to the Trust Lands Administration.

2. The obligee bears final responsibility for payments. Payments must be for the full amount owed. Partial payments will only be accepted if approved in writing by the agency before submission. In order to fulfill payment obligations of a lease, permit, or other financial contract with the agency, payments must be received as defined in subsection 3 of this rule by the appropriate due dates and must be accompanied by the appropriate report. If the obligee submits payment by electronic fund transfer then appropriate supporting documentation must be submitted by electronic data transfer on the same day.

3. Payments will be considered received if sent by electronic fund transfer, delivered to the agency, or if the postmark stamped on the envelope is dated on or before the due date. If the post office cancellation mark is illegible, erroneous, or omitted, the payment will be considered timely if the sender can establish by competent evidence that the payment was deposited in the United States mail on or before the date for filing or paying. If the due date or cancellation date falls upon a Saturday, Sunday, or legal holiday, the payment shall be considered timely if received as defined herein by the next business day.

4. A [~~6% penalty and~~] \$30 return check charge or the actual charge levied by the bank, whichever is greater, will be assessed on all checks returned by the bank. The check must be replaced by cash, certified funds, or immediately available funds. The Director may require future payments with certified funds when notified in writing. If replacement funds are received after the required due date, R850-5-200(6) will be applied.

5. Any financial obligation not received by its contractual due date will initiate a written cancellation notice by certified mail, return receipt requested. The cancellation date for any lease/permit or other contractual agreement unless otherwise specified by the contract, is defined as 30 days after the postmark date stamped on the U.S. Postal Service Receipt for Certified Mail of the cancellation notice. In the event payment is not received by the agency on or before the cancellation date, the lease, permit or other contractual agreement will be subject to cancellation, forfeiture or termination without further notice.

A default in the payment of any installment of principal or interest due under the terms of any land purchase agreement not received by the agency more than 30 days after the due date shall initiate a certified billing, return receipt requested. If all sums then due and payable are not received within 30 days after the mailing of the

U.S. Postal Service certified notice, the agency may elect any of the remedies as outlined in R850-80-700(8). If the cancellation date falls on a weekend or holiday, payment will be accepted the next business day until 5 p.m.

6. A late penalty of 6% or \$30, whichever is greater, shall be charged after failure to pay any financial obligation, excluding royalties as provided in R850-5-300(2), within the time limit under which such payment is due.

7. Subject to R850-4-300, rental payments received after the due date which do not include a late fee may be returned to the lessee by certified mail, return receipt requested. Payment may only be accepted for the full amount due.

KEY: administrative procedures

Date of Enactment or Last Substantive Amendment: [~~June 21, 2007~~]**October 22, 2013**

Notice of Continuation: June 27, 2012

Authorizing, and Implemented or Interpreted Law: 53C-1-302(1)(a)(ii)

Tax Commission, Administration
R861-1A-29
Decisions, Orders, and
Reconsideration Pursuant to Utah
Code Ann. Sections 59-1-205 and 63G-
4-302

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 37935

FILED: 08/22/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment provides guidance when an appeal from a Tax Commission initial hearing is withdrawn.

SUMMARY OF THE RULE OR CHANGE: The proposed language provides that if a party withdraws an appeal from a Tax Commission initial hearing, the initial hearing decision becomes final as of the date that is 30 days after the date of the issuance of the initial hearing decision.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-1-205 and Section 63G-4-302

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** None--The proposed amendment codifies long-standing agency procedures.
- ◆ **LOCAL GOVERNMENTS:** None--The proposed amendment codifies long-standing agency procedures.
- ◆ **SMALL BUSINESSES:** None--The proposed amendment codifies long-standing agency procedures.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** None--The proposed amendment codifies long-standing agency procedures.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment codifies long-standing agency procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This statement of current practice creates no fiscal impact.

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

TAX COMMISSION
 ADMINISTRATION
 210 N 1950 W
 SALT LAKE CITY, UT 84134-0002
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Michael Cragun by phone at 801-297-3907, by FAX at 801-297-3919, or by Internet E-mail at mcragun@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-29. Decisions, Orders, and Reconsideration Pursuant to Utah Code Ann. Sections 59-1-205 and 63G-4-302.

(1) "Taxpayer" for purposes of the requirement under Section 59-1-205 that in a tie vote of the commission the position of the taxpayer is considered to have prevailed, includes:

(a) a person that has received a license issued by the commission; or

(b) an applicant for a license issued by the commission.

(2) Decisions and Orders.

(a) Initial hearing decisions, formal hearing decisions, and other dispositive orders.

(i) A quorum of the commission shall deliberate all hearing decisions and other orders that could dispose of all or a portion of an appeal or any claim or defense in the appeal.

(ii) A quorum of the commission shall sign all hearing decisions and other orders that dispose of all or a portion of an appeal or any claim or defense in the appeal.

(iii) An administrative law judge, if he or she was the presiding officer for an appeal, may elect not to sign the commission's hearing decisions and other orders that dispose of all or a portion of an appeal or any claim or defense in the appeal.

(iv) An initial hearing decision shall become final upon the expiration of 30 days after the date of its issuance, except in any case where a party has earlier requested a formal hearing in writing.

(A) The date a party requests a formal hearing is the earlier of the date the envelope containing the request is postmarked or the date the request is received at the commission.

(B) If a party withdraws an appeal, the initial decision becomes final as of the date that is 30 days after the date of the issuance of the initial hearing decision.

(b) Orders that are not dispositive.

(i) A quorum of the commission is not required to participate in an order that does not dispose of a portion of an appeal or any claim or defense in the appeal.

(ii) The presiding officer is authorized to sign all orders that do not dispose of a portion of an appeal or any claim or defense in the appeal.

(iii) The commission may, at its option, sign any order that does not dispose of a portion of an appeal or any claim or defense in the appeal.

(3) Reconsideration. Within 20 days after the date that an order that is dispositive of a portion or all of an appeal or any claim or defense in the appeal is issued, any party may file a written request for reconsideration alleging mistake of law or fact, or discovery of new evidence.

(a) The commission shall respond to the petition within 20 days after the date that it was received in the appeals unit to notify the petitioner whether the reconsideration is granted or denied, or is under review.

(i) If no notice is issued within the 20-day period, the commission's lack of action on the request shall be deemed to be a denial and a final order.

(ii) For purposes of calculating the 30-day limitation period for pursuing judicial review, the date of the commission's order on the reconsideration or the order of denial is the date of the final agency action.

(b) If no petition for reconsideration is made, the 30-day limitation period for pursuing judicial review begins to run from the date of the final agency action.

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Enactment or Last Substantive Amendment: [February 21, 2013]

Notice of Continuation: January 3, 2012

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

Tax Commission, Property Tax **R884-24P-33** 2013 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37936

FILED: 08/22/2013

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. The rule is also amended to include changes made by S.B. 238 from the 2013 General Legislative Session that allow property to be classified as noncapitalized personal property if the property is eligible to be claimed as a deductible expense, regardless of whether the deduction is actually claimed.

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 2014 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 2014

are unknown. The proposed personal property schedules in this amendment are raised, lowered or remain the same for 2014 based upon the type and age of the personal property assessed. Schedules for Classes 1, 12, 15, 24, 27, and 28 are proposed with no changes for 2014. 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. For 2014, these cost indexes indicate both increases and decreases depending upon the class of property. Any impacts related to the changes made by S.B. 238 (2013) were considered in the legislation. 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 2014 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 2014 personal property mix compared to the previous year. Any impacts related to the changes made by S.B. 238 (2013) were considered in the legislation.

◆ **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 2014 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 2014 personal property mix compared to the previous year. Any impacts related to the changes made by S.B. 238 (2013) were considered in the legislation.

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. The changes made by S.B. 238 (2013) will allow more property to qualify to be included under the noncapitalized personal property schedule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Business may see increased tax or decreased tax depending upon the personal property owned, obtained and disposed of since its last return.

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 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Michael Cragun, Tax Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. [2013]2014 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
[12]13	71%
[11]12	42%
[10]11 and prior	11%

(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
[12]13	90%
[11]12	[82%]81%
[10]11	71%
[09]10	59%
[08]09	[48%]49%
[07]08	38%
[06]07	[26%]27%
[05]06 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
[12]13	84%
[11]12	[70%]69%
[10]11	[53%]54%
[09]10	35%
[08]09 and prior	18%

(d) 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
[12]13	91%
[11]12	[84%]83%
[10]11	75%
[09]10	[63%]64%
[08]09	[54%]55%
[07]08	45%
[06]07	36%
[05]06	25%
[04]05 and prior	13%

(e) 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 [2013]2014 percent good applies to [2013]2014 models purchased in [2012]2013.

(vi) Trucks weighing two tons or more have a residual taxable value of \$1,750.

TABLE 6

Model Year	Percent Good of Cost New
[13] 14	90%
[12] 13	[68%] 71%
[11] 12	[63%] 65%
[10] 11	[57%] 60%
[09] 10	[52%] 54%
[08] 09	[47%] 48%
[07] 08	42%
[06] 07	[36%] 37%
[05] 06	31%
[04] 05	[26%] 25%
[03] 04	20%
[02] 03	[15%] 14%
[01] 02	[10%] 8%
[00] 01 and prior	[4%] 3%

(f) 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
[12] 13	93%
[11] 12	[88%] 87%
[10] 11	80%
[09] 10	70%
[08] 09	[63%] 64%
[07] 08	[56%] 57%
[06] 07	50%
[05] 06	42%
[04] 05	34%
[03] 04	23%
[02] 03 and prior	12%

(g) 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
[12] 13	93%
[11] 12	[88%] 87%
[10] 11	80%
[09] 10	[70%] 71%
[08] 09	[63%] 64%
[07] 08	[56%] 57%
[06] 07	50%
[05] 06	42%
[04] 05	34%
[03] 04	23%
[02] 03 and prior	12%

(h) 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.

(i) 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
[12] 13	94%
[11] 12	[91%] 90%
[10] 11	[89%] 86%
[09] 10	[77%] 78%
[08] 09	[72%] 73%
[07] 08	68%
[06] 07	64%
[05] 06	[58%] 59%
[04] 05	54%
[03] 04	[46%] 47%
[02] 03	38%
[01] 02	[28%] 29%
[00] 01	19%
[99] 00 and prior	9%

(j) 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.

(k) 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
[12] 13	62%
[11] 12	46%
[10] 11	21%
[09] 10	9%
[08] 09 and prior	7%

(l) 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) [2013]2014 model equipment purchased in [2012]2013 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[12] 13	[51%] 50%
[11] 12	[48%] 47%
[10] 11	[46%] 44%

[09] 10	[43%] 42%
[08] 09	[40%] 39%
[07] 08	[37%] 36%
[06] 07	[34%] 33%
[05] 06	[31%] 30%
[04] 05	[28%] 27%
[03] 04	[25%] 24%
[02] 03	[22%] 21%
[01] 02	[20%] 18%
[00] 01	[17%] 16%
[99] 00 and prior	12%

(m) Class 14 - Motor Homes.

(i) Taxable value is calculated by applying the percent good against the cost new.

(ii) The [2013]2014 percent good applies to [2013]2014 models purchased in [2012]2013.

(iii) Motor homes have a residual taxable value of \$1,000.

TABLE 14

Model Year	Percent Good of Cost New
[13] 14	90%
[12] 13	[70%] 68%
[11] 12	[66%] 64%
[10] 11	[62%] 60%
[09] 10	[58%] 56%
[08] 09	[54%] 53%
[07] 08	[50%] 49%
[06] 07	[47%] 45%
[05] 06	[43%] 41%
[04] 05	[39%] 37%
[03] 04	[35%] 33%
[02] 03	[31%] 29%
[01] 02	[27%] 25%
[00] 01	[23%] 22%
[99] 00	[19%] 18%
[98] 99	[15%] 14%
[97] 98 and prior	[11%] 10%

(n) 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
[12] 13	47%
[11] 12	34%
[10] 11	24%
[09] 10	15%
[08] 09 and prior	6%

(o) 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
[12] 13	96%
[11] 12	[91%] 93%
[10] 11	[90%] 91%
[09] 10	[84%] 85%
[08] 09	82%
[07] 08	[79%] 80%
[06] 07	[77%] 78%
[05] 06	75%
[04] 05	74%
[03] 04	[69%] 70%
[02] 03	[63%] 64%
[01] 02	57%
[00] 01	50%
[99] 00	44%
[98] 99	37%
[97] 98	[29%] 30%
[96] 97	[22%] 23%
[95] 96	15%
[94] 95 and prior	8%

(p) 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;

and

(C) yachts equal to or greater than 31 feet in length.

(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 [2013]2014 percent good applies to [2013]2014 models purchased in [2012]2013.

(vi) Property in this class has a residual taxable value of \$1,000.

TABLE 17

Model Year	Percent Good of Cost New
[13] 14	90%
[12] 13	63%
[11] 12	[60%] 61%
[10] 11	58%
[09] 10	[55%] 56%
[08] 09	53%
[07] 08	[50%] 51%
[06] 07	48%
[05] 06	46%
[04] 05	43%
[03] 04	41%
[02] 03	38%
[01] 02	36%
[00] 01	33%
[99] 00	31%
[98] 99	[29%] 28%
[97] 98	26%
[96] 97	24%
[95] 96	21%
[94] 95	19%
[93] 94	16%
[92] 93 and prior	12%

(q) 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.

(r) 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.

(s) 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
[12] 13	92%
[11] 12	83%
[10] 11	81%
[09] 10	[78%] 75%
[08] 09	[73%] 71%
[07] 08	[69%] 66%
[06] 07	[64%] 61%
[05] 06	[60%] 56%
[04] 05	[52%] 50%
[03] 04	42%
[02] 03	32%
[01] 02	[22%] 21%
[00] 01 and prior	11%

(t) 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 [2013]2014 percent good applies to [2013]2014 models purchased in [2012]2013.

(iv) Commercial trailers have a residual taxable value of \$1,000.

TABLE 21

Model Year	Percent Good of Cost New
[13] 14	95%
[12] 13	[87%] 90%
[11] 12	[82%] 85%
[10] 11	[77%] 80%
[09] 10	[72%] 75%
[08] 09	[67%] 70%
[07] 08	[62%] 65%
[06] 07	[57%] 59%
[05] 06	[52%] 54%
[04] 05	[47%] 49%
[03] 04	[42%] 44%
[02] 03	[37%] 39%
[01] 02	[32%] 34%
[00] 01	[27%] 29%
[99] 00	[22%] 24%

[98] 99 [17%] 18%
[97] 98 and prior [12%] 13%

(u) 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.

(v) 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.

(w) 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.

(x) 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.

(y) 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
[12] 13	94%
[11] 12	88%
[10] 11	82%
[09] 10	77%
[08] 09	71%
[07] 08	65%
[06] 07	59%
[05] 06	54%
[04] 05	48%
[03] 04	42%
[02] 03	36%
[01] 02 and prior	30%

(z) 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; and
- (E) aircraft parts manufacturing test equipment.

(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
[12]13	84%
[11]12	[71%]20%
[10]11	54%
[09]10	36%
[08]09	[19%]20%
[07]08 and prior	4%

(aa) 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.

(bb) 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
[12]13	97%
[11]12	95%
[10]11	92%
[09]10	90%
[08]09	87%
[07]08	84%
[06]07	82%
[05]06	79%
[04]05	77%
[03]04	74%
[02]03	71%
[01]02	69%
[00]01	66%
[99]00	64%
[98]99	61%
[97]98	58%
[96]97	56%
[95]96	53%
[94]95	51%
[93]94	48%

[92]93	45%
[91]92	43%
[90]91	40%
[89]90	38%
[88]89	35%
[87]88	32%
[86]87	30%
[85]86	27%
[84]85	25%
[83]84	22%
[82]83	19%
[81]82	17%
[80]81	14%
[79]80	12%
[78]79 and prior	9%

(cc) Class 28 - Noncapitalized Personal Property. Property shall be classified as noncapitalized personal property if the following conditions are met:

(i) the property is an item of taxable tangible personal property with an acquisition cost of \$1,000 or less; and

(ii) the property is ~~claimed as~~ eligible as a deductible expense under Section 162 or Section 179, Internal Revenue Code, in the year of acquisition, regardless of whether the deduction is actually claimed.

TABLE 28

Year of Acquisition	Percent Good of Acquisition Cost
[12]13	75%
[11]12	50%
[10]11	25%
[09]10 and prior	0%

The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, ~~[2013]~~2014.

KEY: taxation, personal property, property tax, appraisals
Date of Enactment or Last Substantive Amendment: ~~[February 21, 2013]~~

Notice of Continuation: January 3, 2012

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; 59-2-514; 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; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

**Workforce Services, Employment
 Development
 R986-400
 General Assistance**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 37947

FILED: 08/29/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to change the eligibility start date for General Assistance.

SUMMARY OF THE RULE OR CHANGE: Assistance for a General Assistance applicant will begin the month after the month when the application was received. This is a cost savings measure with the hope that we can serve more eligible individuals by delaying the start date to the beginning of the next month.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-3-402 and Section 35A-1-104 and Section 35A-3-401 and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There will be no costs or savings to the state budget because any potential savings will be used to serve more eligible individuals.

◆ **LOCAL GOVERNMENTS:** There will be no costs or savings to local government because this is a state-funded program.

◆ **SMALL BUSINESSES:** There will be no costs or savings to any small business. This is a state-funded program for individuals who cannot work.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no costs or savings to any persons other than small businesses, businesses, or local government entities. This is a state-funded program for individuals who cannot work. There are no compliance costs. Because General Assistance is time limited, if an eligible individual does not receive benefits during the month of application, that individual is still eligible for the same total number of months.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons as there are no costs or fees associated with these changes. Because General Assistance is time limited, if an eligible individual does not receive benefits during the month of application, that individual is still eligible for the same total number of months.

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 10/15/2013

THIS RULE MAY BECOME EFFECTIVE ON: 10/22/2013

AUTHORIZED BY: Jon Pierpont, Executive Director

R986. Workforce Services, Employment Development.**R986-400. General Assistance.****R986-400-401. Authority for General Assistance (GA) and Applicable Rules.**

(1) The Department provides GA financial assistance pursuant to Section 35A-3-401, et seq. as funding permits.

(2) Rule R986-100 applies to GA, except as noted in this rule.

(3) Applicable provisions of R986-200 apply to GA except as noted in this rule.

(4) The citizenship and alienage requirements of the Food Stamp Program apply to GA.

R986-400-407. Income and Assets Limits, ~~and~~ Amount of Assistance, and Assistance Start Date.

(1) The provisions of R986-200 are used for determining asset and income eligibility except;

(a) the income and assets of an SSI recipient living in the household are counted if that individual is legally responsible for the client;

(b) the total gross income of an alien's sponsor and the sponsor's spouse is counted as unearned income for the alien. If a person sponsors more than one alien, the total gross income of the sponsor and the sponsor's spouse is counted for each alien. Indigent aliens, as defined by 7 CFR 273.4(c)(3)(iv), are not exempt;

(c) one vehicle, with a maximum of \$8,000 equity value, is not counted. The entire equity value of one vehicle equipped to transport a disabled individual is exempt from the asset limit even if the vehicle has a value in excess of \$8,000. Beginning October 1, 2007, all motorized vehicles will be exempt.

(2) The financial assistance payment level is set by the Department and available for review at all Department local offices.

(3) If otherwise eligible, assistance will be paid effective the first day of the month following the month the application is received by the Department provided the application is completed within 30 days. If the application is not completed within 30 days, but is completed within 60 days, the first day the client can be eligible is the day all verification requested by the Department is received by the Department. If the application is not completed within 60 days, a new application is required. An application is complete when all information and verification requested by the Department has been provided by the applicant.

KEY: general assistance

Date of Enactment or Last Substantive Amendment:
[~~September 1, 2011~~2013]

Notice of Continuation: September 8, 2010

**Authorizing, and Implemented or Interpreted Law: 35A-3-401;
35A-3-402**

End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-Day (EMERGENCY) RULE** when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule.

Because **120-DAY RULES** are effective immediately, the law does not require a public comment period. However, when an agency files a **120-DAY RULE**, it usually files a **PROPOSED RULE** at the same time, to make the requirements permanent. Comments may be made on the **PROPOSED RULE**. Emergency or **120-DAY RULES** are governed by Section 63G-3-304; and Section R15-4-8.

Administrative Services, Purchasing and General Services **R33-11** Surplus Property

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 37937
FILED: 08/23/2013

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to this rule are in response to S.B. 68 which passed during the 2013 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: The changes set new policies and procedures which govern the acquisition and disposition of state and federal surplus property, vehicles, and firearms. (DAR NOTE: A corresponding proposed amendment is under DAR No. 37938 in this issue, September 15, 2013, of the Bulletin.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-2-103

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.
JUSTIFICATION: The new policies and procedures mandated by S.B. 68 (2013) are effective as of 05/14/2013.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no compliance costs for any other persons, the amendments are simply shifting responsibilities of the program from one entity to another in certain circumstances.
- ◆ **LOCAL GOVERNMENTS:** There are no compliance costs for any other persons, the amendments are simply shifting responsibilities of the program from one entity to another in certain circumstances.
- ◆ **SMALL BUSINESSES:** There are no compliance costs for any other persons, the amendments are simply shifting responsibilities of the program from one entity to another in certain circumstances.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no compliance costs for any other persons, the amendments are simply shifting responsibilities of the program from one entity to another in certain circumstances.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any other persons, the amendments are simply shifting responsibilities of the program from one entity to another in certain circumstances.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These amendments have no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
ROOM 3150 STATE OFFICE BLDG

450 N STATE ST
SALT LAKE CITY, UT 84114-1201
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Chris Bruhn by phone at 801-538-3524, or by Internet E-mail at cbruhn@utah.gov

EFFECTIVE: 08/23/2013

AUTHORIZED BY: Kent Beers, Director

R33. Administrative Services, Purchasing and General Services.

R33-11. Surplus Property.

R33-11-1. State Surplus Property[~~Disposal~~] - General.

11-101. Purpose.

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

11-102. Authority.

Under the provisions of Title 63A, Chapter 2, [~~Part 4,~~
Section 103, the division shall:

(1) except when a state surplus property contractor administers the state's program for disposition of state surplus property operate, manage, and maintain the state surplus property program;

(2) when a state surplus property contractor administers the state's program for disposition of state surplus property, oversee the state surplus property contractor's administration of the state surplus property program.

(3) Manage the federal surplus property program as the Utah State Agency for Surplus Property and in compliance with 41 CFR 102-37 and Public Law 94-519 through a State Plan of Operation. The standards and procedures governing the contract between the state and the federal government are contained in the Plan of Operation.

(4) Manage the disposition of state owned vehicles.

(5) Control the sale or transfer of firearms from state agencies and participating local agencies, as authorized in Utah Code Title 63A, Chapter 2, Section 4.

(6) Handheld devices/technology (not transferred from state agencies to public schools), [~~the Utah State Agency for Surplus Property (USASP) within the Division of Purchasing and General Services, under the Department of Administrative Services is responsible for operating both a state and a federal surplus property program. The standards and procedures governing the operation of these two programs are found in two separate State Plans of Operation, one for state surplus property and a second plan for federal surplus property, the latter being a contract between the state and federal government. The State Plans of Operation may be reviewed at the USASP.]~~

11-103. Definitions.

(A) Terms used in the Surplus Property Rules are defined in Section 63A-2-101.5.

(B) In addition:

(1) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain;

(2) "All-terrain type II vehicle" means any other motor vehicle, not defined in Subsection (2), (11), or (22), designed for or capable of travel over unimproved terrain and includes a class A side-by-side vehicle. "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed for recreational use, or farm tractors as defined under Section 41-1a-102.

(3) "Aircraft" means any contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.

(4) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

(5) "Division" means the Division of Purchasing and General Services within the Department of Administrative Services, created under Section 63A-2-101.

(6) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(7) "Firearm" means any state owned firearm, including any confiscated or seized firearm over which the state has disposal authority, and any firearm declared by surplus property by a local subdivision.

(8) "Handgun" means any pistol or revolver.

(9) "Hunting or sporting rifle" means any long barreled shotgun or rifle manufactured for hunting or sporting purposes.

(10) "Licensed firearm dealer" means a firearms dealer licensed by the Federal Bureau of Alcohol, Tobacco and Firearms.

(11) "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

(12) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

(13) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

(15)(+) As used in this section "Personal handheld electronic device":

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

(b) includes a mobile phone, pocket personal computer, personal digital assistant, wireless, or similar device.

(16) "Personal Watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

(17)(a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

_____ (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable tarp, or similar structure.

_____ (18) "Reconstructed vehicle" means every vehicle type of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

_____ (19)(a) "Recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.

_____ (b) "Recreational vehicle" includes:

_____ (i) a travel trailer;

_____ (ii) a camping trailer;

_____ (iii) a motor home;

_____ (iv) a fifth wheel trailer; and

_____ (v) a van.

_____ (20) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry and load either independently or any part of the weight of a vehicle or load this is drawn.

_____ (21) "Sailboat" means any vessel having one or more sails and propelled by wind.

_____ (22) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

_____ (23)(a) "Special mobile equipment" means every vehicle:

_____ (i) not designed or used primarily for the transportation of persons or property;

_____ (ii) not designed to operate in traffic; and

_____ (iii) only incidentally operated or moved over the highways.

_____ (b) "special mobile equipment" includes:

_____ (i) farm tractors;

_____ (ii) on or off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

_____ (iii) ditch-digging apparatus;

_____ (iv) forklifts, warehouse equipment, golf carts, electric carts, etc.

_____ (24) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

_____ (25) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

_____ (26) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

_____ (27) "USASP" means Utah State Agency for Surplus Property.

_____ (28) "Vehicle" means the items identified and defined in R33-11-103, except items (5), (7), (8), (9) (15), and (27), and includes all auxiliary equipment and components associated or attached to the vehicle and equipment used by the vehicle for its intended purpose.

Examples of auxiliary equipment and components include snow plow blades, spreaders, sanders, vehicle fire extinguishers, emergency equipment, radios, truck bed racks and truck bed covers, generators, mounted welders, non-OEM, lights and light bars, etc.

_____ (29) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

[~~_____ 11-104. Procedures.]~~ **R33-11-2. Non-vehicle Disposition Procedures.**

11-201. General Provision.

(1) State-owned non-vehicle personal property shall not be destroyed, sold, transferred, traded-in, traded, discarded, donated or otherwise disposed of [~~without~~] unless the procedures set forth in this rule are followed, [~~first submitting a properly completed form SP-1 to and receiving authorization from the USASP.~~] State-owned non-vehicle personal property shall not be processed by the division.

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

([2]3) When a department or agency of state government determines that state-owned non-vehicle personal property is in excess to current needs, they will; [~~make such declaration using Form SP-1. State-owned personal property shall not be processed by the USASP unless the appropriate form is executed.~~]

(a) transfer the non-vehicle surplus property directly to another department or agency of the state without involvement of the division; or

(b) notify the state surplus property contractor that the department or agency has surplus property.

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

[~~(4)~~] **11-202. Information Technology Equipment.**

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

([5]2) Pursuant to the provisions of section 63A-2-407, state-owned information technology equipment may be transferred directly to [N] non-profit entities for distribution to, and use by, persons with a disability as defined in subsections 62A-5-101(9). However, interagency transfers and sales of surplus property to state and local agencies [~~within the 30-day period under section 63A-2-406]~~ shall have priority over transfers under this subsection. [~~The 30-day holding period may be waived if shown to be in the best interest of the state.~~

(6) Requests for state-owned information technology equipment from non-profit entities shall be:

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

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

(7) State agencies transferring state-owned information technology equipment to non-profit entities for distribution to, and use

by persons with a disability as defined in subsections 62A-5-101(9), shall provide the USASP with completed SP-1 forms in order to account for the transfer of said equipment. In such cases, the USASP will not assess a fee to the donating agency.

~~(8) Pursuant to the provisions of subsection 63A-2-407(3), the USASP shall prepare an annual report to DSPD containing the names of non-profit entities that received state-owned information-technology equipment under subsection 63A-2-407(1), and the types and amounts of equipment received.]~~

~~(9) Prior to submitting information technology equipment to [Surplus Property]the state surplus property contractor, another department or agency, or donating it directly to the public institutions or non-profit entities, agencies shall delete all information from all storage devices. Information shall be deleted in such a manner as to not be retrievable by data recovery technologies.~~

~~(4) Except as it relates to a vehicle or federal surplus property, the transfer of surplus property from one agency directly to another does not require approval by the division, the director of the division, or any other person.~~

~~[(10)]11-203. Federal Surplus Property.~~

~~(1) Federal [s]Surplus [p]Property is not available for sale to the general public[, on a day-to-day basis]. Donation of federal surplus property shall be administered in accordance with the procedures identified in the State Plan of Operation for the Federal Property Assistance Program.~~

~~(2) Public auctions of federal surplus property are authorized under certain circumstances and conditions. The division[USASP Manager] shall coordinate such auctions when deemed necessary or appropriate. Federal surplus property auctions are primarily conducted online, but are regulated and accomplished by the U.S. General Services Administration.~~

~~(11) This section sets forth policy and procedure, which governs the sale of personal handheld electronic devices to a user who is provided such a device by an agency, and who subsequently leaves or changes employment. These personal handheld electronic devices usually rely on technology that is rapidly changing, resulting in the devices becoming continuously outdated as more capable devices are offered; therefore, their value depreciates significantly over the period of their service. Their usefulness is generally tied to a service contract with a service provider.~~

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

~~(b) Purchase of a handheld device is exempt from the requirements of related party transactions under Subsection R33-11-11-106.~~

~~(c) Prior to a purchase of a handheld device, the following requirements shall be completed in substantially the following order:~~

~~(i) the agency that assigned or provided the personal handheld electronic device shall:~~

~~(A) authorize, in writing to USASP, the sale to the assigned user in lieu of exchange or surplus;~~

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

~~(C) remove, or cause to be removed, from the personal handheld electronic device any:~~

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

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

~~(III) State-owned records and data.~~

~~(D) Obtain a written certification from the Department of Technology Services that state-owned records and data have been purged from the device.~~

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

~~(ii) The USASP shall:~~

~~(A) have an established fee that has been approved by the Department of Administrative Services Rate Committee;~~

~~(B) receive the SP-1 form; and;~~

~~(C) generate an invoice for the transaction upon receiving full payment of the fee from the designated purchaser of the device.~~

~~(iii) The designated purchaser of the device shall:~~

~~(A) make full payment of the fee to the USASP for the item; and;~~

~~(B) sign the invoice and return the signed invoice to USASP.~~

~~(iv) The agency may be authorized by the division to transfer ownership of the personal handheld electronic device to the designated purchaser of the device.~~

~~(12) The USASP Manager or designee may make an exception to the written authorization requirement identified in paragraph A above. Exceptions must be for good cause and must consider:~~

~~(a) The cost to the state;~~

~~(b) The potential liability to the state;~~

~~(c) The overall best interest of the state.~~

~~] [11-105]11-205. Related Party Transactions.~~

~~(1) The [USASP]division has a duty to the public to ensure that State-owned surplus property is disposed of [at fair market value, in an independent and ethical manner, and that the property or the value of the property has not been misrepresented.]in accordance with Section 63A-2. A conflict of interest may exist or appear to exist when a related party attempts to purchase surplus property.~~

~~(2) A related party is defined as someone who may fit into any of the following categories pertaining to the surplus property in question:~~

~~(a) Has purchasing authority.~~

~~(b) Has maintenance authority.~~

~~(c) Has disposition or signature authority.~~

~~(d) Has authority regarding the disposal price.~~

~~(e) Has access to restricted information.~~

~~(f) Is perceived to be a related party using other criteria which may prohibit independence.~~

~~(3) Owning state agencies may list any recommended purchasers on the standard form SP-1. Final decision rests with USASP as to selling price and buyer.~~

~~(4) When a prospective purchaser is identified or determined to be a related party, the USASP will employ one of the following procedures:~~

~~(a) The USASP may require written justification and authorization from the Department or Division Head or authorized~~

agent. Justification may include reference to maintenance history, purchase price and the absence of conflicts of interest. If the related party is an authorized agent, a higher approval may be sought.

(b) The USASP may choose to hold the property for sale by public auction or sealed bid. The prospective buyer may then compete against other bidders.

(c) The USASP may hold the property for a 30-day period before allowing the related party the opportunity to purchase the property, thus allowing for purchase of the property in accordance with the priorities listed below. The 30-day holding period may be waived if shown to be in the best interest of the state.

11-2[+]06. Priorities.

(1) Public agencies are given priority for the purchase of state-owned surplus property.

(2) Property [received by the USASP] that is determined by the Division to be unique, in short supply or in high demand by public agencies [shall] may be held for a period of up to 30 days before being offered for sale to the general public through the state surplus property contractor. [The 30-day holding period may be waived if shown to be in the best interest of the state.]

(3) For this rule, the entities listed below, in priority order, are considered to be public agencies:

- (a) State Agencies
- (b) State Universities, Colleges, and Community Colleges
- (c) Other tax supported educational agencies or political subdivisions in the State of Utah including cities, towns, counties and local law enforcement agencies

(d) Other tax supported educational entities

(e) Non-profit health and educational institutions

(4) State-owned personal property that is not purchased by or transferred to public agencies [during the 30-day hold period] may be offered for public sale. [The 30-day holding period may be waived if shown to be in the best interest of the state.]

(5) The [USASP Manager or designee] division shall make the determination as to whether property is subject to [the 30-day] hold period. The decision shall consider the following:

- (a) The cost to the state;
- (b) The potential liability to the state;
- (c) The overall best interest of the state.

R33-11-3. Accounting and Reimbursement Procedures.

11-[+07]301. Accounting [and Reimbursement].

(1) The Division will record and maintain records of all transactions related to the acquisition and sale of all federal surplus property.

(2) The division will require regular and detailed accounting by the state surplus property contractor of:

- (a) the receipt and sale of state surplus property; and
- (b) the receipt and payment of any and all funds; and
- (c) ensure public transparency regarding the sale of state surplus property.

(1) The USASP will record and maintain records of all transactions related to the acquisition and sale of all state and federal surplus property. A summary of the total yearly sales of state surplus by agency or department will be provided to the legislature following the close of each fiscal year.

(2) Reimbursements to state agencies from the sale of their surplus property will be made through the Division of Finance on interagency transfers or warrant requests. The Surplus Agency is-

authorized to deduct operating costs from the selling price of all state surplus property. In all cases property will be priced to sale for fair market value. Items that are not marketable for whatever reason may be discounted in price or disposed of by abandonment, donation, or sold as scrap.

(3) Deposits from cash sales will be made to the State Treasurer in accordance with Title 51, Chapter 7.

([4]3) The [USASP] division may maintain a federal working capital reserve not to exceed one year's operating expenses. In the event the [Surplus Agency] division accumulates funds in excess of the allowable working capital reserve, they will reduce [their service and handling charge to under recover operating expenses and reduce] the Retained Earnings balance accordingly. The only exception is where the [USASP] division is accumulating excess funds in anticipation of the purchase of new facilities or capital items. Prior to the accumulation of excess funds, the [USASP] division must obtain the written approval of the Executive Director of the Department of Administrative Services.

11-302. Reimbursement.

(1) After paying the amount owed to the state surplus property contractor, the division shall transfer the remaining money to the agency that requested the sale of the particular item in accordance with Title 63J, Budgetary Procedures Act.

(2) Vehicles.

(a) Reimbursements to state agencies from the sale of their vehicles will be made through the Division of Finance on interagency transfers or warrant requests. The division is authorized to deduct operating costs from the selling price of all vehicles. In all cases, property will be priced to sale for fair market value. Items that are not marketable for whatever reason may be discounted in price or disposed of by abandonment, donation, or sold as scrap.

(3) Payment for vehicles, information technology equipment, federal surplus property, personal handheld devices, and firearms shall be as follows:

[11-108. Payment.

([+]a) Payment received from public purchasers may be in the form of cash and/or certified funds, authorized bank credit cards, and personal checks. Personal checks may not be accepted for amounts exceeding \$200. Two-party checks shall not be accepted, or [-]

([2]b) Payment received from [state subdivisions] governmental entities, school districts, special districts, and higher education institutions shall be in the form of agency or subdivision check or purchasing card, or [-]

([3]c) Payment made by [public purchasers] governmental entities, school districts, special districts, and higher education institutions shall be at the time of purchase and prior to removal of the property purchased. [Payment for purchases by state subdivisions shall be within 60 days following the purchase and removal of the property.]

([4]d) The [USASP Manager or] division director or designee may make exceptions to the payment provisions of this rule for good cause. A good cause exception requires a weighing of:

- ([a]i) The cost to the state;
- ([b]ii) The potential liability to the state;
- ([e]iii) The overall best interest of the state.

[11-109:](4) Bad Debt Collection.

([+]a) The [USASP] division shall initiate formal collection procedures in the event that a check from the general public, state

subdivisions, or other agencies is returned to the [USASP]division for "insufficient funds".

(2)b In the event that a check is returned to the [USASP]division is returned for "insufficient fund," the [USASP]division may:

(a)i Prohibit the debtor from making any future purchases from the [USASP]division until the debt is paid in full.

(b)ii Have division accountant send a certified letter to the debtor stating that[

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

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

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

~~[11-110. Public Sale of Surplus Property.](5) Division Rate Schedule.~~

R33-11-4. Public Sale of State-owned Vehicles.

11-401. Procedures.

(1) State-owned ~~[surplus property]~~excess vehicles may be purchased at any time by the general public, subject to any ~~[30-day]~~ holding period that may be assigned by ~~[USASP management.]~~the division and subject to the division's operating days and hours. ~~[The 30-day holding period may be waived if shown to be in the best interest of the state.~~

~~(2) At the discretion of the USASP Manager, any state-owned surplus property may be sold to the general public by auction, sealed bid, or other acceptable method. Property to be auctioned may be consigned out to an auction service. If a consignment approach is considered, the USASP Manager must ensure that the auction service is contracted by and authorized by the Division of Purchasing.]~~

(3)2 Federal surplus property auctions to the general public may be accomplished on occasions and subject to the limitations as indicated previously.

(4)3 The frequency of public auctions, for either State-owned vehicles or federal surplus property will be regulated by current law as applicable, the volume of items held in inventory ~~[at]~~by the [USASP]division, and the profitability of conducting auctions versus other approaches to disposing of surplus property.

~~(5) State-owned vehicles available for sale may not have any ancillary or component parts or equipment removed, destroyed, or detached, from the vehicle prior to sale without the approval of the division.~~

~~(6) State agencies are prohibited from removing ancillary or component parts or equipment from vehicles intended for surplus unless:~~

~~(a) The state agency intends on using the ancillary or component parts or equipment on other agency vehicles; or~~

~~(b) The state agency in possession of the vehicle intends to transfer the ancillary or component parts or equipment to another state agency; or~~

~~(c) The state agency has obtained prior approval from the division to remove ancillary or component parts or equipment from the vehicle intended for surplus.~~

R33-11-2]5. Surplus Firearms.

11-2]501. Purpose and Authority.

This ~~[rule]~~subsubsection sets forth policies and procedures for disposing of surplus firearms from state agencies and participating local agencies, as authorized in ~~[the Utah Code, Title 63A, Chapter 2, Part 4]63A-2-4~~. This rule governs the destruction, sale, transfer, or donation of surplus firearms to any agency or to the general public.

~~[11-202. Definitions.~~

~~(1) As used in this rule:~~

~~(a) "Firearm" means any state owned firearm, including any confiscated or seized firearm over which the state has disposal authority, and any firearm declared surplus by a local subdivision.~~

~~(b) "USASP" means Utah State Agency for Surplus Property.~~

~~(c) "Handgun" means any pistol or revolver.~~

~~(d) "Hunting or sporting rifle" means any long barreled shotgun or rifle manufactured for hunting or sporting purposes.~~

~~(e) "Licensed firearms dealer" means a firearms dealers licensed by the Federal Bureau of Alcohol, Tobacco and Firearms.~~

~~] 11-203]502. Procedures.~~

(1) All state owned firearms shall be disposed of under the general provisions of Subsection R33-11-1 11-101.

~~(a) [As an exception to the purchase priority listed in Subsection R33-11-1 11-106, t]The sale of firearms directly to the general public by the [USASP]division is prohibited.~~

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

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

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

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

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

(A) the individual's name;

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

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

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

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

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

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

R33-11-316. Utah State Agency for Surplus Property Adjudicative Proceedings.

11-31601. Purpose.

As required by the Utah Administrative Procedures Act, this rule provides the procedures for adjudicating disputes brought before the [Utah State Agency for Surplus Property]division under the authority granted by Section 63A-2-401 and Section 63G-4, et seq.

~~11-302. Definitions:~~

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

11-303602. Proceedings to be Informal.

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

11-304603. Procedures Governing Informal Adjudicatory Proceedings.

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

(2) The [USASP]division may hold a hearing at the discretion of the director of the Division of Purchasing and General Services or his designee unless a hearing is required by statute. A request for hearing must be made within ten days after receipt of the notice of agency action or request for agency action.

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

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

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

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

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

(8) Within thirty days after the close of any hearing, the director of the Division of Purchasing and General Services or his designee shall issue a written decision stating the decision, the reasons for the decision, time limits for filing an appeal with the director of the superior agency, notice of right of judicial review, and the time limits for filing an appeal to the appropriate district court.

(9) The decision rendered by the Director of the Division of Purchasing and General Services or his designee shall be based on the facts in the [USASP]division file and if a hearing is held, the facts based on evidence presented at the hearing.

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

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

[R33-11-7. Surplus Property Rate Schedule.

~~11-701. Purpose and Authority:~~

~~As allowed in Section 63A-2-405 of the Utah Code, charges and fees are assessed based on the value of the surplus property sold or~~

~~donated as well as for services and handling of the property by the Utah State Agency for Surplus Property:~~

~~11-702. Definitions:~~

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

~~11-703. Rate Schedule:~~

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

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

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

[R33-11-7. State Surplus Property Contractor.

~~11-701. General Requirements.~~

~~(1) The state surplus contractor must be selected through a Request for Proposals that results in a term contract.~~

~~(2) The contractor may sell state surplus property by auction, bid or other manner designed to get the best price available for the state surplus property.~~

~~(3) The contractor may not engage in the sale of state surplus property in a manner that would constitute a conflict of interest.~~

~~(4) The contractor must submit regular and detailed accounting to the division of:~~

~~(a) the receipt and sale of state surplus property; and~~

~~(b) the receipt and payment of funds by the contractor.~~

~~(5) The contractor must ensure public transparency regarding the sale of state surplus property and is required to:~~

~~(a) post online information related to a sale or attempted sale of state surplus property that includes:~~

~~(i) a detailed description of the item or items;~~

~~(ii) the name of the state agency that requested the sale;~~

~~(iii) the price at which the state surplus property was sold;~~

~~and~~

~~(iv) post the information within a period of time established by the division.~~

~~(6) The division may, through the contract with the state surplus contractor, require the state surplus contractor:~~

~~(a) to store the state surplus property; or~~

~~(b) charge for the storage of state surplus property.~~

[R33-11-8. Donation, Disposal, or Destruction of State Surplus Property.

~~11-801. A state agency or department may donate to a charitable organization, destroy, or dispose of as waste any state surplus property that is worth less than \$30.00 without involvement of the division or state surplus property contractor if:~~

~~(a) the state surplus property fails to sell at auction; or~~

~~(b) the cost of selling the state surplus property is greater or equal to the value of the state surplus property; or~~

~~(c) the state surplus property is no longer usable; or~~

(d) the state surplus property is damaged and either cannot be repaired or the cost of repair is greater than or equal to the value of the state surplus property in a repaired state; or

(e) the state surplus property can be replaced for less than the cost of repairing the state surplus property.

KEY: [~~rates,~~]state surplus property

Date of Enactment or Last Substantive Amendment: August 23, 2013

Authorizing, and Implemented or Interpreted Law: 63A-2-401; 63A-2-405; 63A-2-407; 63G-4

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to remove obsolete rules from the Utah Administrative Code. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **NOTICE**. By filing a Notice, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. **NOTICES** are effective upon filing.

NOTICES are governed by Section 63G-3-305.

Commerce, Occupational and Professional Licensing

R156-37c

Utah Controlled Substance Precursor Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37959
FILED: 09/03/2013

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 37c, provides for the licensure of controlled substance precursor distributors and purchasers. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-37c-5(3) provides the Division shall make, adopt, amend and repeal rules necessary for the proper administration and enforcement of Chapter 37c. This rule was enacted to clarify the provisions of Title 58, Chapter 37c, with respect to controlled substance precursor distributors and purchasers.

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 October 2008, no written comments have been received by the Division with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 37c, with respect to controlled substance precursor distributors and purchasers. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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:

◆ April Ellis by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at aprilellis@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/03/2013

Commerce, Occupational and Professional Licensing

R156-74

Certified Court Reporters Licensing Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37958
FILED: 09/03/2013

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 74, provides for the licensure of certified court reporters. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-74-201(3) provides that the Certified Court Reporters Licensing 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 74, with respect to certified court reporters.

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 October 2008, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 74, with respect to certified court reporters. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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:
♦ April Ellis by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at aprilellis@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/03/2013

Financial Institutions, Administration
R331-20
Designation of Adjudicative
Proceedings as Informal

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37939
FILED: 08/23/2013

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63G-4-202 authorizes the agency to designate categories of adjudicative proceedings. The rule states that all proceedings which are subject to the requirements of the Utah Administrative Procedures Act are designated as informal proceedings.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

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

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

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

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 08/23/2013

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 08/23/2013

Financial Institutions, Administration
R331-21

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

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

DAR FILE NO.: 37940

FILED: 08/23/2013

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 7-5-13 authorizes establishment of collective investment funds for persons permitted to engage in the trust business.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule authorizes the establishment of and participation in collective investment funds by trust companies subject to the jurisdiction of the Department. There is presently one trust company that must still comply with this rule. Therefore, the rule should be continued.

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

FINANCIAL INSTITUTIONS
ADMINISTRATION
ROOM 201

324 S STATE ST
SALT LAKE CITY, UT 84111-2393

or at the 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

Financial Institutions, Administration
R331-24

Accounting for Accrued Uncollected
Income by Banks and Industrial Loan
Corporations

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

DAR FILE NO.: 37941

FILED: 08/23/2013

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 7-1-301(14) authorizes the commissioner to require financial institutions to keep books and records of the transactions and accounts of the institutions' true pecuniary condition. These requirements must be consistent with generally accepted accounting principles for financial institutions. The rule establishes some specific accounting requirements for accrued uncollected income.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes accounting requirements for accrued uncollected income to ensure accurate accounting of the income of banks and industrial loan corporations. Therefore, the rule should be continued.

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

FINANCIAL INSTITUTIONS
ADMINISTRATION
ROOM 201

324 S STATE ST
SALT LAKE CITY, UT 84111-2393

or at the 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

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 08/23/2013

**Transportation, Administration
R907-64**

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37951
FILED: 09/03/2013

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 authority of Subsection 72-7-108(7) which requires the Utah Department of Transportation to make rules governing the installation, operation, and maintenance of a telecommunication facility granted longitudinal access to interstate system right-of-way, specifying procedures for entering agreements for longitudinal access, providing for relocation and removal of telecommunication facilities, and providing an opportunity for all interested providers to apply for access within open right-of-way segments.

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 parties received 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: The rule should remain in effect to govern the installation, operation, and maintenance of a telecommunication facility granted longitudinal access to interstate system right-of-way, specify procedures for entering agreements for longitudinal access, provide for relocation and removal of telecommunication facilities, and provide an opportunity for all interested providers to apply for access

within open right-of-way segments as required by Subsection 72-7-108(7). 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:
♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 09/03/2013

**Transportation, Administration
R907-65**

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 37952
FILED: 09/03/2013

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 authority of Subsection 72-7-108(3)(f) which requires the Department of Transportation to make rules establishing a schedule of rates of compensation for any longitudinal access granted in the interstate highway rights-of-way.

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 received 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 to establish a schedule of rates of compensation for any longitudinal access granted in the interstate highway rights-of-way, as required by Subsection 72-7-108(3)(f). 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:

◆ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 09/03/2013

Transportation, Administration **R907-67**

Debarment of Contractors from Work on Department Projects -- Reasons

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37953
FILED: 09/03/2013

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 authority of Subsection 72-1-201(1)(h) which directs the Department of Transportation to make rules "for the administration of the department, state transportation systems, and programs," which includes the debarment or suspension of contractors from consideration for award of department contracts pursuant to Section 63G-6a-904.

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 received 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 to provide reasons and procedures for debarment or suspension of contractors from consideration for award of department contracts pursuant to Section 63G-6a-904. 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:

◆ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 09/03/2013

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

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 37954
FILED: 09/03/2013

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 authority of Subsection 72-6-118(5) which requires the Utah Department of Transportation to make rules necessary to establish and operate tollways on state highways.

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 during and since the last five-year review of the rule from interested persons.

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 provide guidelines for tollway development agreements to establish tollways on state highways. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cnewman@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 09/03/2013

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 37955
FILED: 09/03/2013

**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 authority of Section 72-6-204 which requires the Transportation Commission to make rules establishing minimum guidelines for tollway development agreement proposals.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received during and since the last five-year review of the rule from interested persons.

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 provide minimum guidelines for tollway development agreement proposals. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cnewman@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 09/03/2013

Transportation Commission,
Administration
R940-4
Airports of Regional Significance

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 37956
FILED: 09/03/2013

**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 authority of Subsection 59-12-602(1) which requires the Transportation Commission to define an airport of regional significance.

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 during and since the last five year review from interested persons.

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 provide

the definition of an airport of regional significance as required by Subsection 59-12-602(1). Therefore, this rule should be continued.

or at the Division of Administrative Rules.

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

TRANSPORTATION COMMISSION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Christine Newman by phone at 801-965-4026, by FAX at 801-965-4338, or by Internet E-mail at cwnewman@utah.gov

AUTHORIZED BY: Carlos Braceras, Executive Director

EFFECTIVE: 09/03/2013

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their rules effective and enforceable after publication in the Utah State Bulletin. In the case of Proposed Rules or Changes in Proposed Rules with a designated comment period, the law permits an agency to file a notice of effective date any time after the close of comment plus seven days. In the case of Changes in Proposed Rules with no designated comment period, the law permits an agency to file a notice of effective date on any date including or after the thirtieth day after the rule's publication date. If an agency fails to file a Notice of Effective Date within 120 days from the publication of a Proposed Rule or a related Change in Proposed Rule the rule lapses and the agency must start the rulemaking process over.

Notices of Effective Date are governed by Subsection 63G-3-301(12), 63G-3-303, and Sections R15-4-5a and 5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Administrative Services

Records Committee

No. 37773 (AMD): R35-1-3. Issuing the Committee Decision and Order

Published: 07/15/2013

Effective: 08/30/2013

Agriculture and Food

Animal Industry

No. 37811 (AMD): R58-1. Admission and Inspection of Livestock, Poultry and Other Animals

Published: 07/15/2013

Effective: 08/21/2013

Conservation and Resource Management

No. 37680 (AMD): R64-2. Utah Conservation Commission Electronic Proposed Meetings

Published: 07/01/2013

Effective: 08/21/2013

Capitol Preservation Board (State)

Administration

No. 37799 (AMD): R131-2-6. General Requirements for Use of the Capitol Hill Complex

Published: 07/15/2013

Effective: 08/21/2013

Commerce

Occupational and Professional Licensing

No. 37754 (AMD): R156-1. General Rule of the Division of Occupational and Professional Licensing

Published: 07/15/2013

Effective: 08/22/2013

No. 37753 (AMD): R156-56-403. Factory Built Housing Dispute Resolution Program

Published: 07/15/2013

Effective: 08/22/2013

Real Estate

No. 37677 (AMD): R162-2e. Appraisal Management Company Administrative Rules

Published: 06/15/2013

Effective: 08/28/2013

No. 37750 (AMD): R162-2g. Real Estate Appraiser Licensing and Certification Administrative Rules

Published: 07/15/2013

Effective: 08/21/2013

Education

Administration

No. 37808 (AMD): R277-713. Concurrent Enrollment of High School Students in College Courses

Published: 07/15/2013

Effective: 08/26/2013

Environmental Quality

Drinking Water

No. 37722 (AMD): R309-500. Facility Design and Operation: Plan Review, Operation and Maintenance Requirements

Published: 07/01/2013

Effective: 08/28/2013

No. 37724 (AMD): R309-510. Facility Design and Operation: Minimum Sizing Requirements

Published: 07/01/2013

Effective: 08/28/2013

No. 37725 (AMD): R309-511. Hydraulic Modeling Requirements

Published: 07/01/2013

Effective: 08/28/2013

No. 37726 (AMD): R309-515. Facility Design and Operation:
Source Development
Published: 07/01/2013
Effective: 08/28/2013

No. 37727 (AMD): R309-520. Facility Design and Operation:
Disinfection
Published: 07/01/2013
Effective: 08/28/2013

No. 37728 (AMD): R309-525. Facility Design and Operation:
Conventional Surface Water Treatment
Published: 07/01/2013
Effective: 08/28/2013

No. 37729 (AMD): R309-530. Facility Design and Operation:
Alternative Surface Water Treatment Methods
Published: 07/01/2013
Effective: 08/28/2013

No. 37730 (AMD): R309-535. Facility Design and Operation:
Miscellaneous Treatment Methods
Published: 07/01/2013
Effective: 08/28/2013

Water Quality

No. 37366 (AMD): R317-1-1. Definitions
Published: 03/15/2013
Effective: 08/19/2013

No. 37366 (CPR): R317-1-1. Definitions
Published: 07/15/2013
Effective: 08/19/2013

No. 37361 (AMD): R317-2. Standards of Quality for Waters
of the State
Published: 03/15/2013
Effective: 08/19/2013

No. 37361 (CPR): R317-2. Standards of Quality for the
Waters of the State
Published: 07/15/2013
Effective: 08/19/2013

No. 37812 (AMD): R317-11. Certification Required to
Design, Inspect and Maintain Underground Wastewater
Disposal Systems, or Conduct Soil Evaluations or Percolation
Tests for Underground Wastewater Disposal Systems
Published: 07/15/2013
Effective: 09/01/2013

No. 37362 (NEW): R317-15. Water Quality Certification
Published: 03/15/2013
Effective: 08/19/2013

No. 37362 (CPR): R317-15. Water Quality Certification
Published: 07/15/2013
Effective: 08/19/2013

Health

Disease Control and Prevention, Environmental Services
No. 37763 (AMD): R392-200. Design, Construction,
Operation, Sanitation, and Safety of Schools
Published: 07/15/2013
Effective: 08/26/2013

Family Health and Preparedness, Children with Special
Health Care Needs
No. 37809 (AMD): R398-15. Autism Treatment Account
Published: 07/15/2013
Effective: 08/27/2013

Family Health and Preparedness, Child Care Licensing
No. 37774 (AMD): R430-6-3. Submission of Background
Screening Information
Published: 07/15/2013
Effective: 09/01/2013

No. 37775 (AMD): R430-50-7. Personnel
Published: 07/15/2013
Effective: 09/01/2013

No. 37777 (AMD): R430-60-7. Personnel
Published: 07/15/2013
Effective: 09/01/2013

No. 37778 (AMD): R430-70-7. Personnel
Published: 07/15/2013
Effective: 09/01/2013

No. 37779 (AMD): R430-90-7. Personnel
Published: 07/15/2013
Effective: 09/01/2013

No. 37780 (AMD): R430-100-7. Personnel
Published: 07/15/2013
Effective: 09/01/2013

Insurance

Administration
No. 37719 (AMD): R590-160-5. Rules Applicable to All
Proceedings
Published: 07/01/2013
Effective: 08/28/2013

Public Safety

Criminal Investigations and Technical Services, Criminal
Identification
No. 37769 (R&R): R722-900. Review and Challenge of
Criminal Record
Published: 07/15/2013
Effective: 08/21/2013

Regents (Board Of)

University of Utah, Administration
No. 37770 (AMD): R805-1. Operating Regulations for
Bicycles, Skateboards and Scooters
Published: 07/15/2013
Effective: 08/21/2013

Tax Commission

Motor Vehicle Enforcement
No. 37699 (AMD): R877-23V-21. Automated License Plate
Recognition System Pursuant to Utah Code Ann. Section 41-
3-105
Published: 07/01/2013
Effective: 08/22/2013

End of the Notices of Rule Effective Dates Section

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

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2013 through September 03, 2013. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to 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 (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	37839	5YR	07/11/2013	2013-15/123
<u>Archives</u>					
R17-5	Definitions for Rules in Title R17	37653	5YR	05/17/2013	2013-12/49
R17-6	Records Storage and Disposal at the State Records Center	37654	5YR	05/17/2013	2013-12/49
R17-7	Archival Records Care and Access at the State Archives	37659	5YR	05/28/2013	2013-12/50
R17-7	Archival Records Care and Access at the State Archives	37658	AMD	08/15/2013	2013-12/8
R17-8	Application of Microfilm Standards	37655	5YR	05/17/2013	2013-12/50
<u>Facilities Construction and Management</u>					
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities and Construction and Management	37357	5YR	02/20/2013	2013-6/49
R23-22	General Procedures for Acquisition and Selling of Real Property	37358	5YR	02/20/2013	2013-6/49
R23-30	State Facility Energy Efficiency Fund	37845	5YR	07/15/2013	2013-15/123
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	37521	5YR	04/15/2013	2013-9/29
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R722-310	Regulation of Bail Bond Recovery and Enforcement Agents	37605	AMD	07/08/2013	2013-11/55
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R722-320	Undercover Identification	37227	NSC	02/15/2013	Not Printed
R722-330	Licensing of Private Investigators	37604	AMD	07/08/2013	2013-11/58
R722-340	Emergency Vehicles	37532	5YR	04/22/2013	2013-10/215
R722-340 (Changed to R698-7)	Emergency Vehicles	37590	NSC	05/31/2013	Not Printed
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R722-900	Review and Challenge of Criminal Record	37514	5YR	04/10/2013	2013-9/44
R722-900	Review and Challenge of Criminal Record	37769	R&R	08/21/2013	2013-14/81

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R708-21	Third-Party Testing	37717	AMD	08/08/2013	2013-13/198
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R708-45	Renewal or Duplicate License for a Utah Resident Temporarily Residing Out of State	37718	R&R	08/08/2013	2013-13/202
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R746-240	Telecommunication Service Rules	37760	5YR	06/24/2013	2013-14/120
R746-313	Electric Service Reliability	37116	AMD	02/21/2013	2013-2/87
R746-320	Uniform Rules Governing Natural Gas Service	37041	AMD	01/07/2013	2012-23/48
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R746-345	Pole Attachments	37870	5YR	07/31/2013	2013-16/67
R746-347	Extended Area Service (EAS)	37386	5YR	03/05/2013	2013-7/68
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R746-405	Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities	37450	5YR	03/28/2013	2013-8/69
R746-405	Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities	37447	AMD	06/20/2013	2013-8/38
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R765-605	Utah Centennial Opportunity Program for Education	37539	5YR	04/24/2013	2013-10/217
R765-605	Utah Centennial Opportunity Program for Education	37547	AMD	06/24/2013	2013-10/195
R765-606	Utah Leveraging Educational Assistance Partnership Program	37540	5YR	04/24/2013	2013-10/218
R765-609	Regents' Scholarship	37587	AMD	07/08/2013	2013-11/65

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R805-1	Operating Regulations for Bicycles, Skateboards and Scooters	37770	AMD	08/21/2013	2013-14/85
R805-2	Government Records Access and Management Act Procedures	37824	5YR	07/08/2013	2013-15/134

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R810-1-14	Living In A Motor Vehicle On Campus	37098	AMD	03/21/2013	2013-1/13
R810-2-1	Parking Meters	37092	AMD	03/21/2013	2013-1/14
R810-12	Bicycles, Skateboards and Other Toy Vehicles	37387	EXD	03/07/2013	2013-7/71

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R861-1A-12	Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Sections 41-3-209, 59-1-210, 59-1-403, and 59-1-405	36991	AMD	01/10/2013	2012-22/144
R861-1A-26	Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63G-4-204 through 63G-4-209	37104	AMD	02/21/2013	2013-1/15
R861-1A-37	Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404	37106	AMD	02/21/2013	2013-1/17
R861-1A-46	Procedures for Purchaser Refund Requests Pursuant to Utah Code Ann. Sections 59-1-1410 and 59-12-110	37107	AMD	02/21/2013	2013-1/18

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R865-9I-13	Pass-Through Entity Withholding Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, 59-10-1403.2, and 59-10-1405	37108	AMD	02/21/2013	2013-1/20
R865-9I-46	Medical Savings Account Administration Pursuant to Utah Code Ann. Sections 31A-32a-106, 59-10-114, and 59-10-1021	37178	NSC	01/31/2013	Not Printed

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R884-24P-67	Information Required for Valuation of Low-Income Housing Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-301.3	37109	AMD	02/21/2013	2013-1/22
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TRANSPORTATION

Administration

R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	37094	R&R	02/07/2013	2013-1/23
R907-64	Longitudinal and Wireless Access to Interstate System Rights-of-Way for Installation of Telecommunication Facilities	37951	5YR	09/03/2013	Not Printed
R907-65	Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	37952	5YR	09/03/2013	Not Printed
R907-67	Debarment of Contractors from Work on Department Projects -- Reasons	37953	5YR	09/03/2013	Not Printed

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R918-4	Using Volunteer Groups and Third Party Contractors for the Adopt-a-Highway and Sponsor-a-Highway Litter Pickup Programs	37874	5YR	08/01/2013	2013-16/70
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R926-10	Tollway Development Agreements	37954	5YR	09/03/2013	Not Printed
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TRANSPORTATION COMMISSION

Administration

R940-2	Approval of Tollway Development Agreements	37955	5YR	09/03/2013	Not Printed
R940-4	Airports of Regional Significance	37956	5YR	09/03/2013	Not Printed

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R986-100-118a	Improper Access of Public Assistance Benefits	37541	AMD	06/27/2013	2013-10/200
R986-700-710	Income Limits for ES CC	37025	AMD	01/02/2013	2012-22/146
R986-900-902	Options and Waivers	37067	AMD	01/08/2013	2012-23/50

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R990-101	Qualified Emergency Food Agencies Fund (QEFAF)	37542	AMD	07/01/2013	2013-10/201
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R994-201	Definition of Terms in Employment Security Act	37518	5YR	04/11/2013	2013-9/44
R994-202	Employing Units	37543	5YR	04/25/2013	2013-10/218
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R994-305	Collection of Contributions	37066	AMD	01/08/2013	2012-23/52
R994-305-1201	Offer in Compromise	37023	AMD	01/02/2013	2012-22/147
R994-306	Charging Benefit Costs to Employers	37652	5YR	05/16/2013	2013-12/58
R994-307	Social Costs -- Relief of Charges	37651	5YR	05/16/2013	2013-12/59
R994-315	Centralized New Hire Registry Reporting	37650	5YR	05/16/2013	2013-12/59
R994-403	Claim for Benefits	37647	5YR	05/16/2013	2013-12/60
R994-403	Claim for Benefits	37517	AMD	06/12/2013	2013-9/23
R994-403-115c	Period of Ineligibility	37671	AMD	08/01/2013	2013-12/38
R994-405	Ineligibility for Benefits	37648	5YR	05/16/2013	2013-12/60
R994-406	Fraud, Fault and Nonfault Overpayments	37024	AMD	01/02/2013	2012-22/148
R994-406-301	Claimant Fault	37238	AMD	04/02/2013	2013-4/48
R994-406-403	Fraud Disqualification and Penalty	37516	AMD	06/12/2013	2013-9/26
R994-508	Appeal Procedures	37649	5YR	05/16/2013	2013-12/61
R994-508-102	Time Limits for Filing an Appeal from an Initial Department Determination	37670	AMD	08/01/2013	2013-12/39

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>401 Certification</u>					
Environmental Quality, Water Quality	37362	R317-15	NEW	08/19/2013	2013-6/44
	37362	R317-15	CPR	08/19/2013	2013-14/101
<u>access</u>					
Environmental Quality, Drinking Water	37732	R309-545	NSC	07/09/2013	Not Printed
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Administrative Services, Archives	37653	R17-5	5YR	05/17/2013	2013-12/49
	37654	R17-6	5YR	05/17/2013	2013-12/49
	37659	R17-7	5YR	05/28/2013	2013-12/50
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	37655	R17-8	5YR	05/17/2013	2013-12/50

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<u>access to records</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	37769	R722-900	R&R	08/21/2013	2013-14/81	
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Human Services, Recovery Services	37668	R527-5-3	AMD	07/22/2013	2013-12/30	
<u>acquit</u>						
Pardons (Board Of), Administration	37352	R671-519	5YR	02/15/2013	2013-5/217	
	37464	R671-519	AMD	05/22/2013	2013-8/35	
<u>adhesives</u>						
Environmental Quality, Air Quality	37275	R307-342	NEW	08/01/2013	2013-5/17	
	37275	R307-342	CPR	08/01/2013	2013-13/208	
<u>adjudicative procedures</u>						
Environmental Quality, Administration	36554	R305-6	REP	01/31/2013	2012-16/28	
	36554	R305-6	CPR	01/31/2013	2013-1/32	
	36553	R305-7	NEW	01/31/2013	2012-16/45	
	36553	R305-7	CPR	01/31/2013	2013-1/32	
<u>adjudicative proceedings</u>						
Environmental Quality, Drinking Water	37783	R309-115	NSC	07/19/2013	Not Printed	
Environmental Quality, Environmental Response and Remediation	37513	R311-500	NSC	04/29/2013	Not Printed	
Environmental Quality, Radiation Control	37192	R313-17	AMD	03/19/2013	2013-3/40	
Environmental Quality, Solid and Hazardous Waste	37314	R315-12	AMD	04/25/2013	2013-5/101	
Environmental Quality, Water Quality	37239	R317-9	5YR	01/31/2013	2013-4/51	
<u>administrative fines</u>						
Commerce, Securities	37660	R164-31	5YR	05/28/2013	2013-12/52	
	37042	R164-31-1	AMD	01/08/2013	2012-23/26	
<u>administrative law</u>						
Human Services, Recovery Services	37113	R527-258	AMD	02/22/2013	2013-2/20	
<u>administrative procedures</u>						
Administrative Services, Administration	37839	R13-1	5YR	07/11/2013	2013-15/123	
Commerce, Real Estate	36973	R162-2g	AMD	01/02/2013	2012-22/19	
Crime Victim Reparations, Administration	37063	R270-2	AMD	01/07/2013	2012-23/33	
	37167	R270-2	NSC	01/30/2013	Not Printed	
Environmental Quality, Administration	36554	R305-6	REP	01/31/2013	2012-16/28	
	36554	R305-6	CPR	01/31/2013	2013-1/32	
	36553	R305-7	NEW	01/31/2013	2012-16/45	
	36553	R305-7	CPR	01/31/2013	2013-1/32	
Environmental Quality, Drinking Water	37781	R309-100	NSC	07/19/2013	Not Printed	
Environmental Quality, Radiation Control	37192	R313-17	AMD	03/19/2013	2013-3/40	
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	37574	R477-15	AMD	07/01/2013	2013-10/180	
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	37139	R612-11	REP	02/25/2013	2013-2/54	
	37140	R612-12	REP	02/25/2013	2013-2/55	
	37141	R612-13	REP	02/25/2013	2013-2/57	
	37124	R612-100	NEW	02/25/2013	2013-2/58	
Lieutenant Governor, Administration	37910	R622-1	5YR	08/09/2013	2013-17/57	
Natural Resources, Forestry, Fire and State Lands	37751	R652-7	5YR	06/19/2013	2013-14/117	
	37623	R652-70-2300	AMD	07/08/2013	2013-11/46	
<u>administrative proceedings</u>						
Commerce, Real Estate	37677	R162-2e	AMD	08/28/2013	2013-12/19	
Environmental Quality, Drinking Water	37783	R309-115	NSC	07/19/2013	Not Printed	
Environmental Quality, Environmental Response and Remediation	37482	R311-201	NSC	04/29/2013	Not Printed	
	37513	R311-500	NSC	04/29/2013	Not Printed	
Environmental Quality, Solid and Hazardous Waste	37314	R315-12	AMD	04/25/2013	2013-5/101	
Environmental Quality, Water Quality	37239	R317-9	5YR	01/31/2013	2013-4/51	

Labor Commission, Industrial Accidents	37129	R612-1	REP	02/25/2013	2013-2/28
	37125	R612-200	NEW	02/25/2013	2013-2/62
	37622	R612-200-1	AMD	07/08/2013	2013-11/34
<u>administrative responsibility</u>					
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<u>administrative rules</u>					
Human Resource Management, Administration	37572	R477-13	AMD	07/01/2013	2013-10/177
<u>adopt-a-highway</u>					
Transportation, Operations, Maintenance	37874	R918-4	5YR	08/01/2013	2013-16/70
<u>adoption</u>					
Human Services, Child and Family Services	37645	R512-41	AMD	07/22/2013	2013-12/24
<u>adult education</u>					
Education, Administration	37404	R277-702	5YR	03/12/2013	2013-7/64
	37415	R277-702	AMD	05/16/2013	2013-7/26
<u>advertising</u>					
Public Service Commission, Administration	37871	R746-406	5YR	07/31/2013	2013-16/68
<u>aerospace</u>					
Environmental Quality, Air Quality	36737	R307-355	NEW	02/01/2013	2012-19/91
	36737	R307-355	CPR	02/01/2013	2013-1/82
	37237	R307-355-5	NSC	02/15/2013	Not Printed
<u>agencies</u>					
Administrative Services, Facilities Construction and Management	37845	R23-30	5YR	07/15/2013	2013-15/123
<u>agent of the state</u>					
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<u>aggregate</u>					
Environmental Quality, Air Quality	36740	R307-312	NEW	02/01/2013	2012-19/45
	36740	R307-312	CPR	02/01/2013	2013-1/47
<u>agreements</u>					
Transportation Commission, Administration	37955	R940-2	5YR	09/03/2013	Not Printed
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Agriculture and Food, Animal Industry	37247	R58-19	AMD	03/25/2013	2013-4/13
<u>air medical services</u>					
Health, Family Health and Preparedness, Emergency Medical Services	37409	R426-2	EMR	03/14/2013	2013-7/55
	37411	R426-2	NEW	05/30/2013	2013-7/32
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Environmental Quality, Administration	37847	R305-4	5YR	07/15/2013	2013-15/126
Environmental Quality, Air Quality	36723	R307-101-2	AMD	02/01/2013	2012-19/29
	36723	R307-101-2	CPR	02/01/2013	2013-1/38
	37702	R307-101-2	NSC	07/09/2013	Not Printed
	37582	R307-101-3	AMD	08/08/2013	2013-11/24
	37261	R307-102	5YR	02/06/2013	2013-5/191
	37902	R307-107	5YR	08/08/2013	2013-17/49
	37260	R307-115	5YR	02/06/2013	2013-5/192
	37901	R307-123	5YR	08/08/2013	2013-17/50
	37259	R307-170	5YR	02/06/2013	2013-5/192
	36481	R307-208	NEW	04/10/2013	2012-15/12
	36481	R307-208	CPR	04/10/2013	2012-23/56
	36481	R307-208	CPR	04/10/2013	2013-5/184
	37258	R307-220	5YR	02/06/2013	2013-5/193
	37257	R307-221	5YR	02/06/2013	2013-5/194
	37256	R307-222	5YR	02/06/2013	2013-5/194

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37253	R307-250	5YR	02/06/2013	2013-5/196
36741	R307-307	AMD	02/01/2013	2012-19/42
36741	R307-307	CPR	02/01/2013	2013-1/45
37234	R307-307	NSC	02/15/2013	Not Printed
36740	R307-312	NEW	02/01/2013	2012-19/45
36740	R307-312	CPR	02/01/2013	2013-1/47
36725	R307-340	REP	02/01/2013	2012-19/49
36725	R307-340	CPR	02/01/2013	2013-1/48
37275	R307-342	NEW	08/01/2013	2013-5/17
37275	R307-342	CPR	08/01/2013	2013-13/208
36738	R307-343	AMD	05/01/2013	2012-19/56
36738	R307-343	CPR	05/01/2013	2013-1/49
36738	R307-343	CPR	05/01/2013	2013-7/44
36727	R307-345	NEW	02/01/2013	2012-19/67
36727	R307-345	CPR	02/01/2013	2013-1/54
36728	R307-346	NEW	02/01/2013	2012-19/69
36728	R307-346	CPR	02/01/2013	2013-1/57
36729	R307-347	NEW	02/01/2013	2012-19/71
36729	R307-347	CPR	02/01/2013	2013-1/59
36730	R307-348	NEW	02/01/2013	2012-19/73
36730	R307-348	CPR	02/01/2013	2013-1/61
36731	R307-349	NEW	02/01/2013	2012-19/74
36731	R307-349	CPR	02/01/2013	2013-1/63
36732	R307-350	NEW	02/01/2013	2012-19/76
36732	R307-350	CPR	02/01/2013	2013-1/65
36733	R307-351	NEW	02/01/2013	2012-19/80
36733	R307-351	CPR	02/01/2013	2013-1/69
37235	R307-351-4	NSC	02/15/2013	Not Printed
36734	R307-352	NEW	02/01/2013	2012-19/84
36734	R307-352	CPR	02/01/2013	2013-1/73
36735	R307-353	NEW	05/01/2013	2012-19/86
36735	R307-353	CPR	05/01/2013	2013-1/75
36735	R307-353	CPR	05/01/2013	2013-7/46
36736	R307-354	NEW	02/01/2013	2012-19/88
36736	R307-354	CPR	02/01/2013	2013-1/79
36737	R307-355	NEW	02/01/2013	2012-19/91
36737	R307-355	CPR	02/01/2013	2013-1/82
37237	R307-355-5	NSC	02/15/2013	Not Printed
37276	R307-357	NEW	08/01/2013	2013-5/22
37276	R307-357	CPR	08/01/2013	2013-13/213
37037	R307-401-15	AMD	02/07/2013	2012-23/40
37236	R307-401-15	NSC	02/15/2013	Not Printed
37268	R307-401-19	AMD	07/01/2013	2013-5/36
37268	R307-401-19	CPR	07/01/2013	2013-11/72
37269	R307-401-20	AMD	07/01/2013	2013-5/36
37269	R307-401-20	CPR	07/01/2013	2013-11/72
37265	R307-420	AMD	07/01/2013	2013-5/43
37265	R307-420	CPR	07/01/2013	2013-11/78
37252	R307-801	5YR	02/06/2013	2013-5/197
<u>air quality</u>				
Environmental Quality, Air Quality				
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37263	R307-403-1	CPR	07/01/2013	2013-11/73
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Health, Health Care Financing, Coverage and Reimbursement Policy	37576	R414-401-3	AMD	07/01/2013	2013-10/146
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	37267	R307-403-11	AMD	07/01/2013	2013-5/43
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pharmacies

Commerce, Occupational and Professional Licensing	37707	R156-17b	AMD	08/08/2013	2013-13/7
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pharmacists

Commerce, Occupational and Professional Licensing	37707	R156-17b	AMD	08/08/2013	2013-13/7
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physical therapist

Commerce, Occupational and Professional Licensing	37526	R156-24b-503	AMD	06/10/2013	2013-9/2
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physical therapist assistant

Commerce, Occupational and Professional Licensing	37526	R156-24b-503	AMD	06/10/2013	2013-9/2
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physical therapy

Commerce, Occupational and Professional Licensing	37526	R156-24b-503	AMD	06/10/2013	2013-9/2
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physically handicapped

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physician assistants

Commerce, Occupational and Professional Licensing	37705	R156-70a-304	AMD	08/08/2013	2013-13/25
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physicians

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smoking

Health, Disease Control and Prevention, Environmental Services	37454	R392-510-6	AMD	07/01/2013	2013-8/8
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	37245	R539-1-3	AMD	04/18/2013	2013-4/21

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	37503	R512-201	5YR	04/08/2013	2013-9/36
	37504	R512-202	5YR	04/08/2013	2013-9/36
	37639	R512-300	5YR	05/16/2013	2013-12/55
	37640	R512-301	5YR	05/16/2013	2013-12/55

	37642	R512-305	5YR	05/16/2013	2013-12/56
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	37322	R315-301	AMD	04/25/2013	2013-5/116
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	37323	R315-302	AMD	04/25/2013	2013-5/122
	37284	R315-303	5YR	02/13/2013	2013-5/199
	37324	R315-303	AMD	04/25/2013	2013-5/127
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	37286	R315-305	5YR	02/13/2013	2013-5/200
	37326	R315-305	AMD	04/25/2013	2013-5/134
	37287	R315-306	5YR	02/13/2013	2013-5/201
	37327	R315-306	AMD	04/25/2013	2013-5/136
	37288	R315-307	5YR	02/13/2013	2013-5/201
	37328	R315-307-3	AMD	04/25/2013	2013-5/138
	37289	R315-308	5YR	02/13/2013	2013-5/202
	37329	R315-308	AMD	04/25/2013	2013-5/139
	37290	R315-309	5YR	02/13/2013	2013-5/202
	37330	R315-309	AMD	04/25/2013	2013-5/144
	37291	R315-310	5YR	02/13/2013	2013-5/203
	37331	R315-310	AMD	04/25/2013	2013-5/151
	37292	R315-311	5YR	02/13/2013	2013-5/204
	37332	R315-311	AMD	04/25/2013	2013-5/155
	37293	R315-312	5YR	02/13/2013	2013-5/204
	37333	R315-312	AMD	04/25/2013	2013-5/157
	37294	R315-313	5YR	02/13/2013	2013-5/205
	37334	R315-313-2	AMD	04/25/2013	2013-5/159
	37295	R315-314	5YR	02/13/2013	2013-5/205
	37335	R315-314	AMD	04/25/2013	2013-5/160
	37296	R315-315	5YR	02/13/2013	2013-5/206
	37336	R315-315	AMD	04/25/2013	2013-5/163
	37297	R315-316	5YR	02/13/2013	2013-5/206
	37337	R315-316	AMD	04/25/2013	2013-5/165
	37298	R315-317	5YR	02/13/2013	2013-5/207
	37338	R315-317	AMD	04/25/2013	2013-5/167
	37480	R315-317	NSC	04/29/2013	Not Printed
	37299	R315-318	5YR	02/13/2013	2013-5/208
	37339	R315-318	AMD	04/25/2013	2013-5/168
	37300	R315-320	5YR	02/13/2013	2013-5/208
	37340	R315-320	AMD	04/25/2013	2013-5/169
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Environmental Quality, Air Quality	36737	R307-355	NEW	02/01/2013	2012-19/91
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Environmental Quality, Drinking Water	37726	R309-515	AMD	08/28/2013	2013-13/84
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	36562	R309-515-6	CPR	01/16/2013	2012-23/70
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	36562	R309-515-6	CPR	01/16/2013	2012-23/70
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	37415	R277-702	AMD	05/16/2013	2013-7/26
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	37144	R277-487	AMD	02/21/2013	2013-2/7
	37740	R277-487	AMD	08/07/2013	2013-13/43
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	36728	R307-346	NEW	02/01/2013	2012-19/69
	36728	R307-346	CPR	02/01/2013	2013-1/57
	36729	R307-347	NEW	02/01/2013	2012-19/71
	36729	R307-347	CPR	02/01/2013	2013-1/59
	36730	R307-348	NEW	02/01/2013	2012-19/73
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UCJIS

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