

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 Division of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

The Portable Document Format (PDF) version of the *Bulletin* is the official version. The PDF version of this issue is available at <http://www.rules.utah.gov/publicat/bulletin.htm>. Any discrepancy between the PDF version and other versions will be resolved in favor of the PDF version.

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: 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)* of the same volume and issue number. The *Digest* is available by e-mail subscription or online. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

SPECIAL NOTICES	1
Environmental Quality	
Air Quality	
Rule R307-202, Emission Standards: General Burning -- 110(l) Demonstration.....	1
Regional Haze Five-Year Progress Report Public Comment Period Extended to December 22, 2014.....	1
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Medicaid Affordable Care Act Enhanced Rates Expire for Services Furnished by Certain Primary Care Physicians.....	1
Notice of Managed Care Quality Strategy.....	2
EXECUTIVE DOCUMENTS	3
Governor	
Administration	
Governor's Proclamation 2014/11/E: Calling the Sixtieth Legislature Into the Eleventh Extraordinary Session.....	3
NOTICES OF PROPOSED RULES	5
Education	
Administration	
No. 38956 (Amendment): R277-487 Public School Data Confidentiality and Disclosure.....	6
Governor	
Economic Development	
No. 38943 (New Rule): R357-10 Small Business Jobs Act.....	10
No. 38944 (New Rule): R357-11 Technology Commercialization and Innovation Program (TCIP).....	14
No. 38945 (New Rule): R357-12 Fiscal Emergency Contingent Management of Federal Lands.....	17
No. 38946 (New Rule): R357-13 Hotel Convention Center Tax Credit.....	19
Health	
Health Care Financing, Coverage and Reimbursement Policy	
No. 38952 (Amendment): R414-11 Podiatric Services.....	22
Family Health and Preparedness, Licensing	
No. 38954 (Amendment): R432-35 Background Screening -- Health Facilities.....	23
Insurance	
Administration	
No. 38934 (Amendment): R590-142 Continuing Education Rule.....	25
No. 38935 (Amendment): R590-244 Individual and Agency Licensing Requirements.....	31
Natural Resources	
Forestry, Fire and State Lands	
No. 38942 (New Rule): R652-160 Department of Natural Resources Wilderness Rules.....	36
Wildlife Resources	
No. 38949 (Amendment): R657-69 Turkey Depredation.....	39
Public Safety	
Criminal Investigations and Technical Services, Criminal Identification	
No. 38947 (Amendment): R722-330 Licensing of Private Investigators.....	40
Public Service Commission	
Administration	
No. 38936 (Amendment): R746-341-5 Duties of ETCs.....	43
Workforce Services	
Administration	
No. 38938 (New Rule): R982-700 Employment Opportunities Website.....	44
Employment Development	
No. 38953 (Amendment): R986-700-719 Job Search Child Care (JS CC).....	45
No. 38939 (Amendment): R986-700-775 High Quality School Readiness Grant Program.....	46

TABLE OF CONTENTS

NOTICES OF CHANGES IN PROPOSED RULES.....49
 Labor Commission
 Antidiscrimination and Labor, Antidiscrimination
 No. 38744: R606-1 Antidiscrimination..... 50

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....55
 Agriculture and Food
 Plant Industry
 No. 38937: R68-3 Utah Fertilizer Act Governing Fertilizers and Soil Amendments.....55
 Education
 Administration
 No. 38955: R277-487 Public School Data Confidentiality and Disclosure.....55
 No. 38951: R277-506 School Psychologists, School Social Workers, and School
 Counselors Licenses and Programs..... 56
 Heritage and Arts
 History
 No. 38932: R455-11 Historic Preservation Tax Credit.....56
 Natural Resources
 Forestry, Fire and State Lands
 No. 38948: R652-120 Wildland Fire.....57
 Public Safety
 Driver License
 No. 38941: R708-45 Renewal or Duplicate License for Utah Residents Temporarily
 Residing Out of State..... 57
 Peace Officer Standards and Training
 No. 38940: R728-205 Council Resolution of Public Safety Retirement Eligibility.....58
 Technology Services
 Administration
 No. 38933: R895-9 Utah Geographic Information Systems Advisory Council.....59

NOTICES OF RULE EFFECTIVE DATES.....61

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT).....63**

SPECIAL NOTICES

Environmental Quality Air Quality

Rule R307-202, Emission Standards: General Burning -- 110(I) Demonstration

The Clean Air Act requires that revisions made to a rule that has been approved by EPA as part of a state implementation plan must include an impact assessment to determine if the change(s) will result in adverse air quality.

The Air Quality Board accepted comments on amending R307-202, Emission Standards: General Burning, to exempt ceremonial burning from the rule when conducted by a Native American spiritual advisor. Six commenters provided support for the amendment based on religious ceremonial rights. There were no comments opposing the proposal.

Impact Assessment

Native American tribes conduct ceremonial burning by heating stones in a fire and transferring the hot rocks to a sweat lodge. Under the formal rule, this ceremonial ritual could not be conducted during restricted burning days. Native American tribe members requested an exemption from the burning rule restriction to conduct this religious ceremony when conducted by a "Native American spiritual advisor", as newly defined in R307-202.

These are limited ceremonial activities that are not expected to adversely impact air quality.

Public Comment

The Division of Air Quality (DAQ) is accepting public comment on this demonstration from December 1 to December 31, 2014. A copy of this demonstration, along with a version of the final rule can be found here: <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>.

Comments can be submitted electronically to Mark Berger at mberger@utah.gov or by regular mail to Joel Karmazyn, DAQ, 195 North 1950 West, Salt Lake City, Utah 84114-4820.

Environmental Quality Air Quality

Regional Haze Five-Year Progress Report Public Comment Period Extended to December 22, 2014

On November 12, 2014, HEAL Utah requested that the Utah Division of Air Quality (DAQ) extend the public comment period for the "Progress Report for Utah's State Implementation Plan for Regional Haze" to December 22, 2014, to coincide with the public comment period for proposed amendments to the Regional Haze State Implementation Plan. DAQ is granting that request and extending the public comment period to December 22, 2014. The proposed Progress Report is available for review at <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm>.

Health Health Care Financing, Coverage and Reimbursement Policy

Medicaid Affordable Care Act Enhanced Rates Expire for Services Furnished by Certain Primary Care Physicians

The Division of Medicaid and Health Financing's enhanced rates for services furnished by certain primary care physicians authorized by the Affordable Care Act (ACA) does not apply to services rendered on or after January 1, 2015. ACA allowed for enhanced rates up to the Medicare physician fee schedule for services rendered in calendar years 2013 and 2014. If claims are

submitted timely, enhanced payments for services will continue for all covered services rendered during calendar years 2013 and 2014.

For more information on the enhanced rates, please refer to CMS-2370-F as published in the Federal Register on November 6, 2012.

Questions or comments may be sent to the Reimbursement Unit, Utah Department of Health, PO Box 143102, Salt Lake City, UT 84114-3102.

Health
Health Care Financing, Coverage and Reimbursement Policy
Notice of Managed Care Quality Strategy

Pursuant to federal law, the Bureau of Managed Health Care in the Division of Medicaid and Health Financing will publish a revised Managed Care Quality Strategy (Quality Strategy). The Quality Strategy complies with all requirements as specified in 42 CFR 438.202 and 42 CFR 438.204 and is written for the managed care plans contracted with the Department of Health who provide services to Medicaid members. The Quality Strategy discusses how the Department will accomplish the following goals:

1. Promote effective coordination of care between Accountable Care Organizations (ACO) and Prepaid Mental Health Plans (PMHP).
2. Promote preventive care for women and children.
3. Improve the access to and quality of services provided to Medicaid members in ACOs, PMHPs, Dental Plans, Healthy Outcomes, Medical Excellence Program, and Children's Health Insurance Program.
4. Control quality care costs through innovative strategies with ACOs, PMHPs and other stakeholders.

The draft of the Quality Strategy is available for review on the Utah Medicaid website at <https://medicaid.gov>.

Individuals who wish to comment on the draft during the public comment period may submit written comments to Heidi Oliver at holiver@utah.gov by 12/14/2014.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

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

The Governor's Office staff files **EXECUTIVE DOCUMENTS** that have legal effect with the Division of Administrative Rules for publication and distribution.

Governor's Proclamation 2014/11/E: Calling the Sixtieth Legislature Into the Eleventh Extraordinary Session

PROCLAMATION

WHEREAS, since the adjournment of the 2014 General Session of the 60th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention;

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Senate in Extraordinary Session; and

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 60th Legislature into the Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November 2014, at 1:30 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2014 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of November 2014.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2014/11/E

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between November 01, 2014, 12:00 a.m., and November 14, 2014, 11:59 p.m. are included in this, the December 01, 2014, issue of the *Utah State Bulletin*.

In this publication, each **PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **PROPOSED RULE** is usually printed. New rules or additions made to existing rules are underlined (example). Deletions made to existing rules are struck out with brackets surrounding them (~~example~~). Rules being repealed are completely struck out. A row of dots in the text between paragraphs (.) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not usually printed. If a **PROPOSED RULE** is too long to print, the Division of Administrative Rules may include only the **RULE ANALYSIS**. A copy of each rule that is too long to print is available from the filing agency or from the 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 December 31, 2014. 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 March 31, 2015, 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.

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

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

The Proposed Rules Begin on the Following Page

Education, Administration
R277-487
 Public School Data Confidentiality and
 Disclosure

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 38956
 FILED: 11/14/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A Utah State Board of Education member and Utah State Office of Education (USOE) staff attended a national conference to discuss student data transparency, governance, and security procedures. As a result of information obtained at the conference, Rule R277-487 is amended.

SUMMARY OF THE RULE OR CHANGE: The amendments provide procedures for data governance structures and processes, as well as publicly available student data privacy provisions and high-quality practices, and safeguard student data by focusing on transparency, governance, and data security procedures.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1-411 and Subsection 53A-1-401(3) and Subsection 53A-13-301(3)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: There may be costs for the USOE to implement the additional requirements. Costs for USOE staff to develop materials, train identified entities, and prepare required reports are speculative at this time. At least for the near future, costs for additional responsibilities and resources will be absorbed with existing staff and within existing budgets.

◆ LOCAL GOVERNMENTS: There is likely no cost or savings to local government as a result of the amendments to this rule. For the most part, additional responsibilities and requirements apply to the USOE.

◆ SMALL BUSINESSES: There is likely no cost or savings to small businesses as a result of the amendments to this rule. For the most part, additional responsibilities and requirements apply to the USOE.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is likely no cost or savings to persons other than small businesses, businesses, or local government entities. For the most part, additional responsibilities and requirements apply to the USOE.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is likely no cost or savings to local government as a result of

the amendments to this rule. Additional responsibilities and requirements, for the most part, apply to the USOE.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

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

R277. Education, Administration.

R277-487. Public School Data Confidentiality and Disclosure.

R277-487-1. Definitions.

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

B. "Chief Privacy Officer" means a USOE employee designated by the Board as primarily responsible to oversee and direct the DGPPB to carry out the responsibilities of this rule, direct the development of materials and training about student and public education employee privacy and security standards, including FERPA, for the USOE and LEAs.

[B]C. "Classroom-level assessment data" means student scores on state-required tests, aggregated in groups of more than 10 students at the classroom level or, if appropriate, at the course level, without individual student identifiers of any kind.

[E]D. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained and owned by the USOE on all licensed Utah educators. The file includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history; and
- (5) a record of disciplinary action taken against the educator.

E. "Data Governance/Policy Board (DGPPB)" means a board composed of USOE and LEA employees, as directed by the Board, whose purpose is to resolve public education data and process issues, make policy decisions, review all research requests

for public education data, and fill only those requests that are appropriate and comply with the standards in this rule.

F. "Data security protections" means protections developed and initiated by the Chief Privacy Officer and the DGPB that protect, monitor and secure student, public educator and public education employee data as outlined and identified in FERPA and Sections 63G-2-302 through 63G-2-305.

~~[D]~~G. "Disciplinary action" means any lesser action taken by UPPAC which does not materially affect a licensed educator's license and licensing action taken by the Board for suspension or revocation.

[E]H. "FERPA" means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, a federal law designed to protect the privacy of students' education records. The law is hereby incorporated by reference.

[F]I. "LEA" means local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

J. "Personally identifiable student information" means the student's name; a personal identifier, such as the student's social security number or student number; other indirect identifiers such as the student's date of birth or place of birth; other information that, alone or in combination, is linked or linkable to a specific student and enables a person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the educational agency or institution reasonably knows is entitled to the requested information.

[G]K. "Student information" means materials, information, records and knowledge that an LEA possesses or maintains, or both, about individual students. Student information is broader than student records and personally identifiable student information may include information or knowledge that school employees possess or learn in the course of their duties.

~~[H] "Student record" means a record in any form, including handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche, that is directly related to a student and maintained by an educational agency or institution or by a party acting for an agency or institution. Student records shall be maintained by LEAs consistent with 20 U.S.C. Section 1232g.~~

L. "Student performance data" means data relating to student performance, including data on state, local and national assessments, course-taking and completion, grade-point average, remediation, retention, degree, diploma, or credential attainment, enrollment, and demographic data.

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

R277-487-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities; by Section 53A-13-301(3) regarding confidentiality and required or appropriate disclosure of ~~[student records data]~~ personally identifiable student information; by Section 53A-1-607(2) regarding disclosure of student performance data to LEAs for assessment and accountability purposes; by Section 53A-8a-410(4) to ensure the privacy and protection of individual educator evaluation data; by Section 53A-3-602.5 regarding a school

performance report requiring criterion-referenced or online computer adaptive tests to be aggregated for all students by class; by Section 53A-1-411 which directs the Board to establish procedures for administering or making available online surveys to obtain information about public education issues; and by Section 53A-6-104 which authorizes the Board to issue licenses to educators and maintain licensing information.

B. The purpose of this rule is to:

(1) provide for appropriate review and disclosure of student ~~[assessment]~~ performance data on state ~~[mandated]~~ administered assessments as required by law;

(2) provide for adequate and appropriate review of student ~~[assessment]~~ performance data on state ~~[mandated]~~ administered assessments to professional education staff and parents of students;

(3) ensure the privacy of student ~~[records]~~ performance data and personally identifiable student information, as directed by law;

(4) provide an online education survey conducted with public funds for Board review and approval; and

(5) provide for appropriate protection and maintenance of educator licensing data.

R277-487-3. ~~[Confidentiality of Student]~~ Data Privacy and Security Policies.

A. Board Responsibilities:

(1) The Board shall develop resource materials for LEAs to train employees, aids, and volunteers of an LEA regarding confidentiality of personally identifiable student information and student ~~[records]~~ performance data, as defined in FERPA.

(2) The Board shall make the materials available to each LEA.

B. LEA Responsibilities:

(1) LEAs shall establish policies and provide appropriate training for employees regarding the confidentiality of student ~~[records]~~ performance data and personally identifiable student information, including an overview of all federal, state, and local laws that pertain to the privacy of students, their parents, and their families. The policy should address the specific needs or priorities of the LEA.

(2) LEAs shall require password protection for all student ~~[records]~~ performance data and personally identifiable student information maintained electronically.

C. Public Education Employee and Volunteer Responsibilities:

(1) All public education employees, aids, and volunteers in public schools shall become familiar with federal, state, and local laws regarding the confidentiality of student ~~[information and student records]~~ performance data and personally identifiable student information.

(2) All public education employees, aids, and volunteers shall maintain appropriate confidentiality pursuant to federal, state, and local laws with regard to student ~~[records]~~ performance data and personally identifiable student information.

(3) An employee, aid, or volunteer shall maintain student ~~[records]~~ performance data and personally identifiable student information in a secure and appropriate place as designated by LEA policies ~~[of an LEA]~~.

(4) An employee, aid, or volunteer accessing student ~~[records]~~ performance data and personally identifiable student information in electronic format shall comply with LEA policies ~~[of an LEA]~~ regarding the procedures for maintaining confidentiality of electronic records.

(5) An employee, aid, or volunteer shall not share, disclose, or disseminate passwords for electronic maintenance of student ~~[records]~~ performance data and personally identifiable student information.

(6) All public education employees, aids and volunteers have a responsibility to protect confidential student performance data and personally identifiable student information and access records only as necessary for their assignment(s).

(7) Public education employees licensed under Section 53A-6-104 shall access and use student information and records consistent with R277-515, Utah Educator Standards. Violations may result in licensing discipline.

R277-487-4. Transparency.

A. The Chief Privacy Officer working with the DGPB shall recommend USOE policies for Board approval and model policies for LEAs regarding the state's student data systems.

B. The Rules/policies shall address:

(1) accessibility to parents, students and the public of the student data defined in R277-487-1;

(2) authorized purposes, uses and disclosures of data maintained by the state and LEAs;

(3) the rights of parents and students regarding their personally identifiable information under state and federal law;

(4) parent, student and public access to information about student data privacy and the security safeguards that protect the data from unauthorized access and use; and

(5) contact information for parents and students to request student and public school information from LEAs consistent with the law.

R277-487-5. Additional Responsibilities of Chief Privacy Officer and DGPB.

A. The Chief Privacy Officer may pursue legislation as approved by the Board for additional data security protections and the regulation of use of the data.

B. The Chief Privacy Officer shall supervise regular privacy and security compliance audits, following initiation by the Board.

C. The Chief Privacy Officer and the DGPB shall have responsibility for identification of threats to data security protections.

D. The Chief Privacy Officer and the DGPB shall develop and recommend policies for USOE and model policies for LEAs for consistent wiping or destruction of devices when devices are discarded by public education entities.

E. The Chief Privacy Officer and the DGPB shall develop USOE and model LEA policies for the training of staff for appropriate responses to suspected or known breaches of data security protections.

R277-487-6. Prohibition of Public Education Data Use for Marketing.

Data maintained by the state, school districts, schools, and other public education agencies or institutions in the state, including data provided by contractors, shall not be sold or used for marketing purposes (except with regard to authorized uses or directory information not obtained through a contract with an educational agency or institution).

R277-487-[6]7. Public Education Research Data.

A. The USOE may provide limited or extensive data sets for research and analysis purposes to qualified researchers or organizations.

(1) A reasonable method shall be used to qualify researchers or organizations to receive data, such as evidence that a research proposal has been approved by a federally recognized Institutional Review Board (IRB).

(2) Aggregate deidentified student assessment data are available through the USOE website. ~~[Individual student]~~ Personally identifiable student information is protected.

(3) The USOE is not obligated to fill every request for data and has procedures to determine which requests will be filled or to assign priorities to multiple requests. The USOE/Board understands that it will respond in a timely manner to all requests submitted under Section 63G-2-101 et seq., Government Records Access and Management Act. In filling data requests, higher priority may be given to requests that will help improve instruction in Utah's public schools.

(4) A fee may be charged to prepare data or to deliver data, particularly if the preparation requires original work. The USOE shall comply with Section 63G-2-203 in assessing fees.

(5) The researcher or organization shall provide a copy of the report or publication produced using USOE data to the USOE at least 10 business days prior to the public release.

B. Student data and information: Requests for data that disclose student information shall be provided in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g; such responses may include:

(1) ~~[individual-]student data that are de[-]identified, meaning [it is not possible to trace the data to individual students]~~ that a reasonable person in the school community who does not have personal knowledge of the relevant circumstances could not identify student(s) with reasonable certainty;

(2) agreements with recipients of student data where recipients agree not to report or publish data in a manner that discloses students' identities. For example, reporting test scores for a race subgroup that has a count, also known as n-size, of less than 10 could enable someone to identify the actual students and shall not be published;

(3) release of student data, with appropriate binding agreements, for state or federal accountability or for the purpose of improving instruction to specific student subgroups.

C. Licensed educator information:

(1) The USOE shall provide information about licensed educators maintained in the CACTUS database that is required under Section 63G-2-301(2).

(2) Additional information/data may be released by the USOE consistent with the purposes of CACTUS, the confidentiality protections accepted by requester(s), and the benefit that the research may provide for public education in Utah, as determined by the USOE.

D. Recipients of USOE research data shall sign a USOE-designated [non-disclosure]confidentiality agreement, if required by the USOE.

E. The Board or the USOE may commission research or may approve research requests.

R277-487-[7]8. Public Education Survey Data.

A. The [Board]Chief Privacy Officer, working with the DGPB, shall approve statewide education surveys administered with public funds through the USOE or through a contract issued by the USOE, as required under Section 53A-1-411.

B. Data obtained from [USOE]Board statewide surveys administered with public funds are the property of the Board.

C. Data obtained from [USOE]Board statewide surveys administered with public funds shall be made available as follows:

(1) Survey data made available by the Board shall protect the privacy of students in accordance with FERPA.

(2) Survey data about educators shall be available in a manner that protects the privacy of individual educators consistent with State law.

R277-487-[4]9. Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS) Data, Confidentiality, and Appropriate Disclosure.

A. CACTUS maintains public, protected and private information on licensed Utah educators. Private or protected information includes such items as home address, date of birth, social security number, and any disciplinary action taken against an individual's license.

B. A CACTUS file shall be opened on a licensed Utah educator when:

- (1) the individual initiates a USOE background check, or
- (2) the USOE receives a paraprofessional license application from an LEA.

C. The data in CACTUS may only be changed as follows:

(1) Authorized USOE staff or authorized LEA staff may change demographic data.

(2) Authorized USOE staff may update licensing data such as endorsements, degrees, license areas of concentration and licensed work experience.

(3) Authorized employing LEA staff may update data on educator assignments for the current school year only.

D. A licensed individual may view his own personal data. An individual may not change or add data except under the following circumstances:

(1) A licensed individual may change his demographic data when renewing his license.

(2) A licensed individual shall contact his employing LEA for the purpose of correcting demographic or current educator assignment data.

(3) A licensed individual may petition the USOE for the purpose of correcting any errors in his CACTUS file.

E. Individuals currently employed by public or private schools under letters of authorization or as interns are included in CACTUS.

F. Individuals working in LEAs as student teachers are included in CACTUS.

G. Designated individuals have access to CACTUS data:

(1) Training shall be provided to designated individuals prior to granting access.

(2) Authorized USOE staff may view or change CACTUS files on a limited basis with specific authorization.

(3) For employment or assignment purposes only, authorized LEA staff members may access data on individuals employed by their own LEA or data on licensed individuals who do not have a current assignment in CACTUS.

(4) Authorized LEA staff may also view specific limited information on job applicants if the applicant has provided the LEA with a CACTUS identification number.

(5) CACTUS information belongs solely to the USOE. The USOE shall make the final determination of information included in or deleted from CACTUS.

(6) CACTUS data consistent with Section 63G-2-301(1) under the Government Records Access and Management Act are public information and shall be released by the USOE.

R277-487-[5]10. Educator Evaluation Data.

A. The Board shall provide classroom-level assessment data to administrators and teachers. School administrators shall share information requested by parents while ensuring the privacy of individual student information and educator evaluation data.

B. Individual educator evaluation data shall be protected at the school, LEA and state levels and, if applicable, at the USOE.

C. LEAs shall designate employees who may have access to educator evaluation records.

D. LEAs may not release or disclose student assessment information that reveals educator evaluation information or records.

E. LEAs shall train employees in the confidential nature of employee evaluations and the importance of securing evaluations and records.

R277-487-11. Training and Technical Assistance.

A. The Chief Privacy Officer and DGPB shall develop training for the Board, the USOE and LEAs.

B. The Chief Privacy Officer and DGPB shall develop model policies, as resources permit.

R277-487-12. Application to Third Party Vendors and Contractors.

A. The USOE and LEAs shall have policies that expressly limit access to personally identifiable student data to third party vendors and contractors.

B. Personally identifiable student information may only be released consistent with the provisions of 34 CFR Part 99.31(a).

C. De-identified student data and information may only be released consistent with 34 CFR Part 99.31(b).

D. CACTUS or public education employee information may only be released consistent with state law, with express permission of the licensed individual or employee or with the purposes for which the information was entered into CACTUS or a similar employee database.

E. Sanctions for violations of authorized use and release of student and employee data:

(1) All USOE contracts shall include sanctions for contractors or third part vendors who violate provisions of state policies regarding unauthorized use and release of student and employee data.

(2) The USOE shall recommend that LEA policies include sanctions for contractors or third part vendors who violate provisions of LEA policies regarding unauthorized use and release of student and employee data.

R277-487-13. Annual Reports by Chief Privacy Officer and DGPB.

A. The Chief Privacy Officer shall work with the DGPB, the USOE, and the Board to prepare an annual report about student data.

B. The public report shall include:

(1) information about the implementation of this rule;

(2) information about research studies begun or planned using student information and data;

(3) the identification of significant threats to student data privacy and security;

(4) a summary of data system audits; and

(5) recommendations for further improvements specific to student data security and the systems that are necessary for accountability in:

(1) Board rules;

(2) legislation; or

(3) both Board rules and legislation, if appropriate.

KEY: students, records, confidentiality

Date of Enactment or Last Substantive Amendment: [~~August 7, 2013~~2015]

Notice of Continuation: November 14, 2014

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-301(3); 53A-1-401(3); 53A-1-411

Governor, Economic Development
R357-10
Small Business Jobs Act

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38943

FILED: 11/08/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to define and clarify the standards required to apply for and receive a non-refundable tax credit under the Small Business Jobs Act.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule is to define and clarify the standards required to apply for and receive a non-refundable tax credit under the Small Business Jobs Act, including how to apply and qualify

for the tax credit, calculation of time, designation of a qualified equity investment, what constitutes a lapse, how tax credits are recaptured in the event of a lapse, and additional explanations on how to decertify.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63M-1-3503(10)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule will not create any additional costs or savings to the state because any cost is already handled through legislation via a dedicated credit funded by the qualified community development entities. The rule does not add or take away from that statutory requirement and would be implemented by administrative costs already being provided for by the state.

◆ **LOCAL GOVERNMENTS:** This rule will not affect local governments because local governments are not eligible for tax credits. This rule does not create any responsibilities or programs that local governments would be allowed or required to take part in. Thus, there is no effect on local governments.

◆ **SMALL BUSINESSES:** Small businesses will not be affected by this rule because it does not require already existing businesses to do anything nor does it prohibit any activity. This rule will affect potential new businesses looking for alternative sources of funding to be invested in their operations. However, this rule does not affect those businesses ability to receive or not receive such funding. All requirements for the small businesses that may receive this funding are delineated by statute.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The qualified community development entities, as defined by statute, are the only persons affected by this rule. The summary of this rule lists all the areas where these entities will likely see an impact that will govern their ability to participate and how they must perform in the program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost because this program is self-funded by fees as provided for in statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses except to add an possible source of alternative funding.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 60 E SOUTH TEMPLE 3RD FLR
 SALT LAKE CITY, UT 84111

or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jeffrey Van Hulten by phone at 801-538-8694, by FAX at 801-538-8888, or by Internet E-mail at jeffreyvan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Val Hale, Executive Director

R357. Governor, Economic Development.

R357-10. Small Business Jobs Act.

R357-10-1. Purpose.

(1) The purpose of this Rule is to define and clarify the standards required to apply for and receive a Non-Refundable Tax Credit under the Small Business Jobs Act.

R357-10-2. Authority.

(1) Rulemaking authority is provided in Utah Code Section 63M-1-3503(10)(2014).

R357-10-3. Definitions.

(1) All terms used in this rule shall be defined as provided for in 63M-1-3502.

(2) Any term defined differently in this rule or not provided for in 63M-1-3502 shall be defined throughout this rule.

R357-10-4. Calculation of Time.

(1) For the purposes of this Act and these Rules, time will be calculated beginning the business day after the initial or triggering event, and includes weekends and holidays, unless otherwise indicated.

(2) If the ending day or due date occurs on a weekend day or a Utah state or federal holiday, the due date shall be 11:59 pm on the next business day following the weekend day or holiday.

R357-10-5. Applications.

(1) Receipt of Applications: All applications received on or before 11:59 pm on September 2, 2014 shall be considered received on September 2, 2014.

(a) Receipt of Refundable Performance Deposit: The refundable performance deposit, provided for in 63M-1-3506, must be received before the application is considered complete.

(b) For the purposes of the evidence required to qualify under section 63M-1-3503(1)(i), applicant must show at least 10 individual qualified low income community investments, of \$4,000,000 or less, that collectively total \$40,000,000 in qualified low income community investments under the Federal New Market Tax Credit Program and/or any other states new market tax credit program.

(2) Denial of Application: All applications that are deemed incomplete or inadequate will be denied and given the statutory 15 day cure period that must be completed within or directly after the 30 day review period. If an application is cured after the 30 day review period but within the 15 day cure period, the application will be prioritized as it would have been with the other applications.

(3) Priority of Applications for Certification: For all applications received on the same day,

(a) Applications by applicants that agree to designate qualified equity investments as federal quality equity investments will be certified first, with the federal quality equity investments receiving priority on a pro rata basis as set forth in Utah Code Section 63M-1-3503(5)(a).

(b) If there is additional funding to certify after considering the priority applications, referenced in section (a) then those applications will be considered on a pro rata basis as set forth in Section 63M-1-3503(5)(b).

(c) If there is no additional funding to certify after considering the priority applications, then the applicants who were not considered priority applicants will be notified and their refundable deposits returned within 60 days.

(4) Notice of Certification: Notice of Certification shall be delivered through electronic mail and be considered received at the time stamp within the electronic mail notice, not at the time it is read.

(5) Additional Allocation: If, after a certification is made, an applicant withdraws its request for certification, the amount that was certified to the withdrawing applicant will be redistributed to the other previously certified applicants, using the same priority as set forth in (3).

(a) Certified applicants will be notified of an additional certification amount in writing. The applicant will have 10 days to either accept the additional certification or decline the additional certification.

(b) If the additional certification is declined, the amount will be redistributed to the remaining previously certified applicants, using the same priority set forth in (3).

(c) If all currently certified applicants decline the additional amount, any applicants who applied but did not receive any allocation will then be considered as set forth in (3).

(d) If all applicants as set forth in (a), (b), and (c) decline the allocation, a new solicitation for the remaining and/or declined allocation may be pursued by the Office and shall follow all procedures and processes as set forth in statute and this rule.

(e) Timing of issuance of additional certification: Any additional amounts received by applicants who have already received a certified allocation amount shall have a new independent timeline from the original certified allocation amount. Thus, all statutory and administrative deadlines will start anew for each additional amounts received under this section.

(i) If the applicant receiving additional certified allocation amount chooses to have the additional amount aggregated with its original certified allocation amount for purposes of timelines, it may do so by:

(A) making such a request on official letter head;

(B) stating in the request, applicant waives the independent timeline of the additional certified allocation amount and is subjecting the additional certified allocation amount to the timeline of the original certified allocation amount; and

(C) having an authorized agent of the applicant sign the letter.

(ii) Aggregation of an original certified allocation amount with an additional certified allocation amount may only occur if the two timelines can actually converge without violating the statute or this rule.

(iii) Aggregation of the annual report timelines shall be done by combining the additional certified allocation amount's

report with the original certified allocation amount's report and shall be subject to the deadline of the latter.

(6) Notification of Maximum Funding Allocation: Once the maximum amount of funding has been allocated, applicants will be notified that there is no other allocation amount available for the fiscal year, unless or until: an applicant's certification lapses, an applicant withdraws its request, or if funding is recaptured.

(a) If the applicant has submitted a refundable deposit and elects to withdraw its application, the refundable deposit will be returned within 60 days.

(b) If the applicant withdraws and later applies for any remaining funds that have become available after following the procedures outlined in (5) a new refundable deposit must be provided along with the application and follow all statutory requirements that the original application is subject to.

R357-10-6. Refundable Deposit and Annual Fees.

(1) An Annual Fee will be calculated no later than October 2 of each year for which an Annual fee is assessed.

(2) Each successful applicant will be notified of the Annual Fee it owes within the electronic mail notice of certification amount set forth in 10-5(4).

(3) Recalculations: Each applicant will be notified of any recalculation of the fees at least 10 days before each annual reporting date.

(4) If no notice of recalculation is received, then the annual fee will be the same amount as it was the previous year and will be due along with the annual report as set forth in this rule and in 63M-1-3510.

R357-10-7. Designation of Qualified Equity Investment and Decertification.

(1) No later than 50 days after receiving a notice of certification, the qualified Community Development Entity or transferee shall provide OFFICE with the following information:

(a) A Notice of Receipt of Cash Investment and designation of QEI: Notice of receipt of cash investment and designation of qualified equity investment shall be provided on a notice form supplied by the Office. The Notice Form shall also include at least the following attachments:

(i) Documentation to show that the qualified equity investment was issued, including:

(A) Bank statements, credit instruments, and all other supporting documentation to show qualified equity investment was issued;

(B) A "screen shot" that shows that the required amount of qualified equity investment was designated as a federal qualified equity investment.

(C) The federal qualified equity investment shall match or exceed the amount allocated by the State pursuant to the process set forth in Section 3503(5).

(2) The qualified community development entity shall notify the Office of a transfer of a qualified equity investment to its controlling entity or a subsidiary qualified community development entity within 30 days after the date of the transfer.

(a) The notice shall occur on official letterhead and be signed by an authorized agent of the qualified community development entity initiating the transfer.

(b) The notice may be sent as a PDF file via electronic mail to the Office.

(3) If the Qualified Community Development Entity or transferee fails to certify an investment within 45 days of notice of certification, the Office shall notify the applicant that its certification has lapsed.

(a) The Applicant will have 10 business days to challenge a Notice of Agency Action for Lapsed Certification.

(i) Any challenge to a Lapsed Certification shall provide documentation that the requirements of Section 63M-1-3503(8) were met within 45 days of notice of certification.

(b) If an applicant challenges a Notice of Agency Action for Lapsed Certification, the challenge shall be submitted to the Executive Director of the Office for final determination.

(i) The Executive Director shall issue a final determination within 5 business days of receipt of a challenge.

(c) If an applicant's certification lapses, a notice of reissue will be sent to the other applicants notifying them of the additional certifications as set forth in Utah Code Section 63M-1-3503(8).

R357-10-8. Form and Notice for Tax Credits.

(1) A Qualified Community Development Entity (or transferee subsidiary or controlling entity) that has issued its qualified equity investments and has provided the report required in Section 63M-1-3503(8)(b) may notify the Office of the entities that are eligible to use tax credits as follows:

(a) By submitting the form "Notification of Qualified Equity Investment for Small Business Jobs Act Tax Credits" to the Office; or, if applicable,

(b) By submitting the form "Notification of Change in Allocation of Tax Credits" to the Office.

(i) A "notification of change in allocation" may only be used in cases where there has been a change or amendment to an agreement among the partners, shareholders, or members of a partnership, limited liability company or S-Corporation.

(c) Each notice shall be accompanied by documentation of the qualified equity investment made by the CDE with respect to the entity claiming a tax credit.

(d) Each notice shall be accompanied by the release of information required in Section 63M-1-3503(12).

(e) Each notice shall be accompanied by the acknowledgement and acceptance of tax credit recapture form provided by the Office.

(f) For tax credits allowed to a partnership, limited liability company or S-corporation, the notice shall be accompanied by any and all necessary documentation or agreements to demonstrate how the credits will be used by the partners, members or shareholders.

(g) Only entities that make a qualified equity investment in a qualified community development entity may claim a tax credit. The tax credit may not be sold on the open market.

(2) Each entity receiving a tax credit shall certify that:

(a) It is subject to the recapture provisions set forth in Section 63M-1-3504;

(b) It will not sell the tax credit on the open market.

(c) It will provide notice of any Federal recapture to the Office within 10 days of receiving notification of the recapture.

(3) All tax credits issued by the Office will be subject to the following conditions or limitations:

(a) The tax credit is subject to the applicable percentages set forth in Utah Code 63M-1-3502(2);

(b) The tax credit is subject to recapture as set forth in Section 63M-1-3504.

R357-10-9. Revenue Impact Assessments.

(1) Qualified community development entities shall use the REMI (Regional Economic Models, inc.) Model in order to submit its revenue impact assessment as required by Utah Code Section 63M-1-3511.

(a) A qualified community development entity may submit a request to use a different revenue impact assessment. The executive director or its designee shall approve or deny the request within 5 business days.

(2) If the qualified community economic development entity is notified that the qualified low-income business investment does not have a revenue positive impact as required by the statute, the qualified community economic development entity will have 5 business days to submit a request for waiver of this requirement.

(a) Any request for waiver shall demonstrate how the qualified low income community investment will further economic development and shall include at least the following components:

(i) the reason for the waiver;

(ii) documentation supporting the reason for why a waiver should be granted;

(iii) documentation showing the positive economic impacts that will be derived from the investment in which the waiver is sought for;

(iv) documentation to demonstrate the anticipated economic development over a 7 year period.

(b) The Office shall either request additional information, approve, or deny the application for waiver within 10 days.

(i) If additional information is requested, the application shall be approved or denied within 10 days of receipt of all additional information.

(3) A qualified community development entity shall not issue a qualified low-income community investment unless the revenue impact model is accepted or there is a waiver pursuant to (2).

R357-10-10. Reporting.

(1) In addition to the reporting requirements of 63M-1-3510 the following reporting requirements shall supplement the annual report:

(a) Reporting of Transaction Costs: A qualified community development entity shall report on the transactional costs of all qualified low income investments made utilizing this program. The report shall contain the same information and be in the same format as required by the Transactional Level Report under the Federal New Market Tax Credit Program and shall contain the same information and format.

(b) Reinvestment Reporting: If an initial investment is sold or repaid, and the qualified community development entity reinvests an amount equal to the amount of capital returned or recovered by the qualified community development entity from the

original investment, the qualified community development entity shall provide sufficient documentation such as bank statements and mapping to show it is in compliance with 63M-1-354(1)(c):

(i) The reinvestment of the capital returned or recovered into another qualified low income investment in Utah.

R357-10-11. Recapture.

(1) A qualified CDE shall ensure through its contract with tax credit recipients that the State shall have the ability to recapture funding from the tax credit recipients.

(2) Tax credit recipients will be required to acknowledge and accept the recapture provisions in writing as a condition of issuance of a tax credit.

(3) Should any of the conditions for recapture exist, the Office shall issue a Provisional Notice of Agency Action for Recapture to both the Qualified Community Development Entity and the recipient of the tax credit. Such Notice shall be delivered by electronic mail, with a copy also sent via certified mail, to the Qualified Community Development Entity.

(a) Each Provisional Notice of Agency Action shall state under which provision of Section 63M-1-3504 the recapture is sought.

(4) The six-month cure period begins on the day following receipt of the Notice of Agency Action.

(a) During the six month cure period, the parties shall meet (either in person or by electronic means) and confer regarding progress towards compliance on a monthly basis.

(b) If the action or omission upon which the recapture is based is cured during the six month cure period, the Office shall issue a notice of cure to the qualified community development entity.

(5) For the purposes of Recapture, the Office interprets the requirement to invest 85% of the purchase price of the qualified equity investment as follows:

(a) If the qualified community development entity does not transfer or assign any of its certification, then the qualified community development entity must invest and maintain invested an amount equal to 85 % or more of the original amount of the qualified equity investment certified by the Office and for which cash was received within 45 days.

(b) If the qualified community development entity transfers all or a portion of its certified qualified investment authority to a controlling entity or subsidiary, then:

(i) The qualified community development entity (the transferor) must invest and maintain invested an amount equal to or greater than 85% of the portion of the certified qualified equity investment authority it retained, and for which it received cash investment within 45 days, and

(ii) The controlling entity or subsidiary (the transferee) must invest and maintain invested and amount equal to or greater than 85% of the portion of the certified qualified equity investment authority it received, and for which it received cash investment within 45 days.

(c) For all investments, the 85% shall be calculated exclusive of administrative costs and transaction fees, and only includes investments into qualified low income community investments located in Utah.

(6) If after the six month cure period, the action or omission upon which the recapture is based is not cured, the Office shall issue a final notice of Agency Action for Recapture.

(a) The Final Notice of Agency Action for Recapture shall also be sent to the Utah Tax Commission.

R357-10-12. Decertification.

(1) Investments shall be decertified upon proof of compliance with all provisions of Utah Code Section 63M-1-3507(2).

(2) A qualified certified community development entity shall file a "Request to Decertify a Qualified Equity Investment"

(3) For the purposes of this section, the requirement that reinvestments exceed 150 % of a qualified equity investment shall be considered met if the following documentation is provided:

(a) If more than \$4,000,000 was invested in a single qualified low-income community business in Utah, reasonable satisfactory documentation that documents that the amount in excess of \$4,000,000 was made with capital returned or repaid from other qualified low income investments made by the qualified community development entity in other qualified low income community businesses in Utah, along with tax returns or other documentation, such as bank statements, that demonstrates that the excess of \$4,000,000 was made with interest earned or profits realized from other qualified low income community investments in the State of Utah.

(4) Upon receipt of a Request to Decertify a Qualified Equity Investment, the Office shall issue a Decertification Certificate if all of the conditions for decertification are met.

(5) If the Office determines that the conditions for decertification have not been met, the Office shall issue a Notice of Agency Action, Failure to Decertify.

(a) Each Notice of Agency Action, Failure to Decertify shall identify which provision of Section 63M-1-3504 has not been met.

(b) Upon receipt of the Notice of Agency Action, the Qualified Community Development Entity may submit a request for reconsideration to the Executive Director of the Office within 10 days.

(i) The request for reconsideration shall contain all exhibits or evidence that the Qualified Community Development Entity wishes the Director to consider regarding compliance.

(c) The Executive Director of the Office shall have 30 days to consider and issue a decision on reconsideration.

(6) Further proceedings: If the issue of certification is not resolved by reconsideration, as set forth in Section 5, either party may request an informal administrative hearing, as set forth in the Utah Administrative Procedures Act.

(a) The costs of hiring an Administrative Law Judge to rule on the informal administrative hearing shall be born by the losing party.

KEY: new market tax credit, Small Business Jobs Act, tax credit

Date of Enactment or Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: 63M-1-3503(1)

**Governor, Economic Development
R357-11
Technology Commercialization and
Innovation Program (TCIP)**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38944

FILED: 11/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the Technology Commercialization and Innovation Act is to catalyze and enhance growth of technologies by encouraging interdisciplinary research activity and targeted areas, facilitating the transition of technologies out of higher education to enhance job creation, and to support the commercialization of technologies developed by small businesses to enhance job creation.

SUMMARY OF THE RULE OR CHANGE: Subsection 63M-1-704(2)(b) requires the office to make rules to regulate the Technology Commercialization Innovation Program (TCIP) grant structure and awards and to recapture awards when a recipient fails to maintain a presence in Utah for at least five years after the award is made, as set forth in these rules.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63M-1-704(2)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no savings or costs as this rule does not put into place any additions to the program that would require new costs to state. Moreover, there are no savings this rule creates by outlining the process by which TCIP will run its program.

◆ **LOCAL GOVERNMENTS:** Local governments are not allowed to receive the TCIP grant and thus there is no effect on local governments by this rule outlining the process the program will follow.

◆ **SMALL BUSINESSES:** This will affect small businesses because small businesses are now allowed to apply for a TCIP grant. Therefore small businesses can gain additional sources of funding to commercialize their own technology. This rule outlines how a small business can qualify to participate in the program.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Universities will be affected because they were the sole beneficiary of the program and now must compete for grants with small businesses. This rule, although small businesses gained access via legislation, outlines how the program will run with more applicants seeking funds from the limited pool of funds available.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no new costs for affected persons to become compliant with this rule. This rule outlines the process that the program has already been following and persons affected are already familiar with the procedure.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact except to add a potential new source of funding for small businesses that would like to commercialize their technology.

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

GOVERNOR
ECONOMIC DEVELOPMENT
60 E SOUTH TEMPLE 3RD FLR
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jeffrey Van Hulten by phone at 801-538-8694, by FAX at 801-538-8888, or by Internet E-mail at jeffreyvan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Val Hale, Executive Director

R357. Governor, Economic Development.

R357-11. Technology Commercialization and Innovation Program (TCIP).

R357-11-1. Purpose.

(1) The purpose of the Technology Commercialization and Innovation Act is to catalyze and enhance growth of technologies by encouraging interdisciplinary research activity and targeted areas, facilitating the transition of technologies out of the higher education to enhance job creation, and to support the commercialization of technologies developed by small businesses to enhance job creation.

R357-11-2. Authority.

(1) UCA 63M-1-704(2)(b) requires the office to make rules to regulate the Technology Commercialization Innovation Program ("TCIP") grant structure and awards and to recapture awards when a recipient fails to maintain a presence in Utah for at least five years after the award is made, as set forth in these rules.

R357-11-3. Definitions.

(1) This rule adopts the definitions set forth in 63M-1-703.

(2) "Board" means the Board of Business Development set forth in 63M-1-301

(3) "Derivative Technology" means: Incremental advance or new of application of an existing technology.

(4) "Developmental Research Phase" means: A phase in which the technology is not beyond a basic concept as determined by the office.

(5) "New technology means" Intellectual property not previously marketed or generated revenue for any entity.

(6) Qualified Pre-screening entity "means" A University's Technology Transfer Office or the USTAR Technology Outreach Innovation Program. This term only applies to University team applicants.

(7) Solicitation Cycle Means: A granting cycle from application to grant distribution to be held at least once a year or more depending on availability of funds. All dates for any solicitation may be found on the TCIP website.

(8) "TCIP" means the Technology Commercialization and Innovation Program as defined in Utah Code Section 63M-1-703(6).

R357-11-4. General Grant Requirements.

(1) An applicant can only receive a TCIP award totaling an amount defined in policy per new technology. Policy shall be available on the TCIP website.

(2) An applicant may not submit more than one application in the same solicitation cycle if the applicant has more than one new technology that meets the eligibility requirement for a TCIP grant.

(a) Only one new technology project per applicant will be funded in an solicitation cycle.

(3) An applicant that has generated more than \$500,000 in revenue from the proposed new or derivative technology is not eligible for a TCIP grant.

(4) An applicant that has raised more than \$3,000,000 in total prior funding, including equity and debt based financing, is not eligible for the TCIP grant.

(5) An Applicant may apply for a TCIP grant up to three times for a specific new technology. If, after the third application TCIP does not fund the technology, TCIP will reject subsequent applicants for the same new technology without further review.

R357-11-5. Matching Funds.

(1) Matching funds may be considered in granting an award. If considered a grant recipient must show proof of the matching funds.

(2) Matching funds may be raised and spent at any time prior to submitting an invoice to the TCIP

(a) Grant recipient must submit bank statements (for Licensees) or financial statements (for Universities) demonstrating that the matching funds were available during the match period.

(b) Matching funds do not have to be in place at the time of the application, but must be in place before TCIP funds are disbursed within the contract period of one year.

R357-11-6. Applicant Specific Requirements.

(1) University Teams: In order to apply for a grant or loan under the TCIP program, a University Team must satisfy the following initial criteria:

(a) The technology must be organized by faculty led university team;

(b) The technology must have completed the developmental research phase; and

(c) The applicant must be pre-screened by a qualified pre-screening entity.

(d) The qualified pre-screening entity must certify that the technology meets the criteria set forth in (a) and (b) of this section, and the certification must be provided before grant is awarded.

(2) Small Businesses: In order to apply for a grant or loan under the TCIP program, a small business must satisfy the following initial criteria:

(a) The applicant must be a "small business" as defined by the Federal Small Business Administration's definition and meet the criteria set forth in UCA Section 63M-1-703(5).

(3) A University-licensee is also be eligible if it meets the definitions in (a) above.

R357-11-7. Review of Applications and Awards.

(1) Applicants who successfully meet the eligibility requirements set forth in R357-11-4 and R357-11-5 and R357-11-6 may submit their application for the TCIP grant through the online registration portal.

(2) The Executive Director of GOED or the director's designee will evaluate the applications received in each solicitation cycle. The Executive Director or the designee may use the following criteria, as defined by the Executive Director or the designee, to evaluate applications for TCIP grants:

(a) Quality, diversity, and number of jobs created in Utah,

(b) Quality of Management and Leadership, including experience with commercialization of new technologies as demonstrated by grant applicant's application and proposal;

(c) Strength of the new technology and potential for commercialization;

(d) Size and Growth of the market of the proposed technology

(e) Applicant's ability to market the technology and the credibility of their "go-to-market" strategy.

(f) Availability of matching funds and the source and relevance of those funds as set forth in R357-11-5

(g) Whether the project combines or coordinates related research at two or more institutions of higher education;

(h) Any other criteria deemed necessary or valuable to the selection process.

(3) Additionally, each applicant's application will be compared against and with the strength of all other applicants' applications and proposals within the same solicitation cycle.

(4) The Executive Director may assemble an outside review team to review the criteria set forth above and to make recommendations regarding the application.

(5) The Executive Director or his designee shall propose funding allocations to the Board.

(6) After the Board provides its advice, the Executive Director or the designee shall determine which applications should be prioritized for funding.

(7) Applications will be prioritized and funded based on the criteria set forth in (1)-(3). Award letters will be provided setting forth the terms of the grant offer.

R357-11-8. Requirements for Grant Recipients.

(1) Contract

(a) An applicant who is awarded a TCIP grant must sign a contract with the State of Utah prior to receiving any funds

(2) Sub-Contracts

(a) Grant Recipients are prohibited from subcontracting with another entity to administer the new technology funded by the Grant.

(3) Time in State

(a) Grant recipients will be expected to retain their company, and supported technology, and exploit the technology in the State of Utah for a minimum period of five years from the date of their agreement with the State.

(b) Any applicant who fails to maintain a manufacturing or service location in the state or who fails to exploit the new technology from a location in the state will be subject to recapture of the grant funding, subject to the provisions of Utah Code Section 63M-1-704(2)(d) and R357-11-8..

(4) Authorization to disclose tax information

(a) Licensee grant recipients will be required to sign an authorization to disclose tax records for up to five years from the date of their agreement with the State.

(5) Mentoring Program

(a) Grant awardees may be required to participate in the TCIP Mentoring Program in order to secure funding.

(b) If a grant award is contingent on participation in the TCIP Mentoring Program, an awardee will be required to show active participation in the program prior to receiving any or part of the grant funding as outlined in recipient's contract.

R357-11-9. Funding.

(1) TCIP funding is for developing existing research to the point of commercialization, bridging the "funding gap" between research dollars and manufacturing dollars.

(2) TCIP funding may be used to:

(a) Purchase equipment;

(b) Purchase supplies;

(c) Fund graduate/undergraduate students for time directly applicable to center commercialization activities related to the new technology;

(d) Fund faculty salaries directly applicable to center commercialization and related to the new technology;

(e) Fund product development activities (prototypes, models, simulations);

(f) Fund technology transfer activities (trade shows, brochures, etc.);

(g) Fund market analysis;

(h) Pay for consulting fees directly applicable to center commercialization;

(i) Pay for business manager or marketing manager salaries directly applicable to center commercialization activities; or

(j) Other purposes approved by GOED in writing.

(3) Carryover Funds

(a) The budget described in the contract is designated for the particular fiscal year and is an integral part of the contract. Upon the expiration of the contract, residual funds under the contract can only be accessed by amending the contract as described above.

(4) Invoicing Requirement

(a) Funds are disbursed on a reimbursement basis. To receive funds from the program, an invoice of actual expenses of

the funded center should be submitted by the awardee at least quarterly.

(b) Every invoice must include:

(i) Contract Number;

(ii) Name of entity and Principal Investigator.;

(iii) Billing Period; and

(iv) Current and Cumulative Amounts.

R357-11-10. Reporting Requirements.

(1) Reporting and Monitoring

(a) Grant awardees or mentor will be required to submit a report of activities, achievements and expenses, etc. as specified in the awardees contract.

(b) Grant awardees or mentor will be required to comply with the State's request for information pertaining to the economic impact to the State, at least annually for up to five years from date of the agreement.

(c) Grant awardees or mentor will also be required to respond to additional periodic reporting to the TCIP Director, Governor's Office of Economic Development and GOED Board, and the Legislature, at any time during the agreement period and thereafter for two additional years.

(d) Universities and Small Businesses should also expect periodic site visits from TCIP Director or board members. Such visits will be scheduled at mutually convenient times.

R357-11-11. Recapture.

(1) In order to receive grant funding under these provisions, an applicant must commit to maintain a manufacturing location or service location in the State of Utah for at least five years from the date that the grant award letter is issued.

(2) Maintaining a manufacturing and service location means that the applicant will perform at least X percent of the grant activities listed above in the State of Utah, will exploit the technology into a commercial project in Utah and will maintain working operations in the State for at least five years from the date the grant award letter is issued.

(3) If the applicant fails to maintain a manufacturing a service location in Utah for at least five years from the date the grant award letter is issued, the entire grant amount may be subject to recapture.

(4) A repayment by an applicant shall be prorated based on the number of full ears the applicant operated in the state from the date of the awarded grant.

(5) Should an applicant fail to comply with the requirements to maintain an manufacturing and service location in Utah for the purpose of exploiting the new technology that is the subject of the grant, the Office will issue a Notice of Agency Action for Recapture.

(6) The Notice of Agency Action shall contain the grounds for recapture, and the prorated amount of the recapture, if any.

KEY: technology, innovation, commercialization, small business

**Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implementing or Interpreted Law: 63M-1-704(2)**

Governor, Economic Development
R357-12
Fiscal Emergency Contingent
Management of Federal Lands

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38945

FILED: 11/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to address the variability of core natural assets that could be affected by a shut down. The following list is the recommendations for prioritizing the opening of federal lands that would be affected. The priority list reflects minimizing the economic impact on Utah and the subsequent gateway communities.

SUMMARY OF THE RULE OR CHANGE: This rule creates a priority list for the federal lands the state would open under an agreement with the Department of the Interior in a fiscal emergency. This list is designed in anticipation that a shut-down would likely occur in the fall and last for ten days or less. The state funding considerations and the priority list below may vary based on the time of year and the corresponding recreational assets that will be opened at that time.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 79-4-1103

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule simply outlines the priority list. The amount of funding and the agreement regarding the transaction will be negotiated between the Governor and the Department of the Interior. Therefore, this rule has no anticipated cost or savings to the state budget because any costs will be determined as set forth in statute.

◆ **LOCAL GOVERNMENTS:** Local governments will be affected by this rule in a fiscal emergency because it outlines which areas of the state will be held open during such an emergency and which areas will close. The local governments in those communities will see a direct impact from the priorities set forth in this rule, but only if a fiscal emergency occurs.

◆ **SMALL BUSINESSES:** Small businesses may be affected because, as stated above, this rule outlines which areas of the state will be held open during such an emergency and which areas will close. The small businesses in those communities will see a direct impact from the priorities set forth in this rule, but only if a fiscal emergency occurs.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Other persons may be affected because, as stated above, this rule outlines which areas of the state will be held open

during such an emergency and which areas will close. The other persons in those communities will see a direct impact from the priorities set forth in this rule, but only if a fiscal emergency occurs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs related to this rule nor will any affected persons need to implement anything in order to comply with this rule. This rule only lists the priorities for which federal lands would be opened.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impacts this rule may have on businesses is as stated before small businesses in those communities will see a direct impact from the priorities set forth in this rule, but only if a fiscal emergency occurs.

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

GOVERNOR
ECONOMIC DEVELOPMENT
60 E SOUTH TEMPLE 3RD FLR
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jeffrey Van Hulten by phone at 801-538-8694, by FAX at 801-538-8888, or by Internet E-mail at jeffreyvan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Val Hale, Executive Director

R357. Governor, Economic Development.
R357-12. Fiscal Emergency Contingent Management of Federal Lands.

R357-12-1. Purpose.

(1) The purpose of this rule is to address the variability of core natural assets that could be affected by a shut down. The following list is the recommendations for prioritizing the opening of federal lands that would be affected. The priority list reflects minimizing the economic impact on Utah and the subsequent gateway communities.

(2) This list is designed in anticipation that a shut-down would likely occur in the Fall and last for ten (10) days or less. The State funding considerations and the priority list below may vary based on the time of year and the corresponding recreational assets that will be opened at that time.

R357-12-2. Authority.

(1) In accordance with Utah Code Subsections 79-4-1103(2) and (3), this rule establishes the priority for opening and

maintaining national parks, national monuments, national forests, and national recreation areas in the state during a fiscal emergency.

R357-12-3. Definitions.

(1) This rule adopts the definitions set forth in Utah Code Section 79-4-1101 et seq.

R357-12-4. Priority List.

(1) This rule has no effect until the requirements of Utah Code Section 79-4-1102 have been satisfied.

(a) The following federally managed natural assets constitute locations in Utah, to be known as Tier I priorities. These assets should be funded to remain open year-round because of their significant economic contributions to nearby communities:

(i) Arches National Park;

(ii) Bryce National Park;

(iii) Canyonlands National Park;

(iv) Capitol Reef National Park;

(v) Zion National Park;

(vi) Natural Bridges National Monument;

(vii) Cedar Breaks National Monument; and

(viii) Glen Canyon National Recreation Area.

(b) The following constitute natural assets that generate significant seasonal value for local communities and will be known as Tier II priorities. These assets should remain open during the specified seasonal period once all Tier I locations have been funded for opening during a fiscal emergency:

(i) Dinosaur National Monument, (May 1 through October 31);

(ii) Golden Spike National Historic Site, (May 1 through August 31);

(iii) Grand Staircase-Escalante National Monument, (April 1 through October 31);

(A) While the Monument would remain open to dispersed recreation, supplemental funding would be required to open the visitor centers and process guiding permits.

(iv) Flaming Gorge National Recreation Area, (May 15 through September 15);

(A) Flaming Gorge is the only natural asset being managed by the National Forest Service that would require a separate agreement with the Department of Agriculture.

(B) While the boat ramp and dispersed recreation would remain open to the public in the event of a fiscal emergency, supplemental funding would be required to allow the local concessionaires to remain open.

(v) San Juan River Special Recreation Management Area, (March 1 through November 30);

(A) Supplemental funding would facilitate permit holders and concessionaires to continue to run the San Juan river.

(vi) Desolation Canyon Special Recreation Management Area, (May 1 through October 31); and

(A) Supplemental funding would facilitate permit holders and concessionaires to continue to run the Green river.

(vii) Two Rivers Special Recreation Management Area, (April 1 through October 31);

(A) Supplemental funding would facilitate permit holders and concessionaires to continue to run the Westwater section of the Colorado River.

(c) The following locations, to be known as Tier III assets require no supplemental funding in the event of a fiscal emergency. There is a general understanding with the Federal Public Land Managers is that these assets should remain open to dispersed recreation as defined by the Federal Public Land Managers.

(i) Private concessionaires within the National Forest areas will be subject to the closure rules dictated by the Department of the Interior unless a Memorandum of Understanding (MOU) with the regional Forest Service office can be negotiated.

(A) The negotiation of the MOU will be initiated by the Executive Director of the Governor's Office of Economic Development in consultation with the Director of the Office of Outdoor Recreation.

(I) Ashley National Forest;

(II) Dixie National Forest;

(III) Fishlake National Forest;

(IV) Manti-La Sal National Forest;

(V) Uinta-Wasatch-Cache National Forest; and

(VI) Natural Bridges National Monument.

(VII) All other BLM Special Recreation Management Areas (SRMA's) not delineated in another section of this document.

(d) The following natural assets are not recommended to be opened and maintained during a fiscal emergency as a result of their minimal contribution to the local economies.

(i) Hovenweep National Monument;

(ii) Timpanogos Cave National Monument;

(iii) Little Sahara Special Recreation Management Area (SRMA); and

(A) The gates would be closed and public access would not be permitted during a fiscal emergency.

(iv) Knolls Special Recreation Management Area (SRMA).

(A) The gates would be closed and public access would not be permitted during a fiscal emergency.

KEY: federal lands, federal shutdown, fiscal emergency
Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implemented or Interpreted Law: 79-4-1103

Governor, Economic Development
R357-13
Hotel Convention Center Tax Credit

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38946

FILED: 11/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is created for the purpose of outlining the parameters by which this tax credit will be administered.

SUMMARY OF THE RULE OR CHANGE: This rule identifies: 1) procedures by which the Governor's Office of Economic Development may enter into an agreement with a

qualified hotel owner for the development of a qualified hotel and authorize a tax credit under the New Convention Facility Development Incentive Act; 2) minimum criteria for an agreement with a qualified hotel owner; 3) roles and responsibilities of the independent review committee; 4) sales and use taxes available to measure and calculate the income tax credit; 5) procedures for calculating the income tax credit; 6) funding for the local portion of the income tax credit from local sales and use tax revenue; and 7) administrative procedures of the Hotel Impact Mitigation Fund.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-1-3409

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule outlines the parameters of this tax credit program. It does not require any additional funds from the state nor does it cut any costs to the state for the program. Thus, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments may be impacted by the local portion of their taxes becoming part of this tax credit's formula via statute. Thus, this rule may affect local governments because it outlines how the local portion of income tax local government's collect will be utilized in this program.

◆ **SMALL BUSINESSES:** Small businesses may be impacted by this rule because it outlines the administrative procedures of the Hotel Impact Mitigation Fund. This fund will be used to provide "bounce back" incentives for visitors to use in other areas' hotels etc. in the state. Thus, some small businesses may be impacted by how this fund is used to create such an incentive for visitors.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There may be other persons affected by this rule. However, the office does not believe there are any other direct groups that will be impacted by this rule because the rule and tax credit generally only impacts small businesses and local governments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs needed for this rule. Small businesses and local governments do not to change any practice or protocol as a result of this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As mentioned above small businesses may be impacted by this rule because it outlines the administrative procedures of the Hotel Impact Mitigation Fund. This fund will be used to provide "bounce back" incentives for visitors to use in other areas' hotels etc. in the state.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 60 E SOUTH TEMPLE

THIRD FLOOR
SALT LAKE CITY, UT 84111
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jeffrey Van Hulten by phone at 801-538-8694, by FAX at 801-538-8888, or by Internet E-mail at jeffreyvan@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/08/2015

AUTHORIZED BY: Val Hale, Executive Director

R357. Governor, Economic Development.

R357-13. Hotel Convention Center Tax Credit.

R357-13-1. Purpose.

(1) This rule identifies:

(a) procedures by which the Governor's Office of Economic Development may enter into an agreement with a qualified hotel owner for the development of a qualified hotel and authorize a tax credit under the New Convention Facility Development Incentive Act;

(b) minimum criteria for an agreement with a qualified hotel owner

(c) roles and responsibilities of the independent review committee;

(d) sales and use taxes available to measure and calculate the income tax credit;

(e) procedures for calculating the income tax credit;

(f) funding for the local portion of the income tax credit from local sales and use tax revenue; and

(g) administrative procedures of the Hotel Impact Mitigation Fund.

R357-13-2. Authority.

(1) Utah Code Section 63M-1-3409 authorizes the Governor's Office of Economic Development to enact rules to carry out its responsibilities under the Act.

R357-13-3. Definitions.

(1) Unless otherwise specifically defined in this rule, Utah Code Section 63M-1-3402 defines the terms used in this rule.

(2) "Appointing entity" means any of the entities responsible for appointing members to the Independent Review Committee pursuant to Utah Code Section 63M-1-3404.

R357-13-4. Application for Approval of a Qualified Hotel and For Authorization of Tax Credits.

(1) A qualified hotel owner or host local government may apply to the Office for approval to develop a qualified hotel, and to authorize a tax credit as set forth below.

(2) The initial application shall include at least the following information:

(a) Identify the hotel property and the hotel owner;

(b) A proposal for the convention center hotel, including construction time lines and proposed spending over the life of the project;

(c) Include the required endorsement letter from the County in which the hotel is located;

(i) The endorsement letter shall include by reference to or attachment of all of the requirements placed on the hotel by the County in relation to the endorsement letter; and

(ii) The endorsement letter shall include by reference to or by attachment the County's expectations regarding compliance with its requirement by the developer or owner, including how compliance with the requirements will be measured and tracked.

(d) Details regarding the capital investment expected

(e) The period of time for which the qualified hotel owner or host local government expects to request and claim tax credits related to the project, subject to the limitations set forth in Utah Code Section 63M-1-3403.

(f) The maximum amount of tax credits that the applicant is requesting, subject to the limitations set forth in Utah Code Section 63M-1-3403.

(3) The Office, with advice of the Board shall review the application and materials and determine whether to approve the Hotel, and what conditions to place on the award of tax credits.

(a) The Office shall review and application and respond within 60 days.

(b) If more information is requested by the Office or the Board, the applicant will have 15 days to provide the additional information, and the Office's decision will be extended by 15 days.

(c) If the Office declines to approve the project, it shall state specifically the reasons for declining, and what, if anything the applicant can do to cure the defects.

(d) If the Office approves the project, a notice of agency action will be sent to the applicant and to the county and municipality where the proposed project is located.

(4) The notice of agency action shall include the terms and requirements related to the applicant's application for tax credits.

R357-13-5. Independent Review Committee.

(1) Creation of Independent Review Committee

(a) The Board shall establish the independent review committee within thirty days of the RFP award.

(i) All entities with appointing authority shall submit the name(s) of the person(s) that they are appointing to the Board no later than 10 days after the RFP award.

(ii) The appointing authority shall ensure that the person being appointed has accepted the position on the independent review committee and is willing and able to serve, prior to submitting the name to the Board.

(iii) The Board shall appoint its member to independent review committee no later than 10 days after the RFP award.

(iv) If the appointing entity is removing its appointee from the Independent Review Committee, or if the appointee resigns, the appointing entity shall notify GOED within 3 business days, and appoint a replacement person as soon as practically possible.

(2) Conducting Business:

(a) Four members of the Independent Review Committee shall constitute a quorum.

(b) Voting may take place if a quorum is present at meeting

(c) A majority vote of members present during a meeting (either in person or via electronic meeting) constitutes the vote of the Independent Review Committee for the purposes or proceeding with the Committee's duties.

(3) Electronic Meetings:

(a) The independent review committee may conduct its business through electronic meetings pursuant to Utah Code Section 52-4-207.

(b) A quorum of the public body is not required to be present at the anchor location, but at least one member of the independent review committee shall be present at an anchor location for a electronic meeting.

(c) All meetings will provide for the capacity for Board members to participate electronically.

(d) All members participating electronically shall notify the office at least 24 hours in advance of the meeting of their intent to participate electronically.

(4) Role of the Independent Review Committee: The Independent Review Committee shall:

(a) Review applications for tax credits from either a qualified hotel owner or a host local government.

(b) Review documentation from applicants regarding:

(i) Compliance with the terms of the County endorsement letter;

(ii) Compliance with the requirements set forth in the Office's Notice of Agency Action;

(iii) Proof of new tax revenue as set forth in Utah Code Section 63M-1-3402;

(iv) Proof of reduction of the tax credit by \$1,900,000 for the first two years of the project;

(c) Specify the maximum dollar amount that the tax credit recipient may receive for each application;

(d) Review documentation to ensure that tax credits are being used for the purposes set forth in Utah Code Section 63M-1-3413.

R357-13-6. Procedures for Calculating the Income Tax Credit.

(1) The applicant for a tax credit shall comply with Utah Code Section 63M-1-3405.

(2) For each tax credit application, the certified public accountant's certification required by Utah Code Subsection 63M-1-3405(1)(d) shall identify by location, using the nine digit postal code, where the sales and use taxes constituting new tax revenue were paid. For each location identified, the certification shall itemize the amount constituting new tax revenue for each category of sales and use tax identified in Subsection R375-6-6(3).

(3) For each tax credit certificate issued, the Governor's Office of Economic Development shall verify and identify by location, using the nine digit postal code, where the sales and use taxes that fund the tax credit were paid. For each location, the certification shall itemize by category the sales and use tax identified in Subsection R357-6-3(3) that fund the tax credit.

(4) For each tax credit certificate issued, the Governor's Office of Economic Development shall identify the effective date for the distribution formula used to allocate local sales and use tax authorized in Utah Code Section 59-12-201. The effective date for the distribution formula is December 31st of the tax year pertaining

to the new tax revenue used to establish the amount of the tax credit.

(5) The Governor's Office of Economic Development shall transmit the itemization in paragraph (3) and the effective date of the distribution formula to the Chief Financial Officer of the Utah State Tax Commission within thirty (30) days from issuing the tax certificate.

(6) The tax credit recipient shall follow Utah Code Sections 59-7-616 and 59-10-1110 and the rules and instructions of the Utah State Tax Commission in claiming the tax credit.

R357-13-7. Minimum Criteria and Available Local Sales and Use Taxes.

(1) Subject to other limiting conditions imposed in the agreement, the following sales and use taxes generated from the construction and operation of a qualified hotel may be used to establish the amount of the tax credit:

(a) state sales tax identified in Utah Code Subsection 59-12-103(2);

(b) local sales and use tax identified in Utah Code Section 59-12-201;

(c) county option sales and use tax identified in Utah Code Section 59-12-1101;

(d) county transient room tax identified in Utah Code Section 59-12-301;

(e) municipality transient room tax identified in Utah Code Section 59-12-351;

(f) tourism and restaurant tax identified in Utah Code Subsection 59-12-603(1)(a)(ii); and

(h) tourism accommodations tax identified in Utah Code Subsection 59-12-603(1)(a)(iii).

R357-13-8. Funding the Local Portion of the Income Tax Credit.

(1) The state sales and use tax constituting new tax revenue as itemized in Subsection R357-6-7(3) shall fund the tax credit.

(2) The Utah State Tax Commission may enact rules to administer the funding of the income tax credit provided in Subsection R357-6-8(1).

R357-13-9. Procedures for the Administration of the Hotel Impact Mitigation Fund.

(1) There is created an expendable special revenue fund known as the Hotel Impact Mitigation Fund.

(2) The mitigation fund shall:

(a) be administered by the board;

(b) earn interest; and

(c) be funded by:

(i) payments required to be deposited into the mitigation fund by the Division of Finance under Subsection 59-12-103(14);

(ii) money required to be deposited into the mitigation fund under Subsection 17-31-9(2) by the county in which a qualified hotel is located; and

(iii) any money deposited into the mitigation fund under Subsection (6).

(3) Interest earned by the mitigation fund shall be deposited into the mitigation fund.

(4) In accordance with office rules, the board shall annually pay up to \$2,100,000 of money in the mitigation fund:
(a) to affected hotels;
(b) for four consecutive years, beginning 12 months after the date of initial occupancy of the qualified hotel occurs; and
(c) to mitigate direct losses.
(5) If the amount the board pays under Subsection (4) in any year is less than \$2,100,000, the board shall pay to the Stay Another Day and Bounce Back Fund, created in Section 63M-1-3411, the difference between \$2,100,000 and the amount paid under Subsection (4).
(a) The board shall make any required payment under Subsection (5) within 90 days after the end of the year for which a determination is made of how much the board is required to pay to affected hotels under Subsection (4).
(6) A host local government or qualified hotel owner may make payments to the Division of Finance for deposit into the mitigation fund.
(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall, in consultation with the Utah Hotel and Lodging Association and the county in which the qualified hotel is located, make rules establishing procedures and criteria governing payments under Subsection (5)(a) to affected hotels.

KEY: hotel convention center, tax credit
Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implemente or Interpreted Law: 63M-1-3409

**Health, Health Care Financing,
 Coverage and Reimbursement Policy
 R414-11
 Podiatric Services**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 38952
 FILED: 11/13/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to consolidate the scope of podiatric services for Medicaid recipients.

SUMMARY OF THE RULE OR CHANGE: This amendment removes sections in the rule text that specify reimbursement, eligibility, and service coverage, and defers to the scope of services found in the Podiatric Services Utah Medicaid Provider Manual and in the Medicaid State Plan.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 42 CFR 440.60 and Section 26-1-5 and Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because the services provided to Medicaid recipients remain unaffected by this change.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not fund or provide Medicaid services to Medicaid recipients.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because the services provided to Medicaid recipients remain unaffected by this change.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid recipients because the services provided to Medicaid recipients remain unaffected by this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid recipient because the services provided remain unaffected by this change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment will have no effect on business because it does not impose new costs or requirements on service providers nor does it change the services currently provided to Medicaid recipients.

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: David Patton, PhD, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-11. Podiatric Services.

R414-11-1. Introduction.

The Podiatric Services program provides a scope of services for Medicaid recipients in accordance with the Podiatric Services Utah

Medicaid Provider Manual and Attachment 4.19-B of the Medicaid State Plan, as incorporated into Section R414-1-5.

~~R414-11-1. Introduction and Authority.~~

~~Podiatric services are authorized by 42 CFR 440.50 and include the examination, diagnosis, or treatment of the foot. Podiatric services are optional and provided in accordance with 42 CFR 440.225.~~

~~R414-11-2. Client Eligibility Requirements.~~

~~Podiatric services are available to categorically and medically needy individuals.~~

~~R414-11-3. Service Coverage.~~

~~Podiatric services are limited to the services described in the Podiatric Services Utah Medicaid Provider Manual. A physician, osteopath, or podiatrist may provide podiatric services within the scope of their respective professional license.~~

~~R414-11-4. Limitations.~~

~~Podiatric service limitations are described in the Podiatric Services Utah Medicaid Provider Manual.~~

~~R414-11-5. Non-Covered Services.~~

~~Non-covered services are described in the Podiatric Services Utah Medicaid Provider Manual.~~

~~R414-11-6. Reimbursement for Podiatric Services.~~

~~(1) Reimbursement for services is limited to one podiatric office visit per day.~~

~~(2) A podiatrist may bill for laboratory procedures necessary for diagnosis and treatment of the patient if equipment necessary for the laboratory procedure is available in the podiatrist's office. Laboratory services requested by a podiatrist but provided by an independent laboratory or hospital outpatient laboratory must be billed directly by the laboratory.~~

~~(3) Palliative care is included in the specific service and must be billed by that service only, not through the use of an office call procedure code.~~

~~(4) Payments are based on the established fee schedule unless a lower amount is billed. The amount billed cannot exceed usual and customary charges to private pay patients.~~

~~R414-11-7. Copayment Policy.~~

~~Each Medicaid client is responsible to pay a copayment amount that complies with the requirements of the Medicaid State Plan and Rule R414-1-1.]~~

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~[July 1, 2013]~~**2015**

Notice of Continuation: March 18, 2014

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

Health, Family Health and
Preparedness, Licensing
R432-35
Background Screening -- Health
Facilities

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 38954
FILED: 11/14/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clearly define the process for the review of relevant information before direct patient access clearance is issued. Relevant information includes adult and juvenile criminal records, adult and child protective services records, certified nursing aide registry results, Division of Professional Licensing records and the Office of Inspector General list of excluded individuals.

SUMMARY OF THE RULE OR CHANGE: In Section R432-35-8, the review of relevant information was relocated from the end of the criminal records section to the end of the entire section. This is needed so that it is clear that the division is reviewing all the information from the sources listed in the rule and not just the criminal record. Also removed the word "offenses" as not everything the division reviews is from the criminal record and is therefore not an offense. Added all factors that are considered when reviewing relevant information to determine if direct patient access clearance should be issued.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because the changes in this rule only clarify the review process that is currently being utilized.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because the changes in this rule only clarify the review process that is currently being utilized.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because the changes in this rule only clarify the review process that is currently being utilized.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to businesses, individuals, local governments, and persons that are not small businesses because the changes in this rule only clarify the review process that is currently being utilized.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to affected persons because the changes in this rule only clarify the review process that is currently being utilized.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment will have no effect on business because it clarifies but does not change the current review process.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carmen Richins by phone at 801-538-9087, by FAX at 801-538-6024, or by Internet E-mail at carmenrichins@utah.gov
- ◆ Joel Hoffman by phone at 801-538-6279, by FAX at 801-538-6024, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: David Patton, PhD, Executive Director

R432. Health, Family Health and Preparedness, Licensing.

R432-35. Background Screening -- Health Facilities.

R432-35-8. Exclusion from Direct Patient Access.

- (1) Criminal Convictions or Pending Charges
 - (a) As required by Utah Code Subsection 26-21-204, if an individual or covered individual has been convicted, has pleaded no contest, or is subject to a plea in abeyance or diversion agreement, for the following offenses, they may not have direct patient access:
 - (i) any felony or class A conviction under Utah Criminal Code.
 - (ii) any felony or class A, B or C conviction under Title 76, Chapter 5 Offenses Against the Person, Utah Criminal Code;
 - (iii) any felony or class A conviction under Title 76, Chapter 6, Offenses Against Property, Utah Criminal Code;
 - (iv) any felony or class A conviction under Title 76, Chapter 6a, Pyramid Schemes, Utah Criminal Code;
 - (v) any felony or class A conviction under Title 76, Chapter 8, Offenses Against the Administration of Government, Utah Criminal Code;
 - (vi) any felony or class A conviction under Title 76, Chapter 9, Offenses Against Public Order and Decency, Utah Criminal Code;
 - (vii) any felony or class A, B or C conviction under the following Utah Criminal Codes:
 - (A) 76-9-301.8, Bestiality;
 - (B) 76-9-702, Lewdness - Sexual Battery - Public urination;

- (A) 76-9-301.8, Bestiality;
- (B) 76-9-702, Lewdness - Sexual Battery - Public urination;

and

- (C) 76-9-702.5, Lewdness Involving Child.
- (viii) any felony or class A conviction under Title 76, Chapter 10, Offenses Against Public Health, Welfare, Safety and Morals, Utah Criminal Code;
- (ix) any felony or class A, B or C conviction under the following Utah Criminal Codes:
 - (A) 76-10-1201 to 1229.5, Pornographic and Harmful Materials and Performances; and
 - (B) 76-10-1301 to 1314, Prostitution;
 - (x) any felony or class A conviction under Utah Criminal Code 76-10-2301, Contributing to the Delinquency of a Minor;
 - (b) As required by Utah Code Subsection 26-21-204, if an individual or covered individual has a warrant for arrest or an arrest for any of the identified offenses in R432-35-8(1)(a), the department may deny clearance based on:
 - (i) the type of offense;
 - (ii) the severity of offense; and
 - (iii) potential risk to patients or residents.

~~[(c) The following factors may be considered in determining under what circumstance, if any, the covered individual will be allowed direct patient access in a covered provider:~~

- ~~(i) types and number of offenses;~~
- ~~(ii) passage of time since the offense was committed; offenses more than five years old do not bar approval or a license, certificate or employment;~~
- ~~(iii) circumstances surrounding the commission of the offense; and~~
- ~~(iv) intervening circumstances since the commission of the offense. The Executive Director may exclude, on a case-by-case basis, misdemeanors listed under paragraph (a) of this section if the misdemeanor did not involve violence against a child or a family member or unauthorized sexual conduct with a child or disabled adult.~~
- ~~(d) The Department shall rely on the criminal background screening and search of court records as conclusive evidence of the conviction and may deny clearance based on that evidence.~~

- (2) Juvenile Records
 - (a) As required by Utah Code Subsection 26-21-204(4)(a)
- (ii)(E), juvenile court records shall be reviewed if an individual or covered individual is:
 - (i) under the age of 28[-]; or
 - (ii) over the age of 28[-] and has convictions or pending charges identified in R432-35-8(1)(a).
 - (b) Adjudications by a juvenile court may exclude the individual from direct patient access if the adjudications refer to an act that, if committed by an adult, would be a felony or a misdemeanor.
 - (3) Non-Criminal Records
 - (a) As required by Utah Code Subsection 26-21-204(3), the Department may review findings from the following sources to determine whether an individual or covered individual should be granted or retain direct patient access:
 - (i) the Department of Human Services' Division of Child and Family Services Licensing Information System described in Section 62A-4a-1006;
 - (ii) child abuse or neglect findings described in Section 78A-6-323;

(iii) the Department of Human Services' Division of Aging and Adult Services vulnerable adult abuse, neglect, or exploitation database described in Section 62A-3-311.1;

(iv) registries of nurse aids described in Title 42 Code of Federal Regulations Section 483.156;

(v) licensing and certification records of individuals licensed or certified by the Division of Occupational and Professional Licensing under Title 58, Occupations and Professions; and

(vi) the List of Excluded Individuals and Entities database maintained by the United States Department of Health and Human Services' Office of Inspector General.

(4) Review of Relevant Information

(a) Results of background screening review, as listed above in R432-35-8(1), (2), and (3), may be reviewed to determine under what circumstance, if any, the covered individual may be granted or retain direct patient access. The following factors may be considered:

(i) types and number;

(ii) passage of time;

(iii) surrounding circumstances;

(vi) intervening circumstances; and

(v) steps taken to correct or improve.

(b) The department shall rely on relevant information identified in R432-35-8(1), (2), and (3) as conclusive evidence and may deny clearance based on that information.

KEY: health care facilities, background screening
Date of Enactment or Last Substantive Amendment: ~~December 12, 2012~~ 2015

Notice of Continuation: March 25, 2013

Authorizing, and Implemented or Interpreted Law: 26-21-9.5

Insurance, Administration
R590-142
Continuing Education Rule

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 38934
 FILED: 11/05/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule change is a result of legislation passed during 2014 General Legislative Session under H.B. 24, as well as other updates.

SUMMARY OF THE RULE OR CHANGE: Changes to this rule include: allowing continuing education (CE) providers to offer qualified programs and collect a fee; creating requirements for navigators with certified application counselors (CAC) line of authority and updating requirements for navigators with navigator line of authority; clarifying when exam questions are required; setting a timing requirement for interactive CE courses; plus other nonsubstantive changes to provide clarification.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31a-2-201 and Section 31a-23a-202 and Section 31a-23b-205 and Section 31a-23b-206 and Section 31a-26-206 and Section 31a-26-209 and Section 31a-35-401.5

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The changes made to this rule affect the training and licensing of navigators and other licensees and will have no impact to the workload or costs to the department and state.

♦ **LOCAL GOVERNMENTS:** This rule deals solely with the relationship between the department and its licensees, and will not affect local government.

♦ **SMALL BUSINESSES:** The rule authorizes CE course providers to collect a reasonable fee. These providers have been and may continue to collect this fee. There will be no required cost changes for course providers as a result of this rule. Navigators are required to attend CE courses to renew their licenses. They may be assessed a fee by CE course providers as outlined above. There should be no net cost change for navigators.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The individual licensees will have a requirement for continuing education. CE course providers may collect a reasonable fee. However, this will not affect large businesses or consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: CE course providers may collect a reasonable fee at their discretion. Navigators are required to take CE courses, but may find alternatives that do not charge fees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The course requirements of this rule may incorporate a fee charged by CE course providers at their discretion. Navigators will have the choice of which provider from which to attend a course.

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 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Todd Kiser, Commissioner

R590. Insurance, Administration.

R590-142. Continuing Education Rule.

R590-142-1. Authority.

This rule is promulgated pursuant to:

(1) Subsection 31A-2-201(3) that authorizes the commissioner to adopt rules to implement the provisions of the Utah Insurance Code;

(2) Subsection 31A-23a-202(1) that authorizes the commissioner to adopt a rule to prescribe the continuation requirements for a producer and a consultant;

(3) Subsection 31A-23a-202(3) that authorizes the commissioner to adopt a rule to:

(a) prescribe the manner in which a producer or consultant may obtain continuing education credit; and

(b) publish a list of professional designations whose continuing education requirements can be used to meet the requirements for continuing education for a producer and a consultant;

(4) Subsection 31A-23a-202(5) that authorizes the commissioner to adopt a rule to prescribe the processes and procedures for continuing education provider registration and course approval;

(5) Subsection 31A-23b-205(2) that authorizes the commissioner to adopt a rule to prescribe how navigator training requirements may be administered;

(6) Subsection 31A-23b-206(1) that authorizes the commissioner to adopt a rule to prescribe the continuing education requirements for the a navigator;

(7) Subsection 31A-23b-206(3) that authorizes the commissioner to adopt a rule to prescribe the manner in which a navigator may obtain continuing education credit;

(8) Subsection 31A-23b-206(5) that authorizes the commissioner to adopt a rule to prescribe the processes and procedures for continuing education provider registration and course approval;

(9) Subsection 31A-26-206(1) that authorizes the commissioner to adopt a rule to prescribe the continuing education requirements for an adjuster; and

(10) Subsection 31A-30-209 that authorizes the commissioner to adopt a rule to implement the continuing education requirements for the defined contribution market.

R590-142-2. Purpose and Scope.

(1) The purpose of this rule is to implement the continuing education requirements of Sections 31A-23a-202, 31A-23b-206, 31A-26-206, and 31A-26-209.

(2) This rule applies to all continuing education providers and individual producer, consultant, navigator, and adjuster licensees under Sections 31A-23a-202, 31A-23b-206, 31A-26-206, and 31A-30-209.

R590-142-3. Definitions.

For the purpose of this rule the commissioner adopts the definitions as set forth in Sections 31A-1-301, 31A-23a-102, 31A-23b-102, 31A-26-102, 31A-35-102, and the following:

(1) "Classroom course" means:

- (a) a course of study that:
 - (i) is taught on-site by a live instructor at the same location;
 - (ii) requires monitoring of a student; and
 - (iii) may require examination of course content to be performed by a student; or

(b) an interactive course of study that:

- (i) is taught by a live instructor from a separate location;
- (A) is delivered to a student via:
 - (I) computer;
 - (II) teleconference;
 - (III) webinar; or
 - (IV) some other method acceptable to the commissioner; or
- (ii) is not taught by a live instructor;
- (A) is delivered to a student via computer; or
- (B) some other method acceptable to the commissioner;
- (iii) requires two-way interaction between a student and the instrument of instruction;
- (iv) requires monitoring of a student; and
- (v) requires examination of course content to be performed by a student.

(2) "Credit hour" means one 50-minute period of insurance related instruction consisting of:

- (a) a classroom course;
- (b) a home study course; or
- (c) some other method acceptable to the commissioner;
- (3) "Designated internet site" means an internet site that is designated by the commissioner for a registered provider to submit a student's course completion information.

(4) "Home-study course" means a non-interactive course of study that:

- (a) is not taught by a live instructor;
- (b) is completed by a student via:
 - (i) computer;
 - (ii) video recording, if the video is professionally produced;
 - (iii) text book; or
 - (iv) some other method acceptable to the commissioner;
- (c) does not require two-way interaction between a student and the instrument of instruction;
- (d) does not require monitoring of a student; and
- (e) requires examination of course content to be performed by the student.

(5) "Insurance related instruction" means that amount of time that is assigned by the commissioner to a course of study to satisfy the requirements of continuing education credit hours under this rule, in which assignment of value shall be made on the basis of:

- (a) content;
- (b) presentation; and
- (c) format.
- (6) "Monitoring of a student" means a person or system in place who verifies participation in and completion of a course.

(7) "Nonprofit provider" means an organization that fits the definition of nonprofit corporation as defined in Subsection 16-6a-102(34).

(8) "Registered Provider" means a person who satisfies the requirements of R590-142-8 and 9, and offers a course of study or program for credit to an applicant to satisfy the continuing education requirements of this rule.

R590-142-4. Continuing Education Requirements.

(1) A producer, consultant, adjuster, and navigator licensee shall comply with, and a registered provider shall be familiar with, the following continuing education requirements:

(a) upon renewal of a license, no continuing education credit hours in excess of the number required to renew the license may be carried over or applied to any subsequent licensing period;

(b) a licensee shall attend a course in its entirety in order to receive credit for the course; and

(c) a licensee may repeat a course for credit but will not be permitted to take a course for credit more than once in a license continuation period.

(2) Producer, Consultant, and Adjuster License. A producer, consultant, and adjuster licensee shall comply with, and a registered provider shall be familiar with, the following continuing education requirements:

(a) the number of credit hours of continuing education insurance related instruction required to be completed biennially as a prerequisite to a license renewal shall be in accordance with Sections 31A-23a-202 and 31A-26-206;

(b) a producer, consultant, or adjuster licensee may obtain continuing education credit hours at any time during the two-year licensing period;

(c) not more than half of the total credit hours required shall be satisfied by courses provided to a producer, consultant or adjuster licensee by one or more insurers;

(d) a nonresident producer, consultant, or adjuster licensee who satisfies the licensee's home state's continuing education requirement is considered to have satisfied Utah's continuing education requirement; and

(e) a producer, consultant, or adjuster licensee with a professional designation may use the continuing education credit hours required to maintain the designation to satisfy the requirement of the commissioner if:

(i) the hours are sufficient to meet the current continuing education requirement described in Sections 31A-23a-202 and 31A-26-206; and

(ii) the professional designation consists of one or more of the following:

(A) Accredited Customer Service Representative (ACSR);

(B) Accredited Financial Examiner (AFE) or Certified Financial Examiner (CFE);

(C) Accredited Insurance Examiner (AIE) or Certified Insurance Examiner (CIE);

(D) Certified Financial Planner (CFP);

(E) Certified Insurance Counselor (CIC);

(F) Certified Risk Manager (CRM);

(G) Registered Employee Benefits Consultant (REBC);

(H) Chartered Property Casualty Underwriter (CPCU) with completion of the Continuing Professional Development (CPD) program; or

(I) Certified Life Underwriter (CLU), Chartered Financial Consultant (ChFC) or Registered Health Underwriter (RHU) with completion of the Professional Achievement in Continuing Education (PACE) recertification program.

(f) A producer who solicits or sells a defined contribution plan in accordance with Section 31A-30-209 shall complete a minimum of two hours of defined contribution continuing education

that includes training on use of the Utah Health Exchange and premium assistance programs:

(i) prior to soliciting or selling a defined contribution plan; and

(ii) during each subsequent two-year licensing period that the producer solicits or sells a defined contribution plan.

(g) Continuing education requirements may be administered by:

(i) the commissioner; or

(ii) a continuing education provider approved by and registered with the commissioner.

(3) A continuing education provider, including a state or national professional producer or consultant association, may:

(a) offer a qualified program on a geographically accessible basis; and

(b) collect a reasonable fee for funding and administration of a continuing education program, subject to the review and approval of the commissioner.

~~(3)(4)~~(a) Navigator license. A navigator licensee shall comply with, and a registered provider shall be familiar with, the following continuing education requirements:

(i) for a navigator licensee, the number of credit hours of continuing education related instruction required to be completed annually as a prerequisite to license renewal shall be in accordance with Section 31A-23b-206; and

(ii) a navigator licensee may obtain continuing education credit hours at any time during the one-year licensing period;

(b) To act as a navigator, a person must:

(i) successfully complete the federal navigator training and certification program requirements as established by federal regulation under PPACA and administered through the United States Department of Health and Human Services, including any applicable training and certification or recertification requirements under that program; and

(ii) for a navigator line of authority:

(A) initially complete a minimum of two hours of defined contribution [continuing education]training that includes training on use of the Utah Health Exchange[and premium assistance programs.], and

(B) thereafter, prior to renewing the license, complete a minimum of one hour of defined contribution continuing education training on use of the Utah Health Exchange; or

(iii) for a certified application counselor line of authority:

(A) both initially and thereafter, prior to renewing the license, complete a minimum of one hour of defined contribution training that includes training on use of the Utah Health Exchange.

(c) A person is considered to have successfully completed the required continuing education requirements for a navigator license in accordance with Section 31A-23b-206 if the person has:

~~(A)~~(i) met the requirements of (3)(b) above; and

~~(B)~~(ii) completed at least 2 hours of ethics course.

(d) Continuing education requirements may be administered by:

(i) the commissioner;

(ii) a continuing education provider approved by and registered with the commissioner; or

(iii) a navigator related training program administered through the United States Department of Health and Human Services.

R590-142-5. Experience Credit.

(1) Continuing education credit hours may be granted to a producer, consultant, or adjuster licensee for experience credit at the discretion of the commissioner, including credit for experience such as the authoring of an insurance book, course or article.

(2) Membership by a producer or consultant in a state or national professional producer or consultant association is considered to be a substitute for two credit hours for each year during which the producer or consultant is a member of the association, except as provided in (3) below.

(3) No more than two hours of continuing education credit shall be granted per year during the two-year license continuation period, regardless of the number of professional associations of which the producer or consultant is a member.

(4) An approved continuing education course taught by an approved instructor holding a Utah producer, consultant, or adjuster license shall receive twice the number of credit hours allocated by the commissioner for the course, except as provided in Subsection (5) below.

(5) Credit for instruction of a course shall be granted no more than once per license renewal period for each course taught.

(6) Continuing education experience credit shall not be granted for committee service.

R590-142-6. Controls and Reporting of Credit Hours.

(1) Within 14 days of completion of a course of study, the registered provider shall:

(a) furnish to each student successfully completing the course a certificate of completion; and

(b) electronically submit through Sircon a course completion record identifying the:

(i) student that completed the course;

(ii) name and identifying course number of the course completed; and

(iii) number of credit hours completed by the student.

(2) In the event the registered provider fails to notify the commissioner of a student's course completion, the licensee may use the certificate of completion as proof of having successfully completed the course.

(3) The registered provider shall keep proof of successful electronic attendance submission on file for a period of at least the current calendar year plus two years.

R590-142-7. Course Requirements.

(1) Except as permitted in R590-142-4(3), prior to offering a course for credit in Utah, a person must register as a provider and submit a completed continuing education course filing form and course outline for review by the commissioner.

(2) Upon receipt of a completed continuing education course filing form and course outline from a registered provider, the commissioner shall:

(a) approve a course as qualifying for credit in accordance with the standards of this rule;

(b) issue a course number; and

(c) assign the number of hours to be awarded to the approved course; or

(d) disapprove a course as not qualifying for credit; and

(e) furnish an explanation of the reason for disapproval of the course.

(3) A new course offered by a registered provider must be submitted to and approved by the commissioner at least 30 days prior to being offered, except that post approval of a course may be granted by the commissioner upon submission of a written request and supporting documentation of a course attended.

(4) A course advertisement shall not state or imply that a course has been approved by the commissioner unless written confirmation of the approval has been received by the registered provider.

(5) A department employee may attend a course at no cost for the purpose of auditing the course for compliance.

(6) The following course topics are examples of subject areas that qualify for approval if they contribute to the knowledge and professional competence of an individual licensee as a producer, consultant, or adjuster, and demonstrate a direct and specific application to insurance:

(a) a particular line of insurance;

(b) investments or securities in connection with variable contracts;

(c) principles of risk management;

(d) insurance laws and administrative rules;

(e) tax laws related to insurance;

(f) accounting/actuarial considerations in insurance;

(g) business or legal ethics; and

(h) other course subject areas may be acceptable if the registered provider can demonstrate that they contribute to professional competence and otherwise meet the standards set forth in this rule.

(7) The following course topics are examples of subject areas that do not qualify for approval:

(a) computer training and software presentations;

(b) motivation;

(c) psychology;

(d) sales training;

(e) communication skills;

(f) recruiting;

(g) prospecting;

(h) personnel management;

(i) time management; and

(j) any course not in accordance with this rule.

(8) The following continuing education standards must be met for a course offered by a registered provider to qualify for continuing education credit:

(a) the course must have significant intellectual or practical content to enhance and improve the insurance knowledge and professional competence of participants;

(b) the course must be developed by persons who are qualified in the subject matter and instructional design;

(c) the course content must be up to date;

(d) the instructor must be qualified with respect to course content and teaching methods;

(e) the instructor may be considered qualified if through formal training or experience, the instructor has obtained sufficient knowledge to competently instruct the course;

(f) the number of participants and physical facilities for a course must be consistent with the teaching method specified;

(g) the course must include some means for evaluating the quality of the course content;

(h) the course must provide for a method to authenticate each student's identity; and

(i) the course must be taught in a manner compliant with the Americans With Disabilities Act to enable licensees with a physical or mental disability to complete the continuing education requirements.

(9) The following are additional requirements for an interactive computer course of study offered by a registered provider that is not taught by a live instructor:

(a) provide ~~[during each hour of the course at least four interactive inquiry periods that include] one or more of the following type of exam questions at the end of each section of course material presented:~~

(i) multiple choice;

(ii) matching; or

(iii) true false;

(b) ~~[the inquiry periods shall occur at regular and relatively evenly spaced intervals between each period;~~

~~_____ (e)] the [inquiry periods] exam questions shall cover material from the applicable section of the course that was presented to the student;~~

~~[(d) one of the inquiry periods must be administered at the end of the course;~~

~~]~~ ~~[(c) only upon completion of an exam and not before or during the exam,~~ identify all incorrect responses and inform the student of the correct response with an explanation of the correct answer;

~~[(d)] require answering 70% of the inquiries for each [period] exam correctly to demonstrate mastery of the current section[; including the final section,] before the student is allowed by the program to proceed to the next section or complete the course;~~

~~[(e)] in the event a student does not achieve the 70% correct response rate necessary to advance to the next section, generate a different set of inquiries for the section, which may be repeated as necessary on a random or rotating basis;~~

~~[(f)] provide a method to reasonably authenticate the student's identity on a periodic hourly basis, including upon entering, during, and exiting the course;[and]~~

~~[(g)] provide a method to ensure that the amount of time necessary for a student to complete course instruction and exam is no less than the amount of credit hours approved for the course; and~~

~~[(h)] provide for a method to directly transmit the final course completion results to the registered provider or a printed course completion receipt to be sent to the registered provider for issuance of a completion certificate.~~

(10) A continuing education course shall not be offered or taught by a person who has:

(a) a lapsed, surrendered, suspended, or revoked provider registration;

(b) a suspended or revoked insurance license; or

(c) been prohibited from teaching a course.

(11) Continuing education credit may not be granted for a course offered by a registered provider in which the course is:

(a) not approved by the commissioner; or

(b) offered or taught by a person who has:

(i) a lapsed, surrendered, suspended, or revoked provider registration; or

(ii) been prohibited from teaching a course.

R590-142-8. Registered Provider Requirements.

(1) A registered provider, or a state or national professional producer, consultant, adjuster, or navigator association, may:

(a) offer a qualified course for a license type or line of authority on a geographically accessible basis; and

(b) collect a reasonable fee for funding and administration of a continuing education program, subject to the review and approval of the commissioner.

(2) A person must register with the commissioner as a provider prior to acting as a registered provider in Utah.

(3) Except as provided in Subsection (4) below, to initially register as a provider, a person must:

(a) electronically submit a completed provider registration form via Sircon; and

(b) pay an initial registration fee, as identified in Rule R590-102.

(4)(a) To initially register as a nonprofit provider, a person must electronically submit a completed provider registration form via:

(i) Sircon; or

(ii) facsimile, or as a PDF attachment to an email, using a form available through the Department's website.

(b) A person initially registering as a nonprofit provider is not required to pay a registration fee.

(5) To renew a provider registration, a provider, other than a nonprofit provider, must:

(a) electronically submit a completed provider renewal form via Sircon; and

(b) pay an annual renewal fee, as identified in Rule R590-102, prior to the annual renewal date.

(6)(a) To renew a nonprofit provider registration, a nonprofit provider must:

(i) electronically submit a completed provider renewal form via:

(A) Sircon; or

(B) facsimile, or as a PDF attachment to an email using a form available through the Department's website.

(b) A nonprofit provider is not required to pay an annual renewal fee.

(7) Prior to a course offered by a registered provider being taught, a registered provider shall:

(a) electronically submit via Sircon, a course outline that includes information regarding the course content and the number of credit hours requested for the course prior to offering the course;

(b) post the course offering to a designated internet site;

(c) provide the commissioner with the name and resume of the instructor or instructors who will be teaching the course; and

(d) include identifying information as to any insurance license previously or currently held by the instructor or instructors who will be teaching the course.

(8) A registered provider shall report to the commissioner:

(a) an administrative action taken against the registered provider in any jurisdiction; and

(b) a criminal prosecution taken against the registered provider in any jurisdiction.

(9) The report required by Subsection (8) shall:

(a) be filed:

(i) at the time of submitting the initial provider registration;

and

(ii) within 30 days of the:

(A) final disposition of the administrative action; or

(B) initial appearance before a court; and

(b) include a copy of the complaint or other relevant legal documents related to the action or prosecution described in Subsection (8).

(10) The commissioner may prohibit any person from acting as a registered provider or instructor in Utah if the commissioner determines that:

- (a) the person is not competent and trustworthy; or
- (b) the person or course of study fails to meet the qualifying standards.

R590-142-9. Loss of Provider Registration and Course Disapproval.

(1) A provider registration, other than a nonprofit provider registration, shall lapse if a provider fails to;

- (a) electronically submit a completed provider renewal form via Sircon; and
- (b) pay an annual renewal fee prior to the annual renewal date.

(2) A nonprofit provider registration shall lapse if a nonprofit provider fails to electronically submit a completed provider renewal form via:

- (a) Sircon; or
- (b) facsimile, or as a PDF attachment to an email, using a form available through the Department's website.

(3) To reinstate a lapsed or surrendered provider registration, other than a nonprofit provider registration, a provider must:

- (a) electronically submit a completed provider reinstatement form via Sircon; and
- (b) pay a reinstatement fee, as identified in Rule R590-102.

(4)(a) To reinstate a lapsed or surrendered nonprofit provider registration, a nonprofit provider must electronically submit a completed provider registration form via:

- (i) Sircon; or
- (ii) facsimile, or as a PDF attachment to an email, using a form available through the Department's website.

(b) A nonprofit provider is not required to pay a reinstatement fee.

(5) A provider registration may be denied, suspended or revoked, an instructor prohibited from teaching a course, or a course disapproved, if the commissioner determines that:

- (a) a course teaching method or course content fails to meet the standards of this rule;
- (b) a registered provider reports that an individual completed a course in accordance with the standards furnished for course credit, when in fact the individual has not done so;
- (c) a registered provider or instructor conducting a course instructs for less than the number of credit hours approved by the commissioner, but reports the full credits for the individual attending the course;
- (d) credit for a course is not electronically reported to a designated internet site in a timely manner for an individual who satisfactorily completes a course in accordance with the standards furnished for course credit;
- (e) a registered provider or instructor:
 - (i) lacks sufficient education or experience in the subject matter of the course;

(ii) has had a provider registration suspended or revoked in another jurisdiction;

(iii) has had an insurance license suspended or revoked;

(iv) uses course material that has been plagiarized, or has copied course material without permission; or

(v) is otherwise no longer qualified in accordance with the standards of this rule; or

(f) there is other good cause evidencing that:

(i) a provider registration should be suspended or revoked;

(ii) an instructor should be disallowed from teaching a course; or

(iii) a course should be disapproved.

(6) The commissioner may disapprove any course, whether or not it had been previously approved, if:

(a) the commissioner determines that the course of study fails to meet the qualifying standards;

(b) the commissioner determines that the course material has been plagiarized, or copied without permission; or

(c) a change of 50% or more has been made in the course content since the initial approval of the course, subject to resubmission of the course for review and subsequent approval of the course by the commissioner.

(7) A registered provider may re-apply for a course that has been disapproved upon providing satisfactory proof to the commissioner that the conditions responsible for the disapproval have been corrected.

(8) To reinstate a suspended or revoked provider registration, a provider must:

(a) submit a completed provider registration form;

(b) submit a course outline that includes information regarding the course content and the number of credit hours requested for the course;

(c) pay a reinstatement fee, as identified in Rule R590-102, except as provided in Section 8(4) of this Rule; and

(d) provide satisfactory proof to the commissioner that the conditions responsible for the suspension or revocation have been corrected.

(9) A person with a revoked provider registration may not apply for a new registration for five years from the date the registration was revoked without the express approval by the commissioner, unless otherwise specified in the revocation order.

R590-142-10. Penalties.

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

R590-142-11. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule on the effective date of the rule.

R590-142-12. 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: insurance continuing education**Date of Enactment or Last Substantive Amendment:** [~~September 23, 2013~~]**2015****Notice of Continuation:** January 10, 2012**Authorizing, and Implemented or Interpreted Law:** 31A-2-201; 31A-23a-202; 31A-23b-205; 31A-23b-206; 31A-26-206; 31A-26-209; 31A-35-401.5

Insurance, Administration
R590-244
 Individual and Agency Licensing
 Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38935

FILED: 11/05/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes in this rule are a result of legislation passed during the 2014 General Legislative Session under H.B. 24.

SUMMARY OF THE RULE OR CHANGE: H.B. 24 (2014) required a rule defining "resident". In addition, other changes have been made to the rule: identifying the lines of authority under a navigator license; setting CE training hours; exempting certain crop adjusters from training requirements to be consistent with changes made in the 2014 General Legislative Session; and a clarification regarding 15-day appointment requirement.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-23a-102(10) and Subsection 31A-23b-102(7)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The changes to this rule will require no additional work for department employees or changes to revenue or expense for the department or state.
- ◆ **LOCAL GOVERNMENTS:** This rule will have no impact on local governments since the rule deals with the relationship between the licensee and the department.
- ◆ **SMALL BUSINESSES:** This rule requires training for navigators, but the required training has no cost.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Individual navigators will be required to attend training, but the required training has no cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individual navigators will be required to attend training, but the required training has no cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact as a result of this rule. It mainly renames licenses and defines "resident" as it pertains to licensees.

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 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Todd Kiser, Commissioner

R590. Insurance, Administration.**R590-244. Individual and Agency Licensing Requirements.****R590-244-1. Authority.**

This rule is promulgated pursuant to:

(1) Subsection 31A-2-201(3) that authorizes the commissioner to adopt rules to implement the provisions of the Utah Insurance Code;

(2) Subsections 31A-23a-104(2), 31A-23a-110(1), 31A-25-201(1), 31A-26-202(1), 31A-23b-203(2), 31A-23b-208(1), 31A-35-104, 301(1) and 401(2) that authorize the commissioner to prescribe the forms and manner in which an initial or renewal individual or agency license application under Chapters 23a, 23b, 25, 26 and 35 is to be made to the commissioner;

(3) Subsections 31A-23a-111(10), 31A-23b-401(9), 31A-25-208(9), 31A-26-213(10), and 31A-35-406(1) that authorize the commissioner to adopt a rule prescribing license renewal and reinstatement requirements for individual and agency licensees under Chapters 23a, 23b, 25, 26, and 35;

(4) Subsections 31A-23a-108(1), 31A-23b-205(2) and (3), and 31A-26-207(1) and (5), that authorize the commissioner to adopt a rule prescribing how examination and training requirements may administered to licensees under Chapters 23a, 23b, and 26;

(5) Subsection 31A-23a-115(1) that authorizes the commissioner to adopt a rule prescribing reporting requirements to be utilized by an insurer for the initial appointment or the termination of appointment of a person authorized to act on behalf of the insurer under Chapter 23a;

(6) Subsection 31A-23a-203.5(3) that authorizes the commissioner to adopt a rule prescribing the terms and conditions of any required legal liability insurance coverage to be maintained by or on behalf of a licensed resident individual producer[-];

(7) Subsection 31A-23b-207(1) that authorizes the commissioner to adopt a rule prescribing the amount of any surety bond required to be maintained by a licensed navigator to cover the legal liability of a navigator as the result of an erroneous act or failure to act in the navigator's capacity as a navigator; ~~and~~

(8) Subsections 31A-23a-302(2), 31A-23b-209(3), and 31A-26-210(1) that authorize the commissioner to adopt a rule prescribing reporting requirements to be utilized by an agency for the initial designation or the termination of designation of a person authorized to act on behalf of the agency under Chapters 23a, 23b, and 26[-]; and

(9) Subsections 31A-23a-102(10) and 31A-23b-102(7) that authorize the commissioner to adopt a rule to define the word "resident".

R590-244-2. Purpose and Scope.

(1) The purpose of this rule is to provide standards for:

(a) an individual or agency licensee for:

(i) obtaining, renewing or reinstating a license;

(ii) maintaining any legal liability coverage or surety bond requirements; and

(iii) making other miscellaneous license amendments;

(b) an insurer for the initial appointment or the termination of an appointment of an individual or agency licensee; and

(c) an agency for the initial designation or the termination of a designation of an individual licensee to the agency's license.

(2) Scope.

(a) This rule applies to all individuals and agencies licensed under Chapters 23a, 23b, 25, 26 and 35.

(b) This rule applies to all admitted insurers doing business in Utah.

R590-244-3. Definitions.

For the purpose of this rule the commissioner adopts the definitions as set forth in Subsections 31A-1-301, 31A-23a-102, 31A-23b-102, 31A-26-102, and 31A-35-102 and the following:

(1) "Active license" means a license under which a licensee has been granted authority by the commissioner to engage in some activity that is part of or related to the insurance business.

(2) "Inactive license" means a formerly active license where a licensee is no longer authorized by the commissioner to engage in some activity that is part of or related to the insurance business.

(3) "Lapse" means the inactivation of an active license by expiration of the period for which the license was issued or by operation of law.

(4) "License application" means information submitted by a license applicant to provide information about the license applicant that is used by the commissioner to evaluate the applicant's qualifications and decide whether to:

(a) issue or decline to issue a license;

(b) add or decline to add an additional line of authority to an active license;

(c) renew or decline to renew an active license; or

(d) reinstate or decline to reinstate an inactive license.

(5) "Line of authority" means a line of insurance of a particular subject matter area within a license type for which the commissioner may grant authority to do business.

(6) "License type" means a category of license identifying a specific functional area of insurance activity for which the commissioner may grant authority to do business.

(7) "NIPR" means an electronic application software provided by the National Insurance Producer Registry (NIPR).

(8) "Reinstate" means the activation of an inactive license within 365 days of the inactivation date.

(9) "Renewal" means the continuation of an active license from one two-year licensing period to another, except that the licensing period for a bail bond agency is one year.

(10) "Resident," for the purpose of a resident insurance license in this state, means a person who claims this state as the person's home state in which the person maintains the principal:

(a) place of residence; or

(b) place of business, and

(c) is licensed to do insurance business.

~~[(40)](11)~~ "SIRCON" means an electronic application software provided by Sircon Corporation or its acquiring parent company, Vertafore, Inc.

~~[(44)](12)~~ "Termination for cause" means

(a) an insurer or an agency has ended its relationship with a licensee or has cancelled the licensee's authority to act on behalf of the insurer or agency for one of the reasons identified in 31A-23a-111(5); or

(b) a licensee has been found to have engaged in any of the activities identified in 31A-23a-111(5), 31A-23b-401(4), 31A-26-213(5), by a court, government body, or self-regulatory organization authorized by law.

R590-244-4. Requirement to Electronically Submit License Applications, Appointments, Designations, and License Amendments.

(1) Except as otherwise provided in this rule the following shall be submitted electronically to the department using SIRCON or NIPR:

(a) all individual and agency license applications under chapters 23a, 23b, 25, 26, and 35 as prescribed in R590-244-6, 7, and 8 for:

(i) a new license;

(ii) an additional license type or line of authority;

(iii) a license renewal; or

(iv) a license reinstatement;

(b) all appointments, termination of appointments, designations, and terminations of designations as prescribed in R590-244-9 and 10;

(c) all miscellaneous license amendments pertaining to individual and agency licenses under Chapters 23a, 23b, 25, 26 and 35 as prescribed in R590-244-11;

(d) all documents related to reporting to the commissioner of criminal prosecution or administrative action taken against a licensee as required under Chapters 23a, 23b, 25, 26 and 35; and

(e) any additional documentation required in connection with an application, except as shown in (iv) below, including but not limited to:

(i) written explanation and documentation for positive responses to background questions on a license application;

(ii) evidence of meeting specific experience, bonding, or other requirements for certain license types or lines of authority; or

(iii) evidence of meeting continuing education requirements for a renewal or reinstatement application when there is a question regarding the number of course hours completed.

(iv) If an electronic attachment function for attaching a document required in connection with an application is not available in the attachment utility from SIRCON or NIPR, the document shall be submitted electronically via a facsimile or as a PDF attachment to an email, until such time that an electronic attachment function for submitting the document in connection with the application becomes available from SIRCON or NIPR.

(2) Attestation. Submission of an electronic application or other form under this Rule constitutes the applicant's or submitter's attestation under penalties of perjury that the information contained in the application or form is true and correct.

(3) Any submission subject to this rule that does not comply with this rule, including an application that remains incomplete for a period of 30 days following the initial submission, may be rejected as incomplete and returned to the submitter without being processed, with any paid fees forfeited to the State.

R590-244-5. Requirement of an Active License to Sell, Solicit, or Negotiate Insurance.

(1) A person must have the following to sell, solicit, or negotiate insurance:

(a) an active license matching the type and line of insurance being sold, solicited, or negotiated; and

(b) if the person is an agency, an appointment from an insurer; or

(c) if the person is an individual:

(i) an appointment from an insurer or a designation from an agency; and

(ii) if the individual is a resident producer, legal liability errors and omissions insurance coverage in an amount not less than \$250,000 per claim and \$500,000 annual aggregate limit, as applicable in accordance with Section 31A-23a-203.5.

(2) A licensee whose license is inactivated for any reason shall not sell, solicit, or negotiate insurance from the date the active license is inactivated until the date the inactive license is reactivated.

R590-244-6. Requirement of an Active License to Act as a Navigator.

(1) A person must have the following to act as a navigator:

(a)(i) an active navigator license issued under Chapter 31A-23b, or

(ii) an active producer license issued under Chapter 31A-23a with an accident and health line of authority; and

(b)(i) a surety bond in an amount not less than \$50,000 to cover the legal liability of the navigator as the result of an erroneous act or failure to act in the navigator's capacity as a navigator, as applicable in accordance with Section 31A-23b-207; or

(ii) legal liability errors and omissions insurance coverage in an amount not less than \$250,000 per claim and \$500,000 annual aggregate limit, as applicable in accordance with Section 31A-23b-207.

(2) A professional liability coverage plan is considered to be a form of errors and omissions insurance coverage.

~~(2)~~(3) A navigator whose license is inactivated for any reason shall not act as a navigator from the date the active license is inactivated until the date the inactive license is reactivated.

(4) A navigator license includes the following lines of authority:

(a) navigator; and

(b) certified application counselor.

R590-244-7. New License Application.

(1) A resident or non-resident license application for a new license, or for the addition of an additional license type or line of authority, shall be submitted using either SIRCON or NIPR, except as stated in (2) and (3) below.

(2) An application for a navigator license shall be submitted using SIRCON, except as stated in (3) below.

~~(2)~~(3) A non-resident license application for a license type or line of authority not offered in the person's home state shall be submitted to the commissioner via facsimile or as a PDF attachment to an email using a form available through the Department's website, until such time that an electronic application becomes available from SIRCON or NIPR.

R590-244-8. Examination and Training.

(1) Examination and training requirements may be administered by:

(a) the commissioner;

(b) a testing vendor approved and contracted by the commissioner; or

(c) navigator related examination and training administered through the United States Department of Health and Human Services.

(2) To act as a navigator in Utah, a person must successfully complete:

(a) the federal navigator training and certification program requirements as established by federal regulation under PPACA and administered through the United States Department of Health and Human Services, including any applicable training, examination, certification or recertification requirements under that program[-]; and

(b) the state defined contribution arrangements and small employer health insurance exchange training required under Section 31A-23b-205.

~~(2)~~(c) A person who has successfully completed both the federal and state navigator training and certification ~~program~~ identified in (2)(a) and (b) above is considered to have successfully completed the required Utah training and examination requirements for a navigator license in accordance with Section 31A-23b-205.

(3) An applicant for the crop insurance license class who has satisfactorily completed a national crop adjuster program is exempt from an examination requirement under Section 31A-26-207.

R590-244-9. Renewal and Non-renewal of an Active License.

(1) An active license shall be renewed on or before the license expiration date by submitting a resident or non-resident license renewal application online via SIRCON or NIPR.

(2) A new individual license shall expire on the last day of the licensee's birth month following the two-year anniversary of the license issue date, unless renewed, except as shown in (4) below.

(3) A renewed individual license shall expire on the last day of the licensee's birth month every two years, unless renewed, except as shown in (4) below.

(4) An individual navigator license shall expire annually on the last day of the month from the most recent license issue or renewal date, unless renewed.

(5) An agency license shall expire on the last day of the month every two years from the most recent license issue or renewal date, unless renewed, except as shown in (6) below.

(6) A bail bond agency license shall expire annually on August 14th, unless renewed.

(7) Renewal Notice.

(a) Prior to the license expiration date, the commissioner may, as a courtesy, send a renewal notice to the licensee's business email address as shown on the records of the Department.

(b) A renewal notice sent by the commissioner to the business email address, as shown on the records of the department, shall be considered received by the licensee.

(c) A licensee who fails to properly submit to, and maintain with, the commissioner a valid business email address may be subject to administrative penalties.

(8) A license shall non-renew effective the license expiration date if it is not renewed on or before the expiration date, and:

(a) the non-renewed license shall be inactivated;

(b) all agency designations and insurer appointments shall be terminated; and

(c) a lapse license notice will be sent to the affected licensee.

(9) An active licensee who fails to renew a license shall not engage in the business of insurance during the period of time from the expiration date of the license until the date the inactive license is reinstated or a new license is issued.

R590-244-10. Reinstatement of Inactive License.

(1) An inactive license that has been inactive for a period of one year or less following the license expiration date can be reinstated as stated in (3) through (7) below.

(2) An inactive license that has not been reinstated within one year following its expiration date shall not be reinstated and the inactive licensee shall apply as a new license applicant.

(3) A reinstatement applicant shall:

(a) comply with all requirements for renewal of a license, including any applicable continuing education or examination requirements if the reinstatement applicant is an individual; and

(b) pay a reinstatement fee as shown in R590-102.

(4) A resident or non-resident license application for reinstatement of an inactive license shall be submitted using either SIRCON or NIPR, except as stated in (5) below.

(5) The following license applications for reinstatement of an inactive license must be submitted to the department via facsimile or as a PDF attachment to an email using a form available through the department's website, until such time that an electronic application becomes available from SIRCON or NIPR:

(a) a non-resident reinstatement application for a person whose license has been inactivated for failure to maintain an active license in the person's home state;

(b) a resident or non-resident reinstatement application for a person whose license has been voluntarily surrendered; and

(c) a resident or non-resident reinstatement application for a person whose license has been inactivated due to an incomplete renewal application, except as stated in (i) below.

(i) If a resident license has been inactivated due to a renewal application that was incomplete solely for failure to meet the continuing education requirements, a resident reinstatement application must be submitted to the department:

(A) during the first 30 days after a license expiration date as a facsimile or as a PDF attachment to an email using a form available through the department's website; or

(B) 31 days to one year after a license expiration date through SIRCON or NIPR.

(7) A license that has been voluntarily surrendered:

(a) may be reinstated:

(i) during the license period in which the license was surrendered; and

(ii) no later than one year from the date the license was surrendered; and

(b) must comply with the reinstatement requirements stated in (3) above, except that no continuing education requirement will apply for an individual license applicant because the reinstatement is within the current license period.

(8) A reinstated license shall expire on the same date it would have expired had the license not become inactive.

(9) A person with a reinstated license must complete any required ~~[new]~~insurer contracts and appointments ~~[with insurers]~~ or ~~[new]~~agency designations before the reinstated licensee can resume doing business.

R590-244-11. Appointments and Termination of Appointments by Insurers.

(1) Initial Appointments.

(a) An insurer shall electronically appoint an individual or agency licensee with whom the insurer has a contract.

(b) Appointments are continuous until terminated by the insurer or canceled by the department.

(c) It is not necessary for an insurer to appoint an individual who is listed as a designee on an appointed agency's license.

(d) To appoint a person, an insurer shall:

(i) identify the date the appointment is to be effective; and

(ii) submit the electronic appointment to the commissioner no later than 15 days ~~[after the identified effective date of appointment]~~ from the date the producer contract is executed or receipt of the first insurance application, using SIRCON or NIPR, except as stated in (iii) below.

(iii) A motor club insurer must submit the appointment to the commissioner via facsimile or as a PDF attachment to an email using a form available through the department's website, until such time that an electronic appointment becomes available from SIRCON or NIPR.

(2) Termination of Appointment.

(a) An insurer shall electronically terminate the appointment of any previously appointed individual or agency no longer authorized to conduct business on behalf of the insurer in this state.

(b) To terminate a person's appointment an insurer shall:

(i) identify the date the termination of appointment is to be effective; and

(ii) submit the termination of appointment to the department no later than 30 days after the identified effective date of termination, using SIRCON or NIPR, except as stated in (iii) below.

(iii) A motor club insurer must submit the termination of appointment as a facsimile or as a PDF attachment to an email using a

form available through the department's website, until such time that an electronic termination of appointment becomes available from SIRCON or NIPR.

(3) Termination for Cause.

(a) In addition to electronically terminating the individual or agency licensee's appointment, an insurer that terminates an individual or agency licensee for cause must send the following information to the department via facsimile or as a PDF attachment to an email:

- (a) the insurer must state that the termination was for cause; and
- (b) provide the specific circumstances causing the termination for cause.

R590-244-12. Designations and Termination of Designations by Agencies.

(1) Designations.

(a) An agency shall electronically designate a licensed individual to the agency license to do business on behalf of the agency in this state.

(b) Designations are continuous until terminated by the agency or canceled by the department.

(c) To designate an individual on its license, an agency shall:

- (i) identify the date the designation is to be effective; and
- (ii) submit the designation to the commissioner no later than

15 days after the identified effective date of designation using SIRCON or NIPR.

(2) Termination of designations.

(a) An agency shall electronically terminate the designation of any previously designated individual no longer authorized to conduct business on behalf of the agency in this state.

(b) To terminate an individual's designation an agency shall:

- (i) identify the date the termination of designation is to be effective; and
- (ii) submit the termination of designation to the department no later than 30 days after the identified effective date of termination using SIRCON or NIPR.

(3) Termination for Cause.

(a) In addition to electronically terminating the individual licensee's designation, an agency that terminates an individual licensee for cause must send the following information to the department via facsimile or as a PDF attachment to an email:

- (a) the agency must state that the termination was for cause; and
- (b) provide the specific circumstances causing the termination for cause.

R590-244-13. Miscellaneous License Amendments and Changes to an Agency's Employer Identification Number (EIN).

(1) All miscellaneous license amendments shall be submitted electronically.

(2) The following four miscellaneous license amendments shall be submitted via SIRCON or NIPR:

- (a) a change of residence, business, or mailing address within the same state;
- (b) a change of email address;
- (c) a change of telephone number; or
- (d) a change of an individual licensee's name.

(3) The following six miscellaneous license amendments shall be submitted electronically via facsimile or as a PDF attachment to an email, except that a license amendment identified in (d), (e) and (f) shall be submitted via SIRCON or NIPR once the amendment becomes available electronically from SIRCON or NIPR:

- (a) a voluntary surrender of a license or line or authority;
- (b) a clearance letter request;
- (c) a change of an agency name;
- (d) a change of residence, business, or mailing address from one state to another state;
- (e) a change of position or title of an owner, partner, officer, or director of an agency; or
- (f) a change of the licensed individual designated as the person responsible for the regulatory compliance of the agency.

(4) A miscellaneous license amendment submitted in accordance with this section shall contain:

- (a) the name and title of the individual submitting the amendment;
- (b) the relationship to the licensee of the individual submitting the amendment; and
- (c) the following attestation made by the individual submitting the amendment: "I hereby attest that all of the information submitted is true and correct, and that I am the individual licensee for whom the requested change is being submitted, or an authorized responsible representative of the individual or agency licensee for whom the requested change is being submitted."

(5) A change of Employer Identification Number (EIN):

- (a) cannot be processed as a miscellaneous license amendment; and
- (b) the entity must apply as a new license applicant.

R590-244-14. Penalties.

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

R590-244-15. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule [45 days from the rule's] on the effective date of the rule.

R590-244-16. 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: insurance licensing requirements

Date of Enactment or Last Substantive Amendment: [September 23, 2013]2015

Notice of Continuation: June 16, 2014

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-102(10); 31A-23a-104; 31A-23a-108; 31A-23a-110; 31A-23a-111; 31A-23a-115; 31A-23a-302; 31A-23b-102; 31A-23b-102(7); 31A-23b-203; 31A-23b-205; 31A-23b-207; 31A-23b-208; 31A-23b-209; 31A-23b-401; 31A-25-201; 31A-25-208; 31A-26-202; 31A-26-207; 31A-26-210; 31A-26-213; 31A-35-104; 31A-35-301; 31A-35-401; 31A-35-406

**Natural Resources; Forestry, Fire and
State Lands
R652-160
Department of Natural Resources
Wilderness Rules**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38942

FILED: 11/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule implements Section 63L-7-101, the "Utah Wilderness Act", which authorizes the Department of Natural Resources to make rules to govern the protection of wilderness. The regulations adopted by the Division of Forestry, Fire, and State Lands are enacted under the direction of the Department of Natural Resources. This rule would only be used, if and when, the State of Utah receives lands from the federal government with wilderness protection.

SUMMARY OF THE RULE OR CHANGE: This rule governs the protection of wilderness areas under the Utah Wilderness Act. This rule outlines the management of wilderness areas along with the purpose and control of use for such areas. This rule would only be used, if and when, the State of Utah receives lands from the federal government with wilderness protection.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63L-7-101

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no cost or savings to state budget by the implementation of this rule.
- ◆ **LOCAL GOVERNMENTS:** There is no cost or savings to local budget by the implementation of this rule.
- ◆ **SMALL BUSINESSES:** There is no cost or savings to small businesses by the implementation of this rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no other person affected by the implementation of this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost associated with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no impact on businesses.

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS

1594 W NORTH TEMPLE STE 3520
SALT LAKE CITY, UT 84116-3154
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Brian Cottam, Director

**R652. Natural Resources; Forestry, Fire and State Lands.
R652-160. Department of Natural Resources Wilderness Rules.
R652-160-100. Authority and Purpose.**

These rules implement Subsection 63L-7-101, the "Utah Wilderness Act," which authorizes the Department of Natural Resources to make rules to govern the protection of wilderness. These regulations adopted by the Division of Forestry, Fire, and State Lands are enacted under the direction of the Department of Natural Resources.

R652-160-200. Definitions.

1. "Access" means the physical ability of property owners and their successors in interest to have ingress to and egress from State or private inholdings, valid mining claims, or other valid occupancies.
2. "Acquisition date" means the day on which the state received title to land.
3. "Conservation area" means an area that potentially has wilderness characteristics.
4. "DNR" means the Department of Natural Resources.
5. "Executive Director" means the Executive Director of the Department of Natural Resources or his or her designee.
6. "Inholding" means state-owned or privately-owned land that is completely surrounded by a protected wilderness area.
7. "PLPCO" means the Public Lands Policy Coordination Office.
8. "Protected wilderness area" means an area of wilderness that has been designated under this chapter as part of the Utah wilderness preservation system.
9. "Road" means a road classified as either a class B road, as described in Section 72-3-103, or a class D road, as described in Section 72-3-105.
10. "Roadless area" means an area without a road, as defined in Subsection (6).
11. "Wilderness" means a roadless area of undeveloped state-owned land, other than land owned by the School and Institutional Trust Lands Administration, that:
 - (a) is acquired by the state from the federal government through purchase, exchange, grant, or any other means of conveyance of title after May 13, 2014;
 - (b) retains its primeval character and influence, without permanent improvements or human habitation;

(c) generally appears to have been affected primarily by the forces of nature, with minimal human impact;

(d) has at least 5,000 contiguous acres of land, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;

(e) has outstanding opportunities for solitude, or a primitive and unconfined type of recreation; and

(f) may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

12. "Valid occupancy" means an occupancy under a current permit, lease or other written authorization from the State of Utah to occupy land.

R652-160-300. Objectives.

1. Except as otherwise provided in the regulations in this part, wilderness shall be so administered as to meet the public purposes of recreation, including hunting, trapping, and fishing; conservation; and scenic, scientific, educational, and historical uses; and it shall also be administered for such other purposes for which it may have been established in such a manner as to preserve and protect its wilderness character. In carrying out such purposes, wilderness shall be managed to promote, perpetuate, and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation. To that end:

(a) Natural ecological succession will be allowed to operate freely to the extent feasible.

(b) Wilderness will be made available for human use to the optimum extent consistent with the maintenance of primitive conditions.

(c) In resolving conflicts in resource use, wilderness values will be dominant to the extent not limited by the Wilderness Act, subsequent establishing legislation, or the regulations in this part.

R652-160-400. Gifts, Bequests, and Contributions.

1. The Executive Director may accept gifts or bequests of land:

(a) within protected wilderness areas designated pursuant to this chapter for preservation as wilderness; and

(b) adjacent to designated protected wilderness areas, if the executive director of DNR gives 60 days advance notice to the governor.

2. Land accepted by the executive director of DNR under this section:

(a) shall become part of the protected wilderness area involved; and

(b) is subject to:

(i) the same regulations prescribed herein; and

(ii) any conditions that were made at the time the gift or bequest was made that are consistent with the regulations.

R652-160-500. Wilderness Surveys.

1. The Executive Director shall develop and conduct surveys of wilderness areas:

(a) on a planned, recurring basis;

(b) in a manner consistent with wildlife management and preservation principles;

(c) in order to determine the mineral values, if any, that may be present in wilderness areas; and (d) make a completed survey available to the public, the governor, and the Legislature.

R652-160-600. Control of Uses.

All wilderness areas will be open to uses consistent with the Utah Wilderness Act and consistent with the preservation of their wilderness character and their future use and enjoyment as wilderness. To the extent not limited by the Utah Wilderness Act, subsequent legislation establishing a particular unit, or the regulations in this part, the Executive Director may prescribe measures necessary to control fire, insects, and disease and measures which may be used in emergencies involving the health and safety of persons or damage to property and may require permits for, or otherwise limit or regulate, any use of wilderness, including, but not limited to camping, campfires, recreation, and grazing of livestock.

R652-160-700. Commercial Enterprises, Roads, Motor Vehicles, Motorized Equipment, Motorboats, Aircraft, Aircraft Landing Facilities, Airdrops, Structures, and Cutting of Trees.

1. Except as otherwise provided in the Wilderness Act or in these rules, and to support uses consistent with the rules, there shall be no commercial enterprises; no temporary or permanent roads; no aircraft landing strips; no heliports or helispots; no use of motor vehicles, motorized equipment, motorboats, or other forms of mechanical transport; no landing of aircraft; no structures or installations; and no cutting of trees for nonwilderness purposes.

(a) Mechanical transport, as herein used, shall include any contrivance which travels over ground, snow, or water on wheels, tracks, skids, or by floatation and is propelled by a non-living power source contained or carried on or within the vehicle.

(b) Motorized equipment, as herein used, shall include any machine activated by a nonliving power source, except that small battery-powered, hand-carried devices such as flashlights, shavers, and Geiger counters are not classed as motorized equipment.

(c) The Executive Director may authorize occupancy and use of State land by officers, employees, agencies, or agents of the Federal, State, and county governments to carry out the purposes of the Wilderness Act and will prescribe conditions under which motorized equipment, mechanical transport, aircraft, aircraft landing strips, heliports, helispots, installations, or structures may be used, transported, or installed by the State and its agents and by other Federal, State, or county agencies or their agents, to meet the minimum requirements for authorized activities to protect and administer the Wilderness and its resources. The Executive Director may also prescribe the conditions under which such equipment, transport, aircraft, installations, or structures may be used in emergencies involving the health and safety of persons, damage to property, or other purposes.

(d) The Executive Director may permit, subject to such restrictions as he deems desirable, the landing of aircraft and the use of motorboats at places within any Wilderness where these uses were established prior to the date the Wilderness was designated. The Executive Director may also permit the maintenance of aircraft landing strips, heliports, or helispots which existed when the Wilderness was designated.

R652-160-800. Authorized Motor Vehicle, Aircraft, and Motorboat Use.

1. The use of a motor vehicle, aircraft, or motorboat is authorized under the following circumstances.

(a) Where the use of a motor vehicle, aircraft, or motorboat is already established.

(b) Where the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife Resources in furtherance of its wildlife management responsibilities as described in Title 23.

(c) Where the use of a motor vehicle, aircraft, or motorboat is necessary for emergency services or law enforcement purposes.

R652-160-900. Grazing.

1. The grazing of livestock, where such use was established before the designation of wilderness shall be permitted to continue under the general regulations covering grazing of livestock in the State of Utah and in accordance with any special provisions covering grazing use in units of wilderness which the Executive Director may prescribe for general application in such units or may arrange to have prescribed for individual units.

2. The Executive Director may permit, subject to such conditions as he deems necessary, the maintenance, reconstruction, or relocation of those livestock management improvements and structures which existed within a wilderness area. Additional improvements or structures may be built when necessary to protect wilderness value.

3. The Commissioner of the Department of Agriculture and Food may make regulations as necessary to govern the grazing of livestock on a wilderness area.

R652-160-1000. Structures.

Motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, electronic installations, and similar structures and uses are prohibited in wilderness. The Executive Director may permit temporary structures and commercial services within wilderness to the extent necessary for realizing the recreational or other wilderness purposes, which may include, but are not limited to, the public services generally offered by packers, outfitters, and guides.

R652-160-1100. Jurisdiction Over Wildlife.

The Division of Wildlife Resources shall have jurisdiction and responsibility with respect to wildlife and fish.

R652-160-1200. Access to Surrounded State and Private Land.

1. In any case where privately owned land is completely surrounded by lands within areas designated by this chapter as protected wilderness:

(a) the private landowner shall be given rights as may be necessary to ensure adequate access to the privately owned land by the private owner and any successors in interest; or

(b) the privately owned land shall be exchanged for state-owned land of approximately equal value.

2. If the School Institutional Trust Lands Administration owns land that is completely surrounded by lands within areas designated by this chapter as protected wilderness:

(a) the School Institutional Trust Lands Administration shall be given rights as may be necessary to ensure adequate access

to the land owned by the School Institutional Trust Lands Administration and any successors in interest; or

(b) the land owned by the School Institutional Trust Lands Administration may be exchanged for state-owned land of approximately equal value.

3. If a valid mining claim or other valid occupancy is located wholly within a protected wilderness area, the Executive Director shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been, or are being, customarily enjoyed with respect to other similarly situated areas.

R652-160-1300. Mineral Leases and Mining.

1. Notwithstanding any other provision of this chapter, until midnight December 31, 2034:

(a) state laws pertaining to mining and mineral leasing shall, to the extent applicable before May 13, 2014, extend to wilderness areas designated under this chapter, subject to reasonable regulation governing ingress and egress as may be prescribed by the executive director of DNR, consistent with the use of the land for:

(i) mineral location and development;

(ii) exploration, drilling, and production; and

(iii) use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including the use of mechanized ground or air equipment when necessary, if restoration of the disturbed land is practicable and performed as soon as the land has served its purpose; and

(b) mining locations lying within the boundaries of a protected wilderness area that existed as of the date of acquisition shall be held and used solely for mining or processing operations, and uses that are reasonably related to an underlying mining or processing operation.

(c) Any newly issued mineral lease, permit, or license for land within a wilderness area shall contain stipulations, as may be determined by the executive director of DNR in consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the wilderness character of the land, consistent with the use of the land for the purpose for which it is leased, permitted, or licensed.

(d) Subject to valid rights then existing, effective January 1, 2015, the minerals in all lands designated by this chapter as wilderness areas are withdrawn from disposition under all laws pertaining to mineral leasing.

(e) Mineral leases shall not be permitted within protected wilderness areas.

(f) Permits shall not be issued for the removal of mineral materials commonly known as common varieties.

R652-160-1400. Gathering Information and Water Resources Prospecting.

1. The Executive Director shall allow any activity, for the purposes of gathering information about resources, other than minerals, in wilderness, except that any such activity for gathering information shall be carried on in a manner compatible with the preservation of the wilderness environment. Prospecting for minerals or any activity for the purpose of gathering information about minerals in wilderness is subject to applicable rules.

2. Any person desiring to use motorized equipment, to land aircraft, or to make substantial excavations for the purpose of gathering information about resources, other than minerals, shall apply in writing to the Executive Director. Excavations shall be considered substantial which singularly or collectively exceed 200 cubic feet within any area which can be bounded by a rectangle containing 20 surface acres. Such use or excavation may be authorized by a permit issued Executive Director. Such permits may provide for the protection of resources, including wilderness values, protection of the public, and restoration of disturbed areas, including the posting of performance bonds.

3. Within wilderness, prospecting for water resources and the establishment and maintenance of new reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in developing water resources or in the public interest, including road construction may be authorized by the Governor of the State of Utah.

KEY: wilderness

**Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implemented or Interpreted Law: 63L-7-101**

**Natural Resources, Wildlife Resources
R657-69
Turkey Depredation**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 38949
FILED: 11/13/2014**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Pursuant to Sections 23-17-5.1 and 23-17-5.2, this rule provides the procedures for responding to and verifying reports of material damage caused by turkey; the procedures, standards, requirements, and limits for addressing instances of material damage caused by turkeys; and a description of the various hunts that may be held to minimize future instances of material damage caused by turkeys. Section R657-69-7 is being amended to allow for the legal transfer of a turkey control permit voucher between the landowner or lessee and an individual redeeming that voucher for a turkey control permit.

SUMMARY OF THE RULE OR CHANGE: This rule sets the criteria for which the Turkey Depredation Program will be established and operated.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-17-5.1 and Section 23-17-5.2

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The Division of Wildlife Resources (DWR) determines that these amendments will not create any cost or savings impact to the state budget or DWR's budget,

since the changes will not increase workload and can be carried out with existing budget.

♦ **LOCAL GOVERNMENTS:** Local governments will not be directly or indirectly impacted because the rule does not create a situation requiring services from local governments.

♦ **SMALL BUSINESSES:** Since this rule outlines the criteria for the turkey depredation program and establishes the criteria for which it will be administered under and does not incur an additional cost to participate, this filing does not have the potential to create a direct cost or savings impact to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Since this rule outlines the criteria for the turkey depredation program and establishes the criteria for which it will be administered under and does not incur an additional cost to participate, this filing does not have the potential to create a direct cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that the amendments to this rule will not create a cost or savings impact to individuals in Utah wishing to participate in the Turkey Depredation program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.

R657-69. Turkey Depredation.

R657-69-1. Purpose and Authority.

(1) Under authority of Section 23-17-5.1, 23-17-5.2, this rule provides:

(a) the procedures for responding to and verifying reports of material damage caused by turkey;

(b) the procedures, standards, requirements, and limits for addressing instances of material damage caused by turkeys; and

(c) a description of the various hunts that may be held to minimize future instances of material damage caused by turkeys.

R657-69-7. Control Permit Vouchers for Turkey.

(1)(a) As part of the damage mitigation and prevention plan, the division may issue turkey control permit vouchers to the landowner or lessee.

(b) The number of control permit vouchers shall not exceed 10% of the documented turkeys on the private property or fifteen vouchers per calendar year, whichever is less.

(2)(a) Control permit vouchers do not allow turkey hunting and must be redeemed for a control permit prior to going afield.

(b) Control permit vouchers may be redeemed for a turkey control permit at a division office prior to the closing date of the control permit turkey hunt for which the voucher was issued.

(c) Individuals shall pay the required fee in order to redeem a control permit voucher for a turkey control permit.

(3)(a) A landowner or lessee may retain and redeem control permit vouchers as turkey control permits if they have not met their control permit quota identified in R657-69-6(1)(b).

(b) A landowner or lessee transferring control permit vouchers to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for turkey hunting under a control permit on the landowner or lessee's private property.

(c) Turkey control permit vouchers are only transferable between the landowner or lessee and an individual redeeming that voucher for a turkey control permit.

(d) An individual receiving a transferred control permit voucher may only receive one control permit voucher per calendar year.

(4) Individuals redeeming a control permit voucher for a control permit will not lose accrued bonus points for limited entry turkey hunting as a result of redeeming the voucher.

KEY: wildlife, turkey, depredation

Date of Enactment or Last Substantive Amendment:
[November 7, 2014]2015

Authorizing, and Implemented or Interpreted Law: 23-17-5.1, 23-17-5.2

Public Safety, Criminal Investigations
and Technical Services, Criminal
Identification
R722-330
Licensing of Private Investigators

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 38947
FILED: 11/10/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Based on passage of S.B. 53, 2014 General Legislative Session, it is necessary to amend this rule to implement the changes of the new statute.

SUMMARY OF THE RULE OR CHANGE: The changes are: a requirement to notify licensees of license expiration, Utah residency requirement for initial and renewal application, and a statutory citation change (number of subsection).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53, Chapter 9

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** With the Utah residency requirement for application there will be a minimal loss of revenue for those applications from out-of-state applicants. There will be a minimal cost to the Bureau of Criminal Identification to mail renewal notifications to licensees.

♦ **LOCAL GOVERNMENTS:** No aggregate anticipated cost or savings to local government. This proposed amendment addresses: licensee notification of license expiration; Utah residency requirement for initial and renewal application; and a statutory citation change (number of subsection), thus no aggregate cost or savings to local government is anticipated.

♦ **SMALL BUSINESSES:** No aggregate anticipated cost or savings to small businesses. This proposed amendment addresses: licensee notification of license expiration; Utah residency requirement for initial and renewal application; and a statutory citation change (number of subsection), thus no aggregate cost or savings to small businesses is anticipated.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. This proposed amendment addresses: licensee notification of license expiration; Utah residency requirement for initial and renewal application; and a statutory citation change (number of subsection), thus no aggregate cost or savings to persons other than small businesses, businesses, or local government entities is anticipated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Minimal compliance costs for the state budget. Minimal loss of revenue for decrease in out-of-state applications and minimal cost to provide renewal notifications to licensees. There are no anticipated compliance costs for local governments, small businesses, or other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This should not have any particular effect on business as minimal costs are to state government for the decrease in revenue and the cost to mail renewal notifications.

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

PUBLIC SAFETY
CRIMINAL INVESTIGATIONS AND TECHNICAL
SERVICES, CRIMINAL IDENTIFICATION
3888 W 5400 S
TAYLORSVILLE, UT 84118
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Alice Moffat by phone at 801-965-4939, by FAX at 801-965-4944, or by Internet E-mail at aerickso@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON
THIS RULE BY SUBMITTING WRITTEN COMMENTS NO
LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Alice Moffat, Bureau Chief

R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.

R722-330. Licensing of Private Investigators.

R722-330-1. Purpose.

The purpose of this rule is to establish procedures for the licensing of private investigator agencies, registrants, and apprentices.

R722-330-2. Authority.

This rule is authorized by Subsections 53-9-103[(6)](2)(c) and 53-9-103(6) [~~which provides that the commissioner may make rules as necessary to administer the Private Investigator Regulation Act~~].

R722-330-3. Definitions.

- (1) Terms used in this rule are defined in Section 53-9-102.
- (2) In addition:
 - (a) "act involving moral turpitude" means conduct which:
 - (i) is done knowingly contrary to justice, honesty, or good morals;
 - (ii) has an element of falsification or fraud; or
 - (iii) contains an element of harm or injury directed to another person or another's property;
 - (b) "FBI" means the Federal Bureau of Investigation;
 - (c) "felony" means a crime under the laws of this state, any other state, the United States, or any district, possession, or territory of the United States for which the penalty is a term of imprisonment in excess of one year;
 - (d) "legal resident of this state" means a person who has established a domicile in Utah, as that term is defined in Section 41-1a-202;
 - (e) "license" means a license for a private investigator agency, registrant, or apprentice;
 - (f) "revocation" means the permanent deprivation of a private investigator license, however revocation of a private investigator license does not preclude an individual from applying for a new private investigator license if the reason for revocation no longer exists; and

(g) "suspension" means the temporary deprivation, for a specified period of time, of a private investigator license.

R722-330-4. Application for Licensure.

(1)(a) An applicant seeking to obtain a license shall submit a completed application packet to the bureau.

(b) The application packet shall include:

(i) a written application form provided by the bureau with the applicant's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the applicant's name written on the back of the photograph, unless the applicant submitted a photo which meets these requirements to the bureau within the previous three years;

(iii) a photocopy of a [~~state issued~~] driver license or identification card issued by the state of Utah;

(iv) one completed FBI applicant fingerprint card (Form FD-258) with the applicant's legible fingerprints; and

(v) the non-refundable license and registration fee in the amount indicated in Section 53-9-111 plus the FBI fingerprint processing fee, in the form of cash, check, money order, or credit card.

(2) If an applicant is applying for an agency license, the applicant shall also provide:

(a) the name under which the applicant intends to do business;

(b) a completed Verification of Investigative Experience Form which documents that the applicant has performed 10,000 hours of investigative experience as provided in Subsection 53-9-108(3);

(c) a certificate of liability insurance for the applicant in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(d) a certificate of workers' compensation insurance, if applicable.

(3) If the applicant is applying for a registrant license, the applicant shall also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant;

(c) a completed Verification of Investigative Experience Form which documents that the applicant has performed 2,000 hours of investigative experience as provided in Subsection 53-9-108(3); and

(d) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

(4) If the applicant is applying for an apprentice license, the applicant shall also provide:

(a) the name of the licensed agency for which the applicant will be an employee or independent contractor;

(b) authorization from a licensed agency indicating that the agency will employ or contract with the applicant; and

(c) a surety bond for the applicant in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

R722-330-5. Verification of Investigative Experience.

(1)(a) When completing the Verification of Investigative Experience Form for an agency or registrant license, the applicant shall describe, in detail, the number of hours and the type of investigative work which the applicant performed.

(b) The investigative experience shall have been performed within ten years from the date of the application while the applicant was working as a licensed private investigator or an investigator for a governmental entity.

(c)(i) The Verification of Investigative Experience Form shall be certified by the private investigator or governmental employer for whom the applicant performed the investigative work.

(ii) If the applicant is unable to provide certification from a private investigator or governmental employer, the applicant may provide certification from the individual for whom the applicant performed the investigative work.

(2) An applicant seeking to receive credit towards the investigative experience requirement for licensure under Subsection 53-9-108(5), shall provide written documentation of the degree or certification for which the applicant is seeking credit.

R722-330-6. Issuance of License.

(1)(a) Upon receipt of a completed application packet, the bureau shall conduct a thorough background investigation to determine if the applicant meets the requirements for licensure.

(b) Once the background check is complete, the bureau shall submit the completed application packet to the board for review, unless the application is for an apprentice license.

(c)(i) The bureau shall review all applications for apprentice licenses to determine whether the applicants meet the requirements for licensure.

(ii) If the bureau finds that an applicant for an apprentice license meets the requirements for licensure, the bureau shall issue the apprentice license within five days.

(iii) If the bureau finds that an applicant for an apprentice license does not meet the requirements for licensure, the bureau shall submit the application to the board.

(2)(a) The board shall review all application packets submitted by the bureau to determine whether an applicant meets the requirements for licensure.

(b) If the board determines that an applicant meets the requirements for licensure, the board shall direct the bureau to issue the license.

(3) If the background check indicates that an applicant does not meet the qualifications set forth in Subsection 53-9-108(1)(b), the board shall consider any mitigating circumstances submitted by the applicant.

(4)(a) If the board determines that an applicant does not meet the qualifications for licensure the board shall deny the application.

(b) The board shall issue a written denial which states the reasons why the license was denied and indicates that the applicant may request a hearing before the board by filing a written request within 30 calendar days from the date the board's written denial was issued.

(5)(a) If the applicant requests a hearing, the board shall conduct an informal hearing during which the applicant may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within ten business days of the hearing, which states the reason for the decision and indicates that the decision may be reviewed by the commissioner if the applicant files a written request for review with the commissioner within 30 calendar days.

(6)(a) If the applicant requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the applicant, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the applicant may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-7. Renewal of a License.

(1)(a) The bureau shall mail a renewal notice to a licensee at the last provided address, approximately 90 days prior to the expiration of the licensee's license.

([1]2)(a) A licensee seeking to renew a license shall submit a completed renewal packet to the bureau.

(b) The renewal packet shall include:

(i) a written renewal form provided by the bureau with the licensee's residential or physical address and mailing or business address;

(ii) one recent color photograph of passport quality which contains the licensee's name written on the back of the photograph, unless the licensee submitted a photo which meets these requirements to the bureau within the previous three years; ~~and~~

(iii) a photocopy of a driver license or identification card issued by the state of Utah; and

([11]iv) a non-refundable processing fee in the form of cash, check, money order, or credit card in the amount required by Section 53-9-111.

([2]3) If the licensee has an agency license, the licensee must also provide evidence that the licensee has a valid certificate of:

(a) liability insurance for the licensee in an amount of not less than \$500,000 as described in Subsection 53-9-109(3); and

(b) workers' compensation insurance, if applicable.

([3]4) If the licensee has a registrant or an apprentice license, the licensee must provide evidence that the licensee has a valid surety bond for the licensee in an amount of not less than \$10,000 as described in Subsection 53-9-110(3).

([4]5) A licensee whose license has been expired for more than 90 days, shall reapply and meet all requirements found in R722-330-4.

([5]6) If the licensee meets the qualifications for renewal the bureau shall renew the license.

([6]7)(a) If the bureau determines that the licensee does not meet the qualifications for renewal the bureau shall deny the renewal.

(b) The bureau's written denial shall state the reasons why the renewal was denied and indicate that the licensee may request a hearing before the board by filing a written request within 30 calendar days from the date the bureau's written denial was issued.

([7]8)(a) If the licensee requests review by the board, the board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to evidence and testimony presented by the bureau.

(b) The board shall issue a written decision, within ten business days of the hearing, which states the reason for the decision, and indicates that the decision may be reviewed by the commissioner if the licensee files a written request for review with the commissioner within 30 calendar days.

([8]9)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-8. Suspension and Revocation of a License.

(1) The bureau shall conduct an investigation, as provided in Section 53-9-117, if the bureau is made aware of an allegation that a licensee has engaged in conduct in violation of Section 53-9-118.

(2) The bureau shall notify a licensee who is the subject of an investigation of the date and time of the board meeting where the board will consider the bureau's investigative findings.

(3) The board shall conduct an informal hearing during which the licensee may present evidence and testimony in response to the bureau's investigative findings and recommendations.

(4) The board shall issue a written decision, within ten business days after the hearing, which states the reasons for the board's decision, and indicates that the licensee may appeal to the commissioner by filing a written request within 15 calendar days from the date that the board's written decision was issued.

(5)(a) If the licensee requests review of the board's decision, the commissioner or his designee shall review the materials in the bureau's file, any materials submitted by the licensee, and the findings of the board.

(b) The commissioner shall issue a written decision, within 30 calendar days from the date of the request for review, which states the reasons for the decision and indicates that the licensee may appeal to the district court by complying with the requirements found in Section 63G-4-402.

R722-330-9. Records Access.

(1)(a) Information other than name and mailing or business address supplied to the division by an applicant or licensee, including a completed application or renewal form, shall be considered "private" information in accordance with Subsection 63G-2-302(2)(d).

(b) The names of licensees and their mailing or business address shall be considered public information.

(2)(a) Information gathered by the division in the course of investigating an application or complaint shall be considered "protected" information in accordance with Subsection 63G-2-305(10[9]).

(b) If such information is used as the basis for the denial, suspension, or revocation of a license, the applicant or licensee shall be entitled to access the information.

KEY: private investigators, license

Date of Enactment or Last Substantive Amendment: ~~July 8, 2013~~ **2015**

Notice of Continuation: April 22, 2010

Authorizing, and Implemented or Interpreted Law: 53-9-101 through 53-9-119

**Public Service Commission,
Administration
R746-341-5
Duties of ETCs**

**NOTICE OF PROPOSED RULE
(Amendment)**

**DAR FILE NO.: 38936
FILED: 11/06/2014**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment is necessary to address errors and consistency issues associated with the prior rule amendment.

SUMMARY OF THE RULE OR CHANGE: The following is a summary of the amendments to the rule: 1) in Section R746-341-5, clarified that the list was not exclusive by adding the words "but not limited to"; 2) clarified that the division had meant five business days rather than five days; and 3) simplified a reporting deadline by making the report due by May 1.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-4-1 and Section 54-4-4

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The previous amendment has already streamlined the government's responsibilities for this program.
- ◆ **LOCAL GOVERNMENTS:** The lifeline program will have no fiscal impact on local government because the program only disburses money to private companies. Local governments will not be required to collect taxes nor will they receive any payments. As such, this rule amendment will have no effect on local government.
- ◆ **SMALL BUSINESSES:** The lifeline program will have no fiscal impact on small businesses because the program only disburses money to eligible telecommunication carriers approved by the Public Service Commission. As such, this rule amendment will have no effect on small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The rule amendment simplifies reporting requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule amendment will result in slightly lower compliance costs for eligible telecommunication carriers as it has made it possible for the carriers to use their normal business processes to prepare the required report rather than having to engage in special work projects.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will have no fiscal impact on businesses because the program only disburses money to eligible telecommunication carriers approved by the Public Service Commission.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jordan White by phone at 801-530-6712, or by Internet E-mail at jordanwhite@utah.gov
♦ Sheri Bintz by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at sbintz@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Jordan White, Legal Counsel

R746. Public Service Commission, Administration.

R746-341. Lifeline Rule.

R746-341-5. Duties of ETCs.

A. State ETCs

1. Each state ETC shall, monthly, send to the program administrator changes in the status of the Lifeline participants to whom the state ETC provides Lifeline telephone service, including, but not limited to:

- a. participants changing residence locations (addresses);
- b. participants switching carriers; or
- c. customers who no longer receive telephone service.

2. The records sent shall contain the full identifying information for each participant as required by the program administrator's policies.

3. Each state ETC shall provide information to potential applicants regarding how to receive an application from the program administrator. This information shall be provided in person, on the phone, in written format at the ETC's offices, and online at the ETC's website.

4. Each state ETC shall add the Lifeline discount to a customer's account, as directed by the program administrator, within five business days.

5. Each state ETC shall remove the Lifeline discount from a participant's account as directed by the program administrator within five business days of notification of the participant's ineligible status.

6. Each state ETC shall update the NLAD whenever it implements changes in a participants' Lifeline status in accordance

with the requirements for NLAD updates found in 47 CFR Section 54.404.

7. If a Lifeline participant seeks to switch service to a different ETC, the program administrator shall be notified by the participant of their desire to switch Lifeline providers. Once informed by the program administrator of the applicant's eligibility, the involved ETCs shall follow all applicable NLAD procedures to accomplish the participant's desired switch.

8. Annually, each state ETC shall send the program administrator the participant list as defined by the FCC in its May 22, 2013 Public Notice in Docket No. 11-42 and any subsequent FCC guidance. The list shall be provided to the program administrator by May 1 of each year, ~~[when the ETC submits the Federal Communication Commission Form 497 for the year in question or March 31, whichever is earlier.]~~ The list shall contain the identifying information as required by the program administrator's policies.

9. If a state ETC has a reasonable basis to believe a Lifeline telephone service participant no longer qualifies for Lifeline service, the ETC shall promptly inform the program administrator and provide the documentation, or reason, for its belief.

10. A state ETC shall cooperate with the Division of Public Utilities to resolve Lifeline service complaints the Division brings to the state ETC's attention.

B. Federal ETCs

Each designated federal ETC shall operate in the State of Utah subject to the conditions outlined in the commission order granting ETC status, the applicable provisions of this rule, and in accordance with the federal Lifeline program requirements.

1. Each federal ETC shall update the NLAD to reflect the ETC's initial eligibility verification decision and the participant's Lifeline status whenever the federal ETC adds or removes a Lifeline customer.

2. Each federal ETC shall update the NLAD with all changes in the ETC's participants' Lifeline status.

3. If a Lifeline participant seeks to switch service to a different ETC the ETCs shall follow all applicable NLAD procedures to accomplish the participant's desired switch.

4. A federal ETC shall cooperate with the Division of Public Utilities to resolve Lifeline service complaints the Division of Public Utilities brings to a federal ETC's attention.

KEY: telephone, telecommunications, rules and procedures, lifeline rates

Date of Enactment or Last Substantive Amendment: [2014]2015

Notice of Continuation: October 18, 2010

Authorizing, and Implemented or Interpreted Law: 54-4-1; 54-4-4

Workforce Services, Administration

R982-700

Employment Opportunities Website

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38938

FILED: 11/06/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to comply with S.B. 22 passed in the 2014 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: The changes are to codify the Department's website which lists job openings in an effort to limit unemployment.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 35A-2-203 and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There was be no costs or savings to the state budget because the Department has already been doing this and this rule does not go beyond the legislative change in S.B. 22 (2014).

◆ **LOCAL GOVERNMENTS:** There will be no costs or savings to any local government because this is a state program and there is no cost for posting job openings with the Department.

◆ **SMALL BUSINESSES:** There will be no costs of savings to any small business because there is no cost for posting job openings on the Department website.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no costs or savings to any persons other than small business, businesses or local government entities because this is required by statute, paid for by the federal government and there are no costs to post job openings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs or savings to any affected persons because this is required by statute, has always been done by the Department, it is paid for by the federal government and there are no costs to post job openings.

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
ADMINISTRATION
140 E BROADWAY
SALT LAKE CITY, UT 84111-2333
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Jon Pierpont, Executive Director

R982. Workforce Services, Administration.

R982-700. Employment Opportunities Website.

R982-700-100. Employment Opportunities to be Posted on Department Website.

The Department will maintain a website dedicated to providing information regarding employment opportunities available throughout the state allowing employers to post job vacancy information in accordance with 35A-2-203.

KEY: website

Date of Enactment or Last Substantive Amendment: January 7, 2015

Authorizing, and Implemented or Interpreted Law: 35A-2-203

Workforce Services, Employment Development **R986-700-719** Job Search Child Care (JS CC)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38953

FILED: 11/13/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to provide for child care while a client is looking for a job.

SUMMARY OF THE RULE OR CHANGE: The Department is looking for ways to provide continuity of child care. When a parent is separated from a job, the parent may return to a new job quickly and if the child can stay with the same provider while the parent searches for a job it is beneficial. This assistance is only available for a maximum of two months and only for one parent households where the parent had been working in the previous month. It also helps child care providers better plan for and care for the children.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4) and Subsection 35A-3-310(3)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This applies to federally-funded programs so there are no costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This applies to federally-funded programs so there are no costs or savings to local governments.
- ◆ **SMALL BUSINESSES:** There will be no costs to small businesses to comply with these changes because this is a federally-funded program.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There will be no costs to persons other than small businesses, businesses, or local government entities to comply with these changes because there are no costs or fees associated with these proposed changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for this change to anyone, including persons affected by this change.

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 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Jon Pierpont, Executive Director

R986. Workforce Services, Employment Development. R986-700. Child Care Assistance. R986-700-719. Job Search Child Care (JS CC).

- (1) JS CC is available to a client who is otherwise eligible for child care but is separated from his or her job and meets the eligibility criteria.
- (2) JS CC is available for a maximum of two additional months provided the client:
 - (a) was employed at least 32 hours per week and was separated from his or her job;

(b) was receiving ES CC or Transitional Child Care (TR CC) in the month of the job separation and;

(c) reports the job loss within 10 days and requests continued child care payments while searching for a job. In that case, the client will be eligible for one additional month of child care. The month of the job loss does not count.

(3) If the client verifies the job loss in a timely manner, as directed by the Department, a second month of CC will be paid while the client looks for a job.

(4) The JS CC extension is only available once in a rolling 12 month period even if the client received only one month of JS CC assistance.

(5) A client is not eligible for JS CC if the client has two or more jobs and is separated from one or more of them but still has one job working 15 hours per week or more.

(6) Two parent households are not eligible for JS CC.

(7) JS CC will be paid at the same rate the client was receiving in the month of the job separation unless the client changes his or her child care provider.

(8) A client who is receiving TR CC when the job separation occurs, and meets the requirements of this section, can be eligible for a maximum of two months of JS CC but those two months will count against the six month maximum under TR CC as provided in R986-700-707. If the job separation occurs in the last month of TR CC, the client can be eligible for JS CC which would be in addition to the TR CC.

KEY: child care

Date of Enactment or Last Substantive Amendment: [~~October 1, 2014~~2015]

Notice of Continuation: September 8, 2010

Authorizing, and Implemented or Interpreted Law: 35A-3-310

**Workforce Services, Employment
 Development
 R986-700-775
 High Quality School Readiness Grant
 Program**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38939

FILED: 11/06/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to comply with the requirements of H.B. 96 passed in the 2014 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: The changes explain the process by which the Department will determine who to nominate for High Quality School Readiness grants.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Section 53A-1b-110 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 as a result of this rule because it was already provided in H.B. 96 (2014).

◆ LOCAL GOVERNMENTS: There will be no costs or savings to any local government as a result of this rule because it was already provided in H.B. 96 (2014).

◆ SMALL BUSINESSES: There will be no costs or savings to small businesses as a result of this rule because it was already provided in H.B. 96 (2014), and there are no compliance costs for applying for a grant.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There will be no costs or savings to persons other than small businesses, businesses or local government entities as a result of this rule because it was already provided in H.B. 96 (2014), and there are no compliance costs associated with applying for a grant.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no costs or savings to any affected persons as a result of this rule because it was already provided in H.B. 96 (2014), and there are no compliance costs associated with the program.

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 12/31/2014

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2015

AUTHORIZED BY: Jon Pierpont, Executive Director

R986. Workforce Services, Employment Development.

R986-700. Child Care Assistance.

R986-700-775. High Quality School Readiness Grant Program.

(1) The Office of Child Care (OCC) administers this program pursuant to the authority granted in Utah Code Section 53A-1b-106.

(2) The OCC will solicit proposals from eligible private providers and eligible home-based educational technology providers and make recommendations to the School Readiness Board (SRB) as provided in 53A-1b-106(3).

(3) Eligible private providers and eligible home-based educational technology providers must submit an application, together with a proposal to the OCC by the date provided in the application.

(4) The proposal must contain the components outlined in 53A-1b-105(1) or (2) and details as required in 53A-1b-106(7).

(5) A grant recipient must report annually to the OCC the information required in 53A-1b-106(12) in addition to other information as required by the OCC.

(6) The OCC will monitor each grant recipient to ensure compliance with the High Quality School Readiness Grant Program and share information received from grant recipients annually with the SRB.

(7) Grant recipients must cooperate with the OCC to satisfy the monitoring and reporting requirements of the grant. Cooperation will include allowing onsite visits, providing information, including documentary evidence and written statements, when requested by the OCC, returning telephone calls from an OCC representative when requested to do so, and reporting at a designated time and place, for an in-person interview with an OCC representative if so requested.

KEY: child care

Date of Enactment or Last Substantive Amendment: [~~October 1, 2014~~2015

Notice of Continuation: September 8, 2010

Authorizing, and Implemented or Interpreted Law: 35A-3-310; 53A-1b-110

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends December 31, 2014.

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

From the end of the 30-day waiting period through March 31, 2015, an agency may notify the Division of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Division of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

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

The Changes in Proposed Rules Begin on the Following Page

**Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-1
Antidiscrimination**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38744
FILED: 11/07/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to clarify language; give the Division discretion in the release of information to facilitate participation in the investigation; and to allow for an extension of time to file a response to a request for agency action.

SUMMARY OF THE RULE OR CHANGE: This rule change changes "Charge of Discrimination" to "Request for Agency Action". It also allows for an extension to respond to a request for agency action; gives the Division discretion as to when information will be released; and provides that personal contact information will not generally be released. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the September 1, 2014, issue of the Utah State Bulletin, on page 122. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-5-101 et seq. and Section 63G-4-102 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The Division does not anticipate an immediate cost or savings but these rule changes may slightly reduce cost per investigation by allowing time for a more complete response from the parties. The Division does not anticipate a cost or savings to the state as an employer.
- ◆ **LOCAL GOVERNMENTS:** The Division does not anticipate a cost or savings to local governments. While these changes may improve efficiency, the requirements remain the same.
- ◆ **SMALL BUSINESSES:** The Division does not anticipate a cost or savings to small businesses. While these changes may improve efficiency, the requirements remain the same.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The Division does not anticipate a cost or savings to persons other than small businesses, businesses, or local government

entities. While these changes may improve efficiency, the requirements remain the same.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These rule changes do not change the requirements of the process so there should be no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no anticipated fiscal impact on businesses. These rule changes may allow businesses the opportunity to better and more easily respond to claims of discrimination and may facilitate resolution prior to filing the response.

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

LABOR COMMISSION
ANTIDISCRIMINATION AND LABOR,
ANTIDISCRIMINATION
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:

◆ Kerry Chlarson by phone at 801-530-6921, by FAX at 801-530-7601, or by Internet E-mail at kchlarson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 12/20/2014

THIS RULE MAY BECOME EFFECTIVE ON: 12/31/2014

AUTHORIZED BY: Sherrie Hayashi, Commissioner

R606. Labor Commission, Antidiscrimination and Labor, Antidiscrimination.

R606-1. Antidiscrimination.

R606-1-1. Authority.

This rule is established pursuant to Section 34A-5-104.

R606-1-2. Definitions.

The following definitions are complementary to the statutory definitions specified in Section 34A-5-102, and shall apply to all rules of R606.

- A. "Act" means the Utah Antidiscrimination Act, prohibiting discriminatory or unlawful employment practices.
- B. "Charging party" means the person who initiated agency action.
- C. "Director" means the Director, Division of Antidiscrimination and Labor.
- D. "Division" means the Division of Antidiscrimination and Labor.
- E. "Disability" is defined in Section 34A-5-102 and is further defined as follows:

1. Being regarded as having a disability is equivalent to being disabled or having a disability.

2. Having a record of an impairment substantially limiting one or more major life activities is equivalent to being disabled or having a disability.

3. Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and employment.

4. An individual will be considered substantially limited in the major life activity of employment or working if the individual is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability.

5. Has a record of such an impairment means has a history of, or has been regarded as having, a mental or physical impairment that substantially limits one or more major life activity.

6. Is regarded as having an impairment means:

a. has a physical or mental impairment that does not substantially limit major life activities but is treated as constituting such a limitation;

b. has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or

c. has none of the impairments listed in the definition of physical or mental impairment above but is treated as having such an impairment.

F. "He, His, Him, or Himself" shall refer to either sex.

G. "Investigator" shall mean the individual designated by the Commission or Director to investigate complaints alleging discriminatory or prohibited employment practices.

H. "Qualified disabled individual" means a disabled individual who with reasonable accommodation can perform the essential functions of the job in question.

I. "Reasonable accommodation": For the purpose of enforcement of these rules and regulations the following criteria will be utilized to determine a reasonable accommodation.

1. An employer shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or employee unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its program

2. Reasonable accommodation may include:

a. making facilities used by the employees readily accessible to and useable by disabled individuals; and

b. job restructuring, modified work schedules, acquisition or modification of equipment or devices, and other similar actions.

3. In determining pursuant to Rule R606-1-2.J.1 whether an accommodation would impose an undue hardship on the operation of an employer, factors to be considered include:

a. the overall size of the employer's program with respect to number of employees, number and type of facilities, and size of budget;

b. the type of the employer's operation, including the composition and structure of the employer's work force; and

c. the nature and cost of the accommodation needed.

4. An employer may not deny an employment opportunity to a qualified disabled employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

5. Each complaint will be handled on a case-by-case basis because of the variable nature of disability and potential accommodation.

J. "Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

R606-1-3. Procedures--Request for Agency Action and Investigation File.

A. CONTENTS OF REQUEST FOR AGENCY ACTION

A request for agency action as specified in Section 34A-5-107, shall be filed at the Division office on a form designated by the Division. The completed form shall include all information required by Section 63G-4-201(3).

B. FILING OF REQUESTS FOR AGENCY ACTION

1. A request for agency action must be filed within 180 days after the alleged discriminatory or prohibited employment practice occurred.

2. A request for agency action shall be filed either by personal delivery or regular mail addressed to the Division's office in Salt Lake City, Utah.

3. Investigators and any other persons designated by the Division, shall be available to assist in the drafting and filing of requests for agency action at the Division's office during normal business hours.

C. RESPONSE/ANSWER TO REQUEST FOR AGENCY ACTION

1. The Division shall mail a copy of the request for agency action to the charging party and the respondent/employer within ten working days of the filing of the request for agency action.

2. The respondent must answer the allegations of discrimination or prohibited employment practice set out in the request for agency action in writing within thirty(30) days from the date of the request for agency action was sent. The response/answer shall be mailed, emailed, or faxed to the Division office. Any correspondence sent by email must be sent to the email address specified by the Division.

3. The response must:

a. Specifically address each allegation raised in the [~~charge of discrimination~~]request for agency action, and

b. Be accompanied by any supporting evidence.

4. Failure to respond to a [~~charge of discrimination~~]request for agency action will result in an investigation and possible determination without input or evidence from the non-responsive party.

5. Responses submitted beyond the thirty (30) day time limit described in subsection (2) will not be considered, unless an extension has been granted. Extensions are granted at the sole discretion of the Division and should not be expected.

D. INVESTIGATION

Pursuant to Section 34A-5-104(2)(b) and Section 34A-5-107(3)(b), the Division may, with reasonable notice to the parties, conduct on-site visits, interviews, fact finding conferences, obtain records and other information and take such other action as is reasonably necessary to investigate the request for agency action. A party's unjustified failure to cooperate with the Division's reasonable investigative request may result in the Division concluding its investigation based on such other information as is available to the Division.

E. AMENDMENT OF REQUEST FOR AGENCY ACTION

1. All allegations of discrimination or prohibited employment practice set out in the request for agency action may be amended, either by the Division or the charging party prior to commencement of an evidentiary hearing and the respondent may amend its answer. Amendments made during or after an evidentiary hearing may be made only with the permission of the presiding officer. The Division shall permit liberal amendment of requests for agency action and filing of supplemental requests for agency action in order to accomplish the purpose of the Act.

2. Amendments or a supplemental request for agency action shall be in writing, or on forms furnished by the Division, signed and verified. Copies shall be filed in the same manner as in the case of original requests for agency action.

3. Amendments or a supplemental request for agency action shall be served on the respondent as in the case of an original request for agency action.

4. A request for agency action or a supplemental request for agency action may be withdrawn by the charging party prior to the issuance of a final order.

F. MAILING OF REQUEST FOR AGENCY ACTION

The mailing specified in Section 63G-4-201(3) shall be performed by the Division and the persons known to have a direct interest in the requested agency action as specified in Section 63G-4-201 (3)(b) shall be the charging party and the respondent/employer.

G. CLASSIFICATION OF PROCEEDING FOR PURPOSE OF UTAH ADMINISTRATIVE PROCEDURES ACT

Pursuant to Section 63G-4-202(1), the procedures specified in Section 34A-5-107(1) through (5) are an informal process and are governed by Section 63G-4-203. Any settlement conferences scheduled pursuant to Section 34A-5-107(3) are not adjudicative hearings.

H. PRESIDING OFFICER

For those procedures specified in Section 34A-5-107(1) through (5), the presiding officer shall be the Director or the Director's designee. The presiding officer for the formal hearing referred to in Section 34A-5-(6) through (11) shall be appointed by the Commission.

R606-1-4. Adjudication and Review Pursuant to Section 34A-5-107.

A. After a charge of discrimination has been investigated, the Director shall issue a Determination and Order. Alternatively, the Director may refer the charge to an investigator for further investigation.

B. A party dissatisfied with the Director's Determination and Order may request a de novo evidentiary hearing. The request must be

in writing, state the party's reasons for seeking review, and must be received by the Division within 30 days of the date the Director signed the Determination and Order.

1. In computing the foregoing 30-day period, the day on which the Determination and Order are signed by the Director shall not be included. The last day of the 30-day period shall be included unless it is a weekend or legal holiday, in which event the 30-day period runs until the end of the next business day.

2. Unless a timely request for hearing is received by the Division, the Director's Determination and Order is the final Commission Order.

3. If a timely request for hearing is received, the Division will transmit the request to the Division of Adjudication within the Commission for assignment to an Administrative Law Judge. The ALJ will conduct a de novo formal hearing and issue an order in conformity with the requirements of the Utah Administrative Procedures Act.

C. A party may request review of the ALJ's order by complying with the provisions of Section 34A-1-303 and Section 63G-4-301 of the Utah Administrative Procedures Act.

R606-1-5. Release of Information Obtained Through the Investigative Process.

A. Pursuant to Utah Code Subsection 34A-5-107(14), the Division ~~will~~ may release information gained through its investigations or proceedings to a party to facilitate their participation in the investigation under the following circumstances:

1. The request is made in writing.

2. The Division has not received a request from the person or entity providing the information that such information be considered confidential.

3. The release of the information will not, in the determination of the Division impede the investigation; and

4. The Division has not determined the requested information should remain confidential or otherwise be protected.

B. If a person or entity requests in writing the information provided to the Commission be kept confidential, the Division will consider the reasons underlying the request and make a decision regarding the confidentiality of the information. This determination will govern the release of such information.

C. After the conclusion of the investigation, either party may request a copy of investigation file.

D. The Division generally will not release the following information:

1. work product;

2. ~~[witness names]~~ personal contact information of any individual;

3. Social Security information;

4. bank account numbers; and

5. medical records, including the ADA questionnaire, unless an appropriate release of medical information is obtained.

E. The Division may charge for the costs of providing copies to the parties.

R606-1-6. Designation as Formal Proceedings.

The adjudicative proceedings referred to in Subsections 34A-5-107(6)-(10) are classified as formal proceedings for purposes of the Utah Administrative Procedures Act.

R606-1-7. Declaratory Orders.

A. PURPOSE

As required by Section 63G-4-503, this rule provides the procedures for submission, review, and disposition of petitions for agency Declaratory Orders on the applicability of statutes, rules, and Orders governing or issued by the agency.

B. PETITION FORM AND FILING

1. The petition shall be addressed and delivered to the Director, who shall mark the petition with the date of receipt.

2. The petition shall:

(a) be clearly designated as a request for an agency Declaratory Order;

(b) identify the statute, rule, or Order to be reviewed;

(c) describe in detail the situation or circumstances in which applicability is to be reviewed;

(d) describe the reason or need for the applicability review, addressing in particular why the review should not be considered frivolous;

(e) include an address and telephone where the petitioner can be contacted during regular work days;

(f) declare whether the petitioner has participated in a completed or on-going adjudicative proceeding concerning the same issue within the past 12 months; and

(g) be signed by the petitioner.

C. REVIEWABILITY

The agency shall not review a petition for a Declaratory Order that is:

1. not within the jurisdiction and competence of the agency;

2. trivial, irrelevant, or immaterial; or

3. otherwise excluded by state or federal law.

D. PETITION REVIEW AND DISPOSITION

1. The Director shall promptly review and consider the petition and may:

(a) meet with the petitioner;

(b) consult with Legal Counsel; or

(c) take any action consistent with law that the agency deems necessary to provide the petition adequate review and due consideration.

2. The Director may issue an order pursuant to Section 63G-4-503(6).

E. ADMINISTRATIVE REVIEW

Review of a Declaratory Order is per Section 63G-4-302 only.

R606-1-8. Time.

A. An Order is deemed issued on the date on the face of the Order which is the date the presiding officer signs the Order.

B. In computing any period of time prescribed or allowed by these rules or by applicable statute:

1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;

2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;

3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;

4. No additional time for mailing will be allowed.

KEY: discrimination, employment, time

Date of Enactment or Last Substantive Amendment: [2014]2015

Notice of Continuation: August 30, 2011

Authorizing, and Implemented or Interpreted Law: 34A-5-101 et seq.; 63G-4-102 et seq.

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <http://www.rules.utah.gov/publicat/code.htm>. The rule text may also be inspected at the agency or the Division of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Agriculture and Food, Plant Industry **R68-3** Utah Fertilizer Act Governing Fertilizers and Soil Amendments

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38937
FILED: 11/06/2014

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 4-2-2(1)(i) of the Utah Agriculture Code directs the department to adopt rules necessary for the effective administration of the agricultural laws of the state. In Subsection 4-13-3(2)(e), the applicant shall include any other information as the department may prescribe by rule. In Subsection 4-13-4(4)(b), each container of soil amendment shall be labeled with the name or chemical designation and content or other information prescribed by rule. In Subsection 4-13-6(1)(2), distribution of fertilizers that do not comply with label requirements are prohibited. If after an official sample is found deficient and out of investigational allowances, the lot is subject to penalties.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received in favor or opposing 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 fertilizer rule gives further guidance regarding the Fertilizer Act in regards to registration, labeling, deficiencies, and unlawful acts. This rule also helps to facilitate interstate trade because of consistency in labeling and deficiency determination. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD
PLANT INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kathleen Mathews by phone at 801-538-7103, by FAX at 801-538-7126, or by Internet E-mail at kmathews@utah.gov
- ◆ Robert Hougaard by phone at 801-538-7187, by FAX at 801-538-7189, or by Internet E-mail at rhougaard@utah.gov
- ◆ Scott Ericson by phone at 801-538-7102, by FAX at 801-538-7126, or by Internet E-mail at sericson@utah.gov

AUTHORIZED BY: LuAnn Adams, Commissioner

EFFECTIVE: 11/06/2014

Education, Administration **R277-487** Public School Data Confidentiality and Disclosure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38955
FILED: 11/14/2014

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 53A-1-401(3) allows the Utah State Board of Education (Board) to adopt rules in accordance with its responsibilities, Subsection 53A-13-301(3) provides for appropriate disclosure of student records data, and Section 53A-1-411 directs the Board to establish procedures for administering or making available online surveys to obtain information about public education issues.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides standards and procedures for ensuring security and confidentiality of student data and educator licensing information.

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

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

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

EFFECTIVE: 11/14/2014

Education, Administration
R277-506

School Psychologists, School Social Workers, and School Counselors Licenses and Programs

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 38951
 FILED: 11/13/2014

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 53A-1-402(1)(a) requires the Utah State Board of Education (Board) to make rules regarding the qualification and certification of educators and ancillary personnel who provide direct student services, and Subsection 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comment has been received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides standards for obtaining licenses and credentials issued by the Board for employment in the public schools. Therefore, this rule should be continued.

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

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

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

EFFECTIVE: 11/13/2014

Heritage and Arts, History
R455-11

Historic Preservation Tax Credit

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 38932
 FILED: 11/03/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 59-7-609 and 59-10-1006 allow for a historic preservation tax credit by the Utah State Tax Commission and provide for certain duties of the Division of State History and the State Historic Preservation Office. Section 9-8-205 provides that the Board of State History and the Division shall make policies and rules to direct the division director in the carrying out of his duties.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received during the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continuation of this rule is necessary to ensure an orderly process by the Division of State History and the State Historic Preservation Office; to allow for appeal and judicial review of decisions; and to ensure that all rehabilitation work on historic preservation tax credit projects meets the Secretary of the Interior's "Standards for Rehabilitation". Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HERITAGE AND ARTS
 HISTORY
 300 RIO GRANDE ST
 SALT LAKE CITY, UT 84101-1182
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Alycia Aldrich by phone at 801-245-7226, by FAX at 801-533-3503, or by Internet E-mail at aaldrich@utah.gov

AUTHORIZED BY: Julie Fisher, Executive Director

EFFECTIVE: 11/03/2014

**Natural Resources; Forestry, Fire and State Lands
 R652-120
 Wildland Fire**

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 38948
 FILED: 11/11/2014

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 implements Article XVIII of the Utah Constitution and provides for the issuance of burning permits, the establishment of limited suppression areas, and conduct of prescribed burns under the authority of Sections 65A-8-101 and 65A-8-211.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments received from interested persons supporting or opposing the rule to date.

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 validates and clarifies the circumstances under which a "let burn" policy may be implemented in an area to improve the forest health, convert the cover type, improve the forage species on the range, or other vegetation management that would improve the ecosystem under conservation principles. This rule also helps authorities know where authorized burning takes place and the limitations under which a burning may occur including, but not limited to, smoke management, safety equipment on site, and ignition during the open burning season. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 FORESTRY, FIRE AND STATE LANDS
 1594 W NORTH TEMPLE STE 3520
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

AUTHORIZED BY: Brian Cottam, Director

EFFECTIVE: 11/11/2014

**Public Safety, Driver License
 R708-45**

Renewal or Duplicate License for Utah Residents Temporarily Residing Out of State

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 38941
FILED: 11/07/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Sections 53-3-104 and 53-3-205. Section 53-3-104 authorizes the division to make rules for acceptable documentation required to obtain a Utah driver license and for exemptions from licensing requirements as authorized in Title 53, Chapter 3. Section 53-3-205 outlines the requirements to obtain a Utah driver license.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The division has received no comments supporting or opposing 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 allows for the division to renew or provide a duplicate driver license to an individual who is a Utah resident and is temporarily residing outside the state of Utah. The rule includes detail regarding the mail in application process, requirements for eligibility and required documentation. It is necessary to continue this rule because it allows the division to provide this important service to Utah citizens who are not residing in the state of Utah, and clarifies the process and requirements by which an individual who is out of state may renew a license or replace a license that has been lost or stolen. Therefore, this rule should be continued.

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

AUTHORIZED BY: Nannette Rolfe, Director

EFFECTIVE: 11/07/2014

Public Safety, Peace Officer Standards and Training**R728-205****Council Resolution of Public Safety Retirement Eligibility****FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 38940
FILED: 11/07/2014

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The authority for this rule is under Section 53-6-105, and Subsections 49-14-201(4), (5), and (6) and 49-15-201(5), (6), and (7). These statutory provisions describe the process by which the Peace Officer Standards and Training Council will determine eligibility for participation in the public safety retirement system. Outlined in the rule are the procedures which the Council are to follow when a dispute between the retirement office and the employee or employing agency arises regarding public safety retirement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments regarding this rule have been received from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to provide guidance of how to procedurally respond to eligibility disputes between public safety agencies and the retirement system. Therefore, this rule should be continued.

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY, UT 84070
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Debbie Johnson by phone at 801-592-8883, by FAX at 801-965-4608, or by Internet E-mail at debbiejohnson@utah.gov
◆ Kelly Sparks by phone at 801-256-2321, by FAX at 801-256-0600, or by Internet E-mail at ksparks@utah.gov

♦ Wade Breur by phone at 801-256-2329, or by Internet E-mail at wbreur@utah.gov

AUTHORIZED BY: Scott Stephenson, Director

EFFECTIVE: 11/07/2014

**Technology Services, Administration
R895-9
Utah Geographic Information Systems
Advisory Council**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38933
FILED: 11/04/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The rule is issued by the Chief Information Officer under the authority of Section 63F-1-206 of the Technology Governance Act and Section 63G-3-201 of the Utah Rulemaking Act, Utah Code. The purpose of this rule is to establish an advisory council to coordinate statewide GIS data efforts for collection, creation, and access, and to mutual collaboration by state entities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There is a need to convene an advisory council to coordinate statewide GIS data efforts for collection, creation, and access, and to mutual collaboration by state entities. The Council also recommends any GIS policies and standards to be considered by the CIO. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TECHNOLOGY SERVICES
ADMINISTRATION
ROOM 6000 STATE OFFICE BUILDING
450 N STATE ST
SALT LAKE CITY, UT 84114
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Stephanie Weiss by phone at 801-538-3284, by FAX at 801-538-3622, or by Internet E-mail at stweiss@utah.gov

AUTHORIZED BY: Mark VanOrden, Executive Director and CIO

EFFECTIVE: 11/04/2014

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

State law provides for agencies to make their administrative rules effective and enforceable after publication in the *Utah State Bulletin*. In the case of **PROPOSED RULES** or **CHANGES IN PROPOSED RULES** with a designated comment period, the law permits an agency to make a rule effective no fewer than seven calendar days after the close of the public comment period, nor more than 120 days after the publication date. In the case of **CHANGES IN PROPOSED RULES** with no designated comment period, the law permits an agency to make a rule effective on any date including or after the thirtieth day after the rule's publication date, but not more than 120 days after the publication date. If an agency fails to file a **NOTICE OF EFFECTIVE DATE** within 120 days from the publication of a **PROPOSED RULE** or a related **CHANGE IN PROPOSED RULE** the rule lapses.

Agencies have notified the Division of Administrative Rules that the rules listed below have been made effective.

NOTICES OF EFFECTIVE DATE are governed by Subsection 63G-3-301(12), Section 63G-3-303, and Sections R15-4-5a and R15-4-5b.

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal & Reenact

REP = Repeal

Education

Administration

No. 38863 (AMD): R277-404. Requirements for Assessments of Student Achievement

Published: 10/01/2014

Effective: 11/10/2014

No. 38864 (AMD): R277-422-4. K-3 Reading Achievement Program

Published: 10/01/2014

Effective: 11/10/2014

No. 38865 (AMD): R277-471. Oversight of School Inspections

Published: 10/01/2014

Effective: 11/10/2014

No. 38866 (R&R): R277-504. Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-Age 5) Licensure

Published: 10/01/2014

Effective: 11/10/2014

No. 38867 (AMD): R277-506. School Psychologists, School Social Workers, and School Counselors Licenses and Programs

Published: 10/01/2014

Effective: 11/10/2014

No. 38868 (AMD): R277-800. Utah Schools for the Deaf and the Blind

Published: 10/01/2014

Effective: 11/10/2014

Environmental Quality

Drinking Water

No. 38535 (AMD): R309-545. Facility Design and Operation: Drinking Water Storage Tanks

Published: 06/01/2014

Effective: 11/10/2014

No. 38535 (CPR): R309-545. Facility Design and Operation: Drinking Water Storage Tanks

Published: 08/15/2014

Effective: 11/10/2014

No. 38536 (AMD): R309-550. Facility Design and Operation: Transmission and Distribution Pipelines

Published: 06/01/2014

Effective: 11/10/2014

No. 38536 (CPR): R309-550. Facility Design and Operation: Transmission and Distribution Pipelines

Published: 08/15/2014

Effective: 11/10/2014

Governor

Economic Development

No. 38860 (NEW): R357-2. Targeted Business Tax Credit

Published: 10/01/2014

Effective: 11/08/2014

Human Services

Administration, Administrative Services, Licensing

No. 38812 (AMD): R501-21. Outpatient Treatment Programs

Published: 09/15/2014

Effective: 11/03/2014

NOTICES OF RULE EFFECTIVE DATES

Natural Resources

Wildlife Resources

No. 38849 (AMD): R657-10. Taking Cougar

Published: 10/01/2014

Effective: 11/07/2014

No. 38848 (AMD): R657-11. Taking Furbearers

Published: 10/01/2014

Effective: 11/07/2014

No. 38847 (NEW): R657-69. Turkey Depredation

Published: 10/01/2014

Effective: 11/07/2014

Public Service Commission

Administration

No. 38826 (AMD): R746-341. Lifeline/Link-Up Rule

Published: 09/15/2014

Effective: 11/05/2014

Workforce Services

Employment Development

No. 38750 (AMD): R986-900-902. Options and Waivers

Published: 09/01/2014

Effective: 11/06/2014

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, 2014 through November 14, 2014. The Rules Index is published in the Utah State Bulletin and in the annual Utah Administrative Rules Index of Changes. Nonsubstantive changes, while not published in the Bulletin, do become part of the Utah Administrative Code (Code) and are included in this Index, as well as 120-Day (Emergency) rules that do not become part of the Code. The rules are indexed by Agency (Code Number) and Keyword (Subject).

Questions regarding the index and the information it contains should be addressed to the Division of Administrative Rules (801-538-3764).

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 (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-2	Access to Records	38570	5YR	06/02/2014	2014-12/53
R13-2	Access to Records	38569	AMD	07/22/2014	2014-12/6
<u>Child Welfare Parental Defense (Office of)</u>					
R19-1	Parental Defense Counsel Training	38547	5YR	05/21/2014	2014-12/53
<u>Debt Collection</u>					
R21-2	Office of State Debt Collection Administrative Procedures	38497	NSC	05/29/2014	Not Printed
R21-3	Debt Collection Through Administrative Offset	38496	NSC	05/29/2014	Not Printed
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architect-Engineer Services	38870	5YR	09/16/2014	2014-20/73
R23-3	Planning and Programming for Capital Projects	38405	5YR	04/03/2014	2014-9/49
R23-19	Facility Use Rules	38617	AMD	08/07/2014	2014-13/8
R23-22	General Procedures for Acquisition and Selling of Real Property	38618	R&R	08/07/2014	2014-13/13
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	38587	5YR	06/10/2014	2014-13/133
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	38615	AMD	08/07/2014	2014-13/18
R23-29	Across the Board Delegation	38404	5YR	04/03/2014	2014-9/49
R23-29	Across the Board Delegation	38425	R&R	06/09/2014	2014-9/4
R23-33	Rules for the Prioritization and Scoring of Capital Improvements by the Utah State Building Board	38247	NEW	03/10/2014	2014-3/2
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	38175	AMD	02/07/2014	2014-1/4
R25-7	Travel-Related Reimbursements for State Employees	38471	AMD	06/23/2014	2014-10/4
R25-7-8	Reimbursement for Lodging	38742	AMD	10/08/2014	2014-17/12
R25-10	State Entities' Posting of Financial Information to the Utah Public Notice Website	38653	5YR	06/25/2014	2014-14/79
R25-11	Utah Transparency Advisory Board, Procedures for Electronic Meetings	38634	NEW	08/21/2014	2014-14/4
<u>Fleet Operations</u>					
R27-4-13	Disposal of State Vehicles	38312	AMD	04/22/2014	2014-6/4
R27-7-3	Driver Eligibility to Operate a State Vehicle	38073	AMD	03/11/2014	2013-22/14

Purchasing and General Services

R33-1	Utah State Procurement Rules Definitions	38500	R&R	07/08/2014	2014-11/4
R33-1	Utah Procurement Rules, "General Procurement Provisions," Definitions	38689	5YR	07/08/2014	2014-15/61
R33-2	Procurement Organization	38501	R&R	07/08/2014	2014-11/6
R33-2	Rules of Procedure for Procurement Policy Board	38690	5YR	07/08/2014	2014-15/61
R33-3	Source Selection and Contract Formation	38502	R&R	07/08/2014	2014-11/9
R33-3	Procurement Organization	38691	5YR	07/08/2014	2014-15/62
R33-4	Specifications	38503	R&R	07/08/2014	2014-11/28
R33-4	General Procurement Provisions, Prequalifications, Specifications, and Small Purchases	38692	5YR	07/08/2014	2014-15/62
R33-5	Construction and Architect-Engineer Selection	38504	R&R	07/08/2014	2014-11/32
R33-5	Request for Information	38693	5YR	07/08/2014	2014-15/63
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38218	EXT	01/02/2014	2014-3/57
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38446	5YR	04/17/2014	2014-10/111
R33-6	Modification and Termination of Contracts for Supplies, Services, Construction, and Technology	38505	R&R	07/08/2014	2014-11/43
R33-6	Bidding	38694	5YR	07/08/2014	2014-15/64
R33-6-103	Pre-Bid Conferences/Site Visits	38756	AMD	10/08/2014	2014-17/13
R33-7	Cost Principles	38219	EXT	01/02/2014	2014-3/57
R33-7	Cost Principles	38447	5YR	04/17/2014	2014-10/111
R33-7	Cost Principles	38506	R&R	07/08/2014	2014-11/49
R33-7	Request for Proposals	38695	5YR	07/08/2014	2014-15/64
R33-7-201	Pre-proposal Conferences/Site Visits	38759	AMD	10/08/2014	2014-17/15
R33-7-601	Best and Final Offers	38757	AMD	10/08/2014	2014-17/16
R33-8	Property Management	38507	R&R	07/08/2014	2014-11/56
R33-8	Exceptions to Procurement Requirements	38696	5YR	07/08/2014	2014-15/65
R33-9	Insurance Procurement	38220	EXT	01/02/2014	2014-3/57
R33-9	Insurance Procurement	38448	5YR	04/17/2014	2014-10/112
R33-9	Insurance Procurement	38508	R&R	07/08/2014	2014-11/59
R33-9	Cancellations, Rejections, and Debarment	38697	5YR	07/08/2014	2014-15/65
R33-10	State Construction Contracts and Drug and Alcohol Testing	38509	R&R	07/08/2014	2014-11/62
R33-10	Preferences	38698	5YR	07/08/2014	2014-15/66
R33-11	Surplus Property	38524	R&R	07/08/2014	2014-11/64
R33-11	Form of Bonds	38699	5YR	07/08/2014	2014-15/66
R33-12	Rules of Procedure for Procurement Policy Board and Procurement Appeals Panel	38510	R&R	07/08/2014	2014-11/71
R33-12	Terms and Conditions, Contracts, Change Orders and Costs	38700	5YR	07/08/2014	2014-15/67
R33-13	General Construction Provisions	38511	NEW	07/08/2014	2014-11/79
R33-14	Procurement of Design-Build Transportation Project Contracts	38512	NEW	07/08/2014	2014-11/83
R33-15	Architect-Engineer Services	38513	NEW	07/08/2014	2014-11/84
R33-16	Controversies and Protests	38514	NEW	07/08/2014	2014-11/86
R33-17	Procurement Appeals Board	38515	NEW	07/08/2014	2014-11/87
R33-18	Appeal to the Utah Court of Appeals	38516	NEW	07/08/2014	2014-11/89
R33-19	General Provisions Related to Protest or Appeal	38518	NEW	07/08/2014	2014-11/90
R33-20	Records	38519	NEW	07/08/2014	2014-11/91
R33-21	Interaction Between Procurement Units	38520	NEW	07/08/2014	2014-11/92
R33-22	Reserved	38526	NEW	07/08/2014	2014-11/94
R33-23	Reserved	38527	NEW	07/08/2014	2014-11/95
R33-24	Unlawful Conduct	38521	NEW	07/08/2014	2014-11/95
R33-24	Unlawful Conduct	38758	AMD	10/08/2014	2014-17/18
R33-25	Executive Branch Insurance Procurement	38522	NEW	07/08/2014	2014-11/97
R33-26	State Surplus Property	38523	NEW	07/08/2014	2014-11/98

RULES INDEX

Records Committee

R35-1	State Records Committee Appeal Hearing Procedures	38572	5YR	06/03/2014	2014-13/133
R35-1	State Records Committee Appeal Hearing Procedures	38640	AMD	09/09/2014	2014-14/5
R35-1a	State Records Committee Definitions	38573	5YR	06/03/2014	2014-13/134
R35-1a	State Records Committee Definitions	38641	AMD	09/09/2014	2014-14/7
R35-2	Declining Appeal Hearings	38574	5YR	06/03/2014	2014-13/135
R35-2	Declining Appeal Hearings	38642	AMD	09/16/2014	2014-14/8
R35-3	Prehearing Conferences	38575	5YR	06/03/2014	2014-13/135
R35-3	Prehearing Conferences	38647	REP	09/16/2014	2014-14/10
R35-4	Compliance with State Records Committee Decisions and Orders	38576	5YR	06/03/2014	2014-13/136
R35-4	Compliance with State Records Committee Decisions and Orders	38643	AMD	09/16/2014	2014-14/11
R35-5	Subpoenas Issued by the Records Committee	38577	5YR	06/03/2014	2014-13/136
R35-5	Subpoenas Issued by the State Records Committee	38645	AMD	09/16/2014	2014-14/12
R35-6	Expedited Hearing	38578	5YR	06/03/2014	2014-13/137
R35-6	Expedited Hearing	38646	AMD	09/16/2014	2014-14/13

Risk Management

R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	38250	AMD	04/30/2014	2014-4/4
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AGRICULTURE AND FOOD

Animal Industry

R58-3	Brucellosis Vaccination Requirements	38294	AMD	04/16/2014	2014-5/4
R58-20	Domesticated Elk Hunting Parks	38251	5YR	01/17/2014	2014-4/67

Conservation Commission

R64-1	Agriculture Resource and Development Loans (ARDL)	38712	5YR	07/23/2014	2014-16/59
R64-1	Agriculture Resource and Development Loans (ARDL)	38747	AMD	10/08/2014	2014-17/20
R64-3	Utah Environmental Stewardship Certification Program (UESCP), a.k.a. Agriculture Certificate of Environmental Stewardship (ACES)	38071	NEW	05/08/2014	2013-22/15
R64-3	Utah Environmental Stewardship Certification Program (UESCP), a.k.a. Agriculture Certificate of Environmental Stewardship (ACES)	38071	CPR	05/08/2014	2014-7/82

Marketing and Development

R65-1	Utah Apple Marketing Order	38843	5YR	09/08/2014	2014-19/77
R65-3	Utah Turkey Marketing Order	38844	5YR	09/08/2014	2014-19/77
R65-4	Utah Egg Marketing Order	38845	5YR	09/08/2014	2014-19/78
R65-12	Utah Small Grains and Oilseeds Marketing Order	38287	NEW	04/16/2014	2014-5/5

Plant Industry

R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	38937	5YR	11/06/2014	Not Printed
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Regulatory Services

R70-101-7	Manufacturer Identification and Tag Requirements	38813	AMD	10/22/2014	2014-18/4
R70-310	Grade A Pasteurized Milk	38467	NSC	05/16/2014	Not Printed
R70-310	Grade A Pasteurized Milk	38636	EXT	06/18/2014	2014-14/87
R70-310	Grade A Pasteurized Milk	38651	5YR	06/24/2014	2014-14/79
R70-310	Grade A Pasteurized Milk	38652	NSC	07/11/2014	Not Printed
R70-410	Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes	38315	AMD	05/08/2014	2014-6/5
R70-440	Egg Products Inspection	38872	5YR	09/16/2014	2014-20/73
R70-530	Food Protection	38262	R&R	03/27/2014	2014-4/5
R70-540	Food Establishment Registration	38871	5YR	09/16/2014	2014-20/74
R70-960	Weights and Measures Fee Registration	38846	5YR	09/08/2014	2014-19/79

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1-16	Disqualification Based Upon Conviction of Crime	38274	AMD	03/25/2014	2014-4/10
R81-1-32	Further Application	38323	AMD	04/29/2014	2014-6/7
R81-7	Single Event Permits	38275	AMD	03/25/2014	2014-4/11
R81-10b	Temporary Beer Event Permits	38276	AMD	03/25/2014	2014-4/14

ATTORNEY GENERAL

Administration

R105-2	Records Access and Management	38245	NSC	01/30/2014	Not Printed
R105-2	Records Access and Management	38749	NSC	08/28/2014	Not Printed

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-4	Capitol Preservation Board General Procurement Rule	38546	EMR	05/21/2014	2014-12/49
R131-4	Capitol Preservation Board General Procurement Rule	38557	AMD	07/22/2014	2014-12/8
R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	38476	5YR	05/01/2014	2014-10/113
R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	38479	AMD	07/08/2014	2014-11/103

COMMERCE

Consumer Protection

R152-21	Credit Services Organizations Act Rules	38266	5YR	01/29/2014	2014-4/67
R152-23	Utah Health Spa Services	38748	AMD	10/16/2014	2014-17/22
R152-26	Telephone Fraud Prevention Act	38125	AMD	01/07/2014	2013-23/4
R152-32a-2	Exempt Businesses	38763	AMD	10/16/2014	2014-17/23

Corporations and Commercial Code

R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	38320	R&R	04/21/2014	2014-6/9
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Occupational and Professional Licensing

R156-1	General Rule of the Division of Occupational and Professional Licensing	38659	AMD	08/21/2014	2014-14/14
R156-1-501	Unprofessional Conduct	38157	AMD	01/21/2014	2013-24/6
R156-1-501	Unprofessional Conduct	38253	NSC	01/31/2014	Not Printed
R156-9	Funeral Service Licensing Act Rule	38737	AMD	10/09/2014	2014-17/25
R156-15	Health Facility Administrator Act Rule	38337	AMD	05/08/2014	2014-7/5
R156-15A	State Construction Code Administration and Adoption of Approved State Construction Code Rule	38733	AMD	10/09/2014	2014-17/26
R156-15A-231	Administration of Building Code Training Fund and Factory Built Housing Fees Account	38549	AMD	07/22/2014	2014-12/10
R156-15A-231	Administration of Building Code Training Fund and Factory Built Housing Fees Account	38792	AMD	10/23/2014	2014-18/5
R156-17b	Pharmacy Practice Act Rule	38638	AMD	08/21/2014	2014-14/21
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	38279	AMD	04/08/2014	2014-5/7
R156-24b	Physical Therapy Practice Act Rule	38473	AMD	06/23/2014	2014-10/9
R156-24b-505	Trigger Point Dry Needling - Education and Experience Required - Registration	38657	AMD	08/21/2014	2014-14/41
R156-31b	Nurse Practice Act Rule	38475	R&R	06/23/2014	2014-10/11
R156-31c	Nurse Licensure Compact Rule	38801	5YR	08/21/2014	2014-18/89
R156-38a	Residence Lien Restriction and Lien Recovery Fund Rule	38885	NSC	11/03/2014	Not Printed

RULES INDEX

R156-38a-301a	Contractor Registration as a Qualified Beneficiary - All License Classifications Required to Register Unless Specifically Exempted - Exempted Classifications	38732	NSC	08/28/2014	Not Printed
R156-38a-401	Requirements for a Letter of Credit and/or Evidence of a Cash Deposit as Alternate Security for Mechanics' Lien	38533	NSC	05/29/2014	Not Printed
R156-40	Recreational Therapy Practice Act Rule	38517	AMD	07/08/2014	2014-11/105
R156-40a-302a	Qualifications for Licensure	38548	AMD	07/22/2014	2014-12/13
R156-42a	Occupational Therapy Practice Act Rule	38254	5YR	01/21/2014	2014-4/68
R156-42a	Occupational Therapy Practice Act Rule	38313	AMD	04/21/2014	2014-6/24
R156-44a	Nurse Midwife Practice Act Rule	38249	5YR	01/16/2014	2014-4/69
R156-46a	Hearing Instrument Specialist Licensing Act Rule	38155	AMD	01/21/2014	2013-24/7
R156-46a	Hearing Instrument Specialist Licensing Act Rule	38257	5YR	01/27/2014	2014-4/69
R156-53	Landscape Architects Licensing Act Rule	38639	AMD	08/21/2014	2014-14/43
R156-55a	Utah Construction Trades Licensing Act Rule	38151	AMD	01/21/2014	2013-24/10
R156-55a	Utah Construction Trades Licensing Act Rule	38736	AMD	10/09/2014	2014-17/28
R156-55a-102	Definitions	38902	NSC	10/31/2014	Not Printed
R156-55a-301	License Classifications - Scope of Practice	38380	NSC	04/14/2014	Not Printed
R156-55a-302f	Pre-licensure Education - Standards	38760	AMD	10/09/2014	2014-17/31
R156-55b	Electricians Licensing Act Rule	38648	AMD	08/21/2014	2014-14/44
R156-55c	Plumber Licensing Act Rule	38731	AMD	10/09/2014	2014-17/33
R156-55d	Burglar Alarm Licensing Rule	38825	AMD	10/23/2014	2014-18/8
R156-60	Mental Health Professional Practice Act Rule	38421	5YR	04/08/2014	2014-9/50
R156-60-102	Definitions	38390	AMD	05/22/2014	2014-8/6
R156-60a	Social Worker Licensing Act Rule	38730	5YR	08/04/2014	2014-17/135
R156-60b	Marriage and Family Therapist Licensing Act Rule	38734	5YR	08/05/2014	2014-17/136
R156-61	Psychologist Licensing Act Rule	38233	5YR	01/13/2014	2014-3/49
R156-63a	Security Personnel Licensing Act Contract Security Rule	38450	AMD	06/23/2014	2014-10/45
R156-63b	Security Personnel Licensing Act Armored Car Rule	38474	AMD	06/23/2014	2014-10/48
R156-64	Deception Detection Examiners Licensing Act Rule	38814	AMD	10/23/2014	2014-18/10
R156-67	Utah Medical Practice Act Rule	38106	AMD	01/07/2014	2013-23/5
R156-67	Utah Medical Practice Act Rule	38649	AMD	08/21/2014	2014-14/46
R156-68	Utah Osteopathic Medical Practice Act Rule	38107	AMD	01/07/2014	2013-23/6
R156-68	Utah Osteopathic Medical Practice Act Rule	38552	AMD	07/28/2014	2014-12/14
R156-69	Dentist and Dental Hygienist Practice Act Rule	38149	AMD	01/21/2014	2013-24/20
R156-72	Acupuncture Licensing Act Rule	38165	AMD	02/10/2014	2014-1/8
R156-77	Direct-Entry Midwife Act Rule	38375	AMD	05/22/2014	2014-8/7
R156-78	Vocational Rehabilitation Counselor Licensing Act Rule	38761	5YR	08/14/2014	2014-17/136
R156-79	Hunting Guides and Outfitters Licensing Act Rule	38735	5YR	08/05/2014	2014-17/137
R156-80a	Medical Language Interpreter Act Rule	38388	5YR	03/31/2014	2014-8/37
R156-81	Retired Volunteer Health Care Practitioner Act Rule	38382	5YR	03/25/2014	2014-8/37
<u>Real Estate</u>					
R162-2f	Real Estate Licensing and Practices Rules	38213	AMD	02/25/2014	2014-2/4
R162-2g	Real Estate Appraiser Licensing and Certification Administrative Rules	38270	AMD	03/31/2014	2014-4/16
R162-2g	Real Estate Appraiser Licensing and Certification Administrative Rules	38389	AMD	05/22/2014	2014-8/8

CORRECTIONS

Administration

R251-111	Government Records Access and Management	38255	NEW	03/26/2014	2014-4/25
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CRIME VICTIM REPARATIONS

Administration

R270-1-13	Awards	38221	EMR	01/04/2014	2014-3/47
R270-3	ADA Complaint Procedure	38258	EXT	01/27/2014	2014-4/75
R270-3	ADA Complaint Procedure	38498	5YR	05/12/2014	2014-11/171
R270-4	Government Records Access and Management Act	38259	EXT	01/27/2014	2014-4/75
R270-4	Government Records Access and Management Act	38499	5YR	05/12/2014	2014-11/171

EDUCATION

Administration

R277-102	Adjudicative Proceedings	38408	5YR	04/04/2014	2014-9/51
R277-105	Recognizing Constitutional Freedoms in the Schools	38409	5YR	04/04/2014	2014-9/51
R277-105	Recognizing Constitutional Freedoms in the Schools	38432	AMD	06/09/2014	2014-9/8
R277-113-4	LEA Responsibilities	38772	AMD	10/09/2014	2014-17/39
R277-116	Utah State Board of Education Internal Audit Procedure	38183	AMD	02/07/2014	2014-1/10
R277-117	Utah State Board of Education Protected Documents	38295	5YR	02/13/2014	2014-5/59
R277-117	Utah State Board of Education Protected Documents	38299	AMD	04/07/2014	2014-5/16
R277-118	LEA Post-employment Benefits Plans	38433	NEW	06/09/2014	2014-9/11
R277-119	Discretionary Funds	38357	NEW	05/08/2014	2014-7/7
R277-400	School Emergency Response Plans	38296	5YR	02/13/2014	2014-5/59
R277-400	School Emergency Response Plans	38300	AMD	04/07/2014	2014-5/17
R277-400	School Emergency Response Plans	38773	AMD	10/09/2014	2014-17/41
R277-400-5	Plan(s) Content--Educational Services and Student Supervision and Building Access	38426	NSC	04/29/2014	Not Printed
R277-402	School Readiness Initiative	38774	NEW	10/09/2014	2014-17/44
R277-404	Requirements for Assessments of Student Achievement	38863	AMD	11/10/2014	2014-19/5
R277-410-5	Accreditation Procedures	38434	AMD	06/09/2014	2014-9/13
R277-419-9	Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by Third Party Vendors for School Year 2014-2015	38585	EMR	06/09/2014	2014-13/129
R277-422-4	K-3 Reading Achievement Program	38864	AMD	11/10/2014	2014-19/10
R277-437	Student Enrollment Options	38185	AMD	02/07/2014	2014-1/12
R277-438	Dual Enrollment	38347	5YR	03/14/2014	2014-7/89
R277-462	Comprehensive Counseling and Guidance Program	38591	5YR	06/10/2014	2014-13/137
R277-462	Comprehensive Counseling and Guidance Program	38621	AMD	08/07/2014	2014-13/20
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	38590	5YR	06/10/2014	2014-13/138
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	38622	AMD	08/07/2014	2014-13/24
R277-470	Charter Schools - General Provisions	38623	AMD	08/07/2014	2014-13/25
R277-470-6	Charter School Mentoring Program	38186	AMD	02/07/2014	2014-1/14
R277-471	Oversight of School Inspections	38854	5YR	09/09/2014	2014-19/79
R277-471	Oversight of School Inspections	38865	AMD	11/10/2014	2014-19/11
R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	38589	5YR	06/10/2014	2014-13/138
R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	38624	AMD	08/07/2014	2014-13/28
R277-477	Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program	38541	AMD	07/08/2014	2014-11/109

RULES INDEX

R277-477-3	Distribution of Funds - Local Board or Local Charter Board Approval of School LAND Trust Plans	38326	NSC	04/01/2014	Not Printed
R277-480	Charter School Revolving Account	38588	5YR	06/10/2014	2014-13/139
R277-480-4	Charter School Revolving Account Application and Conditions	38625	AMD	08/07/2014	2014-13/30
R277-481	Charter School Oversight, Monitoring and Appeals	38187	AMD	02/07/2014	2014-1/15
R277-486	Professional Staff Cost Program	38348	5YR	03/14/2014	2014-7/89
R277-486	Professional Staff Cost Program	38356	NSC	04/01/2014	Not Printed
R277-487	Public School Data Confidentiality and Disclosure	38955	5YR	11/14/2014	Not Printed
R277-491	School Community Councils	38542	AMD	07/08/2014	2014-11/113
R277-495	Required Policies for Electronic Devices in Public Schools	38301	AMD	04/07/2014	2014-5/20
R277-497	School Grading System	38111	AMD	01/08/2014	2013-23/8
R277-502-3	Program Approval and Requirements	38833	NSC	09/19/2014	Not Printed
R277-502-5	Professional Education License Areas of Concentration, and Endorsements and Under-Qualified Employees	38775	AMD	10/09/2014	2014-17/45
R277-503	Licensing Routes	38240	AMD	03/10/2014	2014-3/4
R277-503-4	Licensing Routes	38435	AMD	06/09/2014	2014-9/14
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-Age 5) Licensure	38829	5YR	09/02/2014	2014-18/89
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Preschool Special Education (Birth-Age 5) Licensure	38866	R&R	11/10/2014	2014-19/19
R277-506	School Psychologists, School Social Workers, and School Counselors Licenses and Programs	38867	AMD	11/10/2014	2014-19/26
R277-506	School Psychologists, School Social Workers, and School Counselors Licenses and Programs	38951	5YR	11/13/2014	Not Printed
R277-510-4	NCLB Highly Qualified Assignments - Elementary Teachers 1-8	38289	NSC	02/27/2014	Not Printed
R277-516	Education Employee Required Reports of Arrests and Required Background Check Policies for Non-licensed Employees	38594	5YR	06/10/2014	2014-13/139
R277-518	Career and Technical Education Licenses	38241	AMD	03/10/2014	2014-3/8
R277-524	Paraprofessional/Paraeducator Programs, Assignments, and Qualifications	38349	5YR	03/14/2014	2014-7/90
R277-524	Paraprofessional/Paraeducator Programs, Assignments, and Qualifications	38358	AMD	05/08/2014	2014-7/8
R277-525	Special Educator Stipends	38114	AMD	01/08/2014	2013-23/9
R277-526	Paraeducator to Teacher Scholarship Program	38302	AMD	04/07/2014	2014-5/23
R277-527	International Guest Teachers	38190	AMD	02/07/2014	2014-1/18
R277-528	Use of Public Education Job Enhancement Program (PEJEP) Funds	38242	NEW	03/10/2014	2014-3/12
R277-531	Public Educator Evaluation Requirements (PEER)	38776	AMD	10/09/2014	2014-17/46
R277-532-3	School District Policies	38777	AMD	10/09/2014	2014-17/49
R277-601	Standards for Utah School Buses and Operations	38410	5YR	04/04/2014	2014-9/52
R277-601-3	Standards	38436	AMD	06/09/2014	2014-9/17
R277-602-3	Parent/Guardian Responsibilities	38626	AMD	08/07/2014	2014-13/32
R277-607	Truancy Prevention	38831	5YR	09/02/2014	2014-18/90
R277-607	Truancy Prevention	38778	AMD	10/09/2014	2014-17/50
R277-619	Student Leadership Skills Development	38779	AMD	10/09/2014	2014-17/52
R277-620	Suicide Prevention Programs	38780	AMD	10/09/2014	2014-17/53
R277-704	Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports	38113	AMD	01/08/2014	2013-23/11

R277-704	Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports	38781	AMD	10/09/2014	2014-17/55
R277-706	Public Education Regional Service Centers	38832	5YR	09/02/2014	2014-18/90
R277-706	Public Education Regional Service Centers	38782	AMD	10/09/2014	2014-17/57
R277-708	Enhancement for At-Risk Students Program	38851	NSC	09/30/2014	Not Printed
R277-709	Education Programs Serving Youth in Custody	38116	AMD	01/14/2014	2013-23/13
R277-709-1	Definitions	38834	NSC	09/19/2014	Not Printed
R277-709-11	Coordinating Council	38359	AMD	05/08/2014	2014-7/10
R277-710	Intergenerational Poverty Interventions in Public Schools	38627	NEW	08/07/2014	2014-13/33
R277-713	Concurrent Enrollment of High School Students in College Courses	38852	NSC	09/30/2014	Not Printed
R277-714	Dissemination of Information About Juvenile Offenders	38593	5YR	06/10/2014	2014-13/140
R277-719	Standards for Selling Foods Outside of the Reimbursable Meal in Schools	38628	AMD	08/07/2014	2014-13/35
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	38351	5YR	03/14/2014	2014-7/90
R277-725	Electronic High School	38411	5YR	04/04/2014	2014-9/52
R277-725	Electronic High School	38437	AMD	06/09/2014	2014-9/18
R277-735	Corrections Education Programs	38352	5YR	03/14/2014	2014-7/91
R277-735	Corrections Education Programs	38360	AMD	05/08/2014	2014-7/11
R277-800	Utah Schools for the Deaf and the Blind	38592	5YR	06/10/2014	2014-13/140
R277-800	Utah Schools for the Deaf and the Blind	38868	AMD	11/10/2014	2014-19/29
R277-916	Career and Technical Education Introduction and Work-Based Learning Programs	38412	5YR	04/04/2014	2014-9/53

Rehabilitation

R280-150	Adjudicative Proceedings Under the Vocational Rehabilitation Act	38538	5YR	05/15/2014	2014-11/172
R280-150	Adjudicative Proceedings Under the Vocational Rehabilitation Act	38539	AMD	07/08/2014	2014-11/117
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	38353	5YR	03/14/2014	2014-7/91
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	38361	AMD	05/08/2014	2014-7/14
R280-202-3	Eligibility Criteria	38540	NSC	05/29/2014	Not Printed
R280-203	Certification Requirements for Interpreters for the Hearing Impaired	38853	5YR	09/09/2014	2014-19/80

ENVIRONMENTAL QUALITY

Administration

R305-1	Records Access and Management	38244	NSC	01/30/2014	Not Printed
R305-4	Clean Fuels and Vehicle Technology Fund Grant and Loan Program	38525	AMD	07/08/2014	2014-11/118

Air Quality

R307-101	General Requirements	38494	5YR	05/08/2014	2014-11/172
R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	38493	AMD	08/07/2014	2014-11/122
R307-103-1	Administrative Procedures	38252	NSC	01/31/2014	Not Printed
R307-110-17	Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits	38061	AMD	01/09/2014	2013-21/8
R307-150	Emission Inventories	38261	5YR	01/28/2014	2014-4/70
R307-202	Emission Standards: General Burning	38673	AMD	10/06/2014	2014-15/6
R307-210-2	Oil and Gas Sector: New Source Performance Standards	38104	AMD	03/06/2014	2013-23/17
R307-214	National Emission Standards for Hazardous Air Pollutants	38492	AMD	08/07/2014	2014-11/123
R307-214-3	Oil and Gas Sector: National Emission Standards for Hazardous Air Pollutants	38105	AMD	03/06/2014	2013-23/18
R307-302	Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber Counties	38166	AMD	03/06/2014	2014-1/20

RULES INDEX

R307-335	Degreasing and Solvent Cleaning Operations	37829	AMD	06/02/2014	2013-15/23
R307-335	Degreasing and Solvent Cleaning Operations	37829	CPR	06/02/2014	2013-23/54
R307-335	Degreasing and Solvent Cleaning Operations	37829	CPR	06/02/2014	2014-7/85
R307-335	Degreasing and Solvent Cleaning Operations	37829	CPR	06/02/2014	2014-9/46
R307-342-3	Exemptions	38583	AMD	09/04/2014	2014-13/37
R307-348	Magnet Wire Coatings	38681	AMD	10/07/2014	2014-15/28
R307-357-4	Standards	38332	AMD	05/08/2014	2014-7/16
R307-357-4	Standards	38495	NSC	05/29/2014	Not Printed
R307-401-12	Reduction in Air Contaminants	38491	AMD	08/07/2014	2014-11/127
R307-401-19	General Approval Order	37833	AMD	01/06/2014	2013-15/29
R307-401-19	General Approval Order	37833	CPR	01/06/2014	2013-23/55
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	38260	5YR	01/28/2014	2014-4/70
R307-410-2	Definitions	38489	AMD	08/07/2014	2014-11/128
R307-410-6	Stack Heights and Dispersion Techniques	38490	AMD	08/07/2014	2014-11/129
R307-504	Oil and Gas Industry: Tank Truck Loading	38582	NEW	10/07/2014	2014-13/43
R307-840	Lead-Based Paint Program Purpose, Applicability, and Definitions	38330	5YR	03/06/2014	2014-7/92
<u>Drinking Water</u>					
R309-511	Hydraulic Modeling Requirements	38013	AMD	01/21/2014	2013-19/48
R309-515	Facility Design and Operation: Source Development	38012	AMD	01/21/2014	2013-19/51
R309-545	Facility Design and Operation: Drinking Water Storage Tanks	38535	AMD	11/10/2014	2014-11/130
R309-545	Facility Design and Operation: Drinking Water Storage Tanks	38535	CPR	11/10/2014	2014-16/48
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	38536	AMD	11/10/2014	2014-11/135
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	38536	CPR	11/10/2014	2014-16/52
<u>Environmental Response and Remediation</u>					
R311-201-12	UST Operator Training and Registration	38764	AMD	10/10/2014	2014-17/76
R311-204-3	Disposal	38765	AMD	10/10/2014	2014-17/79
R311-206-11	Environmental Assurance Fee Rebate Program	38766	AMD	10/10/2014	2014-17/80
R311-209-4	Recovery of Management and Oversight Expenses	38767	AMD	10/10/2014	2014-17/82
R311-212	Administration of the Petroleum Storage Tank Loan Fund	38768	AMD	10/10/2014	2014-17/84
<u>Radiation Control</u>					
R313-12-3	Definitions	38752	AMD	10/21/2014	2014-17/88
R313-14	Violations and Escalated Enforcement	38076	AMD	04/03/2014	2013-22/45
R313-14	Violations and Escalated Enforcement	38076	CPR	04/03/2014	2014-4/50
R313-22-33	General Requirements for the Issuance of Specific Licenses	38754	AMD	10/21/2014	2014-17/97
R313-22-34	Issuance of Specific Licenses	38145	AMD	02/14/2014	2013-23/19
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	38082	AMD	04/03/2014	2013-22/49
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	38082	CPR	04/03/2014	2014-4/53
R313-25-2	Definitions	38755	AMD	10/21/2014	2014-17/99
R313-38-3	Clarifications or Exceptions	38147	AMD	04/07/2014	2013-23/20
R313-38-3	Clarifications or Exceptions	38147	CPR	04/07/2014	2014-5/56
R313-70	Payments, Categories and Types of Fees	38751	AMD	10/21/2014	2014-17/104
R313-70-5	Payment of Fees	38146	AMD	02/18/2014	2013-23/22
<u>Solid and Hazardous Waste</u>					
R315-1-1	Definitions	38609	AMD	08/15/2014	2014-13/44
R315-2-4	Exclusions	38610	AMD	08/15/2014	2014-13/47
R315-8-14	Landfills	38334	NSC	04/01/2014	Not Printed
R315-12	Administrative Procedures	38335	NSC	04/01/2014	Not Printed
R315-15	Standards for the Management of Used Oil	38611	AMD	10/03/2014	2014-13/56
R315-15	Standards for the Management of Used Oil	38611	CPR	10/03/2014	2014-17/130

Water Quality

R317-1-7	TMDLs	38235	AMD	03/27/2014	2014-3/13
R317-1-7	TMDLs	38402	AMD	08/01/2014	2014-8/13
R317-2-14	Numeric Criteria	38288	AMD	07/02/2014	2014-5/25
R317-2-14	Numeric Criteria	38288	CPR	07/02/2014	2014-11/168
R317-5	Large Underground Wastewater Disposal (LUWD) Systems	38271	R&R	03/26/2014	2014-4/26
R317-10	Certification of Wastewater Works Operators	38531	AMD	08/27/2014	2014-11/143
R317-12	General Requirements: Tax Exemption for Water Pollution Control Equipment	38661	R&R	08/27/2014	2014-14/48
R317-401	Graywater Systems	38481	5YR	05/06/2014	2014-11/173
R317-550	Rules for Waste Disposal By Liquid Scavenger Operations	38387	AMD	07/30/2014	2014-8/14

GOVERNOR

Economic Development

R357-2	Targeted Business Tax Credit	38860	NEW	11/08/2014	2014-19/46
R357-7	Utah Capital Investment Board	38154	NEW	01/24/2014	2013-24/22
R357-7	Utah Capital Investment Board	38702	R&R	09/11/2014	2014-15/48

Economic Development, Pete Suazo Utah Athletic Commission

R359-1-604	Boxing - Gloves	38033	AMD	01/24/2014	2013-20/25
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Energy Development (Office of)

R362-2	Renewable Energy Systems Tax Credits	38163	AMD	01/22/2014	2013-24/23
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HEALTH

Administration

R380-25	Submission of Data Through an Electronic Data Interchange	38586	5YR	06/09/2014	2014-13/140
R380-70	Standards for Electronic Exchange of Clinical Health Information	38256	5YR	01/24/2014	2014-4/71

Center for Health Data, Health Care Statistics

R428-1	Adoption of Health Data Plan	38571	AMD	08/05/2014	2014-12/16
R428-2	Health Data Authority Standards for Health Data	38562	R&R	08/05/2014	2014-12/18
R428-5	Appeal and Adjudicative Proceedings	38563	AMD	08/05/2014	2014-12/23
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	38564	R&R	08/05/2014	2014-12/26
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	38565	R&R	08/05/2014	2014-12/30
R428-12	Health Data Authority Survey of Enrollees in Health Plans	38566	AMD	08/05/2014	2014-12/34
R428-13	Health Data Authority. Audit and Reporting of Health Plan Performance Measures	38567	AMD	08/05/2014	2014-12/36
R428-15	Health Data Authority Health Insurance Claims Reporting	38144	AMD	01/07/2014	2013-23/43
R428-15	Health Data Authority Health Insurance Claims Reporting	38568	AMD	08/05/2014	2014-12/38
R428-15	Health Data Authority Health Insurance Claims Reporting	38905	5YR	10/10/2014	2014-21/91

Center for Health Data, Vital Records and Statistics

R436-55	Hemp Extract Registration	38537	NEW	07/08/2014	2014-11/155
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Children's Health Insurance Program

R382-3	Accountable Care Organization Incentives to Appropriately Use Emergency Room Services in the Children's Health Insurance Program	38102	NEW	01/13/2014	2013-23/23
R382-10	Eligibility	38400	AMD	06/01/2014	2014-8/18
R382-10	Eligibility	38817	AMD	11/01/2014	2014-18/13

Disease Control and Prevention, Environmental Services

R392-101	Food Safety Manager Certification	38229	5YR	01/10/2014	2014-3/49
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RULES INDEX

R392-104	Feeding Disadvantaged Groups	38656	NEW	09/12/2014	2014-14/53
R392-200-4	Site Standards	38177	AMD	02/19/2014	2014-1/24
R392-302	Design, Construction, and Operation of Public Pools	38089	AMD	02/14/2014	2013-22/69
R392-303	Public Geothermal Pools and Bathing Places	38285	5YR	02/11/2014	2014-5/60
R392-303	Public Geothermal Pools and Bathing Places	38176	AMD	02/24/2014	2014-1/25
<u>Disease Control and Prevention, Epidemiology</u>					
R386-80	Local Public Health Emergency Funding Protocols	38662	NEW	10/24/2014	2014-14/51
<u>Disease Control and Prevention, Health Promotion</u>					
R384-100	Cancer Reporting Rule	38367	5YR	03/18/2014	2014-8/38
R384-200	Program Eligibility, Benefits, and Administration	38178	NEW	03/21/2014	2014-1/22
R384-203	Prescription Drug Database Access	38081	NEW	03/01/2014	2013-22/68
<u>Disease Control and Prevention, Medical Examiner</u>					
R448-10	Unattended Death and Reporting Requirements	38419	5YR	04/07/2014	2014-9/55
R448-20	Access to Medical Examiner Reports	38420	5YR	04/07/2014	2014-9/55
<u>Family Health and Preparedness, Child Care Licensing</u>					
R430-6	Background Screening	38544	AMD	08/15/2014	2014-12/40
R430-8	Exemptions From Child Care Licensing	38453	5YR	04/25/2014	2014-10/113
R430-70	Out of School Time Child Care Programs	38543	5YR	05/19/2014	2014-12/55
<u>Family Health and Preparedness, Children with Special Health Care Needs</u>					
R398-1	Newborn Screening	38319	AMD	07/01/2014	2014-6/25
R398-1	Newborn Screening	38839	5YR	09/04/2014	2014-19/80
R398-4	Cytomegalovirus Public Health Initiative	38139	NEW	01/17/2014	2013-23/25
R398-5	Birth Defects Reporting	38830	5YR	09/02/2014	2014-18/91
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	38339	5YR	03/12/2014	2014-7/92
R398-10	Autism Spectrum Disorders and Mental Retardation Reporting	38340	NSC	04/01/2014	Not Printed
R398-20	Early Intervention	37984	AMD	01/28/2014	2013-19/61
<u>Family Health and Preparedness, Emergency Medical Services</u>					
R426-5-2600	Refusal, Suspension, or Revocation of Certification	38672	NSC	07/31/2014	Not Printed
R426-8	Emergency Medical Services Ambulance Rates and Charges	38272	AMD	03/24/2014	2014-4/42
R426-100	Air Medical Service Rules	38079	REP	01/06/2014	2013-22/119
<u>Family Health and Preparedness, Licensing</u>					
R432-2-5	Requirements for a Satellite Service Operation	38086	AMD	01/24/2014	2013-22/123
R432-3	General Health Care Facility Rules Inspection and Enforcement	38173	AMD	02/27/2014	2014-1/37
R432-7	Specialty Hospital - Psychiatric Hospital Construction	38391	5YR	04/01/2014	2014-8/40
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	38392	5YR	04/01/2014	2014-8/41
R432-9	Specialty Hospital - Rehabilitation Construction Rule	38393	5YR	04/01/2014	2014-8/41
R432-10	Specialty Hospital - Long-Term Acute Care Construction Rule	38394	5YR	04/01/2014	2014-8/42
R432-11	Orthopedic Hospital Construction	38395	5YR	04/01/2014	2014-8/42
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	38396	5YR	04/01/2014	2014-8/43
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	38397	5YR	04/01/2014	2014-8/43
R432-14	Birth Center Construction Rule	38422	5YR	04/10/2014	2014-9/54
R432-30	Adjudicative Procedure	38398	5YR	04/01/2014	2014-8/44
R432-32	Licensing Exemption for Non-Profit Volunteer End-of-Life Care	38399	5YR	04/01/2014	2014-8/44
R432-45	Nurse Aide Training and Competency Evaluation Program	38654	NEW	08/25/2014	2014-14/58

R432-270	Assisted Living Facilities	38423	5YR	04/10/2014	2014-9/54
R432-270	Assisted Living Facilities	38341	AMD	05/20/2014	2014-7/65
<u>Family Health and Preparedness, Primary Care and Rural Health</u>					
R434-30	Primary Care Grants Program for Medically Underserved Populations	38637	AMD	08/21/2014	2014-14/64
R434-40	Utah Health Care Workforce Financial Assistance Program Rules	38305	NEW	05/08/2014	2014-6/53
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	Incorporations by Reference	38191	AMD	05/01/2014	2014-1/32
R414-1-5	Incorporations by Reference	38381	AMD	07/28/2014	2014-8/22
R414-1-5	Incorporations by Reference	38599	AMD	08/19/2014	2014-13/89
R414-1B	Prohibition of Payment for Certain Abortion Services	38369	5YR	03/18/2014	2014-8/39
R414-7A	Medicaid Certification of New Nursing Facilities	38560	5YR	05/30/2014	2014-12/54
R414-7B	Nurse Aide Training and Competency Evaluation Program	38655	REP	08/25/2014	2014-14/54
R414-9	Federally Qualified Health Centers	38528	AMD	07/11/2014	2014-11/150
R414-10A-6	Prior Authorization	38430	AMD	06/11/2014	2014-9/27
R414-11	Podiatric Services	38371	5YR	03/18/2014	2014-8/39
R414-13	Psychology Services	38705	AMD	09/25/2014	2014-16/5
R414-14	Home Health Services	38130	AMD	01/10/2014	2013-23/26
R414-14	Home Health Services	38561	5YR	05/30/2014	2014-12/54
R414-14A	Hospice Care	38630	5YR	06/17/2014	2014-14/80
R414-21	Physical and Occupational Therapy	38132	AMD	01/10/2014	2013-23/28
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21	38650	5YR	06/24/2014	2014-14/80
R414-33B	Substance Abuse Targeted Case Management	38706	REP	09/25/2014	2014-16/6
R414-33D	Targeted Case Management by Community Mental Health Centers for Individuals with Serious Mental Illness	38707	AMD	09/25/2014	2014-16/8
R414-34	Substance Abuse Services	38708	REP	09/25/2014	2014-16/11
R414-35	Mental Health Services for Children in State Custody	38709	REP	09/25/2014	2014-16/12
R414-36	Services by Community Mental Health Centers	38710	AMD	09/25/2014	2014-16/14
R414-36	Rehabilitative Mental Health and Substance Use Disorder Services	38897	5YR	10/03/2014	2014-21/91
R414-45	Personal Supervision by a Physician	38431	REP	06/11/2014	2014-9/29
R414-49	Dental Services	38133	AMD	01/10/2014	2013-23/30
R414-49	Dental Services	38201	NSC	01/23/2014	Not Printed
R414-49	Dental, Oral and Maxillofacial Surgeons and Orthodontia	38631	5YR	06/17/2014	2014-14/81
R414-50	Dental, Oral and Maxillofacial Surgeons	38134	REP	01/10/2014	2013-23/32
R414-51	Dental, Orthodontia	38135	REP	01/10/2014	2013-23/33
R414-54	Speech-Language Pathology Services	38227	5YR	01/07/2014	2014-3/50
R414-54	Speech-Language Pathology Services	38613	AMD	08/26/2014	2014-13/94
R414-58 (Changed to R414-10B)	Children's Organ Transplants	38821	NSC	09/15/2014	Not Printed
R414-59	Audiology-Hearing Services	38614	AMD	08/26/2014	2014-13/95
R414-61	Home and Community-Based Services Waivers	38318	AMD	04/21/2014	2014-6/29
R414-61	Home and Community-Based Services Waivers	38927	5YR	10/30/2014	2014-22/41
R414-61-2	Incorporation by Reference	38703	AMD	09/26/2014	2014-16/16
R414-90	Diabetes Self-Management Training	38368	5YR	03/18/2014	2014-8/40
R414-99	Chiropractic Services	38529	AMD	07/11/2014	2014-11/151
R414-140	Choice of Health Care Delivery Program	38791	5YR	08/19/2014	2014-18/92
R414-303	Coverage Groups	38401	AMD	06/01/2014	2014-8/27
R414-303	Coverage Groups	38465	AMD	07/01/2014	2014-10/51
R414-303-11	Presumptive Pregnant Woman and Child Medicaid	38818	AMD	11/01/2014	2014-18/16
R414-304	Income and Budgeting	38724	AMD	10/01/2014	2014-16/17
R414-304-5	MAGI-Based Coverage Groups	38317	AMD	04/21/2014	2014-6/30
R414-305	Resources	38725	AMD	10/01/2014	2014-16/20
R414-306	Program Benefits and Date of Eligibility	38466	AMD	07/01/2014	2014-10/53
R414-306-5	Medical Transportation	38129	AMD	01/10/2014	2013-23/35

RULES INDEX

R414-310	Medicaid Primary Care Network Demonstration Waiver	38321	AMD	04/21/2014	2014-6/32
R414-310	Medicaid Primary Care Network Demonstration Waiver	38815	EMR	09/01/2014	2014-18/83
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	38322	AMD	04/21/2014	2014-6/42
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	38816	EMR	09/01/2014	2014-18/85
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	38819	AMD	11/01/2014	2014-18/18
R414-401	Nursing Care Facility Assessment	38418	5YR	04/07/2014	2014-9/53
R414-401-3	Assessment	38478	AMD	07/01/2014	2014-10/53
R414-501	Preadmission Authorization, Retroactive Authorization, and Continued Stay Review	38632	5YR	06/17/2014	2014-14/82
R414-502	Nursing Facility Levels of Care	38633	5YR	06/17/2014	2014-14/82
R414-503	Preadmission Screening and Resident Review	38141	R&R	01/07/2014	2013-23/37
R414-503	Preadmission Screening and Resident Review	38660	5YR	07/01/2014	2014-14/83
R414-503-2	Definitions	38584	NSC	06/18/2014	Not Printed
R414-510	Intermediate Care Facility for Persons with Intellectual Disabilities Transition Program	38532	AMD	07/15/2014	2014-11/153
R414-511	Medicaid Accountable Care Organization Incentives to Appropriately Use Emergency Room Services	38103	NEW	01/13/2014	2013-23/42

HERITAGE AND ARTS

History

R455-11	Historic Preservation Tax Credit	38932	5YR	11/03/2014	Not Printed
R455-13	Capital Funds Request Prioritization	38923	5YR	10/28/2014	2014-22/41
R455-14	Procedures for Electronic Meetings	38331	NEW	07/21/2014	2014-7/70
R455-15	Procedures for Emergency Meetings	38333	NEW	07/21/2014	2014-7/71

HOUSING CORPORATION (UTAH)

Administration

R460-3-1	Single-Family Mortgage Program	38788	AMD	10/09/2014	2014-17/110
R460-6	Adjudicative Proceedings	38452	AMD	07/10/2014	2014-10/55

HUMAN RESOURCE MANAGEMENT

Administration

R477-1	Definitions	38456	AMD	07/01/2014	2014-10/57
R477-2-3	Fair Employment Practice and Discrimination	38457	AMD	07/01/2014	2014-10/62
R477-3-4	Position Classification Review	38454	AMD	07/01/2014	2014-10/63
R477-4	Filling Positions	38458	AMD	07/01/2014	2014-10/63
R477-4-4	Recruitment and Selection for Career Service Positions	38077	AMD	01/14/2014	2013-22/124
R477-6	Compensation	38469	AMD	07/01/2014	2014-10/67
R477-6-9	Severance Benefit	38092	AMD	01/14/2014	2013-22/125
R477-7	Leave	38084	AMD	01/14/2014	2013-22/126
R477-7	Leave	38455	AMD	07/01/2014	2014-10/71
R477-8	Working Conditions	38459	AMD	07/01/2014	2014-10/80
R477-9	Employee Conduct	38460	AMD	07/01/2014	2014-10/84
R477-10-1	Performance Evaluation	38461	AMD	07/01/2014	2014-10/87
R477-14	Substance Abuse and Drug-Free Workplace	38462	AMD	07/01/2014	2014-10/88
R477-15	Workplace Harassment Prevention	38463	AMD	07/01/2014	2014-10/90
R477-101	Administrative Law Judge Conduct Committee	38091	NEW	01/14/2014	2013-22/129
R477-101	Administrative Law Judge Conduct Committee	38464	AMD	07/01/2014	2014-10/92

HUMAN SERVICES

Administration

R495-882	Termination of Parental Rights	38280	5YR	02/10/2014	2014-5/61
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Administration, Administrative Services, Licensing

R501-21	Outpatient Treatment Programs	38812	AMD	11/03/2014	2014-18/22
R501-22	Residential Support Programs	38835	AMD	10/23/2014	2014-18/25

Aging and Adult Services

R510-104	Nutrition Programs for the Elderly (NPE)	38670	5YR	07/02/2014	2014-15/67
R510-400-16	Termination of Services	38671	AMD	10/08/2014	2014-15/53

Child and Family Services

R512-41	Qualifying Adoptive Families and Adoption Placement	38263	5YR	01/28/2014	2014-4/72
R512-43	Adoption Assistance	38217	AMD	03/10/2014	2014-3/15
R512-75	Rules Governing Adjudication of Consumer Complaints	38264	5YR	01/28/2014	2014-4/72
R512-306	Out-of-Home Services, Transition to Adult Living Services, Education and Training Voucher Program	38265	5YR	01/28/2014	2014-4/73
R512-310	Reasonable and Prudent Parent Standard	38743	NEW	10/08/2014	2014-17/112

Recovery Services

R527-10	Disclosure of Information to the Office of Recovery Services	38728	5YR	08/04/2014	2014-17/138
R527-38	Unenforceable Cases	38277	5YR	02/05/2014	2014-5/61
R527-40	Retained Support	38836	5YR	09/03/2014	2014-19/81
R527-275	Passport Release	38336	5YR	03/06/2014	2014-7/93
R527-332	Unreimbursed Assistance Calculation	38550	5YR	05/22/2014	2014-12/55
R527-394	Posting Bond or Security	38551	5YR	05/22/2014	2014-12/56
R527-450	Federal Tax refund Intercept	38729	5YR	08/04/2014	2014-17/138
R527-450	Federal Tax Refund Intercept	38924	NSC	11/07/2014	Not Printed

Services for People with Disabilities

R539-2	Service Coordination	38745	5YR	08/07/2014	2014-17/139
R539-3	Rights and Protections	38746	5YR	08/07/2014	2014-17/139
R539-4	Behavior Interventions	38891	5YR	09/30/2014	2014-20/75
R539-5	Self-Administered Services	38892	5YR	09/30/2014	2014-20/75

Substance Abuse and Mental Health

R523-1	Procedures	38297	REP	04/07/2014	2014-5/27
R523-4	Local Mental Health Authorities and Local Substance Abuse Authorities	38292	NEW	04/07/2014	2014-5/36
R523-5	Certification of Designated Examiners and Case Managers	38293	NEW	04/07/2014	2014-5/42
R523-6	Medication, Psychosurgery and Electroshock Procedures for Children, Consumer Rights, Due Process, Family Involvement	38298	NEW	04/07/2014	2014-5/45
R523-22	Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders	38451	AMD	06/26/2014	2014-10/96

INSURANCE

Administration

R590-67	Proxy Solicitations and Consent and Authorization of Stockholders of Domestic Stock Insurers	38828	5YR	08/29/2014	2014-18/92
R590-76	Health Maintenance Organizations	38827	5YR	08/29/2014	2014-18/93
R590-79	Life Insurance Disclosure Rule	38795	5YR	08/20/2014	2014-18/93
R590-83	Unfair Discrimination on the Basis of Sex or Marital Status	38793	5YR	08/20/2014	2014-18/94
R590-93	Replacement of Life Insurance and Annuities	38413	5YR	04/07/2014	2014-9/56
R590-96	Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities	38069	AMD	01/21/2014	2013-22/137
R590-98	Unfair Practice in Payment of Life Insurance and Annuity Policy Values	38414	5YR	04/07/2014	2014-9/56
R590-127	Rate Filing Exemptions	38799	5YR	08/20/2014	2014-18/94
R590-129	Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment	38794	5YR	08/20/2014	2014-18/95
R590-166	Home Protection Service Contract Rule	38417	5YR	04/07/2014	2014-9/57

RULES INDEX

R590-167	Individual, Small Employer, and Group Health Benefit Plan Rule	38798	5YR	08/20/2014	2014-18/95
R590-170	Fiduciary and Trust Account Obligations	38283	5YR	02/11/2014	2014-5/62
R590-170-4	Establishing the Trust Account	38823	AMD	10/30/2014	2014-18/29
R590-171	Surplus Lines Procedures Rule	38555	5YR	05/27/2014	2014-12/56
R590-172	Notice to Uninsurable Applicants for Health Insurance	38787	REP	10/10/2014	2014-17/114
R590-186-8	Investigating Unprofessional Conduct	38273	AMD	03/26/2014	2014-4/43
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	38416	5YR	04/07/2014	2014-9/57
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	38415	5YR	04/07/2014	2014-9/58
R590-192	Unfair Accident and Health Claims Settlement Practices	38635	5YR	06/17/2014	2014-14/83
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	38796	5YR	08/20/2014	2014-18/96
R590-195	Car Rental Related Licensing Rule	38307	5YR	02/20/2014	2014-6/75
R590-195	Car Rental Related Licensing Rule	38308	REP	04/22/2014	2014-6/59
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	38784	AMD	10/10/2014	2014-17/115
R590-220	Submission of Accident and Health Insurance Filings	38311	5YR	02/24/2014	2014-6/75
R590-225	Submission of Property and Casualty Rate and Form Filings	38309	5YR	02/20/2014	2014-6/76
R590-226	Submission of Life Insurance Filings	38364	5YR	03/18/2014	2014-8/45
R590-226-5	Filing Submission Requirements	38290	NSC	02/27/2014	Not Printed
R590-227	Submission of Annuity Filings	38365	5YR	03/18/2014	2014-8/45
R590-227-5	Filing Submission Requirements	38291	AMD	04/09/2014	2014-5/49
R590-227-5	Filing Submission Requirements	38424	NSC	05/01/2014	Not Printed
R590-227-10	Classification of Documents	38800	NSC	09/15/2014	Not Printed
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	38366	5YR	03/18/2014	2014-8/46
R590-229	Annuity Disclosure	38090	AMD	03/11/2014	2013-22/139
R590-229	Annuity Disclosure	38090	CPR	03/11/2014	2014-3/44
R590-229	Annuity Disclosure	38797	5YR	08/20/2014	2014-18/96
R590-229-9	Enforcement Date	38342	AMD	05/27/2014	2014-7/72
R590-230	Suitability in Annuity Transactions	38559	5YR	05/30/2014	2014-12/57
R590-236	HIPAA Eligibility Following Receipt of a Certificate of Insurability or Denial by an Individual Carrier	38785	REP	10/10/2014	2014-17/117
R590-244	Individual and Agency Licensing Requirements	38620	5YR	06/16/2014	2014-13/141
R590-249	Secondary Medical Condition Exclusion	38786	AMD	10/10/2014	2014-17/119
R590-249-1	Authority	38286	NSC	02/27/2014	Not Printed
R590-252	Use of Senior-Specific Certifications and Professional Designations	38282	5YR	02/11/2014	2014-5/62
R590-254	Annual Financial Reporting Rule	38669	5YR	07/02/2014	2014-15/68
R590-255	Utah NetCare Alternative Coverage Notification Rule	38789	REP	10/10/2014	2014-17/121
R590-258-1	Authority	38284	NSC	02/27/2014	Not Printed
R590-263	Commonly Selected Health Benefit Plans	38726	REP	10/10/2014	2014-16/25
R590-268	Small Employer Stop-Loss Insurance	38087	NEW	03/13/2014	2013-22/142
R590-268	Small Employer Stop-Loss Insurance	38087	CPR	03/13/2014	2014-3/45
R590-269	Individual Open Enrollment Period	38088	NEW	01/13/2014	2013-22/144
R590-269-4	Open and Special Enrollment Periods	38376	AMD	06/02/2014	2014-8/29
R590-270	Risk Adjustment Data Submission Requirements	38534	NEW	09/22/2014	2014-11/158
<u>Title and Escrow Commission</u>					
R592-6	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	38612	5YR	06/13/2014	2014-13/142
R592-7	Title Insurance Continuing Education Program	38606	5YR	06/13/2014	2014-13/143
R592-8	Application Process for an Attorney Exemption for Agency Title Insurance Producer Licensing	38607	5YR	06/13/2014	2014-13/143
R592-8-5	Request for Exemption Process	38246	AMD	03/10/2014	2014-3/20
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	38608	5YR	06/13/2014	2014-13/144

R592-11	Title Insurance Producer Annual and Controlled Business Reports	38156	AMD	03/10/2014	2013-24/34
R592-11	Title Insurance Producer Annual and Controlled Business Reports	38156	CPR	03/10/2014	2014-4/64

JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

R597-1	General Provisions	38303	5YR	02/17/2014	2014-6/77
R597-3	Judicial Performance Evaluations	38304	5YR	02/17/2014	2014-6/77
R597-3	Judicial Performance Evaluations	38438	AMD	06/12/2014	2014-9/30
R597-3	Judicial Performance Evaluations	38595	AMD	08/08/2014	2014-13/97
R597-4	Justice Courts	38440	NEW	06/12/2014	2014-9/34

LABOR COMMISSION

Adjudication

R602-2	Adjudication of Workers' Compensation and Occupational Disease Claims	38306	AMD	04/22/2014	2014-6/61
R602-2-4	Attorney Fees	38554	AMD	07/22/2014	2014-12/41
R602-2-5	Timeliness of Decisions	38193	AMD	02/21/2014	2014-2/7
R602-7	Adjudication of Discrimination Claims	38327	5YR	03/05/2014	2014-7/94
R602-8	Adjudication of Utah Occupational Safety and Health Citation Claims	38328	5YR	03/05/2014	2014-7/94

Boiler and Elevator Safety

R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	38226	AMD	03/10/2014	2014-3/22
R616-3-3	Safety Codes for Elevators	38378	AMD	05/22/2014	2014-8/31

Industrial Accidents

R612-100-1	Authority	38809	AMD	10/22/2014	2014-18/31
R612-100-2	Definitions	38805	AMD	10/22/2014	2014-18/32
R612-100-3	Official Forms	38811	AMD	10/22/2014	2014-18/35
R612-200	Workers' Compensation Rules - Filing and Paying Claims	38806	AMD	10/22/2014	2014-18/38
R612-200-8	Burial Expenses	38553	AMD	07/22/2014	2014-12/43
R612-300	Workers' Compensation Rules - Medical Care	38810	AMD	10/22/2014	2014-18/46
R612-400-1	Notification of Workers' Compensation Insurance Coverage	38803	AMD	10/22/2014	2014-18/55
R612-400-2	Employee Leasing Company Workers' Compensation Policy Endorsements	38804	AMD	10/22/2014	2014-18/56
R612-400-3	Workers' Compensation Rules Self-Insurance	38808	AMD	10/22/2014	2014-18/58
R612-400-4	Waivers	38807	AMD	10/22/2014	2014-18/63

LIEUTENANT GOVERNOR

Administration

R622-2	Use of the Great Seal of the State of Utah	38379	5YR	03/24/2014	2014-8/46
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Elections

R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	38383	5YR	03/26/2014	2014-8/47
R623-2	Uniform Ballot Counting Standards	38384	5YR	03/26/2014	2014-8/47
R623-3	Utah State Plan on Election Reform	38385	5YR	03/26/2014	2014-8/48

MONEY MANAGEMENT COUNCIL

Administration

R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	38281	5YR	02/10/2014	2014-5/63
R628-20	Foreign Deposits for Higher Education Institutions	38179	NEW	02/18/2014	2014-1/41
R628-21	Conditions and Procedures for the Use of Reciprocal Deposits	38180	NEW	04/15/2014	2014-1/42
R628-21	Conditions and Procedures for the Use of Reciprocal Deposits	38180	CPR	04/15/2014	2014-6/70

RULES INDEX

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-70-2300	Management of Bear Lake Sovereign Lands	38658	AMD	09/23/2014	2014-14/65
R652-120	Wildland Fire	38948	5YR	11/11/2014	Not Printed

Oil, Gas and Mining; Coal

R645-105	Blaster Training, Examination and Certification	38738	5YR	08/05/2014	2014-17/140
R645-106	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	38740	5YR	08/05/2014	2014-17/141
R645-400	Inspection and Enforcement: Division Authority and Procedures	38739	5YR	08/05/2014	2014-17/141

Oil, Gas and Mining; Oil and Gas

R649-10	Administrative Procedures	38741	5YR	08/05/2014	2014-17/142
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Parks and Recreation

R651-102	Government Records Access Management Act	38343	NSC	04/01/2014	Not Printed
R651-205	Zoned Waters	38444	AMD	06/09/2014	2014-9/36
R651-213	Dealer Numbers and Registrations	38443	AMD	06/09/2014	2014-9/37
R651-213	Dealer Numbers and Registrations	38488	NSC	06/24/2014	Not Printed
R651-409	Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race	38441	AMD	06/09/2014	2014-9/38
R651-411	OHV Use in State Parks	38216	5YR	01/02/2014	2014-3/51
R651-608	Events of Special Uses	38439	AMD	06/09/2014	2014-9/40
R651-619	Possession of Alcoholic Beverages or Controlled Substances	38442	AMD	06/09/2014	2014-9/41
R651-636	Procedures for Application to Receive Funds From the Zion National Park Restricted Account	38225	5YR	01/06/2014	2014-3/51
R651-700	Administrative Procedures for Real Property Management	38224	5YR	01/06/2014	2014-3/52

Water Rights

R655-3	Reports of Water Rights Conveyance	38723	5YR	08/01/2014	2014-16/59
R655-4	Water Wells	38722	5YR	08/01/2014	2014-16/60
R655-13	Stream Alteration	38267	5YR	01/29/2014	2014-4/73

Wildlife Resources

R657-3	Collection, Importation, Transportation, and Possession of Animals	38616	AMD	08/11/2014	2014-13/100
R657-5	Taking Big Game	38168	AMD	02/10/2014	2014-1/44
R657-6	Taking Upland Game	38600	AMD	08/11/2014	2014-13/102
R657-9	Taking Waterfowl, Common Snipe and Coot	38605	AMD	08/11/2014	2014-13/106
R657-10	Taking Cougar	38231	AMD	03/11/2014	2014-3/23
R657-10	Taking Cougar	38849	AMD	11/07/2014	2014-19/69
R657-11	Taking Furbearers	38848	AMD	11/07/2014	2014-19/71
R657-12	Hunting and Fishing Accommodations for People with Disabilities	38169	AMD	02/10/2014	2014-1/52
R657-13	Taking Fish and Crayfish	38167	AMD	02/10/2014	2014-1/54
R657-13	Taking Fish and Crayfish	38316	AMD	04/21/2014	2014-6/66
R657-13	Taking Fish and Crayfish	38483	AMD	07/08/2014	2014-11/160
R657-27	License Agent Procedures	38230	AMD	03/11/2014	2014-3/26
R657-38	Dedicated Hunter Program	38170	AMD	02/10/2014	2014-1/61
R657-41	Conservation and Sportsman Permits	38171	AMD	02/10/2014	2014-1/68
R657-43	Landowner Permits	38232	AMD	03/11/2014	2014-3/30
R657-45	Wildlife License, Permit, and Certificate of Registration Forms	38482	AMD	07/08/2014	2014-11/163
R657-46	The Use of Game Birds in Dog Field Trials and Training	38558	5YR	05/29/2014	2014-12/58
R657-46	The Use of Game Birds in Dog Field Trials and Training	38603	AMD	08/11/2014	2014-13/109
R657-54	Taking Wild Turkey	38601	AMD	08/11/2014	2014-13/111
R657-54	Taking Wild Turkey	38790	5YR	08/18/2014	2014-18/97
R657-60	Aquatic Invasive Species Interdiction	38236	AMD	03/11/2014	2014-3/32

R657-60	Aquatic Invasive Species Interdiction	38477	AMD	06/24/2014	2014-10/99
R657-62	Drawing Application Procedures	38427	5YR	04/14/2014	2014-9/58
R657-62	Drawing Application Procedures	38604	AMD	08/11/2014	2014-13/115
R657-67	Utah Hunter Mentoring Program	38172	NEW	02/10/2014	2014-1/70
R657-67	Utah Hunter Mentoring Program	38484	AMD	07/08/2014	2014-11/165
R657-68	Trial Hunting Authorization	38602	NEW	08/11/2014	2014-13/120
R657-69	Turkey Depredation	38847	NEW	11/07/2014	2014-19/73

PARDONS (BOARD OF)

Administration

R671-102	Americans with Disabilities Act Complaint Procedures	38324	AMD	05/08/2014	2014-7/76
R671-102	Americans with Disabilities Act Complaint Procedures	38879	5YR	09/22/2014	2014-20/76
R671-103	Attorneys	38877	5YR	09/22/2014	2014-20/76
R671-103-1	Attorneys	38713	AMD	09/29/2014	2014-16/26
R671-201	Original Parole Grant Hearing Schedule and Notice	38325	AMD	05/08/2014	2014-7/78
R671-201	Original Parole Grant Hearing Schedule and Notice	38878	5YR	09/22/2014	2014-20/77
R671-201-1	Schedule and Notice	38314	EMR	03/01/2014	2014-6/73
R671-309	Impartial Hearings	38896	5YR	10/02/2014	2014-21/92
R671-309-1	Ex-Parte Communications	38629	AMD	09/29/2014	2014-13/122

PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM

Job Enhancement Committee

R690-100	Public Education Job Enhancement Program Participant Eligibility and Requirements	38243	REP	03/10/2014	2014-3/37
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PUBLIC SAFETY

Administration

R698-4	Certification of the Law Enforcement Agency of a Private College or University	38310	5YR	02/21/2014	2014-6/78
R698-5	Hazardous Chemical Emergency Response Commission	38762	5YR	08/14/2014	2014-17/142

Driver License

R708-7	Functional Ability in Driving: Guidelines for Physicians	38487	NSC	05/29/2014	Not Printed
R708-10	Driver License Restrictions	38370	5YR	03/18/2014	2014-8/48
R708-22	Commercial Driver License Administrative Proceedings	38406	5YR	04/03/2014	2014-9/59
R708-22	Commercial Driver License Administrative Proceedings	38485	NSC	05/29/2014	Not Printed
R708-24	Renewal of a Commercial Driver License (CDL)	38407	5YR	04/03/2014	2014-9/59
R708-24	Renewal of a Commercial Driver License (CDL)	38486	NSC	05/29/2014	Not Printed
R708-26	Learner Permit Rule	38373	5YR	03/18/2014	2014-8/49
R708-26	Learner Permit Rule	38372	NSC	04/14/2014	Not Printed
R708-31	Ignition Interlock Systems	38196	AMD	02/21/2014	2014-2/8
R708-31	Ignition Interlock Systems	38374	5YR	03/18/2014	2014-8/49
R708-45	Renewal or Duplicate License for Utah Residents Temporarily Residing Out of State	38941	5YR	11/07/2014	Not Printed

Emergency Management

R704-1	Search and Rescue Financial Assistance Program	38688	5YR	07/07/2014	2014-15/68
R704-1	Search and Rescue Financial Assistance Program	38704	R&R	09/29/2014	2014-16/27
R704-2	Statewide Mutual Aid Act Activation	38701	AMD	09/29/2014	2014-15/54

Highway Patrol

R714-500	Chemical Analysis Standards and Training	38895	5YR	10/02/2014	2014-21/93
R714-600	Performance Standards for Tow Truck Motor Carriers	38711	5YR	07/22/2014	2014-16/61

RULES INDEX

Peace Officer Standards and Training

R728-205	Council Resolution of Public Safety Retirement Eligibility	38940	5YR	11/07/2014	Not Printed
R728-502	Procedure for POST Instructor Certification	38377	5YR	03/19/2014	2014-8/50

PUBLIC SERVICE COMMISSION

Administration

R746-200-7	Termination of Service	38644	AMD	08/22/2014	2014-14/67
R746-340	Service Quality for Telecommunications Corporations	38363	AMD	05/27/2014	2014-8/32
R746-340-2	Records and Reports	38556	NSC	06/05/2014	Not Printed
R746-341	Lifeline/Link-up Rule	38198	AMD	02/24/2014	2014-2/9
R746-341	Lifeline/Link-up Rule	38545	AMD	08/06/2014	2014-12/44
R746-341	Lifeline/Link-Up Rule	38826	AMD	11/05/2014	2014-18/65
R746-343-15	Surcharge	38278	AMD	05/01/2014	2014-5/51
R746-350	Application to Discontinue Telecommunications Service	38234	5YR	01/13/2014	2014-3/52
R746-700	Complete Filings for General Rate Case and Major Plant Addition Applications	38874	5YR	09/22/2014	2014-20/77

REGENTS (BOARD OF)

Administration

R765-604	New Century Scholarship	38820	5YR	08/26/2014	2014-18/98
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Salt Lake Community College

R784-1	Government Records Access and Management Act Rules	38362	5YR	03/17/2014	2014-8/50
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University of Utah, Administration

R805-3	Overnight Camping and Campfires on University of Utah Property	38355	5YR	03/14/2014	2014-7/95
R805-4	Illegal, Harmful, and Disruptive Behavior on University of Utah Property	38918	5YR	10/16/2014	2014-22/42
R805-6	University of Utah Shooting Range Access and Use Requirements	38018	NEW	02/11/2014	2013-20/46

University of Utah, Museum of Natural History (Utah)

R807-1	Curation of Collections from State Lands	38354	5YR	03/14/2014	2014-7/95
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TAX COMMISSION

Auditing

R865-7H	Environmental Assurance Fee	38223	5YR	01/06/2014	2014-3/53
R865-16R	Severance Tax	38222	5YR	01/06/2014	2014-3/54
R865-19S-30	Sale of a Vehicle or Vessel by a Person Not Regularly Engaged in Business Pursuant to Utah Code Ann. Section 59-12-104	38237	NSC	01/30/2014	Not Printed
R865-19S-54	Governmental Exemption Pursuant to Utah Code Ann. Section 59-12-104	38596	AMD	08/28/2014	2014-13/124
R865-19S-83	Pollution Control Facilities Pursuant to Utah Code Ann. Section 59-12-104	38597	AMD	08/28/2014	2014-13/125

Property Tax

R884-24P-33	2014 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	38822	AMD	10/23/2014	2014-18/69
R884-24P-73	Urban Farming Assessment Pursuant to Utah Code Ann. Section 59-2-1703	38598	AMD	08/28/2014	2014-13/126

TECHNOLOGY SERVICES

Administration

R895-4	Sub-Domain Naming Conventions for Executive Branch Agencies	38238	5YR	01/14/2014	2014-3/54
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R895-4	Sub-Domain Naming Conventions for Executive Branch Agencies	38239	NSC	01/30/2014	Not Printed
R895-6	IT Plan Submission Rule for Agencies	38386	5YR	03/27/2014	2014-8/51
R895-7	Acceptable Use of Information Technology Resources	38428	5YR	04/15/2014	2014-9/60
R895-7	Acceptable Use of Information Technology Resources	38470	AMD	09/11/2014	2014-10/100
R895-9	Utah Geographic Information Systems Advisory Council	38933	5YR	11/04/2014	Not Printed
R895-13	Access to the Identity Theft Reporting Information System Database	38480	5YR	05/05/2014	2014-11/174

TRANSPORTATION

Motor Carrier

R909-2	Utah Size and Weight Rule	38619	5YR	06/16/2014	2014-13/144
R909-3	Standards for Utah School Buses	38215	5YR	01/02/2014	2014-3/55
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	38449	AMD	07/08/2014	2014-10/102

Operations, Construction

R916-5	Health reform -- Health Insurance Coverage in State Contracts -- Implementation	38861	5YR	09/12/2014	2014-19/81
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Program Development

R926-12	Share the Road Bicycle Support Restricted Account	38919	5YR	10/22/2014	2014-22/42
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VETERANS' AFFAIRS

Administration

R978-1	Rules Governing Veterans' Affairs	38228	NSC	01/30/2014	Not Printed
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WORKFORCE SERVICES

Administration

R982-401	Energy Assistance: General Provisions	38714	AMD	10/01/2014	2014-16/32
R982-402	Energy Assistance Programs Standards	38715	AMD	10/01/2014	2014-16/34
R982-403	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	38716	AMD	10/01/2014	2014-16/37
R982-405	Energy Assistance: Program Benefits	38717	AMD	10/01/2014	2014-16/40
R982-407	Energy Assistance: Records and Benefit Management	38718	AMD	10/01/2014	2014-16/41
R982-408	Energy Assistance: Special State Programs	38719	AMD	10/01/2014	2014-16/42

Employment Development

R986-100-117	Disqualification For Fraud (Intentional Program Violations or IPV's)	38158	AMD	03/01/2014	2013-24/36
R986-100-117	Disqualification For Fraud (Intentional Program Violations or IPV's)	38268	AMD	04/15/2014	2014-4/45
R986-200-204	Eligibility Requirements	38140	AMD	01/14/2014	2013-23/50
R986-200-207	Participation in Child Support Enforcement	38472	AMD	07/01/2014	2014-10/108
R986-200-218	Exceptions to the Time Limit	38720	AMD	10/01/2014	2014-16/43
R986-700	Child Care Assistance	38159	AMD	03/01/2014	2013-24/38
R986-700	Child Care Assistance	38269	AMD	04/15/2014	2014-4/46
R986-700	Child Care Assistance	38664	AMD	10/01/2014	2014-14/70
R986-900-902	Options and Waivers	38663	AMD	10/01/2014	2014-14/75
R986-900-902	Options and Waivers	38750	AMD	11/06/2014	2014-17/125

Unemployment Insurance

R994-309	Nonprofit Organizations	38665	5YR	07/01/2014	2014-14/84
R994-310	Coverage	38666	5YR	07/01/2014	2014-14/85
R994-311	Governmental Units and Indian Tribes	38667	5YR	07/01/2014	2014-14/85
R994-312	Employing Units Records	38668	5YR	07/01/2014	2014-14/86
R994-312-102	Examination of Employer Records: Scope and Authority	38248	AMD	04/15/2014	2014-3/41

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>abortion</u> Health, Health Care Financing, Coverage and Reimbursement Policy	38369	R414-1B	5YR	03/18/2014	2014-8/39
<u>acceptable use</u> Technology Services, Administration	38428 38470	R895-7 R895-7	5YR AMD	04/15/2014 09/11/2014	2014-9/60 2014-10/100
<u>access</u> Environmental Quality, Drinking Water	38535 38535	R309-545 R309-545	AMD CPR	11/10/2014 11/10/2014	2014-11/130 2014-16/48
<u>access to information</u> Administrative Services, Administration	38570 38569	R13-2 R13-2	5YR AMD	06/02/2014 07/22/2014	2014-12/53 2014-12/6
<u>accidents</u> Administrative Services, Fleet Operations	38073	R27-7-3	AMD	03/11/2014	2013-22/14
<u>accounts</u> Transportation, Program Development	38919	R926-12	5YR	10/22/2014	2014-22/42
<u>accounts receivable</u> Administrative Services, Debt Collection	38497 38496	R21-2 R21-3	NSC NSC	05/29/2014 05/29/2014	Not Printed Not Printed
<u>accreditation</u> Education, Administration	38434 38829	R277-410-5 R277-504	AMD 5YR	06/09/2014 09/02/2014	2014-9/13 2014-18/89
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	38165	R156-72	AMD	02/10/2014	2014-1/8
<u>ADA complaint procedures</u> Crime Victim Reparations, Administration	38258 38498	R270-3 R270-3	EXT 5YR	01/27/2014 05/12/2014	2014-4/75 2014-11/171
<u>adhesives</u> Environmental Quality, Air Quality	38583	R307-342-3	AMD	09/04/2014	2014-13/37
<u>adjudicative proceedings</u> Environmental Quality, Solid and Hazardous Waste	38335	R315-12	NSC	04/01/2014	Not Printed
<u>adjudicative process</u> Administrative Services, Debt Collection	38497	R21-2	NSC	05/29/2014	Not Printed
<u>administrative law judges</u> Human Resource Management, Administration	38091 38464	R477-101 R477-101	NEW AMD	01/14/2014 07/01/2014	2013-22/129 2014-10/92

<u>administrative offset</u>						
Administrative Services, Debt Collection	38496	R21-3	NSC	05/29/2014	Not Printed	
<u>administrative procedures</u>						
Education, Administration	38408	R277-102	5YR	04/04/2014	2014-9/51	
Education, Rehabilitation	38538	R280-150	5YR	05/15/2014	2014-11/172	
	38539	R280-150	AMD	07/08/2014	2014-11/117	
Environmental Quality, Air Quality	38252	R307-103-1	NSC	01/31/2014	Not Printed	
Environmental Quality, Solid and Hazardous Waste	38610	R315-2-4	AMD	08/15/2014	2014-13/47	
Heritage and Arts, History	38331	R455-14	NEW	07/21/2014	2014-7/70	
	38333	R455-15	NEW	07/21/2014	2014-7/71	
Human Resource Management, Administration	38454	R477-3-4	AMD	07/01/2014	2014-10/63	
	38463	R477-15	AMD	07/01/2014	2014-10/90	
Labor Commission, Adjudication	38306	R602-2	AMD	04/22/2014	2014-6/61	
	38554	R602-2-4	AMD	07/22/2014	2014-12/41	
	38193	R602-2-5	AMD	02/21/2014	2014-2/7	
	38327	R602-7	5YR	03/05/2014	2014-7/94	
	38328	R602-8	5YR	03/05/2014	2014-7/94	
Labor Commission, Industrial Accidents	38809	R612-100-1	AMD	10/22/2014	2014-18/31	
	38805	R612-100-2	AMD	10/22/2014	2014-18/32	
	38811	R612-100-3	AMD	10/22/2014	2014-18/35	
Natural Resources, Forestry, Fire and State Lands	38658	R652-70-2300	AMD	09/23/2014	2014-14/65	
	38948	R652-120	5YR	11/11/2014	Not Printed	
Public Safety, Driver License	38487	R708-7	NSC	05/29/2014	Not Printed	
<u>administrative proceedings</u>						
Environmental Quality, Air Quality	38252	R307-103-1	NSC	01/31/2014	Not Printed	
Environmental Quality, Environmental Response and Remediation	38764	R311-201-12	AMD	10/10/2014	2014-17/76	
Environmental Quality, Solid and Hazardous Waste	38335	R315-12	NSC	04/01/2014	Not Printed	
Labor Commission, Industrial Accidents	38806	R612-200	AMD	10/22/2014	2014-18/38	
	38553	R612-200-8	AMD	07/22/2014	2014-12/43	
Public Safety, Driver License	38406	R708-22	5YR	04/03/2014	2014-9/59	
	38485	R708-22	NSC	05/29/2014	Not Printed	
<u>administrative responsibility</u>						
Human Resource Management, Administration	38457	R477-2-3	AMD	07/01/2014	2014-10/62	
<u>adoptions</u>						
Human Services, Child and Family Services	38263	R512-41	5YR	01/28/2014	2014-4/72	
	38217	R512-43	AMD	03/10/2014	2014-3/15	
<u>air medical services</u>						
Health, Family Health and Preparedness, Emergency Medical Services	38079	R426-100	REP	01/06/2014	2013-22/119	
<u>air pollution</u>						
Environmental Quality, Administration	38525	R305-4	AMD	07/08/2014	2014-11/118	
Environmental Quality, Air Quality	38494	R307-101	5YR	05/08/2014	2014-11/172	
	38493	R307-101-3	AMD	08/07/2014	2014-11/122	
	38252	R307-103-1	NSC	01/31/2014	Not Printed	
	38061	R307-110-17	AMD	01/09/2014	2013-21/8	
	38261	R307-150	5YR	01/28/2014	2014-4/70	
	38673	R307-202	AMD	10/06/2014	2014-15/6	
	38104	R307-210-2	AMD	03/06/2014	2013-23/17	
	38492	R307-214	AMD	08/07/2014	2014-11/123	
	38105	R307-214-3	AMD	03/06/2014	2013-23/18	
	38166	R307-302	AMD	03/06/2014	2014-1/20	
	37829	R307-335	AMD	06/02/2014	2013-15/23	
	37829	R307-335	CPR	06/02/2014	2013-23/54	
	37829	R307-335	CPR	06/02/2014	2014-7/85	
	37829	R307-335	CPR	06/02/2014	2014-9/46	
	38583	R307-342-3	AMD	09/04/2014	2014-13/37	
	38681	R307-348	AMD	10/07/2014	2014-15/28	
	38332	R307-357-4	AMD	05/08/2014	2014-7/16	
	38495	R307-357-4	NSC	05/29/2014	Not Printed	

RULES INDEX

	38491	R307-401-12	AMD	08/07/2014	2014-11/127
	37833	R307-401-19	AMD	01/06/2014	2013-15/29
	37833	R307-401-19	CPR	01/06/2014	2013-23/55
	38260	R307-405	5YR	01/28/2014	2014-4/70
	38489	R307-410-2	AMD	08/07/2014	2014-11/128
	38490	R307-410-6	AMD	08/07/2014	2014-11/129
	38582	R307-504	NEW	10/07/2014	2014-13/43
<u>air travel</u>					
Administrative Services, Finance	38175	R25-7	AMD	02/07/2014	2014-1/4
	38471	R25-7	AMD	06/23/2014	2014-10/4
	38742	R25-7-8	AMD	10/08/2014	2014-17/12
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	38825	R156-55d	AMD	10/23/2014	2014-18/8
<u>alcohol</u>					
Public Safety, Highway Patrol	38895	R714-500	5YR	10/02/2014	2014-21/93
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	38274	R81-1-16	AMD	03/25/2014	2014-4/10
	38323	R81-1-32	AMD	04/29/2014	2014-6/7
	38275	R81-7	AMD	03/25/2014	2014-4/11
	38276	R81-10b	AMD	03/25/2014	2014-4/14
<u>alimony</u>					
Human Services, Recovery Services	38729	R527-450	5YR	08/04/2014	2014-17/138
	38924	R527-450	NSC	11/07/2014	Not Printed
<u>alternate multiple stage bid process</u>					
Administrative Services, Purchasing and General Services	38522	R33-25	NEW	07/08/2014	2014-11/97
<u>alternative fuels</u>					
Environmental Quality, Administration	38525	R305-4	AMD	07/08/2014	2014-11/118
<u>alternative licensing</u>					
Education, Administration	38240	R277-503	AMD	03/10/2014	2014-3/4
	38435	R277-503-4	AMD	06/09/2014	2014-9/14
<u>alternative procurement methods</u>					
Administrative Services, Purchasing and General Services	38507	R33-8	R&R	07/08/2014	2014-11/56
	38696	R33-8	5YR	07/08/2014	2014-15/65
<u>animal protection</u>					
Natural Resources, Wildlife Resources	38616	R657-3	AMD	08/11/2014	2014-13/100
<u>annuity disclosure</u>					
Insurance, Administration	38090	R590-229	AMD	03/11/2014	2013-22/139
	38090	R590-229	CPR	03/11/2014	2014-3/44
	38797	R590-229	5YR	08/20/2014	2014-18/96
	38342	R590-229-9	AMD	05/27/2014	2014-7/72
<u>annuity insurance filings</u>					
Insurance, Administration	38365	R590-227	5YR	03/18/2014	2014-8/45
	38291	R590-227-5	AMD	04/09/2014	2014-5/49
	38424	R590-227-5	NSC	05/01/2014	Not Printed
	38800	R590-227-10	NSC	09/15/2014	Not Printed
<u>annuity replacement</u>					
Insurance, Administration	38413	R590-93	5YR	04/07/2014	2014-9/56
<u>annuity suitability</u>					
Insurance, Administration	38559	R590-230	5YR	05/30/2014	2014-12/57

<u>APCD</u>						
Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43	
	38568	R428-15	AMD	08/05/2014	2014-12/38	
	38905	R428-15	5YR	10/10/2014	2014-21/91	
<u>appeals</u>						
Administrative Services, Purchasing and General Services	38516	R33-18	NEW	07/08/2014	2014-11/89	
	38518	R33-19	NEW	07/08/2014	2014-11/90	
Education, Administration	38187	R277-481	AMD	02/07/2014	2014-1/15	
<u>applications</u>						
Public Service Commission, Administration	38874	R746-700	5YR	09/22/2014	2014-20/77	
<u>appraisals</u>						
Tax Commission, Property Tax	38822	R884-24P-33	AMD	10/23/2014	2014-18/69	
	38598	R884-24P-73	AMD	08/28/2014	2014-13/126	
<u>approval orders</u>						
Environmental Quality, Air Quality	38491	R307-401-12	AMD	08/07/2014	2014-11/127	
	37833	R307-401-19	AMD	01/06/2014	2013-15/29	
	37833	R307-401-19	CPR	01/06/2014	2013-23/55	
<u>ARC</u>						
Administrative Services, Fleet Operations	38073	R27-7-3	AMD	03/11/2014	2013-22/14	
<u>archaeological resources</u>						
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	38354	R807-1	5YR	03/14/2014	2014-7/95	
<u>architects</u>						
Administrative Services, Facilities Construction and Management	38870	R23-2	5YR	09/16/2014	2014-20/73	
Administrative Services, Purchasing and General Services	38513	R33-15	NEW	07/08/2014	2014-11/84	
<u>armored car company</u>						
Commerce, Occupational and Professional Licensing	38474	R156-63b	AMD	06/23/2014	2014-10/48	
<u>armored car security officers</u>						
Commerce, Occupational and Professional Licensing	38474	R156-63b	AMD	06/23/2014	2014-10/48	
<u>assessments</u>						
Education, Administration	38863	R277-404	AMD	11/10/2014	2014-19/5	
<u>assistance</u>						
Human Services, Recovery Services	38550	R527-332	5YR	05/22/2014	2014-12/55	
<u>athletic trainer</u>						
Commerce, Occupational and Professional Licensing	38548	R156-40a-302a	AMD	07/22/2014	2014-12/13	
<u>attorney exemption application process</u>						
Insurance, Title and Escrow Commission	38607	R592-8	5YR	06/13/2014	2014-13/143	
	38246	R592-8-5	AMD	03/10/2014	2014-3/20	
<u>attorneys</u>						
Pardons (Board Of), Administration	38877	R671-103	5YR	09/22/2014	2014-20/76	
	38713	R671-103-1	AMD	09/29/2014	2014-16/26	
<u>audiology</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38614	R414-59	AMD	08/26/2014	2014-13/95	
<u>audit committee</u>						
Education, Administration	38772	R277-113-4	AMD	10/09/2014	2014-17/39	

RULES INDEX

autism spectrum

Health, Family Health and Preparedness, Children with Special Health Care Needs	38339	R398-10	5YR	03/12/2014	2014-7/92
	38340	R398-10	NSC	04/01/2014	Not Printed

awards

Education, Administration	38242	R277-528	NEW	03/10/2014	2014-3/12
Public Education Job Enhancement Program, Job Enhancement Committee	38243	R690-100	REP	03/10/2014	2014-3/37

background screening

Health, Family Health and Preparedness, Child Care Licensing	38544	R430-6	AMD	08/15/2014	2014-12/40
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ballots

Lieutenant Governor, Elections	38384	R623-2	5YR	03/26/2014	2014-8/47
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banking

Commerce, Corporations and Commercial Code	38320	R154-2	R&R	04/21/2014	2014-6/9
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bed allocations

Human Services, Substance Abuse and Mental Health	38297	R523-1	REP	04/07/2014	2014-5/27
	38292	R523-4	NEW	04/07/2014	2014-5/36

behavior

Human Services, Services for People with Disabilities	38891	R539-4	5YR	09/30/2014	2014-20/75
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benefits

Workforce Services, Administration	38717	R982-405	AMD	10/01/2014	2014-16/40
	38718	R982-407	AMD	10/01/2014	2014-16/41

bicycle support

Transportation, Program Development	38919	R926-12	5YR	10/22/2014	2014-22/42
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bid security

Administrative Services, Purchasing and General Services	38524	R33-11	R&R	07/08/2014	2014-11/64
	38699	R33-11	5YR	07/08/2014	2014-15/66

big game seasons

Natural Resources, Wildlife Resources	38168	R657-5	AMD	02/10/2014	2014-1/44
	38232	R657-43	AMD	03/11/2014	2014-3/30

birds

Natural Resources, Wildlife Resources	38600	R657-6	AMD	08/11/2014	2014-13/102
	38605	R657-9	AMD	08/11/2014	2014-13/106
	38558	R657-46	5YR	05/29/2014	2014-12/58
	38603	R657-46	AMD	08/11/2014	2014-13/109

birth defect reporting

Health, Family Health and Preparedness, Children with Special Health Care Needs	38830	R398-5	5YR	09/02/2014	2014-18/91
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birth defects

Health, Family Health and Preparedness, Children with Special Health Care Needs	38830	R398-5	5YR	09/02/2014	2014-18/91
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bison

Agriculture and Food, Animal Industry	38294	R58-3	AMD	04/16/2014	2014-5/4
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boating

Natural Resources, Parks and Recreation	38444	R651-205	AMD	06/09/2014	2014-9/36
	38443	R651-213	AMD	06/09/2014	2014-9/37
	38488	R651-213	NSC	06/24/2014	Not Printed

<u>boilers</u>						
Labor Commission, Boiler and Elevator Safety	38226	R616-2-3	AMD	03/10/2014	2014-3/22	
<u>bonding requirements</u>						
Human Services, Recovery Services	38551	R527-394	5YR	05/22/2014	2014-12/56	
<u>boxing</u>						
Governor, Economic Development, Pete Suazo Utah Athletic Commission	38033	R359-1-604	AMD	01/24/2014	2013-20/25	
<u>breaks</u>						
Human Resource Management, Administration	38459	R477-8	AMD	07/01/2014	2014-10/80	
<u>breast cancer screening</u>						
Health, Disease Control and Prevention, Health Promotion	38178	R384-200	NEW	03/21/2014	2014-1/22	
<u>breath testing</u>						
Public Safety, Highway Patrol	38895	R714-500	5YR	10/02/2014	2014-21/93	
<u>broad scope</u>						
Environmental Quality, Radiation Control	38754	R313-22-33	AMD	10/21/2014	2014-17/97	
	38145	R313-22-34	AMD	02/14/2014	2013-23/19	
<u>brucellosis</u>						
Agriculture and Food, Animal Industry	38294	R58-3	AMD	04/16/2014	2014-5/4	
<u>budgeting</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38724	R414-304	AMD	10/01/2014	2014-16/17	
	38317	R414-304-5	AMD	04/21/2014	2014-6/30	
<u>building board</u>						
Administrative Services, Facilities Construction and Management	38247	R23-33	NEW	03/10/2014	2014-3/2	
<u>building codes</u>						
Commerce, Occupational and Professional Licensing	38733	R156-15A	AMD	10/09/2014	2014-17/26	
	38549	R156-15A-231	AMD	07/22/2014	2014-12/10	
	38792	R156-15A-231	AMD	10/23/2014	2014-18/5	
<u>building inspection</u>						
Commerce, Occupational and Professional Licensing	38733	R156-15A	AMD	10/09/2014	2014-17/26	
	38549	R156-15A-231	AMD	07/22/2014	2014-12/10	
	38792	R156-15A-231	AMD	10/23/2014	2014-18/5	
<u>buildings</u>						
Administrative Services, Facilities Construction and Management	38404	R23-29	5YR	04/03/2014	2014-9/49	
	38425	R23-29	R&R	06/09/2014	2014-9/4	
<u>burglar alarms</u>						
Commerce, Occupational and Professional Licensing	38825	R156-55d	AMD	10/23/2014	2014-18/8	
<u>burns</u>						
Natural Resources, Forestry, Fire and State Lands	38948	R652-120	5YR	11/11/2014	Not Printed	
<u>buses</u>						
Education, Administration	38410	R277-601	5YR	04/04/2014	2014-9/52	
<u>camp</u>						
Regents (Board Of), University of Utah, Administration	38355	R805-3	5YR	03/14/2014	2014-7/95	
<u>campfire</u>						
Regents (Board Of), University of Utah, Administration	38355	R805-3	5YR	03/14/2014	2014-7/95	

RULES INDEX

<u>camping</u> Regents (Board Of), University of Utah, Administration	38355	R805-3	5YR	03/14/2014	2014-7/95
<u>cancellations</u> Administrative Services, Purchasing and General Services	38508 38697	R33-9 R33-9	R&R 5YR	07/08/2014 07/08/2014	2014-11/59 2014-15/65
<u>cancer</u> Health, Disease Control and Prevention, Health Promotion	38367	R384-100	5YR	03/18/2014	2014-8/38
<u>capital facilities</u> Heritage and Arts, History	38923	R455-13	5YR	10/28/2014	2014-22/41
<u>capital improvements</u> Administrative Services, Facilities Construction and Management	38247	R23-33	NEW	03/10/2014	2014-3/2
<u>capital investments</u> Governor, Economic Development	38154 38702	R357-7 R357-7	NEW R&R	01/24/2014 09/11/2014	2013-24/22 2014-15/48
<u>career and technical education</u> Education, Administration	38241	R277-518	AMD	03/10/2014	2014-3/8
<u>case managers</u> Human Services, Substance Abuse and Mental Health	38293	R523-5	NEW	04/07/2014	2014-5/42
<u>cattle</u> Agriculture and Food, Animal Industry	38294	R58-3	AMD	04/16/2014	2014-5/4
<u>certificate of registration</u> Natural Resources, Wildlife Resources	38482	R657-45	AMD	07/08/2014	2014-11/163
<u>certification</u> Education, Rehabilitation Labor Commission, Boiler and Elevator Safety	38853 38226 38378	R280-203 R616-2-3 R616-3-3	5YR AMD AMD	09/09/2014 03/10/2014 05/22/2014	2014-19/80 2014-3/22 2014-8/31
<u>certification of instructors</u> Human Services, Substance Abuse and Mental Health	38451	R523-22	AMD	06/26/2014	2014-10/96
<u>certifications</u> Agriculture and Food, Conservation Commission Transportation, Motor Carrier	38071 38071 38449	R64-3 R64-3 R909-19	NEW CPR AMD	05/08/2014 05/08/2014 07/08/2014	2013-22/15 2014-7/82 2014-10/102
<u>certified medical language interpreter</u> Commerce, Occupational and Professional Licensing	38388	R156-80a	5YR	03/31/2014	2014-8/37
<u>certified nurse midwife</u> Commerce, Occupational and Professional Licensing	38249	R156-44a	5YR	01/16/2014	2014-4/69
<u>cervical cancer screening</u> Health, Disease Control and Prevention, Health Promotion	38178	R384-200	NEW	03/21/2014	2014-1/22
<u>change orders</u> Administrative Services, Purchasing and General Services	38510 38700	R33-12 R33-12	R&R 5YR	07/08/2014 07/08/2014	2014-11/71 2014-15/67

charities

Tax Commission, Auditing	38237	R865-19S-30	NSC	01/30/2014	Not Printed
	38596	R865-19S-54	AMD	08/28/2014	2014-13/124
	38597	R865-19S-83	AMD	08/28/2014	2014-13/125

charter schools

Education, Administration	38623	R277-470	AMD	08/07/2014	2014-13/25
	38186	R277-470-6	AMD	02/07/2014	2014-1/14
	38589	R277-472	5YR	06/10/2014	2014-13/138
	38624	R277-472	AMD	08/07/2014	2014-13/28
	38588	R277-480	5YR	06/10/2014	2014-13/139
	38625	R277-480-4	AMD	08/07/2014	2014-13/30
	38187	R277-481	AMD	02/07/2014	2014-1/15

chickens

Agriculture and Food, Regulatory Services	38315	R70-410	AMD	05/08/2014	2014-6/5
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chief procurement officer

Administrative Services, Purchasing and General Services	38502	R33-3	R&R	07/08/2014	2014-11/9
	38691	R33-3	5YR	07/08/2014	2014-15/62

child care

Health, Family Health and Preparedness, Child Care Licensing	38543	R430-70	5YR	05/19/2014	2014-12/55
Workforce Services, Employment Development	38159	R986-700	AMD	03/01/2014	2013-24/38
	38269	R986-700	AMD	04/15/2014	2014-4/46
	38664	R986-700	AMD	10/01/2014	2014-14/70

child care centers

Health, Family Health and Preparedness, Child Care Licensing	38543	R430-70	5YR	05/19/2014	2014-12/55
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child care facilities

Health, Family Health and Preparedness, Child Care Licensing	38544	R430-6	AMD	08/15/2014	2014-12/40
	38453	R430-8	5YR	04/25/2014	2014-10/113
	38543	R430-70	5YR	05/19/2014	2014-12/55

child support

Human Services, Recovery Services	38728	R527-10	5YR	08/04/2014	2014-17/138
	38277	R527-38	5YR	02/05/2014	2014-5/61
	38836	R527-40	5YR	09/03/2014	2014-19/81
	38336	R527-275	5YR	03/06/2014	2014-7/93
	38550	R527-332	5YR	05/22/2014	2014-12/55
	38551	R527-394	5YR	05/22/2014	2014-12/56
	38729	R527-450	5YR	08/04/2014	2014-17/138
	38924	R527-450	NSC	11/07/2014	Not Printed

child welfare

Administrative Services, Child Welfare Parental Defense (Office of)	38547	R19-1	5YR	05/21/2014	2014-12/53
Human Services, Child and Family Services	38263	R512-41	5YR	01/28/2014	2014-4/72
	38217	R512-43	AMD	03/10/2014	2014-3/15
	38743	R512-310	NEW	10/08/2014	2014-17/112

children's health benefits

Health, Children's Health Insurance Program	38102	R382-3	NEW	01/13/2014	2013-23/23
	38400	R382-10	AMD	06/01/2014	2014-8/18
	38817	R382-10	AMD	11/01/2014	2014-18/13

CHIP

Health, Health Care Financing, Coverage and Reimbursement Policy	38322	R414-320	AMD	04/21/2014	2014-6/42
	38816	R414-320	EMR	09/01/2014	2014-18/85
	38819	R414-320	AMD	11/01/2014	2014-18/18

RULES INDEX

<u>chiropractic services</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38529	R414-99	AMD	07/11/2014	2014-11/151	
<u>claims</u>						
Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43	
	38568	R428-15	AMD	08/05/2014	2014-12/38	
	38905	R428-15	5YR	10/10/2014	2014-21/91	
<u>Class I area</u>						
Environmental Quality, Air Quality	38260	R307-405	5YR	01/28/2014	2014-4/70	
<u>class size average reporting</u>						
Education, Administration	38590	R277-463	5YR	06/10/2014	2014-13/138	
	38622	R277-463	AMD	08/07/2014	2014-13/24	
<u>client rights</u>						
Workforce Services, Administration	38714	R982-401	AMD	10/01/2014	2014-16/32	
<u>clinical health information exchanges</u>						
Health, Administration	38256	R380-70	5YR	01/24/2014	2014-4/71	
<u>CMV</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	38139	R398-4	NEW	01/17/2014	2013-23/25	
<u>coal mines</u>						
Natural Resources, Oil, Gas and Mining; Coal	38738	R645-105	5YR	08/05/2014	2014-17/140	
	38739	R645-400	5YR	08/05/2014	2014-17/141	
<u>coal mining</u>						
Natural Resources, Oil, Gas and Mining; Coal	38740	R645-106	5YR	08/05/2014	2014-17/141	
<u>colleges</u>						
Public Safety, Administration	38310	R698-4	5YR	02/21/2014	2014-6/78	
<u>colorectal cancer screening</u>						
Health, Disease Control and Prevention, Health Promotion	38178	R384-200	NEW	03/21/2014	2014-1/22	
<u>compulsory education</u>						
Education, Administration	38831	R277-607	5YR	09/02/2014	2014-18/90	
<u>compulsory education</u>						
Education, Administration	38778	R277-607	AMD	10/09/2014	2014-17/50	
<u>conduct</u>						
Administrative Services, Purchasing and General Services	38514	R33-16	NEW	07/08/2014	2014-11/86	
<u>conduct committee</u>						
Human Resource Management, Administration	38091	R477-101	NEW	01/14/2014	2013-22/129	
	38464	R477-101	AMD	07/01/2014	2014-10/92	
<u>confidentiality</u>						
Education, Administration	38295	R277-117	5YR	02/13/2014	2014-5/59	
	38299	R277-117	AMD	04/07/2014	2014-5/16	
	38955	R277-487	5YR	11/14/2014	Not Printed	
<u>confidentiality of information</u>						
Human Resource Management, Administration	38457	R477-2-3	AMD	07/01/2014	2014-10/62	
Workforce Services, Administration	38714	R982-401	AMD	10/01/2014	2014-16/32	
Workforce Services, Unemployment Insurance	38668	R994-312	5YR	07/01/2014	2014-14/86	
	38248	R994-312-102	AMD	04/15/2014	2014-3/41	
<u>conflict of interest</u>						
Human Resource Management, Administration	38460	R477-9	AMD	07/01/2014	2014-10/84	

<u>congregate meals</u>						
Human Services, Aging and Adult Services	38670	R510-104	5YR	07/02/2014	2014-15/67	
<u>connections</u>						
Environmental Quality, Drinking Water	38536	R309-550	AMD	11/10/2014	2014-11/135	
	38536	R309-550	CPR	11/10/2014	2014-16/52	
<u>conservation permits</u>						
Natural Resources, Wildlife Resources	38171	R657-41	AMD	02/10/2014	2014-1/68	
<u>construction management</u>						
Administrative Services, Purchasing and General Services	38511	R33-13	NEW	07/08/2014	2014-11/79	
<u>consumer hearing panel</u>						
Human Services, Child and Family Services	38264	R512-75	5YR	01/28/2014	2014-4/72	
<u>consumer products</u>						
Environmental Quality, Air Quality	38332	R307-357-4	AMD	05/08/2014	2014-7/16	
	38495	R307-357-4	NSC	05/29/2014	Not Printed	
<u>consumer protection</u>						
Commerce, Consumer Protection	38748	R152-23	AMD	10/16/2014	2014-17/22	
	38763	R152-32a-2	AMD	10/16/2014	2014-17/23	
<u>consumer rights</u>						
Human Services, Substance Abuse and Mental Health	38298	R523-6	NEW	04/07/2014	2014-5/45	
<u>consumers</u>						
Commerce, Consumer Protection	38266	R152-21	5YR	01/29/2014	2014-4/67	
	38125	R152-26	AMD	01/07/2014	2013-23/4	
<u>contract requirements</u>						
Administrative Services, Facilities Construction and Management	38587	R23-23	5YR	06/10/2014	2014-13/133	
<u>contractors</u>						
Administrative Services, Facilities Construction and Management	38587	R23-23	5YR	06/10/2014	2014-13/133	
Capitol Preservation Board (State), Administration	38476	R131-13	5YR	05/01/2014	2014-10/113	
	38479	R131-13	AMD	07/08/2014	2014-11/103	
Commerce, Occupational and Professional Licensing	38733	R156-15A	AMD	10/09/2014	2014-17/26	
	38549	R156-15A-231	AMD	07/22/2014	2014-12/10	
	38792	R156-15A-231	AMD	10/23/2014	2014-18/5	
	38885	R156-38a	NSC	11/03/2014	Not Printed	
	38732	R156-38a-301a	NSC	08/28/2014	Not Printed	
	38533	R156-38a-401	NSC	05/29/2014	Not Printed	
	38151	R156-55a	AMD	01/21/2014	2013-24/10	
	38736	R156-55a	AMD	10/09/2014	2014-17/28	
	38902	R156-55a-102	NSC	10/31/2014	Not Printed	
	38380	R156-55a-301	NSC	04/14/2014	Not Printed	
	38760	R156-55a-302f	AMD	10/09/2014	2014-17/31	
	38648	R156-55b	AMD	08/21/2014	2014-14/44	
<u>contracts</u>						
Administrative Services, Facilities Construction and Management	38587	R23-23	5YR	06/10/2014	2014-13/133	
Administrative Services, Purchasing and General Services	38510	R33-12	R&R	07/08/2014	2014-11/71	
	38700	R33-12	5YR	07/08/2014	2014-15/67	
	38512	R33-14	NEW	07/08/2014	2014-11/83	
Capitol Preservation Board (State), Administration	38546	R131-4	EMR	05/21/2014	2014-12/49	
	38557	R131-4	AMD	07/22/2014	2014-12/8	
	38476	R131-13	5YR	05/01/2014	2014-10/113	
	38479	R131-13	AMD	07/08/2014	2014-11/103	

RULES INDEX

Transportation, Operations, Construction	38861	R916-5	5YR	09/12/2014	2014-19/81
<u>controlled substances</u> Health, Disease Control and Prevention, Health Promotion	38081	R384-203	NEW	03/01/2014	2013-22/68
<u>controversies</u> Administrative Services, Purchasing and General Services	38514	R33-16	NEW	07/08/2014	2014-11/86
<u>conveyance</u> Natural Resources, Water Rights	38723	R655-3	5YR	08/01/2014	2014-16/59
<u>cooperative purchasing</u> Administrative Services, Purchasing and General Services	38520	R33-21	NEW	07/08/2014	2014-11/92
<u>corrections</u> Corrections, Administration	38255	R251-111	NEW	03/26/2014	2014-4/25
<u>costs</u> Administrative Services, Purchasing and General Services	38510	R33-12	R&R	07/08/2014	2014-11/71
	38700	R33-12	5YR	07/08/2014	2014-15/67
<u>cougar</u> Natural Resources, Wildlife Resources	38231	R657-10	AMD	03/11/2014	2014-3/23
	38849	R657-10	AMD	11/07/2014	2014-19/69
<u>counselors</u> Education, Administration	38591	R277-462	5YR	06/10/2014	2014-13/137
	38621	R277-462	AMD	08/07/2014	2014-13/20
<u>coverage</u> Workforce Services, Unemployment Insurance	38666	R994-310	5YR	07/01/2014	2014-14/85
<u>coverage groups</u> Health, Health Care Financing, Coverage and Reimbursement Policy	38401	R414-303	AMD	06/01/2014	2014-8/27
	38465	R414-303	AMD	07/01/2014	2014-10/51
	38818	R414-303-11	AMD	11/01/2014	2014-18/16
<u>credit insurance filings</u> Insurance, Administration	38366	R590-228	5YR	03/18/2014	2014-8/46
<u>credit services</u> Commerce, Consumer Protection	38266	R152-21	5YR	01/29/2014	2014-4/67
<u>criminal records</u> Corrections, Administration	38255	R251-111	NEW	03/26/2014	2014-4/25
<u>curation</u> Regents (Board Of), University of Utah, Museum of Natural History (Utah)	38354	R807-1	5YR	03/14/2014	2014-7/95
<u>curricula</u> Education, Administration	38852	R277-713	NSC	09/30/2014	Not Printed
<u>custody</u> Education, Administration	38352	R277-735	5YR	03/14/2014	2014-7/91
	38360	R277-735	AMD	05/08/2014	2014-7/11
<u>Cytomegalovirus</u> Health, Family Health and Preparedness, Children with Special Health Care Needs	38139	R398-4	NEW	01/17/2014	2013-23/25

<u>dairy inspections</u>					
Agriculture and Food, Regulatory Services	38467	R70-310	NSC	05/16/2014	Not Printed
	38636	R70-310	EXT	06/18/2014	2014-14/87
	38651	R70-310	5YR	06/24/2014	2014-14/79
	38652	R70-310	NSC	07/11/2014	Not Printed
<u>debarment</u>					
Administrative Services, Purchasing and General Services	38508	R33-9	R&R	07/08/2014	2014-11/59
	38697	R33-9	5YR	07/08/2014	2014-15/65
<u>deception detection examiner</u>					
Commerce, Occupational and Professional Licensing	38814	R156-64	AMD	10/23/2014	2014-18/10
<u>deception detection intern</u>					
Commerce, Occupational and Professional Licensing	38814	R156-64	AMD	10/23/2014	2014-18/10
<u>decommissioning</u>					
Environmental Quality, Radiation Control	38754	R313-22-33	AMD	10/21/2014	2014-17/97
	38145	R313-22-34	AMD	02/14/2014	2013-23/19
<u>definitions</u>					
Administrative Services, Purchasing and General Services	38500	R33-1	R&R	07/08/2014	2014-11/4
	38689	R33-1	5YR	07/08/2014	2014-15/61
Environmental Quality, Air Quality	38494	R307-101	5YR	05/08/2014	2014-11/172
	38493	R307-101-3	AMD	08/07/2014	2014-11/122
	38330	R307-840	5YR	03/06/2014	2014-7/92
Environmental Quality, Radiation Control	38752	R313-12-3	AMD	10/21/2014	2014-17/88
Human Resource Management, Administration	38456	R477-1	AMD	07/01/2014	2014-10/57
<u>degreasing</u>					
Environmental Quality, Air Quality	37829	R307-335	AMD	06/02/2014	2013-15/23
	37829	R307-335	CPR	06/02/2014	2013-23/54
	37829	R307-335	CPR	06/02/2014	2014-7/85
	37829	R307-335	CPR	06/02/2014	2014-9/46
<u>delegation of authority</u>					
Administrative Services, Purchasing and General Services	38502	R33-3	R&R	07/08/2014	2014-11/9
	38691	R33-3	5YR	07/08/2014	2014-15/62
<u>delegations</u>					
Administrative Services, Facilities Construction and Management	38404	R23-29	5YR	04/03/2014	2014-9/49
	38425	R23-29	R&R	06/09/2014	2014-9/4
<u>demonstration</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38321	R414-310	AMD	04/21/2014	2014-6/32
	38815	R414-310	EMR	09/01/2014	2014-18/83
<u>dental</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38135	R414-51	REP	01/10/2014	2013-23/33
<u>dental hygienists</u>					
Commerce, Occupational and Professional Licensing	38149	R156-69	AMD	01/21/2014	2013-24/20
<u>dentists</u>					
Commerce, Occupational and Professional Licensing	38149	R156-69	AMD	01/21/2014	2013-24/20
<u>depleted uranium</u>					
Environmental Quality, Radiation Control	38082	R313-25	AMD	04/03/2014	2013-22/49
	38082	R313-25	CPR	04/03/2014	2014-4/53
	38755	R313-25-2	AMD	10/21/2014	2014-17/99

RULES INDEX

<u>degradation</u>						
Natural Resources, Wildlife Resources	38847	R657-69	NEW	11/07/2014	2014-19/73	
<u>design</u>						
Administrative Services, Facilities Construction and Management	38405	R23-3	5YR	04/03/2014	2014-9/49	
<u>design-build transportation projects</u>						
Administrative Services, Purchasing and General Services	38512	R33-14	NEW	07/08/2014	2014-11/83	
<u>designated examiners</u>						
Human Services, Substance Abuse and Mental Health	38293	R523-5	NEW	04/07/2014	2014-5/42	
<u>direct-entry midwife</u>						
Commerce, Occupational and Professional Licensing	38375	R156-77	AMD	05/22/2014	2014-8/7	
<u>disabilities</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	37984	R398-20	AMD	01/28/2014	2013-19/61	
Human Services, Services for People with Disabilities	38892	R539-5	5YR	09/30/2014	2014-20/75	
Pardons (Board Of), Administration	38324	R671-102	AMD	05/08/2014	2014-7/76	
	38879	R671-102	5YR	09/22/2014	2014-20/76	
<u>disabled persons</u>						
Education, Rehabilitation	38353	R280-202	5YR	03/14/2014	2014-7/91	
	38361	R280-202	AMD	05/08/2014	2014-7/14	
	38540	R280-202-3	NSC	05/29/2014	Not Printed	
Natural Resources, Wildlife Resources	38169	R657-12	AMD	02/10/2014	2014-1/52	
<u>disasters</u>						
Education, Administration	38296	R277-400	5YR	02/13/2014	2014-5/59	
	38300	R277-400	AMD	04/07/2014	2014-5/17	
	38773	R277-400	AMD	10/09/2014	2014-17/41	
	38426	R277-400-5	NSC	04/29/2014	Not Printed	
<u>discipline of employees</u>						
Human Resource Management, Administration	38462	R477-14	AMD	07/01/2014	2014-10/88	
<u>discretionary funds</u>						
Education, Administration	38357	R277-119	NEW	05/08/2014	2014-7/7	
<u>discrimination</u>						
Labor Commission, Adjudication	38327	R602-7	5YR	03/05/2014	2014-7/94	
<u>disruptive behavior</u>						
Regents (Board Of), University of Utah, Administration	38918	R805-4	5YR	10/16/2014	2014-22/42	
<u>dissemination of information</u>						
Education, Administration	38593	R277-714	5YR	06/10/2014	2014-13/140	
<u>diversion programs</u>						
Commerce, Occupational and Professional Licensing	38659	R156-1	AMD	08/21/2014	2014-14/14	
	38157	R156-1-501	AMD	01/21/2014	2013-24/6	
	38253	R156-1-501	NSC	01/31/2014	Not Printed	
<u>dogs</u>						
Natural Resources, Wildlife Resources	38558	R657-46	5YR	05/29/2014	2014-12/58	
	38603	R657-46	AMD	08/11/2014	2014-13/109	
<u>drinking water</u>						
Environmental Quality, Drinking Water	38013	R309-511	AMD	01/21/2014	2013-19/48	
	38012	R309-515	AMD	01/21/2014	2013-19/51	
	38535	R309-545	AMD	11/10/2014	2014-11/130	
	38535	R309-545	CPR	11/10/2014	2014-16/48	

	38536	R309-550	AMD	11/10/2014	2014-11/135
	38536	R309-550	CPR	11/10/2014	2014-16/52
<u>drip irrigation</u>					
Environmental Quality, Water Quality	38481	R317-401	5YR	05/06/2014	2014-11/173
<u>driver license restrictions</u>					
Public Safety, Driver License	38370	R708-10	5YR	03/18/2014	2014-8/48
<u>drug abuse</u>					
Human Resource Management, Administration	38462	R477-14	AMD	07/01/2014	2014-10/88
<u>drug and alcohol testing</u>					
Administrative Services, Purchasing and General Services	38511	R33-13	NEW	07/08/2014	2014-11/79
<u>drug/alcohol education</u>					
Human Resource Management, Administration	38462	R477-14	AMD	07/01/2014	2014-10/88
<u>dual employment</u>					
Human Resource Management, Administration	38459	R477-8	AMD	07/01/2014	2014-10/80
<u>dual enrollment</u>					
Education, Administration	38347	R277-438	5YR	03/14/2014	2014-7/89
<u>due process</u>					
Human Services, Substance Abuse and Mental Health	38297	R523-1	REP	04/07/2014	2014-5/27
	38298	R523-6	NEW	04/07/2014	2014-5/45
<u>DUI programs</u>					
Human Services, Substance Abuse and Mental Health	38451	R523-22	AMD	06/26/2014	2014-10/96
<u>dumping of wastes</u>					
Environmental Quality, Water Quality	38387	R317-550	AMD	07/30/2014	2014-8/14
<u>duplicate license</u>					
Public Safety, Driver License	38941	R708-45	5YR	11/07/2014	Not Printed
<u>early intervention</u>					
Health, Family Health and Preparedness, Children with Special Health Care Needs	37984	R398-20	AMD	01/28/2014	2013-19/61
<u>economic development</u>					
Governor, Economic Development	38154	R357-7	NEW	01/24/2014	2013-24/22
	38702	R357-7	R&R	09/11/2014	2014-15/48
<u>economics</u>					
Education, Administration	38113	R277-704	AMD	01/08/2014	2013-23/11
	38781	R277-704	AMD	10/09/2014	2014-17/55
<u>education</u>					
Education, Administration	38864	R277-422-4	AMD	11/10/2014	2014-19/10
	38623	R277-470	AMD	08/07/2014	2014-13/25
	38186	R277-470-6	AMD	02/07/2014	2014-1/14
	38116	R277-709	AMD	01/14/2014	2013-23/13
	38834	R277-709-1	NSC	09/19/2014	Not Printed
	38359	R277-709-11	AMD	05/08/2014	2014-7/10
Health, Family Health and Preparedness, Children with Special Health Care Needs	37984	R398-20	AMD	01/28/2014	2013-19/61
<u>education finance</u>					
Education, Administration	38585	R277-419-9	EMR	06/09/2014	2014-13/129
<u>educational administration</u>					
Education, Administration	38183	R277-116	AMD	02/07/2014	2014-1/10

RULES INDEX

	38592	R277-800	5YR	06/10/2014	2014-13/140
	38868	R277-800	AMD	11/10/2014	2014-19/29
<u>educational facilities</u>					
Education, Administration	38854	R277-471	5YR	09/09/2014	2014-19/79
	38865	R277-471	AMD	11/10/2014	2014-19/11
<u>educational program evaluations</u>					
Education, Administration	38867	R277-506	AMD	11/10/2014	2014-19/26
	38951	R277-506	5YR	11/13/2014	Not Printed
<u>educational tuition</u>					
Human Resource Management, Administration	38461	R477-10-1	AMD	07/01/2014	2014-10/87
<u>educator licensing</u>					
Education, Administration	38833	R277-502-3	NSC	09/19/2014	Not Printed
	38775	R277-502-5	AMD	10/09/2014	2014-17/45
	38867	R277-506	AMD	11/10/2014	2014-19/26
	38951	R277-506	5YR	11/13/2014	Not Printed
	38241	R277-518	AMD	03/10/2014	2014-3/8
<u>educators</u>					
Education, Administration	38289	R277-510-4	NSC	02/27/2014	Not Printed
	38242	R277-528	NEW	03/10/2014	2014-3/12
	38776	R277-531	AMD	10/09/2014	2014-17/46
Public Education Job Enhancement Program, Job Enhancement Committee	38243	R690-100	REP	03/10/2014	2014-3/37
<u>effective date</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38466	R414-306	AMD	07/01/2014	2014-10/53
	38129	R414-306-5	AMD	01/10/2014	2013-23/35
<u>effluent standards</u>					
Environmental Quality, Water Quality	38235	R317-1-7	AMD	03/27/2014	2014-3/13
	38402	R317-1-7	AMD	08/01/2014	2014-8/13
<u>eggs</u>					
Agriculture and Food, Regulatory Services	38315	R70-410	AMD	05/08/2014	2014-6/5
<u>elderly</u>					
Human Services, Aging and Adult Services	38670	R510-104	5YR	07/02/2014	2014-15/67
	38671	R510-400-16	AMD	10/08/2014	2014-15/53
<u>elections</u>					
Lieutenant Governor, Elections	38384	R623-2	5YR	03/26/2014	2014-8/47
	38385	R623-3	5YR	03/26/2014	2014-8/48
<u>electricians</u>					
Commerce, Occupational and Professional Licensing	38648	R156-55b	AMD	08/21/2014	2014-14/44
<u>electronic data interchanges</u>					
Health, Administration	38586	R380-25	5YR	06/09/2014	2014-13/140
<u>electronic devices</u>					
Education, Administration	38301	R277-495	AMD	04/07/2014	2014-5/20
<u>electronic high school</u>					
Education, Administration	38411	R277-725	5YR	04/04/2014	2014-9/52
	38437	R277-725	AMD	06/09/2014	2014-9/18
<u>electronic meetings</u>					
Administrative Services, Child Welfare Parental Defense (Office of)	38547	R19-1	5YR	05/21/2014	2014-12/53
Administrative Services, Finance	38634	R25-11	NEW	08/21/2014	2014-14/4

<u>elevators</u>						
Labor Commission, Boiler and Elevator Safety	38378	R616-3-3	AMD	05/22/2014	2014-8/31	
<u>eligible regional service centers</u>						
Education, Administration	38832	R277-706	5YR	09/02/2014	2014-18/90	
	38782	R277-706	AMD	10/09/2014	2014-17/57	
<u>emergency medical services</u>						
Health, Family Health and Preparedness, Emergency Medical Services	38672	R426-5-2600	NSC	07/31/2014	Not Printed	
	38272	R426-8	AMD	03/24/2014	2014-4/42	
	38079	R426-100	REP	01/06/2014	2013-22/119	
<u>emergency preparedness</u>						
Education, Administration	38296	R277-400	5YR	02/13/2014	2014-5/59	
	38300	R277-400	AMD	04/07/2014	2014-5/17	
	38773	R277-400	AMD	10/09/2014	2014-17/41	
	38426	R277-400-5	NSC	04/29/2014	Not Printed	
<u>emergency procurement</u>						
Administrative Services, Purchasing and General Services	38507	R33-8	R&R	07/08/2014	2014-11/56	
	38696	R33-8	5YR	07/08/2014	2014-15/65	
<u>emission controls</u>						
Environmental Quality, Air Quality	38681	R307-348	AMD	10/07/2014	2014-15/28	
<u>employee benefit plans</u>						
Human Resource Management, Administration	38469	R477-6	AMD	07/01/2014	2014-10/67	
	38092	R477-6-9	AMD	01/14/2014	2013-22/125	
<u>employee performance evaluations</u>						
Human Resource Management, Administration	38461	R477-10-1	AMD	07/01/2014	2014-10/87	
<u>employee productivity</u>						
Human Resource Management, Administration	38461	R477-10-1	AMD	07/01/2014	2014-10/87	
<u>employment</u>						
Human Resource Management, Administration	38458	R477-4	AMD	07/01/2014	2014-10/63	
	38077	R477-4-4	AMD	01/14/2014	2013-22/124	
<u>employment support procedures</u>						
Workforce Services, Employment Development	38158	R986-100-117	AMD	03/01/2014	2013-24/36	
	38268	R986-100-117	AMD	04/15/2014	2014-4/45	
<u>endangered species</u>						
Natural Resources, Forestry, Fire and State Lands	38948	R652-120	5YR	11/11/2014	Not Printed	
<u>energy</u>						
Governor, Energy Development (Office of)	38163	R362-2	AMD	01/22/2014	2013-24/23	
<u>energy assistance</u>						
Workforce Services, Administration	38715	R982-402	AMD	10/01/2014	2014-16/34	
	38716	R982-403	AMD	10/01/2014	2014-16/37	
	38717	R982-405	AMD	10/01/2014	2014-16/40	
	38718	R982-407	AMD	10/01/2014	2014-16/41	
	38719	R982-408	AMD	10/01/2014	2014-16/42	
<u>energy industries</u>						
Workforce Services, Administration	38719	R982-408	AMD	10/01/2014	2014-16/42	
<u>enforcement</u>						
Environmental Quality, Radiation Control	38076	R313-14	AMD	04/03/2014	2013-22/45	
	38076	R313-14	CPR	04/03/2014	2014-4/50	
<u>engineering</u>						
Environmental Quality, Water Quality	38271	R317-5	R&R	03/26/2014	2014-4/26	

RULES INDEX

<u>engineers</u>						
Administrative Services, Facilities Construction and Management	38870	R23-2	5YR	09/16/2014	2014-20/73	
Administrative Services, Purchasing and General Services	38513	R33-15	NEW	07/08/2014	2014-11/84	
<u>enrollment options</u>						
Education, Administration	38185	R277-437	AMD	02/07/2014	2014-1/12	
<u>enrollment reporting</u>						
Education, Administration	38590	R277-463	5YR	06/10/2014	2014-13/138	
	38622	R277-463	AMD	08/07/2014	2014-13/24	
<u>environment</u>						
Agriculture and Food, Conservation Commission	38071	R64-3	NEW	05/08/2014	2013-22/15	
	38071	R64-3	CPR	05/08/2014	2014-7/82	
Tax Commission, Auditing	38223	R865-7H	5YR	01/06/2014	2014-3/53	
<u>equipment</u>						
Environmental Quality, Water Quality	38661	R317-12	R&R	08/27/2014	2014-14/48	
<u>equipment leasing</u>						
Commerce, Corporations and Commercial Code	38320	R154-2	R&R	04/21/2014	2014-6/9	
<u>evaluation cycles</u>						
Judicial Performance Evaluation Commission, Administration	38304	R597-3	5YR	02/17/2014	2014-6/77	
	38438	R597-3	AMD	06/12/2014	2014-9/30	
	38595	R597-3	AMD	08/08/2014	2014-13/97	
<u>evaluations</u>						
Education, Administration	38776	R277-531	AMD	10/09/2014	2014-17/46	
	38777	R277-532-3	AMD	10/09/2014	2014-17/49	
<u>evidentiary restrictions</u>						
Commerce, Occupational and Professional Licensing	38659	R156-1	AMD	08/21/2014	2014-14/14	
	38157	R156-1-501	AMD	01/21/2014	2013-24/6	
	38253	R156-1-501	NSC	01/31/2014	Not Printed	
<u>exceptions to procurement requirements</u>						
Administrative Services, Purchasing and General Services	38507	R33-8	R&R	07/08/2014	2014-11/56	
	38696	R33-8	5YR	07/08/2014	2014-15/65	
<u>exclusions</u>						
Insurance, Administration	38786	R590-249	AMD	10/10/2014	2014-17/119	
<u>executive branch employees</u>						
Administrative Services, Purchasing and General Services	38521	R33-24	NEW	07/08/2014	2014-11/95	
	38758	R33-24	AMD	10/08/2014	2014-17/18	
<u>executive branch insurance procurement</u>						
Administrative Services, Purchasing and General Services	38522	R33-25	NEW	07/08/2014	2014-11/97	
<u>exemptions</u>						
Environmental Quality, Radiation Control	38752	R313-12-3	AMD	10/21/2014	2014-17/88	
<u>exiting provider</u>						
Public Service Commission, Administration	38234	R746-350	5YR	01/13/2014	2014-3/52	
<u>expenses</u>						
Public Safety, Emergency Management	38688	R704-1	5YR	07/07/2014	2014-15/68	
	38704	R704-1	R&R	09/29/2014	2014-16/27	

<u>facilities</u>						
Education, Administration	38351	R277-724	5YR	03/14/2014	2014-7/90	
<u>facilities use</u>						
Administrative Services, Facilities Construction and Management	38617	R23-19	AMD	08/07/2014	2014-13/8	
<u>facility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38528	R414-9	AMD	07/11/2014	2014-11/150	
<u>fair employment practices</u>						
Human Resource Management, Administration	38457	R477-2-3	AMD	07/01/2014	2014-10/62	
	38458	R477-4	AMD	07/01/2014	2014-10/63	
	38077	R477-4-4	AMD	01/14/2014	2013-22/124	
<u>family employment program</u>						
Workforce Services, Employment Development	38140	R986-200-204	AMD	01/14/2014	2013-23/50	
	38472	R986-200-207	AMD	07/01/2014	2014-10/108	
	38720	R986-200-218	AMD	10/01/2014	2014-16/43	
<u>family involvement</u>						
Human Services, Substance Abuse and Mental Health	38298	R523-6	NEW	04/07/2014	2014-5/45	
<u>federal election reform</u>						
Lieutenant Governor, Elections	38385	R623-3	5YR	03/26/2014	2014-8/48	
<u>federal surplus property</u>						
Administrative Services, Purchasing and General Services	38523	R33-26	NEW	07/08/2014	2014-11/98	
<u>fees</u>						
Environmental Quality, Radiation Control	38751	R313-70	AMD	10/21/2014	2014-17/104	
	38146	R313-70-5	AMD	02/18/2014	2013-23/22	
Human Services, Substance Abuse and Mental Health	38297	R523-1	REP	04/07/2014	2014-5/27	
Labor Commission, Industrial Accidents	38810	R612-300	AMD	10/22/2014	2014-18/46	
<u>fertilizers</u>						
Agriculture and Food, Plant Industry	38937	R68-3	5YR	11/06/2014	Not Printed	
<u>filing deadlines</u>						
Labor Commission, Industrial Accidents	38806	R612-200	AMD	10/22/2014	2014-18/38	
	38553	R612-200-8	AMD	07/22/2014	2014-12/43	
<u>filing documents</u>						
Commerce, Corporations and Commercial Code	38320	R154-2	R&R	04/21/2014	2014-6/9	
<u>filings</u>						
Public Service Commission, Administration	38874	R746-700	5YR	09/22/2014	2014-20/77	
<u>finance</u>						
Administrative Services, Finance	38653	R25-10	5YR	06/25/2014	2014-14/79	
<u>finances</u>						
Education, Administration	38864	R277-422-4	AMD	11/10/2014	2014-19/10	
<u>financial</u>						
Education, Administration	38113	R277-704	AMD	01/08/2014	2013-23/11	
	38781	R277-704	AMD	10/09/2014	2014-17/55	
<u>financial disclosures</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38724	R414-304	AMD	10/01/2014	2014-16/17	
	38317	R414-304-5	AMD	04/21/2014	2014-6/30	

RULES INDEX

<u>financial information</u>						
Human Services, Recovery Services	38728	R527-10	5YR	08/04/2014	2014-17/138	
<u>financial reimbursement</u>						
Public Safety, Emergency Management	38688	R704-1	5YR	07/07/2014	2014-15/68	
	38704	R704-1	R&R	09/29/2014	2014-16/27	
<u>fire</u>						
Regents (Board Of), University of Utah, Administration	38355	R805-3	5YR	03/14/2014	2014-7/95	
<u>fire authority</u>						
Environmental Quality, Air Quality	38673	R307-202	AMD	10/06/2014	2014-15/6	
<u>fireplaces</u>						
Environmental Quality, Air Quality	38166	R307-302	AMD	03/06/2014	2014-1/20	
<u>fiscal policies and procedures</u>						
Education, Administration	38772	R277-113-4	AMD	10/09/2014	2014-17/39	
<u>fish</u>						
Natural Resources, Wildlife Resources	38167	R657-13	AMD	02/10/2014	2014-1/54	
	38316	R657-13	AMD	04/21/2014	2014-6/66	
	38483	R657-13	AMD	07/08/2014	2014-11/160	
	38236	R657-60	AMD	03/11/2014	2014-3/32	
	38477	R657-60	AMD	06/24/2014	2014-10/99	
<u>fishing</u>						
Natural Resources, Wildlife Resources	38167	R657-13	AMD	02/10/2014	2014-1/54	
	38316	R657-13	AMD	04/21/2014	2014-6/66	
	38483	R657-13	AMD	07/08/2014	2014-11/160	
<u>fleet expansion</u>						
Administrative Services, Fleet Operations	38312	R27-4-13	AMD	04/22/2014	2014-6/4	
<u>food</u>						
Agriculture and Food, Regulatory Services	38262	R70-530	R&R	03/27/2014	2014-4/5	
<u>food inspections</u>						
Agriculture and Food, Regulatory Services	38315	R70-410	AMD	05/08/2014	2014-6/5	
	38872	R70-440	5YR	09/16/2014	2014-20/73	
	38871	R70-540	5YR	09/16/2014	2014-20/74	
<u>food program</u>						
Education, Administration	38351	R277-724	5YR	03/14/2014	2014-7/90	
<u>food services</u>						
Health, Disease Control and Prevention, Environmental Services	38229	R392-101	5YR	01/10/2014	2014-3/49	
	38656	R392-104	NEW	09/12/2014	2014-14/53	
<u>food stamps</u>						
Workforce Services, Employment Development	38663	R986-900-902	AMD	10/01/2014	2014-14/75	
	38750	R986-900-902	AMD	11/06/2014	2014-17/125	
<u>foods</u>						
Education, Administration	38628	R277-719	AMD	08/07/2014	2014-13/35	
<u>forced medication hearings and treatment procedures for children</u>						
Human Services, Substance Abuse and Mental Health	38298	R523-6	NEW	04/07/2014	2014-5/45	
<u>foreign deposits</u>						
Money Management Council, Administration	38179	R628-20	NEW	02/18/2014	2014-1/41	

<u>former foster care youth</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38401	R414-303	AMD	06/01/2014	2014-8/27	
	38465	R414-303	AMD	07/01/2014	2014-10/51	
	38818	R414-303-11	AMD	11/01/2014	2014-18/16	
<u>foster care</u>						
Human Services, Child and Family Services	38217	R512-43	AMD	03/10/2014	2014-3/15	
	38743	R512-310	NEW	10/08/2014	2014-17/112	
<u>fraud</u>						
Commerce, Consumer Protection	38125	R152-26	AMD	01/07/2014	2013-23/4	
<u>freedom of information</u>						
Natural Resources, Parks and Recreation	38343	R651-102	NSC	04/01/2014	Not Printed	
<u>freedom of religion</u>						
Education, Administration	38409	R277-105	5YR	04/04/2014	2014-9/51	
	38432	R277-105	AMD	06/09/2014	2014-9/8	
<u>funding formula</u>						
Human Services, Substance Abuse and Mental Health	38292	R523-4	NEW	04/07/2014	2014-5/36	
<u>funeral directors</u>						
Commerce, Occupational and Professional Licensing	38737	R156-9	AMD	10/09/2014	2014-17/25	
<u>funeral industries</u>						
Commerce, Occupational and Professional Licensing	38737	R156-9	AMD	10/09/2014	2014-17/25	
<u>furbearers</u>						
Natural Resources, Wildlife Resources	38848	R657-11	AMD	11/07/2014	2014-19/71	
<u>game laws</u>						
Natural Resources, Wildlife Resources	38168	R657-5	AMD	02/10/2014	2014-1/44	
	38600	R657-6	AMD	08/11/2014	2014-13/102	
	38231	R657-10	AMD	03/11/2014	2014-3/23	
	38849	R657-10	AMD	11/07/2014	2014-19/69	
	38848	R657-11	AMD	11/07/2014	2014-19/71	
	38601	R657-54	AMD	08/11/2014	2014-13/111	
	38790	R657-54	5YR	08/18/2014	2014-18/97	
	38172	R657-67	NEW	02/10/2014	2014-1/70	
	38484	R657-67	AMD	07/08/2014	2014-11/165	
	38602	R657-68	NEW	08/11/2014	2014-13/120	
<u>gas</u>						
Environmental Quality, Air Quality	38582	R307-504	NEW	10/07/2014	2014-13/43	
<u>general construction provisions</u>						
Administrative Services, Purchasing and General Services	38511	R33-13	NEW	07/08/2014	2014-11/79	
<u>general procurement provisions</u>						
Administrative Services, Purchasing and General Services	38500	R33-1	R&R	07/08/2014	2014-11/4	
	38689	R33-1	5YR	07/08/2014	2014-15/61	
	38503	R33-4	R&R	07/08/2014	2014-11/28	
	38692	R33-4	5YR	07/08/2014	2014-15/62	
<u>general provisions</u>						
Administrative Services, Purchasing and General Services	38518	R33-19	NEW	07/08/2014	2014-11/90	
	38519	R33-20	NEW	07/08/2014	2014-11/91	
<u>geothermal natural bathing places</u>						
Health, Disease Control and Prevention, Environmental Services	38285	R392-303	5YR	02/11/2014	2014-5/60	

RULES INDEX

	38176	R392-303	AMD	02/24/2014	2014-1/25
<u>geothermal pools</u>					
Health, Disease Control and Prevention, Environmental Services	38285	R392-303	5YR	02/11/2014	2014-5/60
	38176	R392-303	AMD	02/24/2014	2014-1/25
<u>geothermal spas</u>					
Health, Disease Control and Prevention, Environmental Services	38285	R392-303	5YR	02/11/2014	2014-5/60
	38176	R392-303	AMD	02/24/2014	2014-1/25
<u>government access management</u>					
Crime Victim Reparations, Administration	38499	R270-4	5YR	05/12/2014	2014-11/171
<u>government corporations</u>					
Workforce Services, Unemployment Insurance	38667	R994-311	5YR	07/01/2014	2014-14/85
<u>government documents</u>					
Administrative Services, Records Committee	38572	R35-1	5YR	06/03/2014	2014-13/133
	38640	R35-1	AMD	09/09/2014	2014-14/5
	38573	R35-1a	5YR	06/03/2014	2014-13/134
	38641	R35-1a	AMD	09/09/2014	2014-14/7
	38574	R35-2	5YR	06/03/2014	2014-13/135
	38642	R35-2	AMD	09/16/2014	2014-14/8
	38575	R35-3	5YR	06/03/2014	2014-13/135
	38647	R35-3	REP	09/16/2014	2014-14/10
	38576	R35-4	5YR	06/03/2014	2014-13/136
	38643	R35-4	AMD	09/16/2014	2014-14/11
	38577	R35-5	5YR	06/03/2014	2014-13/136
	38645	R35-5	AMD	09/16/2014	2014-14/12
	38578	R35-6	5YR	06/03/2014	2014-13/137
	38646	R35-6	AMD	09/16/2014	2014-14/13
Attorney General, Administration	38245	R105-2	NSC	01/30/2014	Not Printed
	38749	R105-2	NSC	08/28/2014	Not Printed
Environmental Quality, Administration	38244	R305-1	NSC	01/30/2014	Not Printed
Natural Resources, Parks and Recreation	38343	R651-102	NSC	04/01/2014	Not Printed
Workforce Services, Administration	38718	R982-407	AMD	10/01/2014	2014-16/41
<u>government ethics</u>					
Human Resource Management, Administration	38460	R477-9	AMD	07/01/2014	2014-10/84
<u>government purchasing</u>					
Administrative Services, Purchasing and General Services	38500	R33-1	R&R	07/08/2014	2014-11/4
	38689	R33-1	5YR	07/08/2014	2014-15/61
	38501	R33-2	R&R	07/08/2014	2014-11/6
	38690	R33-2	5YR	07/08/2014	2014-15/61
	38502	R33-3	R&R	07/08/2014	2014-11/9
	38691	R33-3	5YR	07/08/2014	2014-15/62
	38503	R33-4	R&R	07/08/2014	2014-11/28
	38692	R33-4	5YR	07/08/2014	2014-15/62
	38504	R33-5	R&R	07/08/2014	2014-11/32
	38693	R33-5	5YR	07/08/2014	2014-15/63
	38218	R33-6	EXT	01/02/2014	2014-3/57
	38446	R33-6	5YR	04/17/2014	2014-10/111
	38505	R33-6	R&R	07/08/2014	2014-11/43
	38694	R33-6	5YR	07/08/2014	2014-15/64
	38756	R33-6-103	AMD	10/08/2014	2014-17/13
	38219	R33-7	EXT	01/02/2014	2014-3/57
	38447	R33-7	5YR	04/17/2014	2014-10/111
	38506	R33-7	R&R	07/08/2014	2014-11/49
	38695	R33-7	5YR	07/08/2014	2014-15/64
	38759	R33-7-201	AMD	10/08/2014	2014-17/15
	38757	R33-7-601	AMD	10/08/2014	2014-17/16
	38507	R33-8	R&R	07/08/2014	2014-11/56
	38696	R33-8	5YR	07/08/2014	2014-15/65

	38220	R33-9	EXT	01/02/2014	2014-3/57
	38448	R33-9	5YR	04/17/2014	2014-10/112
	38508	R33-9	R&R	07/08/2014	2014-11/59
	38697	R33-9	5YR	07/08/2014	2014-15/65
	38513	R33-15	NEW	07/08/2014	2014-11/84
	38514	R33-16	NEW	07/08/2014	2014-11/86
	38526	R33-22	NEW	07/08/2014	2014-11/94
	38527	R33-23	NEW	07/08/2014	2014-11/95
	38522	R33-25	NEW	07/08/2014	2014-11/97
<u>government records</u>					
Corrections, Administration	38255	R251-111	NEW	03/26/2014	2014-4/25
<u>government records access</u>					
Crime Victim Reparations, Administration	38259	R270-4	EXT	01/27/2014	2014-4/75
<u>Governmental Immunity Act caps</u>					
Administrative Services, Risk Management	38250	R37-4	AMD	04/30/2014	2014-4/4
<u>grading system</u>					
Education, Administration	38111	R277-497	AMD	01/08/2014	2013-23/8
<u>GRAMA</u>					
Attorney General, Administration	38245	R105-2	NSC	01/30/2014	Not Printed
	38749	R105-2	NSC	08/28/2014	Not Printed
Corrections, Administration	38255	R251-111	NEW	03/26/2014	2014-4/25
Environmental Quality, Administration	38244	R305-1	NSC	01/30/2014	Not Printed
Regents (Board Of), Salt Lake Community College	38362	R784-1	5YR	03/17/2014	2014-8/50
<u>GRAMA appeals</u>					
Administrative Services, Administration	38570	R13-2	5YR	06/02/2014	2014-12/53
	38569	R13-2	AMD	07/22/2014	2014-12/6
<u>GRAMA requests</u>					
Administrative Services, Administration	38570	R13-2	5YR	06/02/2014	2014-12/53
	38569	R13-2	AMD	07/22/2014	2014-12/6
<u>grant applications</u>					
Heritage and Arts, History	38923	R455-13	5YR	10/28/2014	2014-22/41
<u>grant prioritizations</u>					
Heritage and Arts, History	38923	R455-13	5YR	10/28/2014	2014-22/41
<u>grants</u>					
Education, Administration	38295	R277-117	5YR	02/13/2014	2014-5/59
	38299	R277-117	AMD	04/07/2014	2014-5/16
	38774	R277-402	NEW	10/09/2014	2014-17/44
Health, Family Health and Preparedness, Primary Care and Rural Health	38637	R434-30	AMD	08/21/2014	2014-14/64
	38305	R434-40	NEW	05/08/2014	2014-6/53
Heritage and Arts, History	38923	R455-13	5YR	10/28/2014	2014-22/41
<u>grants and loans</u>					
Environmental Quality, Administration	38525	R305-4	AMD	07/08/2014	2014-11/118
<u>graywater</u>					
Environmental Quality, Water Quality	38481	R317-401	5YR	05/06/2014	2014-11/173
<u>great seal</u>					
Lieutenant Governor, Administration	38379	R622-2	5YR	03/24/2014	2014-8/46
<u>greenhouse gases</u>					
Environmental Quality, Air Quality	38491	R307-401-12	AMD	08/07/2014	2014-11/127
	37833	R307-401-19	AMD	01/06/2014	2013-15/29
	37833	R307-401-19	CPR	01/06/2014	2013-23/55
	38260	R307-405	5YR	01/28/2014	2014-4/70

RULES INDEX

<u>grievance procedures</u>						
Human Services, Child and Family Services	38264	R512-75	5YR	01/28/2014	2014-4/72	
<u>grievances</u>						
Human Resource Management, Administration	38454	R477-3-4	AMD	07/01/2014	2014-10/63	
<u>harmful behavior</u>						
Regents (Board Of), University of Utah, Administration	38918	R805-4	5YR	10/16/2014	2014-22/42	
<u>Hatch Act</u>						
Human Resource Management, Administration	38460	R477-9	AMD	07/01/2014	2014-10/84	
<u>hazardous air pollutant</u>						
Environmental Quality, Air Quality	38492	R307-214	AMD	08/07/2014	2014-11/123	
	38105	R307-214-3	AMD	03/06/2014	2013-23/18	
<u>hazardous air pollutants</u>						
Environmental Quality, Air Quality	38489	R307-410-2	AMD	08/07/2014	2014-11/128	
	38490	R307-410-6	AMD	08/07/2014	2014-11/129	
<u>hazardous substances</u>						
Environmental Quality, Environmental Response and Remediation	38764	R311-201-12	AMD	10/10/2014	2014-17/76	
	38765	R311-204-3	AMD	10/10/2014	2014-17/79	
	38766	R311-206-11	AMD	10/10/2014	2014-17/80	
	38768	R311-212	AMD	10/10/2014	2014-17/84	
<u>hazardous waste</u>						
Environmental Quality, Solid and Hazardous Waste	38609	R315-1-1	AMD	08/15/2014	2014-13/44	
	38610	R315-2-4	AMD	08/15/2014	2014-13/47	
	38334	R315-8-14	NSC	04/01/2014	Not Printed	
	38335	R315-12	NSC	04/01/2014	Not Printed	
	38611	R315-15	AMD	10/03/2014	2014-13/56	
	38611	R315-15	CPR	10/03/2014	2014-17/130	
<u>health</u>						
Health, Administration	38586	R380-25	5YR	06/09/2014	2014-13/140	
Health, Center for Health Data, Health Care Statistics	38571	R428-1	AMD	08/05/2014	2014-12/16	
	38562	R428-2	R&R	08/05/2014	2014-12/18	
	38563	R428-5	AMD	08/05/2014	2014-12/23	
	38564	R428-10	R&R	08/05/2014	2014-12/26	
	38565	R428-11	R&R	08/05/2014	2014-12/30	
	38567	R428-13	AMD	08/05/2014	2014-12/36	
<u>health care</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	38319	R398-1	AMD	07/01/2014	2014-6/25	
	38839	R398-1	5YR	09/04/2014	2014-19/80	
<u>health care facilities</u>						
Health, Family Health and Preparedness, Licensing	38086	R432-2-5	AMD	01/24/2014	2013-22/123	
	38173	R432-3	AMD	02/27/2014	2014-1/37	
	38391	R432-7	5YR	04/01/2014	2014-8/40	
	38392	R432-8	5YR	04/01/2014	2014-8/41	
	38393	R432-9	5YR	04/01/2014	2014-8/41	
	38394	R432-10	5YR	04/01/2014	2014-8/42	
	38395	R432-11	5YR	04/01/2014	2014-8/42	
	38396	R432-12	5YR	04/01/2014	2014-8/43	
	38397	R432-13	5YR	04/01/2014	2014-8/43	
	38422	R432-14	5YR	04/10/2014	2014-9/54	
	38398	R432-30	5YR	04/01/2014	2014-8/44	
	38399	R432-32	5YR	04/01/2014	2014-8/44	
	38654	R432-45	NEW	08/25/2014	2014-14/58	
	38423	R432-270	5YR	04/10/2014	2014-9/54	
	38341	R432-270	AMD	05/20/2014	2014-7/65	

<u>health care professionals</u>						
Public Safety, Driver License	38487	R708-7	NSC	05/29/2014	Not Printed	
<u>health care quality</u>						
Health, Center for Health Data, Health Care Statistics	38566	R428-12	AMD	08/05/2014	2014-12/34	
<u>health facility administrators</u>						
Commerce, Occupational and Professional Licensing	38337	R156-15	AMD	05/08/2014	2014-7/5	
<u>health insurance</u>						
Administrative Services, Facilities Construction and Management	38587	R23-23	5YR	06/10/2014	2014-13/133	
Capitol Preservation Board (State), Administration	38615	R23-23	AMD	08/07/2014	2014-13/18	
	38476	R131-13	5YR	05/01/2014	2014-10/113	
	38479	R131-13	AMD	07/08/2014	2014-11/103	
Human Services, Recovery Services	38728	R527-10	5YR	08/04/2014	2014-17/138	
Insurance, Administration	38798	R590-167	5YR	08/20/2014	2014-18/95	
	38787	R590-172	REP	10/10/2014	2014-17/114	
	38784	R590-199	AMD	10/10/2014	2014-17/115	
	38786	R590-249	AMD	10/10/2014	2014-17/119	
Transportation, Operations, Construction	38861	R916-5	5YR	09/12/2014	2014-19/81	
<u>health insurance exclusions</u>						
Insurance, Administration	38286	R590-249-1	NSC	02/27/2014	Not Printed	
<u>health insurance filings</u>						
Insurance, Administration	38311	R590-220	5YR	02/24/2014	2014-6/75	
<u>health insurance in state contracts</u>						
Transportation, Operations, Construction	38861	R916-5	5YR	09/12/2014	2014-19/81	
<u>health maintenance organization</u>						
Health, Center for Health Data, Health Care Statistics	38566	R428-12	AMD	08/05/2014	2014-12/34	
<u>health planning</u>						
Health, Center for Health Data, Health Care Statistics	38571	R428-1	AMD	08/05/2014	2014-12/16	
	38562	R428-2	R&R	08/05/2014	2014-12/18	
	38563	R428-5	AMD	08/05/2014	2014-12/23	
	38564	R428-10	R&R	08/05/2014	2014-12/26	
	38565	R428-11	R&R	08/05/2014	2014-12/30	
	38567	R428-13	AMD	08/05/2014	2014-12/36	
<u>health policy</u>						
Health, Center for Health Data, Health Care Statistics	38571	R428-1	AMD	08/05/2014	2014-12/16	
	38562	R428-2	R&R	08/05/2014	2014-12/18	
	38563	R428-5	AMD	08/05/2014	2014-12/23	
	38567	R428-13	AMD	08/05/2014	2014-12/36	
<u>health reform</u>						
Transportation, Operations, Construction	38861	R916-5	5YR	09/12/2014	2014-19/81	
<u>health spas</u>						
Commerce, Consumer Protection	38748	R152-23	AMD	10/16/2014	2014-17/22	
<u>hearing aids</u>						
Commerce, Occupational and Professional Licensing	38155	R156-46a	AMD	01/21/2014	2013-24/7	
	38257	R156-46a	5YR	01/27/2014	2014-4/69	
<u>hearing instrument interns</u>						
Commerce, Occupational and Professional Licensing	38155	R156-46a	AMD	01/21/2014	2013-24/7	
	38257	R156-46a	5YR	01/27/2014	2014-4/69	
<u>hearing instrument specialists</u>						
Commerce, Occupational and Professional Licensing	38155	R156-46a	AMD	01/21/2014	2013-24/7	
	38257	R156-46a	5YR	01/27/2014	2014-4/69	

RULES INDEX

hearings

Administrative Services, Purchasing and General Services	38515	R33-17	NEW	07/08/2014	2014-11/87
Environmental Quality, Air Quality	38252	R307-103-1	NSC	01/31/2014	Not Printed
Environmental Quality, Solid and Hazardous Waste	38335	R315-12	NSC	04/01/2014	Not Printed
Labor Commission, Adjudication	38306	R602-2	AMD	04/22/2014	2014-6/61
	38554	R602-2-4	AMD	07/22/2014	2014-12/41
	38193	R602-2-5	AMD	02/21/2014	2014-2/7
	38327	R602-7	5YR	03/05/2014	2014-7/94
	38328	R602-8	5YR	03/05/2014	2014-7/94
Pardons (Board Of), Administration	38325	R671-201	AMD	05/08/2014	2014-7/78
	38878	R671-201	5YR	09/22/2014	2014-20/77
	38314	R671-201-1	EMR	03/01/2014	2014-6/73
Workforce Services, Administration	38714	R982-401	AMD	10/01/2014	2014-16/32

HEAT

Workforce Services, Administration	38715	R982-402	AMD	10/01/2014	2014-16/34
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Help America Vote Act

Lieutenant Governor, Elections	38384	R623-2	5YR	03/26/2014	2014-8/47
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hemp extract registration

Health, Center for Health Data, Vital Records and Statistics	38537	R436-55	NEW	07/08/2014	2014-11/155
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higher education

Education, Administration	38852	R277-713	NSC	09/30/2014	Not Printed
Money Management Council, Administration	38179	R628-20	NEW	02/18/2014	2014-1/41
Regents (Board Of), Administration	38820	R765-604	5YR	08/26/2014	2014-18/98

highly qualified

Education, Administration	38289	R277-510-4	NSC	02/27/2014	Not Printed
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HIPAA eligibility

Insurance, Administration	38785	R590-236	REP	10/10/2014	2014-17/117
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hiring practices

Human Resource Management, Administration	38458	R477-4	AMD	07/01/2014	2014-10/63
	38077	R477-4-4	AMD	01/14/2014	2013-22/124

HMO insurance

Insurance, Administration	38827	R590-76	5YR	08/29/2014	2014-18/93
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holidays

Human Resource Management, Administration	38084	R477-7	AMD	01/14/2014	2013-22/126
	38455	R477-7	AMD	07/01/2014	2014-10/71

home care services

Human Services, Aging and Adult Services	38671	R510-400-16	AMD	10/08/2014	2014-15/53
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home-delivered meals

Human Services, Aging and Adult Services	38670	R510-104	5YR	07/02/2014	2014-15/67
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hospital policy

Health, Center for Health Data, Health Care Statistics	38564	R428-10	R&R	08/05/2014	2014-12/26
	38565	R428-11	R&R	08/05/2014	2014-12/30

hospitals

Health, Health Care Financing, Coverage and Reimbursement Policy	38369	R414-1B	5YR	03/18/2014	2014-8/39
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hostile work environment

Human Resource Management, Administration	38463	R477-15	AMD	07/01/2014	2014-10/90
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hot springs

Health, Disease Control and Prevention, Environmental Services	38285	R392-303	5YR	02/11/2014	2014-5/60
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	38176	R392-303	AMD	02/24/2014	2014-1/25
<u>housing</u>					
Heritage and Arts, History	38932	R455-11	5YR	11/03/2014	Not Printed
<u>housing finance</u>					
Housing Corporation (Utah), Administration	38788	R460-3-1	AMD	10/09/2014	2014-17/110
	38452	R460-6	AMD	07/10/2014	2014-10/55
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	38812	R501-21	AMD	11/03/2014	2014-18/22
	38835	R501-22	AMD	10/23/2014	2014-18/25
<u>hunter education</u>					
Natural Resources, Wildlife Resources	38172	R657-67	NEW	02/10/2014	2014-1/70
	38484	R657-67	AMD	07/08/2014	2014-11/165
	38602	R657-68	NEW	08/11/2014	2014-13/120
<u>hunting</u>					
Natural Resources, Wildlife Resources	38170	R657-38	AMD	02/10/2014	2014-1/61
<u>hunting guides</u>					
Commerce, Occupational and Professional Licensing	38735	R156-79	5YR	08/05/2014	2014-17/137
<u>hydraulic modeling</u>					
Environmental Quality, Drinking Water	38013	R309-511	AMD	01/21/2014	2013-19/48
<u>identity theft</u>					
Technology Services, Administration	38480	R895-13	5YR	05/05/2014	2014-11/174
<u>ignition interlock systems</u>					
Public Safety, Driver License	38196	R708-31	AMD	02/21/2014	2014-2/8
	38374	R708-31	5YR	03/18/2014	2014-8/49
<u>illegal behavior</u>					
Regents (Board Of), University of Utah, Administration	38918	R805-4	5YR	10/16/2014	2014-22/42
<u>implementation</u>					
Administrative Services, Facilities Construction and Management	38615	R23-23	AMD	08/07/2014	2014-13/18
<u>import restrictions</u>					
Natural Resources, Wildlife Resources	38616	R657-3	AMD	08/11/2014	2014-13/100
<u>in-service training</u>					
Public Safety, Peace Officer Standards and Training	38377	R728-502	5YR	03/19/2014	2014-8/50
<u>incidents</u>					
Administrative Services, Fleet Operations	38073	R27-7-3	AMD	03/11/2014	2013-22/14
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38724	R414-304	AMD	10/01/2014	2014-16/17
	38317	R414-304-5	AMD	04/21/2014	2014-6/30
<u>income eligibility</u>					
Workforce Services, Administration	38716	R982-403	AMD	10/01/2014	2014-16/37
<u>individual open enrollment period</u>					
Insurance, Administration	38088	R590-269	NEW	01/13/2014	2013-22/144
	38376	R590-269-4	AMD	06/02/2014	2014-8/29
<u>industrial waste</u>					
Environmental Quality, Water Quality	38235	R317-1-7	AMD	03/27/2014	2014-3/13
	38402	R317-1-7	AMD	08/01/2014	2014-8/13

RULES INDEX

<u>information technology resources</u>					
Technology Services, Administration	38428	R895-7	5YR	04/15/2014	2014-9/60
	38470	R895-7	AMD	09/11/2014	2014-10/100
<u>initiatives</u>					
Education, Administration	38774	R277-402	NEW	10/09/2014	2014-17/44
<u>inmates</u>					
Education, Administration	38352	R277-735	5YR	03/14/2014	2014-7/91
	38360	R277-735	AMD	05/08/2014	2014-7/11
Pardons (Board Of), Administration	38877	R671-103	5YR	09/22/2014	2014-20/76
	38325	R671-201	AMD	05/08/2014	2014-7/78
	38878	R671-201	5YR	09/22/2014	2014-20/77
	38314	R671-201-1	EMR	03/01/2014	2014-6/73
	38896	R671-309	5YR	10/02/2014	2014-21/92
	38629	R671-309-1	AMD	09/29/2014	2014-13/122
<u>inspections</u>					
Agriculture and Food, Animal Industry	38251	R58-20	5YR	01/17/2014	2014-4/67
Agriculture and Food, Regulatory Services	38262	R70-530	R&R	03/27/2014	2014-4/5
	38846	R70-960	5YR	09/08/2014	2014-19/79
Environmental Quality, Radiation Control	38752	R313-12-3	AMD	10/21/2014	2014-17/88
<u>instructor certification</u>					
Commerce, Real Estate	38270	R162-2g	AMD	03/31/2014	2014-4/16
	38389	R162-2g	AMD	05/22/2014	2014-8/8
Public Safety, Peace Officer Standards and Training	38377	R728-502	5YR	03/19/2014	2014-8/50
<u>insurance</u>					
Human Resource Management, Administration	38469	R477-6	AMD	07/01/2014	2014-10/67
	38092	R477-6-9	AMD	01/14/2014	2013-22/125
Insurance, Administration	38417	R590-166	5YR	04/07/2014	2014-9/57
	38283	R590-170	5YR	02/11/2014	2014-5/62
	38823	R590-170-4	AMD	10/30/2014	2014-18/29
	38555	R590-171	5YR	05/27/2014	2014-12/56
	38273	R590-186-8	AMD	03/26/2014	2014-4/43
	38090	R590-229	AMD	03/11/2014	2013-22/139
	38090	R590-229	CPR	03/11/2014	2014-3/44
	38797	R590-229	5YR	08/20/2014	2014-18/96
	38342	R590-229-9	AMD	05/27/2014	2014-7/72
	38559	R590-230	5YR	05/30/2014	2014-12/57
	38534	R590-270	NEW	09/22/2014	2014-11/158
Labor Commission, Industrial Accidents	38803	R612-400-1	AMD	10/22/2014	2014-18/55
	38804	R612-400-2	AMD	10/22/2014	2014-18/56
	38808	R612-400-3	AMD	10/22/2014	2014-18/58
	38807	R612-400-4	AMD	10/22/2014	2014-18/63
Natural Resources, Parks and Recreation	38441	R651-409	AMD	06/09/2014	2014-9/38
<u>insurance alternative coverage</u>					
Insurance, Administration	38789	R590-255	REP	10/10/2014	2014-17/121
<u>insurance companies</u>					
Insurance, Administration	38799	R590-127	5YR	08/20/2014	2014-18/94
	38794	R590-129	5YR	08/20/2014	2014-18/95
<u>insurance company financial reporting</u>					
Insurance, Administration	38669	R590-254	5YR	07/02/2014	2014-15/68
<u>insurance email address requirements</u>					
Insurance, Administration	38284	R590-258-1	NSC	02/27/2014	Not Printed
<u>insurance health benefit plans</u>					
Insurance, Administration	38726	R590-263	REP	10/10/2014	2014-16/25
<u>insurance law</u>					
Insurance, Administration	38828	R590-67	5YR	08/29/2014	2014-18/92

	38795	R590-79	5YR	08/20/2014	2014-18/93
	38793	R590-83	5YR	08/20/2014	2014-18/94
	38069	R590-96	AMD	01/21/2014	2013-22/137
	38414	R590-98	5YR	04/07/2014	2014-9/56
	38416	R590-190	5YR	04/07/2014	2014-9/57
	38415	R590-191	5YR	04/07/2014	2014-9/58
	38635	R590-192	5YR	06/17/2014	2014-14/83
	38796	R590-194	5YR	08/20/2014	2014-18/96
<u>insurance licensing</u>					
Insurance, Administration	38307	R590-195	5YR	02/20/2014	2014-6/75
	38308	R590-195	REP	04/22/2014	2014-6/59
<u>insurance licensing requirements</u>					
Insurance, Administration	38620	R590-244	5YR	06/16/2014	2014-13/141
<u>intellectual disability</u>					
Health, Family Health and Preparedness, Children with Special Health Care Needs	38340	R398-10	NSC	04/01/2014	Not Printed
<u>international guest teachers</u>					
Education, Administration	38190	R277-527	AMD	02/07/2014	2014-1/18
<u>interpreters</u>					
Education, Rehabilitation	38853	R280-203	5YR	09/09/2014	2014-19/80
<u>intervention</u>					
Education, Administration	38627	R277-710	NEW	08/07/2014	2014-13/33
<u>intoxilyzers</u>					
Public Safety, Highway Patrol	38895	R714-500	5YR	10/02/2014	2014-21/93
<u>inventories</u>					
Environmental Quality, Air Quality	38261	R307-150	5YR	01/28/2014	2014-4/70
<u>investment advisers</u>					
Money Management Council, Administration	38281	R628-19	5YR	02/10/2014	2014-5/63
<u>involuntary commitment</u>					
Human Services, Substance Abuse and Mental Health	38293	R523-5	NEW	04/07/2014	2014-5/42
<u>IRIS</u>					
Technology Services, Administration	38480	R895-13	5YR	05/05/2014	2014-11/174
<u>IT bid committee</u>					
Technology Services, Administration	38933	R895-9	5YR	11/04/2014	Not Printed
<u>IT planning</u>					
Technology Services, Administration	38386	R895-6	5YR	03/27/2014	2014-8/51
<u>IT standards council</u>					
Technology Services, Administration	38933	R895-9	5YR	11/04/2014	Not Printed
<u>job descriptions</u>					
Human Resource Management, Administration	38454	R477-3-4	AMD	07/01/2014	2014-10/63
<u>judges</u>					
Judicial Performance Evaluation Commission, Administration	38303	R597-1	5YR	02/17/2014	2014-6/77
	38304	R597-3	5YR	02/17/2014	2014-6/77
	38438	R597-3	AMD	06/12/2014	2014-9/30
	38595	R597-3	AMD	08/08/2014	2014-13/97
<u>judicial evaluations</u>					
Judicial Performance Evaluation Commission, Administration	38303	R597-1	5YR	02/17/2014	2014-6/77

RULES INDEX

<u>judicial performance evaluations</u>					
Judicial Performance Evaluation Commission, Administration	38303	R597-1	5YR	02/17/2014	2014-6/77
	38304	R597-3	5YR	02/17/2014	2014-6/77
	38438	R597-3	AMD	06/12/2014	2014-9/30
	38595	R597-3	AMD	08/08/2014	2014-13/97
<u>judiciary</u>					
Judicial Performance Evaluation Commission, Administration	38303	R597-1	5YR	02/17/2014	2014-6/77
<u>justice court classifications</u>					
Judicial Performance Evaluation Commission, Administration	38440	R597-4	NEW	06/12/2014	2014-9/34
<u>justice court evaluations</u>					
Judicial Performance Evaluation Commission, Administration	38440	R597-4	NEW	06/12/2014	2014-9/34
<u>justice court multiple jurisdictions</u>					
Judicial Performance Evaluation Commission, Administration	38440	R597-4	NEW	06/12/2014	2014-9/34
<u>justice court multiple retention election years</u>					
Judicial Performance Evaluation Commission, Administration	38440	R597-4	NEW	06/12/2014	2014-9/34
<u>juvenile courts</u>					
Education, Administration	38116	R277-709	AMD	01/14/2014	2013-23/13
	38834	R277-709-1	NSC	09/19/2014	Not Printed
	38359	R277-709-11	AMD	05/08/2014	2014-7/10
<u>juvenile offenders</u>					
Education, Administration	38593	R277-714	5YR	06/10/2014	2014-13/140
<u>landowner permits</u>					
Natural Resources, Wildlife Resources	38232	R657-43	AMD	03/11/2014	2014-3/30
<u>landscape architects</u>					
Commerce, Occupational and Professional Licensing	38639	R156-53	AMD	08/21/2014	2014-14/43
<u>large underground wastewater</u>					
Environmental Quality, Water Quality	38271	R317-5	R&R	03/26/2014	2014-4/26
<u>law enforcement</u>					
Public Safety, Highway Patrol	38711	R714-600	5YR	07/22/2014	2014-16/61
<u>law enforcement officer certification</u>					
Public Safety, Administration	38310	R698-4	5YR	02/21/2014	2014-6/78
<u>law enforcement officers</u>					
Public Safety, Peace Officer Standards and Training	38377	R728-502	5YR	03/19/2014	2014-8/50
<u>lead-based paint</u>					
Environmental Quality, Air Quality	38330	R307-840	5YR	03/06/2014	2014-7/92
<u>leadership skills</u>					
Education, Administration	38779	R277-619	AMD	10/09/2014	2014-17/52
<u>learner permits</u>					
Public Safety, Driver License	38373	R708-26	5YR	03/18/2014	2014-8/49
	38372	R708-26	NSC	04/14/2014	Not Printed
<u>leave benefits</u>					
Human Resource Management, Administration	38084	R477-7	AMD	01/14/2014	2013-22/126
	38455	R477-7	AMD	07/01/2014	2014-10/71

<u>liability</u>					
Natural Resources, Parks and Recreation	38441	R651-409	AMD	06/09/2014	2014-9/38
<u>licenses</u>					
Natural Resources, Wildlife Resources	38482	R657-45	AMD	07/08/2014	2014-11/163
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	38659	R156-1	AMD	08/21/2014	2014-14/14
	38157	R156-1-501	AMD	01/21/2014	2013-24/6
	38253	R156-1-501	NSC	01/31/2014	Not Printed
	38737	R156-9	AMD	10/09/2014	2014-17/25
	38337	R156-15	AMD	05/08/2014	2014-7/5
	38733	R156-15A	AMD	10/09/2014	2014-17/26
	38549	R156-15A-231	AMD	07/22/2014	2014-12/10
	38792	R156-15A-231	AMD	10/23/2014	2014-18/5
	38638	R156-17b	AMD	08/21/2014	2014-14/21
	38473	R156-24b	AMD	06/23/2014	2014-10/9
	38657	R156-24b-505	AMD	08/21/2014	2014-14/41
	38475	R156-31b	R&R	06/23/2014	2014-10/11
	38801	R156-31c	5YR	08/21/2014	2014-18/89
	38885	R156-38a	NSC	11/03/2014	Not Printed
	38732	R156-38a-301a	NSC	08/28/2014	Not Printed
	38533	R156-38a-401	NSC	05/29/2014	Not Printed
	38517	R156-40	AMD	07/08/2014	2014-11/105
	38548	R156-40a-302a	AMD	07/22/2014	2014-12/13
	38254	R156-42a	5YR	01/21/2014	2014-4/68
	38313	R156-42a	AMD	04/21/2014	2014-6/24
	38249	R156-44a	5YR	01/16/2014	2014-4/69
	38155	R156-46a	AMD	01/21/2014	2013-24/7
	38257	R156-46a	5YR	01/27/2014	2014-4/69
	38639	R156-53	AMD	08/21/2014	2014-14/43
	38151	R156-55a	AMD	01/21/2014	2013-24/10
	38736	R156-55a	AMD	10/09/2014	2014-17/28
	38902	R156-55a-102	NSC	10/31/2014	Not Printed
	38380	R156-55a-301	NSC	04/14/2014	Not Printed
	38760	R156-55a-302f	AMD	10/09/2014	2014-17/31
	38648	R156-55b	AMD	08/21/2014	2014-14/44
	38731	R156-55c	AMD	10/09/2014	2014-17/33
	38825	R156-55d	AMD	10/23/2014	2014-18/8
	38421	R156-60	5YR	04/08/2014	2014-9/50
	38390	R156-60-102	AMD	05/22/2014	2014-8/6
	38730	R156-60a	5YR	08/04/2014	2014-17/135
	38734	R156-60b	5YR	08/05/2014	2014-17/136
	38233	R156-61	5YR	01/13/2014	2014-3/49
	38450	R156-63a	AMD	06/23/2014	2014-10/45
	38474	R156-63b	AMD	06/23/2014	2014-10/48
	38814	R156-64	AMD	10/23/2014	2014-18/10
	38106	R156-67	AMD	01/07/2014	2013-23/5
	38649	R156-67	AMD	08/21/2014	2014-14/46
	38107	R156-68	AMD	01/07/2014	2013-23/6
	38552	R156-68	AMD	07/28/2014	2014-12/14
	38149	R156-69	AMD	01/21/2014	2013-24/20
	38165	R156-72	AMD	02/10/2014	2014-1/8
	38375	R156-77	AMD	05/22/2014	2014-8/7
	38761	R156-78	5YR	08/14/2014	2014-17/136
	38735	R156-79	5YR	08/05/2014	2014-17/137
	38388	R156-80a	5YR	03/31/2014	2014-8/37
	38382	R156-81	5YR	03/25/2014	2014-8/37
Governor, Economic Development, Pete Suazo Utah Athletic Commission	38033	R359-1-604	AMD	01/24/2014	2013-20/25
Human Services, Administration, Administrative Services, Licensing	38812	R501-21	AMD	11/03/2014	2014-18/22
	38835	R501-22	AMD	10/23/2014	2014-18/25
Natural Resources, Wildlife Resources	38230	R657-27	AMD	03/11/2014	2014-3/26
Public Safety, Driver License	38370	R708-10	5YR	03/18/2014	2014-8/48
	38407	R708-24	5YR	04/03/2014	2014-9/59

RULES INDEX

	38486	R708-24	NSC	05/29/2014	Not Printed
<u>liens</u>					
Commerce, Occupational and Professional Licensing	38885	R156-38a	NSC	11/03/2014	Not Printed
	38732	R156-38a-301a	NSC	08/28/2014	Not Printed
	38533	R156-38a-401	NSC	05/29/2014	Not Printed
<u>life insurance</u>					
Insurance, Administration	38413	R590-93	5YR	04/07/2014	2014-9/56
<u>life insurance filings</u>					
Insurance, Administration	38364	R590-226	5YR	03/18/2014	2014-8/45
	38290	R590-226-5	NSC	02/27/2014	Not Printed
<u>lifeline rates</u>					
Public Service Commission, Administration	38198	R746-341	AMD	02/24/2014	2014-2/9
	38545	R746-341	AMD	08/06/2014	2014-12/44
	38826	R746-341	AMD	11/05/2014	2014-18/65
<u>limitation on judgments</u>					
Administrative Services, Risk Management	38250	R37-4	AMD	04/30/2014	2014-4/4
<u>liquid waste</u>					
Environmental Quality, Water Quality	38387	R317-550	AMD	07/30/2014	2014-8/14
<u>literacy</u>					
Education, Administration	38113	R277-704	AMD	01/08/2014	2013-23/11
	38781	R277-704	AMD	10/09/2014	2014-17/55
<u>loans</u>					
Agriculture and Food, Conservation Commission	38712	R64-1	5YR	07/23/2014	2014-16/59
	38747	R64-1	AMD	10/08/2014	2014-17/20
<u>lobbyist regulations</u>					
Lieutenant Governor, Elections	38383	R623-1	5YR	03/26/2014	2014-8/47
<u>Local Mental Health Authority</u>					
Human Services, Substance Abuse and Mental Health	38292	R523-4	NEW	04/07/2014	2014-5/36
<u>Local Substance Abuse Authority</u>					
Human Services, Substance Abuse and Mental Health	38292	R523-4	NEW	04/07/2014	2014-5/36
<u>long-term care alternatives</u>					
Human Services, Aging and Adult Services	38671	R510-400-16	AMD	10/08/2014	2014-15/53
<u>lt. governor</u>					
Lieutenant Governor, Administration	38379	R622-2	5YR	03/24/2014	2014-8/46
<u>MACT</u>					
Environmental Quality, Air Quality	38492	R307-214	AMD	08/07/2014	2014-11/123
	38105	R307-214-3	AMD	03/06/2014	2013-23/18
<u>MAGI-based</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38401	R414-303	AMD	06/01/2014	2014-8/27
	38465	R414-303	AMD	07/01/2014	2014-10/51
	38818	R414-303-11	AMD	11/01/2014	2014-18/16
<u>magnet wire</u>					
Environmental Quality, Air Quality	38681	R307-348	AMD	10/07/2014	2014-15/28
<u>major plant additions</u>					
Public Service Commission, Administration	38874	R746-700	5YR	09/22/2014	2014-20/77

<u>marriage and family therapist</u>						
Commerce, Occupational and Professional Licensing	38734	R156-60b	5YR	08/05/2014	2014-17/136	
<u>Medicaid</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38191	R414-1-5	AMD	05/01/2014	2014-1/32	
	38381	R414-1-5	AMD	07/28/2014	2014-8/22	
	38599	R414-1-5	AMD	08/19/2014	2014-13/89	
	38369	R414-1B	5YR	03/18/2014	2014-8/39	
	38560	R414-7A	5YR	05/30/2014	2014-12/54	
	38655	R414-7B	REP	08/25/2014	2014-14/54	
	38528	R414-9	AMD	07/11/2014	2014-11/150	
	38430	R414-10A-6	AMD	06/11/2014	2014-9/27	
	38371	R414-11	5YR	03/18/2014	2014-8/39	
	38705	R414-13	AMD	09/25/2014	2014-16/5	
	38130	R414-14	AMD	01/10/2014	2013-23/26	
	38561	R414-14	5YR	05/30/2014	2014-12/54	
	38630	R414-14A	5YR	06/17/2014	2014-14/80	
	38132	R414-21	AMD	01/10/2014	2013-23/28	
	38650	R414-31	5YR	06/24/2014	2014-14/80	
	38706	R414-33B	REP	09/25/2014	2014-16/6	
	38707	R414-33D	AMD	09/25/2014	2014-16/8	
	38708	R414-34	REP	09/25/2014	2014-16/11	
	38709	R414-35	REP	09/25/2014	2014-16/12	
	38710	R414-36	AMD	09/25/2014	2014-16/14	
	38897	R414-36	5YR	10/03/2014	2014-21/91	
	38431	R414-45	REP	06/11/2014	2014-9/29	
	38133	R414-49	AMD	01/10/2014	2013-23/30	
	38201	R414-49	NSC	01/23/2014	Not Printed	
	38631	R414-49	5YR	06/17/2014	2014-14/81	
	38134	R414-50	REP	01/10/2014	2013-23/32	
	38135	R414-51	REP	01/10/2014	2013-23/33	
	38227	R414-54	5YR	01/07/2014	2014-3/50	
	38613	R414-54	AMD	08/26/2014	2014-13/94	
	38614	R414-59	AMD	08/26/2014	2014-13/95	
	38318	R414-61	AMD	04/21/2014	2014-6/29	
	38927	R414-61	5YR	10/30/2014	2014-22/41	
	38703	R414-61-2	AMD	09/26/2014	2014-16/16	
	38368	R414-90	5YR	03/18/2014	2014-8/40	
	38529	R414-99	AMD	07/11/2014	2014-11/151	
	38791	R414-140	5YR	08/19/2014	2014-18/92	
	38725	R414-305	AMD	10/01/2014	2014-16/20	
	38321	R414-310	AMD	04/21/2014	2014-6/32	
	38815	R414-310	EMR	09/01/2014	2014-18/83	
	38322	R414-320	AMD	04/21/2014	2014-6/42	
	38816	R414-320	EMR	09/01/2014	2014-18/85	
	38819	R414-320	AMD	11/01/2014	2014-18/18	
	38418	R414-401	5YR	04/07/2014	2014-9/53	
	38478	R414-401-3	AMD	07/01/2014	2014-10/53	
	38632	R414-501	5YR	06/17/2014	2014-14/82	
	38633	R414-502	5YR	06/17/2014	2014-14/82	
	38141	R414-503	R&R	01/07/2014	2013-23/37	
	38660	R414-503	5YR	07/01/2014	2014-14/83	
	38584	R414-503-2	NSC	06/18/2014	Not Printed	
	38532	R414-510	AMD	07/15/2014	2014-11/153	
	38103	R414-511	NEW	01/13/2014	2013-23/42	
<u>medical examiner</u>						
Health, Disease Control and Prevention, Medical Examiner	38419	R448-10	5YR	04/07/2014	2014-9/55	
	38420	R448-20	5YR	04/07/2014	2014-9/55	
<u>medical language interpreter</u>						
Commerce, Occupational and Professional Licensing	38388	R156-80a	5YR	03/31/2014	2014-8/37	

RULES INDEX

<u>medical practitioners</u>						
Labor Commission, Industrial Accidents	38810	R612-300	AMD	10/22/2014	2014-18/46	
<u>medical transportation</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38466	R414-306	AMD	07/01/2014	2014-10/53	
	38129	R414-306-5	AMD	01/10/2014	2013-23/35	
<u>medically underserved</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	38637	R434-30	AMD	08/21/2014	2014-14/64	
	38305	R434-40	NEW	05/08/2014	2014-6/53	
<u>mental health</u>						
Commerce, Occupational and Professional Licensing	38421	R156-60	5YR	04/08/2014	2014-9/50	
	38390	R156-60-102	AMD	05/22/2014	2014-8/6	
<u>mental retardation</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	38339	R398-10	5YR	03/12/2014	2014-7/92	
<u>midwife</u>						
Commerce, Occupational and Professional Licensing	38375	R156-77	AMD	05/22/2014	2014-8/7	
<u>midwifery</u>						
Commerce, Occupational and Professional Licensing	38249	R156-44a	5YR	01/16/2014	2014-4/69	
<u>migratory birds</u>						
Natural Resources, Wildlife Resources	38605	R657-9	AMD	08/11/2014	2014-13/106	
<u>mineral resources</u>						
Tax Commission, Auditing	38222	R865-16R	5YR	01/06/2014	2014-3/54	
<u>modeling</u>						
Environmental Quality, Air Quality	38489	R307-410-2	AMD	08/07/2014	2014-11/128	
	38490	R307-410-6	AMD	08/07/2014	2014-11/129	
<u>monitoring</u>						
Education, Administration	38187	R277-481	AMD	02/07/2014	2014-1/15	
<u>motor carrier</u>						
Public Safety, Highway Patrol	38711	R714-600	5YR	07/22/2014	2014-16/61	
<u>motor vehicles</u>						
Environmental Quality, Administration	38525	R305-4	AMD	07/08/2014	2014-11/118	
<u>multiple stage bidding</u>						
Administrative Services, Purchasing and General Services	38505	R33-6	R&R	07/08/2014	2014-11/43	
	38694	R33-6	5YR	07/08/2014	2014-15/64	
	38756	R33-6-103	AMD	10/08/2014	2014-17/13	
<u>NCLB</u>						
Education, Administration	38349	R277-524	5YR	03/14/2014	2014-7/90	
	38358	R277-524	AMD	05/08/2014	2014-7/8	
<u>NESHAP</u>						
Environmental Quality, Air Quality	38492	R307-214	AMD	08/07/2014	2014-11/123	
	38105	R307-214-3	AMD	03/06/2014	2013-23/18	
<u>NetCare</u>						
Insurance, Administration	38789	R590-255	REP	10/10/2014	2014-17/121	
<u>new source review</u>						
Environmental Quality, Air Quality	38104	R307-210-2	AMD	03/06/2014	2013-23/17	

<u>newborn hearing screening</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	38139	R398-4	NEW	01/17/2014	2013-23/25	
<u>newborn screening</u>						
Health, Family Health and Preparedness, Children with Special Health Care Needs	38319	R398-1	AMD	07/01/2014	2014-6/25	
	38839	R398-1	5YR	09/04/2014	2014-19/80	
<u>non-licensed public education employees</u>						
Education, Administration	38777	R277-532-3	AMD	10/09/2014	2014-17/49	
<u>nonprofit organizations</u>						
Workforce Services, Unemployment Insurance	38665	R994-309	5YR	07/01/2014	2014-14/84	
<u>nonpublic schools</u>						
Education, Administration	38434	R277-410-5	AMD	06/09/2014	2014-9/13	
<u>notification requirements</u>						
Commerce, Real Estate	38213	R162-2f	AMD	02/25/2014	2014-2/4	
<u>nurses</u>						
Commerce, Occupational and Professional Licensing	38475	R156-31b	R&R	06/23/2014	2014-10/11	
	38801	R156-31c	5YR	08/21/2014	2014-18/89	
<u>nursing facility</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38418	R414-401	5YR	04/07/2014	2014-9/53	
	38478	R414-401-3	AMD	07/01/2014	2014-10/53	
<u>nutrition</u>						
Education, Administration	38628	R277-719	AMD	08/07/2014	2014-13/35	
Human Services, Aging and Adult Services	38670	R510-104	5YR	07/02/2014	2014-15/67	
<u>occupational licensing</u>						
Commerce, Occupational and Professional Licensing	38548	R156-40a-302a	AMD	07/22/2014	2014-12/13	
	38151	R156-55a	AMD	01/21/2014	2013-24/10	
	38736	R156-55a	AMD	10/09/2014	2014-17/28	
	38902	R156-55a-102	NSC	10/31/2014	Not Printed	
	38380	R156-55a-301	NSC	04/14/2014	Not Printed	
	38760	R156-55a-302f	AMD	10/09/2014	2014-17/31	
	38648	R156-55b	AMD	08/21/2014	2014-14/44	
	38731	R156-55c	AMD	10/09/2014	2014-17/33	
<u>occupational safety and health</u>						
Labor Commission, Adjudication	38328	R602-8	5YR	03/05/2014	2014-7/94	
<u>occupational therapy</u>						
Commerce, Occupational and Professional Licensing	38254	R156-42a	5YR	01/21/2014	2014-4/68	
	38313	R156-42a	AMD	04/21/2014	2014-6/24	
<u>off-highway vehicles</u>						
Natural Resources, Parks and Recreation	38216	R651-411	5YR	01/02/2014	2014-3/51	
<u>oil</u>						
Environmental Quality, Air Quality	38582	R307-504	NEW	10/07/2014	2014-13/43	
<u>oil and gas law</u>						
Natural Resources, Oil, Gas and Mining; Oil and Gas	38741	R649-10	5YR	08/05/2014	2014-17/142	
<u>open burning</u>						
Environmental Quality, Air Quality	38673	R307-202	AMD	10/06/2014	2014-15/6	
<u>opening and closing dates</u>						
Workforce Services, Administration	38715	R982-402	AMD	10/01/2014	2014-16/34	

RULES INDEX

<u>operational requirements</u>						
Commerce, Real Estate	38213	R162-2f	AMD	02/25/2014	2014-2/4	
<u>operator certification</u>						
Environmental Quality, Water Quality	38531	R317-10	AMD	08/27/2014	2014-11/143	
<u>operator certifications</u>						
Public Safety, Highway Patrol	38895	R714-500	5YR	10/02/2014	2014-21/93	
<u>organ transplants</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38821	R414-58	NSC	09/15/2014	Not Printed	
<u>orthodontia</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38135	R414-51	REP	01/10/2014	2013-23/33	
<u>osteopathic physician</u>						
Commerce, Occupational and Professional Licensing	38107	R156-68	AMD	01/07/2014	2013-23/6	
	38552	R156-68	AMD	07/28/2014	2014-12/14	
<u>osteopaths</u>						
Commerce, Occupational and Professional Licensing	38107	R156-68	AMD	01/07/2014	2013-23/6	
	38552	R156-68	AMD	07/28/2014	2014-12/14	
<u>out of school time child care programs</u>						
Health, Family Health and Preparedness, Child Care Licensing	38543	R430-70	5YR	05/19/2014	2014-12/55	
<u>out patient treatment</u>						
Human Services, Administration, Administrative Services, Licensing	38812	R501-21	AMD	11/03/2014	2014-18/22	
<u>out-of-home care</u>						
Human Services, Child and Family Services	38265	R512-306	5YR	01/28/2014	2014-4/73	
<u>outfitters</u>						
Commerce, Occupational and Professional Licensing	38735	R156-79	5YR	08/05/2014	2014-17/137	
<u>overflow and drains</u>						
Environmental Quality, Drinking Water	38535	R309-545	AMD	11/10/2014	2014-11/130	
	38535	R309-545	CPR	11/10/2014	2014-16/48	
<u>overpayments</u>						
Human Services, Recovery Services	38550	R527-332	5YR	05/22/2014	2014-12/55	
<u>oversight</u>						
Education, Administration	38187	R277-481	AMD	02/07/2014	2014-1/15	
<u>overtime</u>						
Human Resource Management, Administration	38459	R477-8	AMD	07/01/2014	2014-10/80	
<u>ownership</u>						
Natural Resources, Water Rights	38723	R655-3	5YR	08/01/2014	2014-16/59	
<u>ozone</u>						
Environmental Quality, Air Quality	38061	R307-110-17	AMD	01/09/2014	2013-21/8	
<u>paint</u>						
Environmental Quality, Air Quality	38330	R307-840	5YR	03/06/2014	2014-7/92	
<u>paleontological resources</u>						
Regents (Board Of), University of Utah, Museum of Natural History (Utah)	38354	R807-1	5YR	03/14/2014	2014-7/95	
<u>papers</u>						
Health, Center for Health Data, Health Care Statistics	38905	R428-15	5YR	10/10/2014	2014-21/91	

<u>paraeducators</u>						
Education, Administration	38302	R277-526	AMD	04/07/2014	2014-5/23	
<u>paraprofessional qualifications</u>						
Education, Administration	38349	R277-524	5YR	03/14/2014	2014-7/90	
	38358	R277-524	AMD	05/08/2014	2014-7/8	
<u>parent notifications</u>						
Education, Administration	38780	R277-620	AMD	10/09/2014	2014-17/53	
<u>parental defense</u>						
Administrative Services, Child Welfare Parental Defense (Office of)	38547	R19-1	5YR	05/21/2014	2014-12/53	
<u>parental rights</u>						
Human Services, Administration	38280	R495-882	5YR	02/10/2014	2014-5/61	
<u>parks</u>						
Natural Resources, Parks and Recreation	38444	R651-205	AMD	06/09/2014	2014-9/36	
	38441	R651-409	AMD	06/09/2014	2014-9/38	
	38439	R651-608	AMD	06/09/2014	2014-9/40	
	38442	R651-619	AMD	06/09/2014	2014-9/41	
	38225	R651-636	5YR	01/06/2014	2014-3/51	
<u>parole</u>						
Pardons (Board Of), Administration	38877	R671-103	5YR	09/22/2014	2014-20/76	
	38325	R671-201	AMD	05/08/2014	2014-7/78	
	38878	R671-201	5YR	09/22/2014	2014-20/77	
	38314	R671-201-1	EMR	03/01/2014	2014-6/73	
	38896	R671-309	5YR	10/02/2014	2014-21/92	
	38629	R671-309-1	AMD	09/29/2014	2014-13/122	
<u>passport</u>						
Human Services, Recovery Services	38336	R527-275	5YR	03/06/2014	2014-7/93	
<u>pawnshops</u>						
Commerce, Consumer Protection	38763	R152-32a-2	AMD	10/16/2014	2014-17/23	
<u>payers</u>						
Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43	
	38568	R428-15	AMD	08/05/2014	2014-12/38	
<u>payment bonds</u>						
Administrative Services, Purchasing and General Services	38524	R33-11	R&R	07/08/2014	2014-11/64	
	38699	R33-11	5YR	07/08/2014	2014-15/66	
<u>payment determination</u>						
Workforce Services, Administration	38716	R982-403	AMD	10/01/2014	2014-16/37	
<u>PCN</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38322	R414-320	AMD	04/21/2014	2014-6/42	
	38816	R414-320	EMR	09/01/2014	2014-18/85	
	38819	R414-320	AMD	11/01/2014	2014-18/18	
<u>peace officers</u>						
Public Safety, Peace Officer Standards and Training	38940	R728-205	5YR	11/07/2014	Not Printed	
<u>penalties</u>						
Environmental Quality, Radiation Control	38076	R313-14	AMD	04/03/2014	2013-22/45	
	38076	R313-14	CPR	04/03/2014	2014-4/50	
<u>people with disabilities</u>						
Human Services, Services for People with Disabilities	38745	R539-2	5YR	08/07/2014	2014-17/139	
	38746	R539-3	5YR	08/07/2014	2014-17/139	

RULES INDEX

	38891	R539-4	5YR	09/30/2014	2014-20/75
<u>per diem allowances</u>					
Administrative Services, Finance	38175	R25-7	AMD	02/07/2014	2014-1/4
	38471	R25-7	AMD	06/23/2014	2014-10/4
	38742	R25-7-8	AMD	10/08/2014	2014-17/12
<u>performance bonds</u>					
Administrative Services, Purchasing and General Services	38524	R33-11	R&R	07/08/2014	2014-11/64
	38699	R33-11	5YR	07/08/2014	2014-15/66
<u>performance measurement</u>					
Health, Center for Health Data, Health Care Statistics	38566	R428-12	AMD	08/05/2014	2014-12/34
<u>permits</u>					
Environmental Quality, Air Quality	38491	R307-401-12	AMD	08/07/2014	2014-11/127
	37833	R307-401-19	AMD	01/06/2014	2013-15/29
	37833	R307-401-19	CPR	01/06/2014	2013-23/55
Natural Resources, Forestry, Fire and State Lands	38658	R652-70-2300	AMD	09/23/2014	2014-14/65
	38948	R652-120	5YR	11/11/2014	Not Printed
Natural Resources, Wildlife Resources	38482	R657-45	AMD	07/08/2014	2014-11/163
	38427	R657-62	5YR	04/14/2014	2014-9/58
	38604	R657-62	AMD	08/11/2014	2014-13/115
Transportation, Motor Carrier	38619	R909-2	5YR	06/16/2014	2014-13/144
<u>personal property</u>					
Tax Commission, Property Tax	38822	R884-24P-33	AMD	10/23/2014	2014-18/69
	38598	R884-24P-73	AMD	08/28/2014	2014-13/126
<u>personnel management</u>					
Human Resource Management, Administration	38456	R477-1	AMD	07/01/2014	2014-10/57
	38469	R477-6	AMD	07/01/2014	2014-10/67
	38092	R477-6-9	AMD	01/14/2014	2013-22/125
	38460	R477-9	AMD	07/01/2014	2014-10/84
	38462	R477-14	AMD	07/01/2014	2014-10/88
<u>petroleum</u>					
Environmental Quality, Environmental Response and Remediation	38765	R311-204-3	AMD	10/10/2014	2014-17/79
	38766	R311-206-11	AMD	10/10/2014	2014-17/80
	38767	R311-209-4	AMD	10/10/2014	2014-17/82
	38768	R311-212	AMD	10/10/2014	2014-17/84
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	38638	R156-17b	AMD	08/21/2014	2014-14/21
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	38638	R156-17b	AMD	08/21/2014	2014-14/21
<u>physical therapist</u>					
Commerce, Occupational and Professional Licensing	38473	R156-24b	AMD	06/23/2014	2014-10/9
	38657	R156-24b-505	AMD	08/21/2014	2014-14/41
<u>physical therapist assistant</u>					
Commerce, Occupational and Professional Licensing	38473	R156-24b	AMD	06/23/2014	2014-10/9
	38657	R156-24b-505	AMD	08/21/2014	2014-14/41
<u>physical therapy</u>					
Commerce, Occupational and Professional Licensing	38473	R156-24b	AMD	06/23/2014	2014-10/9
	38657	R156-24b-505	AMD	08/21/2014	2014-14/41
<u>physically impaired</u>					
Public Service Commission, Administration	38278	R746-343-15	AMD	05/01/2014	2014-5/51
<u>physicians</u>					
Commerce, Occupational and Professional Licensing	38106	R156-67	AMD	01/07/2014	2013-23/5

	38649	R156-67	AMD	08/21/2014	2014-14/46
Health, Health Care Financing, Coverage and Reimbursement Policy	38369	R414-1B	5YR	03/18/2014	2014-8/39
Public Safety, Driver License	38487	R708-7	NSC	05/29/2014	Not Printed
<u>planning</u>					
Administrative Services, Facilities Construction and Management	38405	R23-3	5YR	04/03/2014	2014-9/49
<u>plumbers</u>					
Commerce, Occupational and Professional Licensing	38731	R156-55c	AMD	10/09/2014	2014-17/33
<u>plumbing</u>					
Commerce, Occupational and Professional Licensing	38731	R156-55c	AMD	10/09/2014	2014-17/33
<u>PM10</u>					
Environmental Quality, Air Quality	38061	R307-110-17	AMD	01/09/2014	2013-21/8
<u>PM2.5</u>					
Environmental Quality, Air Quality	38061	R307-110-17	AMD	01/09/2014	2013-21/8
<u>policies</u>					
Education, Administration	38777	R277-532-3	AMD	10/09/2014	2014-17/49
<u>policy</u>					
Education, Administration	38301	R277-495	AMD	04/07/2014	2014-5/20
<u>pollution</u>					
Environmental Quality, Water Quality	38387	R317-550	AMD	07/30/2014	2014-8/14
<u>pools</u>					
Health, Disease Control and Prevention, Environmental Services	38089	R392-302	AMD	02/14/2014	2013-22/69
<u>position classifications</u>					
Human Resource Management, Administration	38454	R477-3-4	AMD	07/01/2014	2014-10/63
<u>post-retirement benefits</u>					
Education, Administration	38433	R277-118	NEW	06/09/2014	2014-9/11
<u>poverty</u>					
Education, Administration	38627	R277-710	NEW	08/07/2014	2014-13/33
<u>preferences for resident contractors</u>					
Administrative Services, Purchasing and General Services	38509	R33-10	R&R	07/08/2014	2014-11/62
	38698	R33-10	5YR	07/08/2014	2014-15/66
<u>preferred provider organization</u>					
Health, Center for Health Data, Health Care Statistics	38566	R428-12	AMD	08/05/2014	2014-12/34
<u>preneed funeral arrangements</u>					
Commerce, Occupational and Professional Licensing	38737	R156-9	AMD	10/09/2014	2014-17/25
<u>prescription drug database</u>					
Health, Disease Control and Prevention, Health Promotion	38081	R384-203	NEW	03/01/2014	2013-22/68
<u>preservation</u>					
Heritage and Arts, History	38932	R455-11	5YR	11/03/2014	Not Printed
<u>presumptive eligibility</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38401	R414-303	AMD	06/01/2014	2014-8/27
	38465	R414-303	AMD	07/01/2014	2014-10/51
	38818	R414-303-11	AMD	11/01/2014	2014-18/16

RULES INDEX

<u>primary care</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38321	R414-310	AMD	04/21/2014	2014-6/32	
	38815	R414-310	EMR	09/01/2014	2014-18/83	
<u>primary health care</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	38637	R434-30	AMD	08/21/2014	2014-14/64	
<u>primers</u>						
Environmental Quality, Air Quality	38583	R307-342-3	AMD	09/04/2014	2014-13/37	
<u>prioritization</u>						
Administrative Services, Facilities Construction and Management	38247	R23-33	NEW	03/10/2014	2014-3/2	
<u>private security officers</u>						
Commerce, Occupational and Professional Licensing	38450	R156-63a	AMD	06/23/2014	2014-10/45	
<u>procedures</u>						
Administrative Services, Facilities Construction and Management	38618	R23-22	R&R	08/07/2014	2014-13/13	
Public Service Commission, Administration	38363	R746-340	AMD	05/27/2014	2014-8/32	
	38556	R746-340-2	NSC	06/05/2014	Not Printed	
<u>procurement</u>						
Administrative Services, Facilities Construction and Management	38870	R23-2	5YR	09/16/2014	2014-20/73	
	38405	R23-3	5YR	04/03/2014	2014-9/49	
Administrative Services, Purchasing and General Services	38504	R33-5	R&R	07/08/2014	2014-11/32	
	38693	R33-5	5YR	07/08/2014	2014-15/63	
	38512	R33-14	NEW	07/08/2014	2014-11/83	
Capitol Preservation Board (State), Administration	38546	R131-4	EMR	05/21/2014	2014-12/49	
	38557	R131-4	AMD	07/22/2014	2014-12/8	
<u>Procurement Appeals Board</u>						
Administrative Services, Purchasing and General Services	38515	R33-17	NEW	07/08/2014	2014-11/87	
<u>procurement code</u>						
Administrative Services, Purchasing and General Services	38518	R33-19	NEW	07/08/2014	2014-11/90	
	38519	R33-20	NEW	07/08/2014	2014-11/91	
	38521	R33-24	NEW	07/08/2014	2014-11/95	
	38758	R33-24	AMD	10/08/2014	2014-17/18	
<u>procurement methods</u>						
Administrative Services, Purchasing and General Services	38522	R33-25	NEW	07/08/2014	2014-11/97	
<u>Procurement Policy Board</u>						
Administrative Services, Purchasing and General Services	38501	R33-2	R&R	07/08/2014	2014-11/6	
	38690	R33-2	5YR	07/08/2014	2014-15/61	
<u>procurement procedures</u>						
Administrative Services, Purchasing and General Services	38524	R33-11	R&R	07/08/2014	2014-11/64	
	38699	R33-11	5YR	07/08/2014	2014-15/66	
	38523	R33-26	NEW	07/08/2014	2014-11/98	
<u>procurement professionals</u>						
Administrative Services, Purchasing and General Services	38521	R33-24	NEW	07/08/2014	2014-11/95	
	38758	R33-24	AMD	10/08/2014	2014-17/18	

<u>procurement units</u>						
Administrative Services, Purchasing and General Services	38520	R33-21	NEW	07/08/2014	2014-11/92	
<u>professional competency</u>						
Education, Administration	38833	R277-502-3	NSC	09/19/2014	Not Printed	
	38775	R277-502-5	AMD	10/09/2014	2014-17/45	
	38867	R277-506	AMD	11/10/2014	2014-19/26	
	38951	R277-506	5YR	11/13/2014	Not Printed	
<u>professional education</u>						
Education, Administration	38829	R277-504	5YR	09/02/2014	2014-18/89	
	38866	R277-504	R&R	11/10/2014	2014-19/19	
	38241	R277-518	AMD	03/10/2014	2014-3/8	
<u>professional engineers</u>						
Commerce, Occupational and Professional Licensing	38279	R156-22	AMD	04/08/2014	2014-5/7	
<u>professional land surveyors</u>						
Commerce, Occupational and Professional Licensing	38279	R156-22	AMD	04/08/2014	2014-5/7	
<u>professional staff</u>						
Education, Administration	38348	R277-486	5YR	03/14/2014	2014-7/89	
	38356	R277-486	NSC	04/01/2014	Not Printed	
<u>professional structural engineers</u>						
Commerce, Occupational and Professional Licensing	38279	R156-22	AMD	04/08/2014	2014-5/7	
<u>program benefits</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38466	R414-306	AMD	07/01/2014	2014-10/53	
	38129	R414-306-5	AMD	01/10/2014	2013-23/35	
<u>prohibited items and devices</u>						
Human Services, Substance Abuse and Mental Health	38297	R523-1	REP	04/07/2014	2014-5/27	
<u>promotions</u>						
Agriculture and Food, Marketing and Development	38843	R65-1	5YR	09/08/2014	2014-19/77	
	38844	R65-3	5YR	09/08/2014	2014-19/77	
	38845	R65-4	5YR	09/08/2014	2014-19/78	
	38287	R65-12	NEW	04/16/2014	2014-5/5	
<u>property</u>						
Natural Resources, Parks and Recreation	38224	R651-700	5YR	01/06/2014	2014-3/52	
<u>property casualty insurance filings</u>						
Insurance, Administration	38309	R590-225	5YR	02/20/2014	2014-6/76	
<u>property tax</u>						
Tax Commission, Property Tax	38822	R884-24P-33	AMD	10/23/2014	2014-18/69	
	38598	R884-24P-73	AMD	08/28/2014	2014-13/126	
<u>protection</u>						
Commerce, Consumer Protection	38266	R152-21	5YR	01/29/2014	2014-4/67	
<u>protests</u>						
Administrative Services, Purchasing and General Services	38514	R33-16	NEW	07/08/2014	2014-11/86	
	38516	R33-18	NEW	07/08/2014	2014-11/89	
	38518	R33-19	NEW	07/08/2014	2014-11/90	
<u>PSD</u>						
Environmental Quality, Air Quality	38260	R307-405	5YR	01/28/2014	2014-4/70	
<u>psychologists</u>						
Commerce, Occupational and Professional Licensing	38233	R156-61	5YR	01/13/2014	2014-3/49	

RULES INDEX

<u>public assistance</u>					
Public Service Commission, Administration	38278	R746-343-15	AMD	05/01/2014	2014-5/51
Workforce Services, Employment Development	38663	R986-900-902	AMD	10/01/2014	2014-14/75
	38750	R986-900-902	AMD	11/06/2014	2014-17/125
<u>public assistance overpayments</u>					
Human Services, Recovery Services	38836	R527-40	5YR	09/03/2014	2014-19/81
<u>public buildings</u>					
Administrative Services, Facilities Construction and Management	38405	R23-3	5YR	04/03/2014	2014-9/49
	38617	R23-19	AMD	08/07/2014	2014-13/8
Capitol Preservation Board (State), Administration	38546	R131-4	EMR	05/21/2014	2014-12/49
	38557	R131-4	AMD	07/22/2014	2014-12/8
<u>public education</u>					
Education, Administration	38409	R277-105	5YR	04/04/2014	2014-9/51
	38432	R277-105	AMD	06/09/2014	2014-9/8
	38185	R277-437	AMD	02/07/2014	2014-1/12
	38347	R277-438	5YR	03/14/2014	2014-7/89
	38591	R277-462	5YR	06/10/2014	2014-13/137
	38621	R277-462	AMD	08/07/2014	2014-13/20
	38593	R277-714	5YR	06/10/2014	2014-13/140
	38352	R277-735	5YR	03/14/2014	2014-7/91
	38360	R277-735	AMD	05/08/2014	2014-7/11
<u>public funds</u>					
Education, Administration	38772	R277-113-4	AMD	10/09/2014	2014-17/39
Money Management Council, Administration	38281	R628-19	5YR	02/10/2014	2014-5/63
	38179	R628-20	NEW	02/18/2014	2014-1/41
	38180	R628-21	NEW	04/15/2014	2014-1/42
	38180	R628-21	CPR	04/15/2014	2014-6/70
<u>public health</u>					
Health, Disease Control and Prevention, Environmental Services	38229	R392-101	5YR	01/10/2014	2014-3/49
	38656	R392-104	NEW	09/12/2014	2014-14/53
	38177	R392-200-4	AMD	02/19/2014	2014-1/24
<u>public health emergency</u>					
Health, Disease Control and Prevention, Epidemiology	38662	R386-80	NEW	10/24/2014	2014-14/51
<u>public information</u>					
Administrative Services, Administration	38570	R13-2	5YR	06/02/2014	2014-12/53
	38569	R13-2	AMD	07/22/2014	2014-12/6
Human Resource Management, Administration	38457	R477-2-3	AMD	07/01/2014	2014-10/62
<u>public records</u>					
Attorney General, Administration	38245	R105-2	NSC	01/30/2014	Not Printed
	38749	R105-2	NSC	08/28/2014	Not Printed
Environmental Quality, Administration	38244	R305-1	NSC	01/30/2014	Not Printed
Natural Resources, Parks and Recreation	38343	R651-102	NSC	04/01/2014	Not Printed
<u>public sales</u>					
Administrative Services, Purchasing and General Services	38523	R33-26	NEW	07/08/2014	2014-11/98
<u>public schools</u>					
Education, Administration	38434	R277-410-5	AMD	06/09/2014	2014-9/13
	38590	R277-463	5YR	06/10/2014	2014-13/138
	38622	R277-463	AMD	08/07/2014	2014-13/24
	38780	R277-620	AMD	10/09/2014	2014-17/53
	38627	R277-710	NEW	08/07/2014	2014-13/33
	38412	R277-916	5YR	04/04/2014	2014-9/53

<u>public utilities</u>					
Public Service Commission, Administration	38644	R746-200-7	AMD	08/22/2014	2014-14/67
<u>pump installers</u>					
Natural Resources, Water Rights	38722	R655-4	5YR	08/01/2014	2014-16/60
<u>pupil-teacher ratio reporting</u>					
Education, Administration	38590	R277-463	5YR	06/10/2014	2014-13/138
	38622	R277-463	AMD	08/07/2014	2014-13/24
<u>qualified depository</u>					
Money Management Council, Administration	38180	R628-21	NEW	04/15/2014	2014-1/42
	38180	R628-21	CPR	04/15/2014	2014-6/70
<u>quality control</u>					
Agriculture and Food, Regulatory Services	38813	R70-101-7	AMD	10/22/2014	2014-18/4
<u>rabbits</u>					
Natural Resources, Wildlife Resources	38600	R657-6	AMD	08/11/2014	2014-13/102
<u>radiation</u>					
Environmental Quality, Radiation Control	38082	R313-25	AMD	04/03/2014	2013-22/49
	38082	R313-25	CPR	04/03/2014	2014-4/53
	38755	R313-25-2	AMD	10/21/2014	2014-17/99
<u>radioactive materials</u>					
Environmental Quality, Radiation Control	38754	R313-22-33	AMD	10/21/2014	2014-17/97
	38145	R313-22-34	AMD	02/14/2014	2013-23/19
	38147	R313-38-3	AMD	04/07/2014	2013-23/20
	38147	R313-38-3	CPR	04/07/2014	2014-5/56
	38751	R313-70	AMD	10/21/2014	2014-17/104
	38146	R313-70-5	AMD	02/18/2014	2013-23/22
<u>radioactive waste disposal</u>					
Environmental Quality, Radiation Control	38082	R313-25	AMD	04/03/2014	2013-22/49
	38082	R313-25	CPR	04/03/2014	2014-4/53
	38755	R313-25-2	AMD	10/21/2014	2014-17/99
<u>rates</u>					
Labor Commission, Industrial Accidents	38803	R612-400-1	AMD	10/22/2014	2014-18/55
	38804	R612-400-2	AMD	10/22/2014	2014-18/56
	38808	R612-400-3	AMD	10/22/2014	2014-18/58
	38807	R612-400-4	AMD	10/22/2014	2014-18/63
Public Service Commission, Administration	38278	R746-343-15	AMD	05/01/2014	2014-5/51
<u>readiness</u>					
Education, Administration	38774	R277-402	NEW	10/09/2014	2014-17/44
<u>real estate appraisals</u>					
Commerce, Real Estate	38270	R162-2g	AMD	03/31/2014	2014-4/16
	38389	R162-2g	AMD	05/22/2014	2014-8/8
<u>real estate business</u>					
Commerce, Real Estate	38213	R162-2f	AMD	02/25/2014	2014-2/4
<u>real property</u>					
Administrative Services, Facilities Construction and Management	38618	R23-22	R&R	08/07/2014	2014-13/13
<u>reciprocal deposits</u>					
Money Management Council, Administration	38180	R628-21	NEW	04/15/2014	2014-1/42
	38180	R628-21	CPR	04/15/2014	2014-6/70
<u>reciprocal preferences</u>					
Administrative Services, Purchasing and General Services	38509	R33-10	R&R	07/08/2014	2014-11/62
	38698	R33-10	5YR	07/08/2014	2014-15/66

RULES INDEX

reclamation

Natural Resources, Oil, Gas and Mining; Coal	38738	R645-105	5YR	08/05/2014	2014-17/140
	38740	R645-106	5YR	08/05/2014	2014-17/141
	38739	R645-400	5YR	08/05/2014	2014-17/141

records

Administrative Services, Purchasing and General Services	38519	R33-20	NEW	07/08/2014	2014-11/91
Education, Administration	38955	R277-487	5YR	11/14/2014	Not Printed
Health, Disease Control and Prevention, Medical Examiner	38420	R448-20	5YR	04/07/2014	2014-9/55

records access

Attorney General, Administration	38245	R105-2	NSC	01/30/2014	Not Printed
	38749	R105-2	NSC	08/28/2014	Not Printed

records appeal hearings

Administrative Services, Records Committee	38572	R35-1	5YR	06/03/2014	2014-13/133
	38640	R35-1	AMD	09/09/2014	2014-14/5
	38573	R35-1a	5YR	06/03/2014	2014-13/134
	38641	R35-1a	AMD	09/09/2014	2014-14/7
	38574	R35-2	5YR	06/03/2014	2014-13/135
	38642	R35-2	AMD	09/16/2014	2014-14/8
	38575	R35-3	5YR	06/03/2014	2014-13/135
	38647	R35-3	REP	09/16/2014	2014-14/10
	38576	R35-4	5YR	06/03/2014	2014-13/136
	38643	R35-4	AMD	09/16/2014	2014-14/11
	38577	R35-5	5YR	06/03/2014	2014-13/136
	38645	R35-5	AMD	09/16/2014	2014-14/12
	38578	R35-6	5YR	06/03/2014	2014-13/137
	38646	R35-6	AMD	09/16/2014	2014-14/13

recreation

Natural Resources, Wildlife Resources	38170	R657-38	AMD	02/10/2014	2014-1/61
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recreation therapy

Commerce, Occupational and Professional Licensing	38517	R156-40	AMD	07/08/2014	2014-11/105
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recreational therapy

Commerce, Occupational and Professional Licensing	38517	R156-40	AMD	07/08/2014	2014-11/105
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registration

Environmental Quality, Radiation Control	38751	R313-70	AMD	10/21/2014	2014-17/104
	38146	R313-70-5	AMD	02/18/2014	2013-23/22

rehabilitation

Education, Rehabilitation	38353	R280-202	5YR	03/14/2014	2014-7/91
	38361	R280-202	AMD	05/08/2014	2014-7/14
	38540	R280-202-3	NSC	05/29/2014	Not Printed
Heritage and Arts, History	38932	R455-11	5YR	11/03/2014	Not Printed

reimbursement

Health, Health Care Financing, Coverage and Reimbursement Policy	38528	R414-9	AMD	07/11/2014	2014-11/150
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reimbursements

Public Safety, Emergency Management	38701	R704-2	AMD	09/29/2014	2014-15/54
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rejections

Administrative Services, Purchasing and General Services	38508	R33-9	R&R	07/08/2014	2014-11/59
	38697	R33-9	5YR	07/08/2014	2014-15/65

religious activities

Tax Commission, Auditing	38237	R865-19S-30	NSC	01/30/2014	Not Printed
	38596	R865-19S-54	AMD	08/28/2014	2014-13/124

	38597	R865-19S-83	AMD	08/28/2014	2014-13/125
<u>renewable</u>					
Governor, Energy Development (Office of)	38163	R362-2	AMD	01/22/2014	2013-24/23
<u>renewal license</u>					
Public Safety, Driver License	38941	R708-45	5YR	11/07/2014	Not Printed
<u>renewals</u>					
Environmental Quality, Water Quality	38531	R317-10	AMD	08/27/2014	2014-11/143
<u>replacement providers</u>					
Public Service Commission, Administration	38234	R746-350	5YR	01/13/2014	2014-3/52
<u>reporting</u>					
Health, Family Health and Preparedness, Children with Special Health Care Needs	38339	R398-10	5YR	03/12/2014	2014-7/92
	38340	R398-10	NSC	04/01/2014	Not Printed
<u>reporting deaths</u>					
Health, Disease Control and Prevention, Medical Examiner	38419	R448-10	5YR	04/07/2014	2014-9/55
<u>reporting requirements and procedures</u>					
Health, Disease Control and Prevention, Health Promotion	38367	R384-100	5YR	03/18/2014	2014-8/38
<u>reports</u>					
Environmental Quality, Air Quality	38261	R307-150	5YR	01/28/2014	2014-4/70
<u>repository</u>					
Technology Services, Administration	38933	R895-9	5YR	11/04/2014	Not Printed
<u>representation</u>					
Pardons (Board Of), Administration	38713	R671-103-1	AMD	09/29/2014	2014-16/26
<u>request for information</u>					
Administrative Services, Purchasing and General Services	38504	R33-5	R&R	07/08/2014	2014-11/32
	38693	R33-5	5YR	07/08/2014	2014-15/63
<u>request for proposals</u>					
Administrative Services, Purchasing and General Services	38506	R33-7	R&R	07/08/2014	2014-11/49
	38695	R33-7	5YR	07/08/2014	2014-15/64
	38759	R33-7-201	AMD	10/08/2014	2014-17/15
	38757	R33-7-601	AMD	10/08/2014	2014-17/16
<u>requirements</u>					
Education, Administration	38776	R277-531	AMD	10/09/2014	2014-17/46
<u>reserved</u>					
Administrative Services, Purchasing and General Services	38526	R33-22	NEW	07/08/2014	2014-11/94
	38527	R33-23	NEW	07/08/2014	2014-11/95
<u>residency requirements</u>					
Workforce Services, Administration	38715	R982-402	AMD	10/01/2014	2014-16/34
<u>resources</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	38725	R414-305	AMD	10/01/2014	2014-16/20
<u>restricted</u>					
Transportation, Program Development	38919	R926-12	5YR	10/22/2014	2014-22/42

RULES INDEX

<u>retirement</u>						
Public Safety, Peace Officer Standards and Training	38940	R728-205	5YR	11/07/2014	Not Printed	
<u>reverse auction</u>						
Administrative Services, Purchasing and General Services	38505	R33-6	R&R	07/08/2014	2014-11/43	
	38694	R33-6	5YR	07/08/2014	2014-15/64	
	38756	R33-6-103	AMD	10/08/2014	2014-17/13	
<u>revocation procedures</u>						
Environmental Quality, Environmental Response and Remediation	38764	R311-201-12	AMD	10/10/2014	2014-17/76	
<u>revolving account</u>						
Education, Administration	38588	R277-480	5YR	06/10/2014	2014-13/139	
	38625	R277-480-4	AMD	08/07/2014	2014-13/30	
<u>RFPs</u>						
Education, Administration	38295	R277-117	5YR	02/13/2014	2014-5/59	
	38299	R277-117	AMD	04/07/2014	2014-5/16	
<u>rights</u>						
Human Services, Services for People with Disabilities	38746	R539-3	5YR	08/07/2014	2014-17/139	
<u>risk adjustment program</u>						
Insurance, Administration	38534	R590-270	NEW	09/22/2014	2014-11/158	
<u>risk management</u>						
Administrative Services, Risk Management	38250	R37-4	AMD	04/30/2014	2014-4/4	
<u>rules</u>						
Public Service Commission, Administration	38644	R746-200-7	AMD	08/22/2014	2014-14/67	
<u>rules and procedures</u>						
Education, Administration	38408	R277-102	5YR	04/04/2014	2014-9/51	
Education, Rehabilitation	38538	R280-150	5YR	05/15/2014	2014-11/172	
	38539	R280-150	AMD	07/08/2014	2014-11/117	
Human Resource Management, Administration	38456	R477-1	AMD	07/01/2014	2014-10/57	
Natural Resources, Wildlife Resources	38230	R657-27	AMD	03/11/2014	2014-3/26	
Public Service Commission, Administration	38198	R746-341	AMD	02/24/2014	2014-2/9	
	38545	R746-341	AMD	08/06/2014	2014-12/44	
	38826	R746-341	AMD	11/05/2014	2014-18/65	
<u>rules of procedure</u>						
Administrative Services, Purchasing and General Services	38501	R33-2	R&R	07/08/2014	2014-11/6	
	38690	R33-2	5YR	07/08/2014	2014-15/61	
<u>rural businesses</u>						
Governor, Economic Development	38860	R357-2	NEW	11/08/2014	2014-19/46	
<u>safety</u>						
Education, Administration	38296	R277-400	5YR	02/13/2014	2014-5/59	
	38300	R277-400	AMD	04/07/2014	2014-5/17	
	38773	R277-400	AMD	10/09/2014	2014-17/41	
	38426	R277-400-5	NSC	04/29/2014	Not Printed	
Labor Commission, Boiler and Elevator Safety	38226	R616-2-3	AMD	03/10/2014	2014-3/22	
	38378	R616-3-3	AMD	05/22/2014	2014-8/31	
Transportation, Motor Carrier	38215	R909-3	5YR	01/02/2014	2014-3/55	
<u>safety education</u>						
Education, Administration	38296	R277-400	5YR	02/13/2014	2014-5/59	
	38300	R277-400	AMD	04/07/2014	2014-5/17	
	38773	R277-400	AMD	10/09/2014	2014-17/41	
	38426	R277-400-5	NSC	04/29/2014	Not Printed	

<u>safety regulations</u>						
Transportation, Motor Carrier	38619	R909-2	5YR	06/16/2014	2014-13/144	
	38449	R909-19	AMD	07/08/2014	2014-10/102	
<u>salaries</u>						
Human Resource Management, Administration	38092	R477-6-9	AMD	01/14/2014	2013-22/125	
<u>sales tax</u>						
Tax Commission, Auditing	38237	R865-19S-30	NSC	01/30/2014	Not Printed	
	38596	R865-19S-54	AMD	08/28/2014	2014-13/124	
	38597	R865-19S-83	AMD	08/28/2014	2014-13/125	
<u>scholarships</u>						
Education, Administration	38302	R277-526	AMD	04/07/2014	2014-5/23	
	38626	R277-602-3	AMD	08/07/2014	2014-13/32	
Health, Family Health and Preparedness, Primary Care and Rural Health	38305	R434-40	NEW	05/08/2014	2014-6/53	
Public Education Job Enhancement Program, Job Enhancement Committee	38243	R690-100	REP	03/10/2014	2014-3/37	
Regents (Board Of), Administration	38820	R765-604	5YR	08/26/2014	2014-18/98	
<u>school</u>						
Education, Administration	38410	R277-601	5YR	04/04/2014	2014-9/52	
<u>school buses</u>						
Education, Administration	38436	R277-601-3	AMD	06/09/2014	2014-9/17	
Transportation, Motor Carrier	38215	R909-3	5YR	01/02/2014	2014-3/55	
<u>school certification</u>						
Commerce, Real Estate	38270	R162-2g	AMD	03/31/2014	2014-4/16	
	38389	R162-2g	AMD	05/22/2014	2014-8/8	
<u>school community councils</u>						
Education, Administration	38542	R277-491	AMD	07/08/2014	2014-11/113	
<u>school employees</u>						
Education, Administration	38594	R277-516	5YR	06/10/2014	2014-13/139	
<u>school enrollment</u>						
Education, Administration	38585	R277-419-9	EMR	06/09/2014	2014-13/129	
<u>school reports</u>						
Education, Administration	38111	R277-497	AMD	01/08/2014	2013-23/8	
<u>school sponsored activities</u>						
Education, Administration	38772	R277-113-4	AMD	10/09/2014	2014-17/39	
<u>school transportation</u>						
Education, Administration	38410	R277-601	5YR	04/04/2014	2014-9/52	
	38436	R277-601-3	AMD	06/09/2014	2014-9/17	
<u>schools</u>						
Education, Administration	38774	R277-402	NEW	10/09/2014	2014-17/44	
	38541	R277-477	AMD	07/08/2014	2014-11/109	
	38326	R277-477-3	NSC	04/01/2014	Not Printed	
	38628	R277-719	AMD	08/07/2014	2014-13/35	
Health, Disease Control and Prevention, Environmental Services	38177	R392-200-4	AMD	02/19/2014	2014-1/24	
<u>scoring</u>						
Administrative Services, Facilities Construction and Management	38247	R23-33	NEW	03/10/2014	2014-3/2	
<u>sealants</u>						
Environmental Quality, Air Quality	38583	R307-342-3	AMD	09/04/2014	2014-13/37	

RULES INDEX

<u>sealed bidding</u>						
Administrative Services, Purchasing and General Services	38505	R33-6	R&R	07/08/2014	2014-11/43	
	38694	R33-6	5YR	07/08/2014	2014-15/64	
	38756	R33-6-103	AMD	10/08/2014	2014-17/13	
<u>search and rescue</u>						
Public Safety, Emergency Management	38688	R704-1	5YR	07/07/2014	2014-15/68	
	38704	R704-1	R&R	09/29/2014	2014-16/27	
<u>secondary education</u>						
Regents (Board Of), Administration	38820	R765-604	5YR	08/26/2014	2014-18/98	
<u>secondhand merchandise dealers</u>						
Commerce, Consumer Protection	38763	R152-32a-2	AMD	10/16/2014	2014-17/23	
<u>securities</u>						
Money Management Council, Administration	38281	R628-19	5YR	02/10/2014	2014-5/63	
<u>security guards</u>						
Commerce, Occupational and Professional Licensing	38450	R156-63a	AMD	06/23/2014	2014-10/45	
	38474	R156-63b	AMD	06/23/2014	2014-10/48	
<u>self reporting</u>						
Education, Administration	38594	R277-516	5YR	06/10/2014	2014-13/139	
<u>self-administered services</u>						
Human Services, Services for People with Disabilities	38892	R539-5	5YR	09/30/2014	2014-20/75	
<u>self-employment income</u>						
Workforce Services, Administration	38716	R982-403	AMD	10/01/2014	2014-16/37	
<u>selling</u>						
Administrative Services, Facilities Construction and Management	38618	R23-22	R&R	08/07/2014	2014-13/13	
<u>seminars</u>						
Education, Administration	38780	R277-620	AMD	10/09/2014	2014-17/53	
<u>senior-specific insurance designations</u>						
Insurance, Administration	38282	R590-252	5YR	02/11/2014	2014-5/62	
<u>services</u>						
Human Services, Services for People with Disabilities	38745	R539-2	5YR	08/07/2014	2014-17/139	
Public Service Commission, Administration	38234	R746-350	5YR	01/13/2014	2014-3/52	
<u>settlements</u>						
Labor Commission, Adjudication	38306	R602-2	AMD	04/22/2014	2014-6/61	
	38554	R602-2-4	AMD	07/22/2014	2014-12/41	
	38193	R602-2-5	AMD	02/21/2014	2014-2/7	
	38327	R602-7	5YR	03/05/2014	2014-7/94	
	38328	R602-8	5YR	03/05/2014	2014-7/94	
<u>sewerage</u>						
Environmental Quality, Water Quality	38271	R317-5	R&R	03/26/2014	2014-4/26	
<u>share the road</u>						
Transportation, Program Development	38919	R926-12	5YR	10/22/2014	2014-22/42	
<u>shooting range</u>						
Regents (Board Of), University of Utah, Administration	38018	R805-6	NEW	02/11/2014	2013-20/46	
<u>single event permits</u>						
Alcoholic Beverage Control, Administration	38275	R81-7	AMD	03/25/2014	2014-4/11	

<u>SLCC</u>						
Regents (Board Of), Salt Lake Community College	38362	R784-1	5YR	03/17/2014	2014-8/50	
<u>small employer stop-loss</u>						
Insurance, Administration	38087	R590-268	NEW	03/13/2014	2013-22/142	
	38087	R590-268	CPR	03/13/2014	2014-3/45	
<u>small purchases</u>						
Administrative Services, Purchasing and General Services	38503	R33-4	R&R	07/08/2014	2014-11/28	
	38692	R33-4	5YR	07/08/2014	2014-15/62	
<u>social workers</u>						
Commerce, Occupational and Professional Licensing	38730	R156-60a	5YR	08/04/2014	2014-17/135	
<u>solar</u>						
Governor, Energy Development (Office of)	38163	R362-2	AMD	01/22/2014	2013-24/23	
<u>solid fuel burning</u>						
Environmental Quality, Air Quality	38166	R307-302	AMD	03/06/2014	2014-1/20	
<u>solvent cleaning</u>						
Environmental Quality, Air Quality	37829	R307-335	AMD	06/02/2014	2013-15/23	
	37829	R307-335	CPR	06/02/2014	2013-23/54	
	37829	R307-335	CPR	06/02/2014	2014-7/85	
	37829	R307-335	CPR	06/02/2014	2014-9/46	
<u>source development</u>						
Environmental Quality, Drinking Water	38012	R309-515	AMD	01/21/2014	2013-19/51	
<u>source maintenance</u>						
Environmental Quality, Drinking Water	38012	R309-515	AMD	01/21/2014	2013-19/51	
<u>sovereign lands</u>						
Natural Resources, Forestry, Fire and State Lands	38658	R652-70-2300	AMD	09/23/2014	2014-14/65	
<u>space heaters</u>						
Administrative Services, Facilities Construction and Management	38617	R23-19	AMD	08/07/2014	2014-13/8	
<u>spas</u>						
Health, Disease Control and Prevention, Environmental Services	38089	R392-302	AMD	02/14/2014	2013-22/69	
<u>special educators</u>						
Education, Administration	38114	R277-525	AMD	01/08/2014	2013-23/9	
<u>special needs students</u>						
Education, Administration	38626	R277-602-3	AMD	08/07/2014	2014-13/32	
<u>specific licenses</u>						
Environmental Quality, Radiation Control	38754	R313-22-33	AMD	10/21/2014	2014-17/97	
	38145	R313-22-34	AMD	02/14/2014	2013-23/19	
<u>specifications</u>						
Administrative Services, Purchasing and General Services	38503	R33-4	R&R	07/08/2014	2014-11/28	
	38692	R33-4	5YR	07/08/2014	2014-15/62	
<u>speech-language pathology services</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38227	R414-54	5YR	01/07/2014	2014-3/50	
	38613	R414-54	AMD	08/26/2014	2014-13/94	
<u>sportsmen</u>						
Natural Resources, Wildlife Resources	38171	R657-41	AMD	02/10/2014	2014-1/68	

RULES INDEX

stack height

Environmental Quality, Air Quality	38489	R307-410-2	AMD	08/07/2014	2014-11/128
	38490	R307-410-6	AMD	08/07/2014	2014-11/129

standard procurement process

Administrative Services, Purchasing and General Services	38506	R33-7	R&R	07/08/2014	2014-11/49
	38695	R33-7	5YR	07/08/2014	2014-15/64
	38759	R33-7-201	AMD	10/08/2014	2014-17/15
	38757	R33-7-601	AMD	10/08/2014	2014-17/16

standards

Health, Administration	38256	R380-70	5YR	01/24/2014	2014-4/71
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State Board of Education

Education, Administration	38357	R277-119	NEW	05/08/2014	2014-7/7
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state contracts

Administrative Services, Facilities Construction and Management	38615	R23-23	AMD	08/07/2014	2014-13/18
Administrative Services, Purchasing and General Services	38511	R33-13	NEW	07/08/2014	2014-11/79
	38520	R33-21	NEW	07/08/2014	2014-11/92

state custody

Human Services, Administration	38280	R495-882	5YR	02/10/2014	2014-5/61
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state emergency response commission

Public Safety, Administration	38762	R698-5	5YR	08/14/2014	2014-17/142
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state employees

Administrative Services, Finance	38175	R25-7	AMD	02/07/2014	2014-1/4
	38471	R25-7	AMD	06/23/2014	2014-10/4
	38742	R25-7-8	AMD	10/08/2014	2014-17/12
	38653	R25-10	5YR	06/25/2014	2014-14/79

state flag

Lieutenant Governor, Administration	38379	R622-2	5YR	03/24/2014	2014-8/46
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state HEAT office records

Workforce Services, Administration	38718	R982-407	AMD	10/01/2014	2014-16/41
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state plan

Lieutenant Governor, Elections	38385	R623-3	5YR	03/26/2014	2014-8/48
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state products

Administrative Services, Purchasing and General Services	38509	R33-10	R&R	07/08/2014	2014-11/62
	38698	R33-10	5YR	07/08/2014	2014-15/66

state records committee

Administrative Services, Records Committee	38572	R35-1	5YR	06/03/2014	2014-13/133
	38640	R35-1	AMD	09/09/2014	2014-14/5
	38573	R35-1a	5YR	06/03/2014	2014-13/134
	38641	R35-1a	AMD	09/09/2014	2014-14/7
	38574	R35-2	5YR	06/03/2014	2014-13/135
	38642	R35-2	AMD	09/16/2014	2014-14/8
	38575	R35-3	5YR	06/03/2014	2014-13/135
	38647	R35-3	REP	09/16/2014	2014-14/10
	38643	R35-4	AMD	09/16/2014	2014-14/11
	38577	R35-5	5YR	06/03/2014	2014-13/136
	38645	R35-5	AMD	09/16/2014	2014-14/12
	38578	R35-6	5YR	06/03/2014	2014-13/137
	38646	R35-6	AMD	09/16/2014	2014-14/13

state records committee order

Administrative Services, Records Committee	38576	R35-4	5YR	06/03/2014	2014-13/136
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<u>state surplus property</u>						
Administrative Services, Purchasing and General Services	38523	R33-26	NEW	07/08/2014	2014-11/98	
<u>Statewide Mutual Aid Act</u>						
Public Safety, Emergency Management	38701	R704-2	AMD	09/29/2014	2014-15/54	
<u>stationary sources</u>						
Environmental Quality, Air Quality	38104	R307-210-2	AMD	03/06/2014	2013-23/17	
<u>stewardships</u>						
Agriculture and Food, Conservation Commission	38071	R64-3	NEW	05/08/2014	2013-22/15	
	38071	R64-3	CPR	05/08/2014	2014-7/82	
<u>stipends</u>						
Education, Administration	38114	R277-525	AMD	01/08/2014	2013-23/9	
<u>storage tanks</u>						
Environmental Quality, Drinking Water	38535	R309-545	AMD	11/10/2014	2014-11/130	
	38535	R309-545	CPR	11/10/2014	2014-16/48	
<u>stoves</u>						
Environmental Quality, Air Quality	38166	R307-302	AMD	03/06/2014	2014-1/20	
<u>stream alterations</u>						
Natural Resources, Water Rights	38267	R655-13	5YR	01/29/2014	2014-4/73	
<u>student achievements</u>						
Education, Administration	38863	R277-404	AMD	11/10/2014	2014-19/5	
<u>students</u>						
Education, Administration	38589	R277-472	5YR	06/10/2014	2014-13/138	
	38624	R277-472	AMD	08/07/2014	2014-13/28	
	38955	R277-487	5YR	11/14/2014	Not Printed	
	38779	R277-619	AMD	10/09/2014	2014-17/52	
	38116	R277-709	AMD	01/14/2014	2013-23/13	
	38834	R277-709-1	NSC	09/19/2014	Not Printed	
	38359	R277-709-11	AMD	05/08/2014	2014-7/10	
	38852	R277-713	NSC	09/30/2014	Not Printed	
<u>students at risk</u>						
Education, Administration	38851	R277-708	NSC	09/30/2014	Not Printed	
<u>substance abuse database</u>						
Health, Disease Control and Prevention, Health Promotion	38081	R384-203	NEW	03/01/2014	2013-22/68	
<u>subsurface tracer studies</u>						
Environmental Quality, Radiation Control	38147	R313-38-3	AMD	04/07/2014	2013-23/20	
	38147	R313-38-3	CPR	04/07/2014	2014-5/56	
<u>suicide prevention programs</u>						
Education, Administration	38780	R277-620	AMD	10/09/2014	2014-17/53	
<u>supervision</u>						
Commerce, Occupational and Professional Licensing	38659	R156-1	AMD	08/21/2014	2014-14/14	
	38157	R156-1-501	AMD	01/21/2014	2013-24/6	
	38253	R156-1-501	NSC	01/31/2014	Not Printed	
<u>surface coating</u>						
Environmental Quality, Air Quality	38681	R307-348	AMD	10/07/2014	2014-15/28	
<u>surplus</u>						
Administrative Services, Facilities Construction and Management	38618	R23-22	R&R	08/07/2014	2014-13/13	

RULES INDEX

surveys

Environmental Quality, Radiation Control	38147	R313-38-3	AMD	04/07/2014	2013-23/20
	38147	R313-38-3	CPR	04/07/2014	2014-5/56
Judicial Performance Evaluation Commission, Administration	38304	R597-3	5YR	02/17/2014	2014-6/77
	38438	R597-3	AMD	06/12/2014	2014-9/30
	38595	R597-3	AMD	08/08/2014	2014-13/97

tax credits

Governor, Economic Development	38860	R357-2	NEW	11/08/2014	2014-19/46
Governor, Energy Development (Office of)	38163	R362-2	AMD	01/22/2014	2013-24/23
Heritage and Arts, History	38932	R455-11	5YR	11/03/2014	Not Printed

tax exemptions

Environmental Quality, Water Quality	38661	R317-12	R&R	08/27/2014	2014-14/48
Tax Commission, Auditing	38237	R865-19S-30	NSC	01/30/2014	Not Printed
	38596	R865-19S-54	AMD	08/28/2014	2014-13/124
	38597	R865-19S-83	AMD	08/28/2014	2014-13/125

taxation

Tax Commission, Auditing	38223	R865-7H	5YR	01/06/2014	2014-3/53
	38222	R865-16R	5YR	01/06/2014	2014-3/54
Tax Commission, Property Tax	38822	R884-24P-33	AMD	10/23/2014	2014-18/69
	38598	R884-24P-73	AMD	08/28/2014	2014-13/126

teacher licensing

Education, Administration	38866	R277-504	R&R	11/10/2014	2014-19/19
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teachers

Education, Administration	38240	R277-503	AMD	03/10/2014	2014-3/4
	38435	R277-503-4	AMD	06/09/2014	2014-9/14
	38829	R277-504	5YR	09/02/2014	2014-18/89

technology best practices

Technology Services, Administration	38933	R895-9	5YR	11/04/2014	Not Printed
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telecommunications

Public Service Commission, Administration	38363	R746-340	AMD	05/27/2014	2014-8/32
	38556	R746-340-2	NSC	06/05/2014	Not Printed
	38198	R746-341	AMD	02/24/2014	2014-2/9
	38545	R746-341	AMD	08/06/2014	2014-12/44
	38826	R746-341	AMD	11/05/2014	2014-18/65
	38278	R746-343-15	AMD	05/01/2014	2014-5/51
	38234	R746-350	5YR	01/13/2014	2014-3/52

telecommuting

Human Resource Management, Administration	38459	R477-8	AMD	07/01/2014	2014-10/80
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telephone utility regulations

Public Service Commission, Administration	38363	R746-340	AMD	05/27/2014	2014-8/32
	38556	R746-340-2	NSC	06/05/2014	Not Printed

telephones

Commerce, Consumer Protection	38125	R152-26	AMD	01/07/2014	2013-23/4
Public Service Commission, Administration	38198	R746-341	AMD	02/24/2014	2014-2/9
	38545	R746-341	AMD	08/06/2014	2014-12/44
	38826	R746-341	AMD	11/05/2014	2014-18/65

temporary beer event permits

Alcoholic Beverage Control, Administration	38276	R81-10b	AMD	03/25/2014	2014-4/14
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terms and conditions

Administrative Services, Purchasing and General Services	38510	R33-12	R&R	07/08/2014	2014-11/71
	38700	R33-12	5YR	07/08/2014	2014-15/67

<u>therapists</u>						
Commerce, Occupational and Professional Licensing	38421	R156-60	5YR	04/08/2014	2014-9/50	
	38390	R156-60-102	AMD	05/22/2014	2014-8/6	
	38734	R156-60b	5YR	08/05/2014	2014-17/136	
<u>tickets</u>						
Administrative Services, Fleet Operations	38073	R27-7-3	AMD	03/11/2014	2013-22/14	
<u>time</u>						
Labor Commission, Industrial Accidents	38806	R612-200	AMD	10/22/2014	2014-18/38	
	38553	R612-200-8	AMD	07/22/2014	2014-12/43	
<u>title insurance</u>						
Insurance, Title and Escrow Commission	38612	R592-6	5YR	06/13/2014	2014-13/142	
	38156	R592-11	AMD	03/10/2014	2013-24/34	
	38156	R592-11	CPR	03/10/2014	2014-4/64	
<u>title insurance continuing education</u>						
Insurance, Title and Escrow Commission	38606	R592-7	5YR	06/13/2014	2014-13/143	
<u>title insurance recovery assessment</u>						
Insurance, Title and Escrow Commission	38608	R592-9	5YR	06/13/2014	2014-13/144	
<u>towing</u>						
Public Safety, Highway Patrol	38711	R714-600	5YR	07/22/2014	2014-16/61	
Transportation, Motor Carrier	38449	R909-19	AMD	07/08/2014	2014-10/102	
<u>training</u>						
Natural Resources, Wildlife Resources	38558	R657-46	5YR	05/29/2014	2014-12/58	
	38603	R657-46	AMD	08/11/2014	2014-13/109	
<u>training programs</u>						
Human Resource Management, Administration	38461	R477-10-1	AMD	07/01/2014	2014-10/87	
<u>transfers</u>						
Education, Administration	38589	R277-472	5YR	06/10/2014	2014-13/138	
	38624	R277-472	AMD	08/07/2014	2014-13/28	
<u>Transition to Adult Living</u>						
Human Services, Child and Family Services	38265	R512-306	5YR	01/28/2014	2014-4/73	
<u>transmission and distribution pipelines</u>						
Environmental Quality, Drinking Water	38536	R309-550	AMD	11/10/2014	2014-11/135	
	38536	R309-550	CPR	11/10/2014	2014-16/52	
<u>transparency</u>						
Administrative Services, Finance	38653	R25-10	5YR	06/25/2014	2014-14/79	
Health, Center for Health Data, Health Care Statistics	38144	R428-15	AMD	01/07/2014	2013-23/43	
	38568	R428-15	AMD	08/05/2014	2014-12/38	
	38905	R428-15	5YR	10/10/2014	2014-21/91	
<u>transportation</u>						
Administrative Services, Finance	38175	R25-7	AMD	02/07/2014	2014-1/4	
	38471	R25-7	AMD	06/23/2014	2014-10/4	
	38742	R25-7-8	AMD	10/08/2014	2014-17/12	
<u>trespassing</u>						
Regents (Board Of), University of Utah, Administration	38918	R805-4	5YR	10/16/2014	2014-22/42	
<u>truancy</u>						
Education, Administration	38831	R277-607	5YR	09/02/2014	2014-18/90	
	38778	R277-607	AMD	10/09/2014	2014-17/50	
<u>trucks</u>						
Transportation, Motor Carrier	38619	R909-2	5YR	06/16/2014	2014-13/144	
	38449	R909-19	AMD	07/08/2014	2014-10/102	

RULES INDEX

<u>trust account records</u>						
Commerce, Real Estate	38213	R162-2f	AMD	02/25/2014	2014-2/4	
<u>trust lands funds</u>						
Education, Administration	38541	R277-477	AMD	07/08/2014	2014-11/109	
	38326	R277-477-3	NSC	04/01/2014	Not Printed	
<u>turkey</u>						
Natural Resources, Wildlife Resources	38847	R657-69	NEW	11/07/2014	2014-19/73	
<u>unarmed combat</u>						
Governor, Economic Development, Pete Suazo Utah Athletic Commission	38033	R359-1-604	AMD	01/24/2014	2013-20/25	
<u>unattended deaths</u>						
Health, Disease Control and Prevention, Medical Examiner	38419	R448-10	5YR	04/07/2014	2014-9/55	
<u>underground storage tanks</u>						
Environmental Quality, Environmental Response and Remediation	38764	R311-201-12	AMD	10/10/2014	2014-17/76	
	38765	R311-204-3	AMD	10/10/2014	2014-17/79	
	38766	R311-206-11	AMD	10/10/2014	2014-17/80	
	38767	R311-209-4	AMD	10/10/2014	2014-17/82	
	38768	R311-212	AMD	10/10/2014	2014-17/84	
<u>unemployment compensation</u>						
Workforce Services, Unemployment Insurance	38665	R994-309	5YR	07/01/2014	2014-14/84	
	38666	R994-310	5YR	07/01/2014	2014-14/85	
	38667	R994-311	5YR	07/01/2014	2014-14/85	
	38668	R994-312	5YR	07/01/2014	2014-14/86	
	38248	R994-312-102	AMD	04/15/2014	2014-3/41	
<u>units</u>						
Environmental Quality, Radiation Control	38752	R313-12-3	AMD	10/21/2014	2014-17/88	
<u>unlawful conduct</u>						
Administrative Services, Purchasing and General Services	38521	R33-24	NEW	07/08/2014	2014-11/95	
	38758	R33-24	AMD	10/08/2014	2014-17/18	
<u>UPP</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	38322	R414-320	AMD	04/21/2014	2014-6/42	
	38816	R414-320	EMR	09/01/2014	2014-18/85	
	38819	R414-320	AMD	11/01/2014	2014-18/18	
<u>used oil</u>						
Environmental Quality, Solid and Hazardous Waste	38611	R315-15	AMD	10/03/2014	2014-13/56	
	38611	R315-15	CPR	10/03/2014	2014-17/130	
<u>Utah Court of Appeals</u>						
Administrative Services, Purchasing and General Services	38516	R33-18	NEW	07/08/2014	2014-11/89	
<u>Utah procurement rules</u>						
Administrative Services, Purchasing and General Services	38500	R33-1	R&R	07/08/2014	2014-11/4	
	38689	R33-1	5YR	07/08/2014	2014-15/61	
<u>Utah Public Financial Website</u>						
Administrative Services, Finance	38653	R25-10	5YR	06/25/2014	2014-14/79	
<u>Utah resident temporarily out-of-state</u>						
Public Safety, Driver License	38941	R708-45	5YR	11/07/2014	Not Printed	

<u>Utah Transparency Advisory Board</u>					
Administrative Services, Finance	38634	R25-11	NEW	08/21/2014	2014-14/4
<u>utah.gov</u>					
Technology Services, Administration	38238 38239	R895-4 R895-4	5YR NSC	01/14/2014 01/30/2014	2014-3/54 Not Printed
<u>utilities</u>					
Public Service Commission, Administration	38874	R746-700	5YR	09/22/2014	2014-20/77
<u>utility service shutoff</u>					
Public Service Commission, Administration	38644	R746-200-7	AMD	08/22/2014	2014-14/67
<u>vacations</u>					
Human Resource Management, Administration	38084 38455	R477-7 R477-7	AMD AMD	01/14/2014 07/01/2014	2013-22/126 2014-10/71
<u>vaccinations</u>					
Agriculture and Food, Animal Industry	38294	R58-3	AMD	04/16/2014	2014-5/4
<u>vehicle replacement</u>					
Administrative Services, Fleet Operations	38312	R27-4-13	AMD	04/22/2014	2014-6/4
<u>vending machines</u>					
Education, Administration	38628	R277-719	AMD	08/07/2014	2014-13/35
<u>verification of legal authority</u>					
Administrative Services, Purchasing and General Services	38515	R33-17	NEW	07/08/2014	2014-11/87
<u>veterans' and military affairs</u>					
Veterans' Affairs, Administration	38228	R978-1	NSC	01/30/2014	Not Printed
<u>victim compensation</u>					
Crime Victim Reparations, Administration	38221	R270-1-13	EMR	01/04/2014	2014-3/47
<u>victims of crimes</u>					
Crime Victim Reparations, Administration	38221	R270-1-13	EMR	01/04/2014	2014-3/47
<u>violations</u>					
Environmental Quality, Radiation Control	38076 38076	R313-14 R313-14	AMD CPR	04/03/2014 04/03/2014	2013-22/45 2014-4/50
<u>vocational rehabilitation counselor</u>					
Commerce, Occupational and Professional Licensing	38761	R156-78	5YR	08/14/2014	2014-17/136
<u>volunteer health care practitioner</u>					
Commerce, Occupational and Professional Licensing	38382	R156-81	5YR	03/25/2014	2014-8/37
<u>voting</u>					
Lieutenant Governor, Elections	38384	R623-2	5YR	03/26/2014	2014-8/47
<u>wages</u>					
Human Resource Management, Administration	38469	R477-6	AMD	07/01/2014	2014-10/67
<u>waivers</u>					
Labor Commission, Industrial Accidents	38803 38804 38808 38807	R612-400-1 R612-400-2 R612-400-3 R612-400-4	AMD AMD AMD AMD	10/22/2014 10/22/2014 10/22/2014 10/22/2014	2014-18/55 2014-18/56 2014-18/58 2014-18/63
<u>waste disposal</u>					
Environmental Quality, Water Quality	38235 38402	R317-1-7 R317-1-7	AMD AMD	03/27/2014 08/01/2014	2014-3/13 2014-8/13
<u>wastewater</u>					
Environmental Quality, Water Quality	38481	R317-401	5YR	05/06/2014	2014-11/173

RULES INDEX

<u>wastewater treatment</u>					
Environmental Quality, Water Quality	38531	R317-10	AMD	08/27/2014	2014-11/143
<u>water hauling</u>					
Environmental Quality, Drinking Water	38536	R309-550	AMD	11/10/2014	2014-11/135
	38536	R309-550	CPR	11/10/2014	2014-16/52
<u>water pollution</u>					
Environmental Quality, Water Quality	38235	R317-1-7	AMD	03/27/2014	2014-3/13
	38402	R317-1-7	AMD	08/01/2014	2014-8/13
	38288	R317-2-14	AMD	07/02/2014	2014-5/25
	38288	R317-2-14	CPR	07/02/2014	2014-11/168
	38271	R317-5	R&R	03/26/2014	2014-4/26
	38531	R317-10	AMD	08/27/2014	2014-11/143
	38661	R317-12	R&R	08/27/2014	2014-14/48
<u>water quality standards</u>					
Environmental Quality, Water Quality	38288	R317-2-14	AMD	07/02/2014	2014-5/25
	38288	R317-2-14	CPR	07/02/2014	2014-11/168
<u>water rights</u>					
Natural Resources, Water Rights	38723	R655-3	5YR	08/01/2014	2014-16/59
<u>water slides</u>					
Health, Disease Control and Prevention, Environmental Services	38089	R392-302	AMD	02/14/2014	2013-22/69
<u>water wells</u>					
Natural Resources, Water Rights	38722	R655-4	5YR	08/01/2014	2014-16/60
<u>waterfowl</u>					
Natural Resources, Wildlife Resources	38605	R657-9	AMD	08/11/2014	2014-13/106
<u>well drillers license</u>					
Natural Resources, Water Rights	38722	R655-4	5YR	08/01/2014	2014-16/60
<u>well logging</u>					
Environmental Quality, Radiation Control	38147	R313-38-3	AMD	04/07/2014	2013-23/20
	38147	R313-38-3	CPR	04/07/2014	2014-5/56
<u>white-collar contests</u>					
Governor, Economic Development, Pete Suazo Utah Athletic Commission	38033	R359-1-604	AMD	01/24/2014	2013-20/25
<u>wild turkey</u>					
Natural Resources, Wildlife Resources	38601	R657-54	AMD	08/11/2014	2014-13/111
	38790	R657-54	5YR	08/18/2014	2014-18/97
<u>wildlife</u>					
Natural Resources, Wildlife Resources	38616	R657-3	AMD	08/11/2014	2014-13/100
	38168	R657-5	AMD	02/10/2014	2014-1/44
	38600	R657-6	AMD	08/11/2014	2014-13/102
	38605	R657-9	AMD	08/11/2014	2014-13/106
	38231	R657-10	AMD	03/11/2014	2014-3/23
	38849	R657-10	AMD	11/07/2014	2014-19/69
	38848	R657-11	AMD	11/07/2014	2014-19/71
	38169	R657-12	AMD	02/10/2014	2014-1/52
	38167	R657-13	AMD	02/10/2014	2014-1/54
	38316	R657-13	AMD	04/21/2014	2014-6/66
	38483	R657-13	AMD	07/08/2014	2014-11/160
	38230	R657-27	AMD	03/11/2014	2014-3/26
	38170	R657-38	AMD	02/10/2014	2014-1/61
	38171	R657-41	AMD	02/10/2014	2014-1/68
	38232	R657-43	AMD	03/11/2014	2014-3/30
	38558	R657-46	5YR	05/29/2014	2014-12/58
	38603	R657-46	AMD	08/11/2014	2014-13/109

	38601	R657-54	AMD	08/11/2014	2014-13/111
	38790	R657-54	5YR	08/18/2014	2014-18/97
	38236	R657-60	AMD	03/11/2014	2014-3/32
	38477	R657-60	AMD	06/24/2014	2014-10/99
	38427	R657-62	5YR	04/14/2014	2014-9/58
	38604	R657-62	AMD	08/11/2014	2014-13/115
	38172	R657-67	NEW	02/10/2014	2014-1/70
	38484	R657-67	AMD	07/08/2014	2014-11/165
	38602	R657-68	NEW	08/11/2014	2014-13/120
	38847	R657-69	NEW	11/07/2014	2014-19/73
<u>wildlife conservation</u>					
Natural Resources, Wildlife Resources	38170	R657-38	AMD	02/10/2014	2014-1/61
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	38848	R657-11	AMD	11/07/2014	2014-19/71
	38169	R657-12	AMD	02/10/2014	2014-1/52
	38167	R657-13	AMD	02/10/2014	2014-1/54
	38316	R657-13	AMD	04/21/2014	2014-6/66
	38483	R657-13	AMD	07/08/2014	2014-11/160
	38230	R657-27	AMD	03/11/2014	2014-3/26
	38236	R657-60	AMD	03/11/2014	2014-3/32
	38477	R657-60	AMD	06/24/2014	2014-10/99
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	38171	R657-41	AMD	02/10/2014	2014-1/68
<u>work-based learning programs</u>					
Education, Administration	38412	R277-916	5YR	04/04/2014	2014-9/53
<u>workers' compensation</u>					
Labor Commission, Adjudication	38306	R602-2	AMD	04/22/2014	2014-6/61
	38554	R602-2-4	AMD	07/22/2014	2014-12/41
	38193	R602-2-5	AMD	02/21/2014	2014-2/7
Labor Commission, Industrial Accidents	38809	R612-100-1	AMD	10/22/2014	2014-18/31
	38805	R612-100-2	AMD	10/22/2014	2014-18/32
	38811	R612-100-3	AMD	10/22/2014	2014-18/35
	38806	R612-200	AMD	10/22/2014	2014-18/38
	38553	R612-200-8	AMD	07/22/2014	2014-12/43
	38810	R612-300	AMD	10/22/2014	2014-18/46
	38803	R612-400-1	AMD	10/22/2014	2014-18/55
	38804	R612-400-2	AMD	10/22/2014	2014-18/56
	38808	R612-400-3	AMD	10/22/2014	2014-18/58
	38807	R612-400-4	AMD	10/22/2014	2014-18/63
<u>x-rays</u>					
Environmental Quality, Radiation Control	38751	R313-70	AMD	10/21/2014	2014-17/104
	38146	R313-70-5	AMD	02/18/2014	2013-23/22
<u>zoological animals</u>					
Natural Resources, Wildlife Resources	38616	R657-3	AMD	08/11/2014	2014-13/100