

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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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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SPECIAL NOTICES

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, P.O. Box 143102, Salt Lake City, UT 84114-3102.

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 Executive Order EO/010/2014: Utah Futures Steering Committee

EXECUTIVE ORDER

Utah Futures Steering Committee

WHEREAS, UtahFutures.org is a web-based advisement tool hosted by the Utah Department of Technology Services that meets the Association of Career Professionals guidelines. UtahFutures.org allows students, together with their school career counselors, to make education and career plans online, and manage Student Education Occupation Plans in public schools. Utahfutures.org is also designed support students beyond their secondary education and extend its resources into and throughout their adult lives by integrating adult education, higher education, and job seeker resources and tools;

WHEREAS, UtahFutures.org was launched under the direction of the UtahFutures Steering Committee formed in 2011 through Executive Order of the Governor and the Utah Futures Working Group;

WHEREAS, the Executive Order that formed the Utah Futures Executive Steering Committee has expired;

WHEREAS, the Governor's Education Excellence Commission, in partnership with public education, higher education, and business, recommended, as part of its Vision 2020: 8 Proposals for 2011, that the State "improve internal alignments within government to align education with economic development objectives";

WHEREAS, in order to build upon the solid foundation UtahFutures.org possesses, the Utah Futures Steering Committee should continue and work to better implement the Utah Futures system and strategically engage industry and business entities within the system;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by the authority vested in me by the Constitution and laws of the State, do hereby order the following:

1. The Utah Futures Steering Committee shall continue. The Committee shall be comprised of nine members, with the Governor appointing one member as Chair. The membership of the Executive Steering Committee shall be comprised of:

- (a) the Education Advisor to the Governor's Office;
- (b) the State Superintendent of Public Schools or designee;
- (c) the Commissioner of Higher Education or designee;
- (d) the Executive Director of the Department of Workforce Services or designee;

- (e) the Executive Director of the Department of Heritage and Arts or designee;
 - (f) the Executive Director of the Utah Education and Telehealth Network or designee;
 - (g) the President of the Utah College of Applied Technology or designee;
 - (h) the Executive Director of the Governor's Office of Economic Development or designee;
 - (i) the Director of GEAR UP or designee;
2. In order to expand partner participation, the Steering Committee shall establish an Advisory Board.
3. The Steering Committee will be staffed by the organization that the Chair represents and members of the Advisory Board as necessary;
4. The Steering Committee shall meet as often as needed in order to accomplish its objectives, but no less than twice a year;
5. The Steering Committee shall designate one of its member organizations as the fiscal agent for Utahfutures.org;
6. The Steering Committee shall provide direction to, and receive reports from, the Advisory Board;
7. The Advisory Board shall coordinate efforts to fulfill the responsibilities assigned by the Steering Committee, as well as utilize their expertise in supporting and advancing UtahFutures.org;
8. The Steering Committee shall establish a plan that includes, but is not limited to:
- (a) analytics that measure the effectiveness of the site;
 - (b) proven technologies in the areas of the enterprise portal, social media and on-line interaction and collaboration, video streaming, education, and career planning applications;
 - (c) an ongoing evaluation of the current site and the technology used, including review of similar sites in other states and commercially available software, to ensure that Utahfutures.org is achieving its stated purpose in the most effective method;
 - (d) the ability to act as a one-stop exploration and planning system for career, high school courses, college, financial aid, and other related transitions;
 - (e) methods to explore the feasibility and desirability of a more streamlined process for completing a college admission application;
 - (f) the basic requirements of the Association of Career Professionals certification;
 - (g) objectives that define long-term success for users, immediate needs and success for users, and accountability for stakeholder in efforts to support the site;
 - (h) the utilization of established best practices as well as current and generally accepted technologies, that are both cost effective and easily accessible by Utah students and parents;
 - (i) the annual development of operational objectives that identify how the site will assist students and parents to be better informed regarding their educational and workforce decisions and opportunities in Utah;
 - (j) strategies for school counselors and school administrations to utilize and optimize the use of UtahFutures.org in their career counseling programs. Those strategies should address training of school staff as well as training for students and their parents to increase both understanding and use of the site.
 - (k) the annual establishment of metrics and goals by the Advisory Board to measure how successfully the site is being utilized by users including areas of training, reach of use, and acceptance among students, parents, and education administrators;

(l) the identification and approval of enhancements, outreach initiatives, training, and any other actions partner agencies could take to assist in successful achievement of defined objectives, including but not limited to data access, collaboration with stakeholder groups, and potential use of existing agency resources;

(m) actions to ensure the security of Utah student's data;

9. The Utah Futures Steering Committee shall report the results of the program in an annual report to the Governor no later than October 1st of each year. The Steering Committee may be asked to report to the Legislature's Education Interim Committee, the Public Education Subcommittee, or partner agencies at least annually and, more frequently, as reasonably requested by the Utah State Legislature.

10. The Utah Futures Steering Committee shall be in existence until December 31, 2018, unless extended by future executive order.

11. This Executive Order is intended to supersede Executive Order 2011-005.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, on this, the 10th day of December 2014.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

EO/010/2014

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a 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 December 02, 2014, 12:00 a.m., and December 15, 2014, 11:59 p.m. are included in this, the January 01, 2015, 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 February 2, 2015. 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 May 1, 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

Commerce, Real Estate
R162-2c-201
Licensing and Registration Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38999

FILED: 12/04/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to expand the experience options for qualification to obtain a Utah license to practice as a lending manager to include a third experience option for direct supervision of licensed or registered loan originators for ten years as an offset to a portion of first-lien residential mortgage originations which would otherwise be required.

SUMMARY OF THE RULE OR CHANGE: This rule amendment would allow a third option for an applicant to demonstrate the necessary experience to obtain a Utah license to practice as a lending manager. To qualify for the third option, the applicant would need to have 10 years of experience as a loan manager directly supervising a minimum of 5 licensed or registered loan originators over a 12-year period. In addition, the applicant must have personally originated a minimum of 15 first-lien residential mortgages within the previous 5 years. This rule amendment also allows an applicant to request approval to proceed with the required prelicensing education despite not having documented the necessary experience upon applicant's written affirmation that applicant's current employment could be affected by documenting applicant's experience.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 61-2c-203

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The division has the staff and budget in place to administer this provision. It is not anticipated that the proposed amendment will affect those resources or result in any additional cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Local governments are not required to comply with or enforce the residential mortgage licensing rules. No fiscal impact to local government is expected from the proposed amendment.

◆ **SMALL BUSINESSES:** The proposed rule amendment allows a third option for an applicant for a mortgage lending manager license to demonstrate the required experience necessary to qualify for licensure. If the third experience option becomes available, applicants who might otherwise remain in a managerial position with their present firm may decide to apply for a lending manager license and change

firms. Any costs associated with the possible movement of employees between firms will vary and cannot be estimated.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed rule amendment allows a third option for an applicant for a mortgage lending manager license to demonstrate the required experience necessary to qualify for licensure. If the third experience option becomes available, applicants who might otherwise remain in a managerial position with their present firm may decide to apply for a lending manager license and change firms. Any costs associated with the possible movement of employees between firms will vary and cannot be estimated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment provides a third experience option for persons desiring to obtain a lending manager's license. A person who determines to demonstrate the required experience allowed by the proposed amendment may qualify for licensure in a shorter time period than otherwise provided for under the current options. However, there is no cost that can be estimated by allowing a third experience option.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As stated in the rule analysis, this filing provides an additional method through which an individual who is pursuing a lending manager license may demonstrate the required industry experience. It is anticipated that this amendment will affect individual licensees, with no fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

AUTHORIZED BY: Jonathan Stewart, Director

R162. Commerce, Real Estate.

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

R162-2c-201. Licensing and Registration Procedures.

(1) Mortgage loan originator.

(a) To obtain a Utah license to practice as a mortgage loan originator, an individual who is not currently and validly licensed in any state shall:

- (i) evidence good moral character pursuant to R162-2c-202(1);
- (ii) evidence competency to transact the business of residential mortgage loans pursuant to R162-2c-202(2);
- (iii) evidence financial responsibility pursuant to R162-2c-202(3);
- (iv) obtain a unique identifier through the nationwide database;

(v) successfully complete, within the 12-month period prior to the date of application, 15 hours of Utah-specific pre-licensing education as approved by the division;

(vi)(A) successfully complete 20 hours of pre-licensing education as approved by the nationwide database according to the nationwide database outline for national course curriculum; or

(B) if the individual previously passed the 20-hour national course, obtained a license, and thereafter allowed the license to expire, successfully complete continuing education:

(I) approved by the nationwide database; and

(II) in the number of hours that would have been required to renew the expired license in the year in which the individual allowed the license to expire;

(vii) take and pass the examinations that meet the requirements of Section 61-2c-204.1(4) and that:

(A) are approved and administered through the nationwide database; and

(B) consist of a national component and a Utah-specific state component;

(viii) request licensure as a mortgage loan originator through the nationwide database;

(ix) authorize a criminal background check and submit fingerprints through the nationwide database;

(x) authorize the nationwide database to provide the individual's credit report to the division for review;

(xi) provide to the division all relevant information regarding "yes" answers to disclosure questions found within the application submitted on the MU4 form;

(xii) record with the nationwide database a mailing address, if the applicant is not able to accept mail at the physical location or street address that is required to be on record with the nationwide database pursuant to Section 61-2c-106(1)(a);

(xiii) complete, sign, and submit to the division a social security verification form as provided by the division; and

(xiv) pay all fees through the nationwide database as required by the division and by the nationwide database.

(b) To obtain a Utah license to practice as a mortgage loan originator, an individual who is currently and validly licensed in another state shall:

(i) evidence good moral character pursuant to R162-2c-202(1);

(ii) evidence competency to transact the business of residential mortgage loans pursuant to R162-2c-202(2);

(iii) evidence financial responsibility pursuant to R162-2c-202(3);

(iv)(A) successfully complete, within the 12-month period prior to the date of application, 15 hours of Utah-specific mortgage loan originator prelicensing education; and

(B) take and pass the Utah-specific state examination component;

(v) provide to the division all relevant information regarding "yes" answers to disclosure questions found within the application submitted on the MU4 form;

(vi) record with the nationwide database a mailing address, if the applicant is not able to accept mail at the physical location or street address that is required to be on record with the nationwide database pursuant to Section 61-2c-106(1)(a);

(vii) request licensure as a mortgage loan originator through the nationwide database;

(viii) authorize a criminal background check through the nationwide database;

(ix) authorize the nationwide database to provide the individual's credit report to the division for review;

(x) complete, sign, and submit to the division a social security verification form as provided by the division; and

(xi) pay all fees through the nationwide database as required by the division and by the nationwide database.

(2) Lending manager. To obtain a Utah license to practice as an LM, an individual shall:

(a) evidence good moral character pursuant to R162-2c-202(1);

(b) evidence competency to transact the business of residential mortgage loans pursuant to R162-2c-202(2);

(c) evidence financial responsibility pursuant to R162-2c-202(3);

(d) provide to the division:

(i) the individual's unique identifier as assigned through the nationwide database; and

(ii) evidence that the individual has taken and passed:

(A) the 20-hour national mortgage loan originator prelicensing course; and

(B) the mortgage loan originator examinations that:

(I) meet the requirements of Section 61-2c-204.1(4);

(II) are approved and administered through the nationwide database; and

(III) consist of a national component and a Utah-specific state component;

(e) obtain approval from the division to take the Utah-specific LM prelicensing education by evidencing that the applicant has satisfied, during the five-year period preceding the date of application, the experience requirement of Section 61-2c-206(1)(d) through:

(i)(A) three years full-time experience originating first-lien residential mortgages pursuant to Section 61-2c-102(1)(ee)(i)(A):

(I) under a license issued by a state regulatory agency; or

(II) as an employee of a depository institution; and

(B) evidence of having originated a minimum of 45 first-lien residential mortgages; ~~[-or]~~

(ii)(A)(I) two years full-time experience as described in this Subsection (2)(e)(i)(A); and

(II) additional full-time experience per the equivalency calculation in Subsection R162-2c-501a; and

(B)(I) evidence of having originated a minimum of 30 first-lien residential mortgages; and

(II) up to 15 additional points according to the experience points schedule in Subsection R162-2c-501b; or

_____ (iii)(A) ten years of full-time experience providing direct supervision as a loan manager in the residential mortgage industry within the past 12 years;

_____ (B) evidence of having directly supervised during the ten years described in this Subsection (2)(e)(iii)(A) no less than five licensed or registered loan originators;

_____ (C) Although the five individuals licensed or registered as described in this Subsection (2)(e)(iii)(B) may have changed over time, the number of individuals being managed or supervised must have remained at a minimum of five individuals at all times during the ten years described in this Subsection (2)(e)(iii)(A); and

_____ (D) evidence of having personally originated a minimum of 15 first-lien residential mortgages within the past five years.

(f) within the 12-month period preceding the date of application, successfully complete 40 hours of Utah-specific LM prelicensing education as certified by the division;

(g) take and pass a lending manager examination as approved by the commission;

(h) provide to the division all relevant information regarding "yes" answers to disclosure questions found within the application submitted on the MU4 form;

(i) record with the nationwide database a mailing address, if the applicant is not able to accept mail at the physical location or street address that is required to be on record with the nationwide database pursuant to Section 61-2c-106(1)(a);

(j)(i) register in the nationwide database by selecting the "lending manager" license type and completing the associated MU4 form; and

(ii) designate in the nationwide database whether the individual will be acting for the sponsoring entity as:

(A) the principal lending manager;

(B) an associate lending manager; or

(C) a branch lending manager;

(k) authorize a criminal background check and submit fingerprints through the nationwide database;

(l) authorize the nationwide database to provide the individual's credit report to the division for review;

(m) complete, sign, and submit to the division a social security verification form as provided by the division; and

(n) pay all fees through the nationwide database as required by the division and by the nationwide database.

_____ (o) Notwithstanding the requirement in this Subsection 201(2)(e) that an applicant for licensure as a lending manager provide evidence of the required experience prior to obtaining approval from the division to take the Utah-specific lending manager prelicensing education, an applicant may request approval from the division for approval to take the prelicensing education upon applicant's written affirmation that:

_____ (i) applicant's current employment status could be affected by documenting applicant's experience;

_____ (ii) applicant requests approval to proceed with the Utah-specific prelicensing education despite not having documented the necessary experience; and

_____ (iii) applicant understands that if division approval is granted, applicant assumes the risk of the time and expense of the prelicensing education, testing, and application fee with no assurance that applicant's experience will qualify applicant for licensure as a lending manager.

(3) Mortgage entity.

(a) To obtain a Utah license to operate as a mortgage entity, a person shall:

(i) establish that all control persons meet the requirements for moral character pursuant to R162-2c-202(1);

(ii) establish that all control persons meet the requirements for competency pursuant to R162-2c-202(2);

(iii) register any other trade name with the Division of Corporations and Commercial Code;

(iv) register the entity in the nationwide database by:

(A) submitting an MU1 form that includes:

(I) all required identifying information;

(II) the name of the PLM who, pursuant to Subsection R162-2c-301a(3)(a)(iv), will serve as the entity's qualifying individual;

(III) the name of any LM who, pursuant to Subsection R162-2c-301a(3)(a)(iv), will serve as a branch lending manager;

(IV) the name of any individuals who may serve as control persons;

(V) the entity's registered agent; and

(VI) any other trade name under which the entity will operate; and

(B) creating a sponsorship through the nationwide database that identifies the mortgage loan originator(s) sponsored by the entity;

(v) register any branch office operating from a different location than the entity;

(vi) pay all fees through the nationwide database as required by the division and by the nationwide database;

(vii) provide to the division proof that any assumed business name or other trade name is registered with the Division of Corporations and Commercial Code;

(viii) provide to the division all court documents related to any criminal proceeding not disclosed through a previous application or renewal and involving any control person;

(ix) provide to the division complete documentation of any action taken by a regulatory agency against:

(A) the entity itself; or

(B) any control person; and

(C) not disclosed through a previous application or renewal; and

(x) provide to the division a notarized letter on company letterhead, signed by the owner or president of the entity, authorizing the PLM to use the entity's name.

(b) Restrictions on entity name. No license may be issued by the division to an entity that proposes to operate under a name that closely resembles the name of another entity licensee, or that the division determines might otherwise be confusing or misleading to the public.

(4) Branch office.

(a) To register a branch office with the division, a person shall:

(i) obtain a Utah entity license for the entity under which the branch office will be registered;

(ii) submit to the nationwide database an MU3 form that includes:

(A) all required identifying information; and

(B) the name of the LM who will serve as the branch lending manager;

(iii) create a sponsorship through the nationwide database that identifies the mortgage loan originator(s) who will work from the branch office; and

(iv) pay all fees through the nationwide database as required by the division and by the nationwide database.

(b) A person who registers another trade name and operates under that trade name from an address that is different from the address of the entity shall register the other trade name as a branch office pursuant to this Subsection (4).

(c)(i) A PLM may not simultaneously serve as a BLM if Subsection R162-2c-301a(3)(a)(iv)(B) applies.

(ii) An individual may not serve as the BLM for more than one branch at any given time.

(5) Licenses not transferable.

(a) A licensee shall not transfer the licensee's license to any other person.

(b) A licensee shall not allow any other person to work under the licensee's license.

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

(6) Expiration of test results.

(a) Scores for the mortgage loan originator licensing examination shall be valid for five years.

(b) Scores for the LM exam shall be valid for 90 days.

(7) Incomplete LM application.

(a) The division may grant a 30-day extension of the 90-day application window upon a finding that:

(i) an applicant has made a good faith attempt to submit a completed application; but

(ii) requires more time to provide missing documents or to obtain additional information.

(b) If the applicant does not supply the required documents or information within the 30-day extension, the division may deny the application as incomplete.

(8) Nonrefundable fees. All fees are nonrefundable, regardless of whether an application is granted or denied.

(9) Other trade names.

(a) The division shall not approve a license for any person operating under an assumed business name that poses a reasonable likelihood of misleading the public into thinking that the person is:

(i) endorsed by the division, the state government, or the federal government;

(ii) an agency of the state or federal government; or

(iii) not engaged in the business of residential mortgage loans.

(b) A mortgage entity that operates under another trade name shall register the other trade name by including it on the MUI form and obtaining the required registration.

KEY: residential mortgage, loan origination, licensing, enforcement

Date of Enactment or Last Substantive Amendment: [November 20, 2013]2015

Authorizing, and Implemented or Interpreted Law: 61-2c-103(3); 61-2c-402(4)(a)

Education, Administration R277-497 School Grading System

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39007

FILED: 12/12/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-497 is amended in response to S.B. 209, School Grading Revisions, and S.B. 122, Parental Rights in Public Education, from the 2014 General Legislative Session.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-497 provide: 1) language for calculating grades for the 2013-14 school year so that the distribution of letter grades will be similar to the distribution of grades for the 2012-2013 school year; 2) the percentages of the maximum number of points required to earn A through F letter grades; 3) language for students who do not participate in required testing upon written parent request; and 4) language for no negative impact on an LEA and its employees due to a student not participating in required testing.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1-1113 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendments to Rule R277-497 provide language for calculating and assigning a letter grade to schools and excusing a student from required testing which likely will not result in a cost or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The amendments to Rule R277-497 provide language for calculating and assigning a letter grade to schools and excusing students from required testing which likely will not result in a cost or savings to local government.

◆ **SMALL BUSINESSES:** The amendments to Rule R277-497 provide language for calculating and assigning a letter grade to schools and excusing students from required testing which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to Rule R277-497 provide language for calculating and assigning a letter grade to schools and excusing students from required testing which likely will not result in a cost or savings to small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to Rule R277-497 provide language for calculating and assigning a letter grade to schools and

excusing students from required testing which likely will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I 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 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

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

R277. Education, Administration.

R277-497. School Grading System.

R277-497-1. Definitions.

- A. "Board" means the Utah State Board of Education.
B. "LEA" means a 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.
C. "Sufficient student growth" as determined by the Board, means a student growth percentile of 40 or above.

R277-497-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-1113 which directs the Board to adopt rules to implement a school grading system, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide consistent definitions, standards and procedures for LEAs to report school data through a school grading system.

R277-497-3. Board Responsibilities.

A. Beginning in the 2012-2013 school year, the Board shall implement a school grading system (A,B,C,D,F). The school grading system report provided by the Board shall include the following indicators:

(1) student proficiency on the Board-approved grade/subject level assessments in language arts, math and science;

(2) student growth as measured by student growth percentiles:

([2]3) sufficient student growth; and

([3]4) for high schools:

(a) graduation rates; and

(b) beginning in the 2013-14 school year, ACT scores.

B. School letter grades shall be determined as follows:

(1) 80 - 100 percent A;

(2) 70 - 79 percent B;

(3) 60 - 69 percent C;

(4) 50 - 59 percent D; and

(5) below 50 percent F.

C. Beginning with the 2012-2013 school year data, the Board shall:

(1) implement a school grading system that makes data and reports available to parents, educators and the public. The report shall include the elements described in R277-497-3A.

(2) School data and reports shall be available to parents, educators and the public through a public website that facilitates the comparison of public schools based on the school grading system and demographics.

D. The Board-implemented school grading system shall include test scores for students with disabilities consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1401(3).

E. For the 2013-2014 school year only, the Board shall adjust school grades to compensate for the new computer adaptive assessment results by adjusting the percentage of total points required for each letter grade so that the distribution of percentage of schools receiving each letter grade will be similar to the distribution of grades for the 2012-2013 school year. The percentages are as follows:

(1) Elementary/middle schools:

(a) 64 - 100 percent A;

(b) 51 - 63 percent B;

(c) 39 - 50 percent C;

(d) 30 - 38 percent D; and

(e) 29 percent and below F.

(2) High schools:

(a) 64 - 100 percent A;

(b) 51 - 63 percent B;

(c) 43 - 50 percent C;

(d) 40 - 42 percent D; and

(e) 39 percent and below F.

F. Beginning with the 2013-2014 school year, students who do not participate in required testing under Section 53A-1-603 due to parent opt out provisions of Section 53A-15-1403(9), shall not be counted in determining the participation rate for purposes of school grades.

G. The Board and LEAs shall take necessary actions within their authority to satisfy Section 53A-15-1403(9)(b).

R277-497-4. LEA Responsibilities.

A. LEAs shall provide accurate and timely data as required under R277-484 to allow for the development of the school reports.

B. LEAs shall use the school reports as a communication tool to inform parents and the community about school performance.

C. LEAs shall ensure that the school reports are available for all parents.

R277-497-5. School Responsibilities.

A. Schools shall provide data for the school reports as provided in R277-484.

B. Schools shall cooperate with the Board and LEAs to ensure that the school reports are available for all parents.

KEY: school reports, grading system

Date of Enactment or Last Substantive Amendment: [January 8, 2014]2015

Notice of Continuation: November 8, 2013

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-1113; 53A-1-401(3)

**Education, Administration
R277-504**

**Early Childhood, Elementary,
Secondary, Special Education (K-12),
and Preschool Special Education
(Birth-Age 5) Licensure**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39008

FILED: 12/12/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-504 is amended to provide a clear definition of student teachers and interns, to address a timeline of the cumulative GPA requirement for license applicants, and to address waiver of entrance into teacher preparation program requirements.

SUMMARY OF THE RULE OR CHANGE: The amendments to Rule R277-504 provide two new definitions, "Internship" and "Student teaching," provide new requirements for teacher preparation program approval, and provide miscellaneous requirements for support and assignment of student teachers and intern.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The amendments to Rule R277-504 provide procedures for student teachers and interns which likely will not result in a cost or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** The amendments to Rule R277-504 provide procedures for student teachers and interns

which likely will not result in a cost or savings to local government.

♦ **SMALL BUSINESSES:** The amendments to Rule R277-504 provide procedures for student teachers and interns which likely will not result in a cost or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to Rule R277-504 provide procedures for student teachers and interns which likely will not result in a cost or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to Rule R277-504 provide procedures for student teachers and interns which likely will not result in any compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I 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 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

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

R277. Education, Administration.

R277-504. Early Childhood, Elementary, Secondary, Special Education (K-12), and Preschool Special Education (Birth-Age 5) Licensure.

R277-504-1. Definitions.

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

B. "Council for Exceptional Children" is an international professional organization dedicated to improving the educational success of both individuals with disabilities and individuals with gifts and talents. CEC advocates for appropriate governmental policies, sets professional standards, provides professional development, advocates for individuals with exceptionalities, and helps professionals obtain conditions and resources necessary for effective professional practice.

C. "Early Childhood license area of concentration" means an Early Childhood Education teaching license required for teaching kindergarten and permitting assignment in kindergarten through grade three. It is recommended for those teaching in formal public school programs below kindergarten level.

D. "Early intervention credential" is the highest qualified personnel standard established by the Department of Health that persons shall meet in able to provide services to infants and toddlers with disabilities age 0-3 in early intervention settings. In order to provide services to infants and toddlers with disabilities age 0-3 in early intervention settings, an individual shall have an Early Intervention Credential or a Preschool Special Education (Birth-Age 5) license.

E. "(1-8) license area of concentration" means an Elementary teaching license required for teaching grades one through eight.

F. "Elementary (K-6) license area of concentration" means an Elementary teaching license required for teaching grades kindergarten through six.

G. "Endorsement" means a specialty field or area listed on the teaching license which indicates the specific qualification of the holder.

H. "Highest requirements in the State applicable to a specific profession or discipline" means the highest entry-level academic degree needed for any State-approved or State-recognized certification, license, registration, or other comparable requirement that applies to that profession or discipline.

I. "IEP" means a written statement of an individualized education program by an IEP team and developed, reviewed, and revised in accordance with Utah State Board of Education Special Education Rules and the Part B of the IDEA.

J. "Internship" means the placement of a teacher education student in an advanced stage of preparation, as a culminating experience, in employment in a school setting for a period of up to one school year during which the intern shall receive salary proportionate to the service rendered as determined by the LEA. An intern is supervised primarily by the school system but with a continuing relationship with college personnel and following a planned program designed to produce a demonstrably competent professional.

[~~F~~]K. "Level 1 license" means a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to applicants who have also met all ancillary requirements established by law or rule.

[~~K~~]L. "Level 2 license" means a Utah professional educator license issued by the Board after satisfaction of all requirements for a Level 1 license and:

(1) satisfaction of requirements under R277-522 for teachers whose employment as a Level 1 licensed educator began after January 1, 2003 in a Utah public LEA or accredited private school;

(2) at least three years of successful education experience in a Utah public LEA or accredited private school or one year of successful education experience in a Utah public LEA or accredited private school and at least three years of successful education experience in a public LEA or accredited private school outside of Utah;

(3) additional requirements established by law or rule.

[~~E~~]M. "Preschool Special Education (Birth-Age 5) license area of concentration" means a teaching license required for teaching preschool students with disabilities.

[~~M~~]N. "Secondary license area of concentration" means a Secondary teaching license required for teaching grades six through twelve. Secondary license areas carry endorsements for the areas in which the holder is qualified to provide instruction.

[~~N~~]O. "Special Education license area of concentration (K-12)" means Special Education teaching license required for teaching students with disabilities in kindergarten through grade twelve. Special Education areas of concentration carry endorsements in at least one of the following areas:

(1) Mild/Moderate Endorsement which indicates that the holder's preparation focused on teaching students with mild/moderate learning and behavior problems;

(2) Severe Endorsement which indicates that the holder's preparation focused on teaching students with severe learning and behavior problems;

(3) Deaf and Hard of Hearing Endorsement which indicates that the holder's preparation focused on teaching students who are deaf or other hearing impaired; and

(4) Blind and Visually Impaired Endorsement which indicates that the holder's preparation focused on teaching students who are blind or other visually impaired.

P. "Student teaching" means the placement of a teacher education student in an advanced stage of preparation for a period of guided teaching in a school setting during which the student assumes increasing responsibility for directing the learning of a group or groups of students over a period of time.

[~~O~~]Q. "USOE" means the Utah State Office of Education.

R277-504-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests the general control and supervision of the public schools in the State Board of Education and by Section 53A-1-402(1)(a) which directs the Board to make rules regarding the licensing of educators, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) specify the requirements for Early Childhood (K-3), Elementary (K-6), Elementary (1-8), Secondary (6-12), Special Education (K-12), and Preschool Special Education (Birth-Age 5) licensing; and

(2) specify the standards which the Board expects a teacher preparation institution to meet in specific areas for the institution to receive Board approval of the program.

R277-504-3. General Standards for Approval of Programs for the Preparation of Teachers.

A. The Board may approve the educator preparation program of an institution if the institution:

(1) prepares candidates to meet the Utah Effective Teaching Standards in R277-530;

(2) prepares candidates to teach the Utah Core Standards as established by the Board;

(3) requires candidates to maintain a cumulative university GPA of 3.0 and receive a C or better in all education related [~~or~~] courses and major required content courses[~~;~~];

(a) This requirement applies to candidates admitted to the program after January 1, 2015.

(b) A candidate admitted to the program with a GPA below 3.0 under the 10 percent waiver provided in R277-502-3D shall maintain an overall GPA of 3.0 for all coursework completed after the candidate's admission to the program:

(4) requires the study of:

(a) content and content-specific pedagogy appropriate for the area of licensure;

(b) knowledge and skills designed to meet the needs of students with disabilities in the regular classroom. Knowledge and skills shall include the following domains:

(i) knowledge of disabilities under IDEA;

(ii) knowledge of the role of non-special-education teachers in the education of students with disabilities;

(iii) skills in implementing and assessing the results of interventions intended to assist in the identification of students with disabilities.

(iv) skills in assessing the educational needs and progress of students with disabilities in the regular education classroom; and

(v) skills in the implementation of an educational program with accommodations and modifications established by an IEP for students with disabilities in the regular classroom; and

(c) knowledge and skills designed to meet the needs of diverse student populations in the regular classroom. These skills for diverse student populations shall include the skills to:

(i) allow teachers to create an environment using a teaching model that is sensitive to multiple experiences and diversity;

(ii) design, adapt, and deliver instruction to address each student's diverse learning strengths and needs; and

(iii) incorporate tools of language development into planning and instruction for English language learners and support development of English proficiency; and

(5) requires a student teaching culminating experience that:

(a) requires a minimum of 400 clock hours with at least 200 clock hours in a single placement;

(b) requires that student teachers meet the same contract hours as licensed teachers in the same LEA;

(c) requires that the student teacher not be employed in any capacity by the LEA where he is placed except as provided in R277-504-7B;

([e]d) includes placement in all content or licensure areas in which the candidate shall be licensed unless:

(i) no viable student teaching placement in one or more of the candidate's endorsement areas is available; or

(ii) the candidate is seeking a license in Elementary (1-8) and is completing an elementary student teaching placement, but has also completed the USOE course requirements for an endorsement;

([f]e) includes intermittent supervision and evaluation by institution personnel;

([e]f) includes direct supervision of the candidate by a classroom teacher that:

(i) has been jointly selected by the institution student teaching placement officer and the LEA-designated authority over student teaching placement;

(ii) has been deemed effective by an evaluation system meeting the standards of R277-531 or the LEA's equivalent; and

(iii) has received training from the institution on the role and responsibilities of a classroom mentor teacher for student teachers, including the standards of R277-515;

([f]g) include meaningful self-reflection with review and feedback from both the classroom mentor teacher and institution personnel; or

(6) Requires an internship culminating experience that:

(a) consists of full-time employment as an educator for one school year with a minimum of 1260 clock hours at a single school site;

(b) requires that interns meet the same contract teaching hours as licensed teachers in the same LEA;

(c) includes placement in the major content or licensure area in which the candidate shall be licensed;

(d) where possible, includes placement in all content or licensure areas in which the candidate shall be licensed unless:

(i) no viable internship in one or more of the candidate's non-major endorsement areas could be found; or

(ii) the candidate is seeking licensure in Elementary (1-8) and is completing an elementary internship, but has also completed the USOE course requirements for an endorsement;

(e) includes intermittent supervision and evaluation by institution personnel;

(f) includes an LEA assigned mentor that:

(i) has been jointly selected by the institution internship placement officer and the LEA-designated authority over internship placement; ~~and~~

(ii) has been deemed effective by an evaluation system meeting the standards of R277-531 or the LEA's equivalent; and

(iii) provides direct support and supervision to the intern during the regular school day in addition to the standard LEA supports of new teachers.

(g) includes meaningful self-reflection with review and feedback from both the assigned mentor and institution personnel;

B. The Board may accept the following for an individual candidate as completely or partially satisfying the student teaching/internship requirement:

(1) one year of full-time contract teaching experience in a teaching position as defined in R277-503-4(C)(4) in a public or accredited private school in the candidate's proposed licensure content areas may completely satisfy the requirement;

(2) teaching in a preschool or headstart program may be accepted for up to one-half of the student teaching requirement;

(3) teaching experience in business or industry may be accepted for up to one-half of the student teaching requirement; and

(4) other experience accepted by the Board and designated as totally or partially fulfilling the requirement.

R277-504-4. Early Childhood Education (K-3) and Elementary (K-6) License Areas.

A. The Board may approve the Early Childhood Education (K-3), Elementary (K-6), Elementary (1-8) teacher preparation program of an institution if the program:

(1) is aligned with the 2010 National Association for the Education of Young Children Standards for Initial and Advanced Early Childhood Professional Preparation Programs or the 2007

Association for Childhood Education International Standards for Elementary Level Teacher Preparation, as appropriate; and

(2) requires study and experiences which provide appropriate content knowledge needed to teach:

(a) literacy including listening, speaking, writing, and reading;

(b) mathematics;

(c) physical and life science;

(d) health and physical education;

(e) social studies; and

(f) fine arts; and

(3) includes coursework specifically designed to prepare teachers:

(a) in the science of reading instruction including phonemic awareness, phonics, fluency, vocabulary and comprehension;

(b) in the science of mathematics instruction including quantitative reasoning, problem solving, representation, and numeracy;

(c) with the technical skills to utilize common education technology;

(d) to integrate technology to support and meaningfully supplement the learning of students;

(e) to teach effectively in traditional, online-only, and blended classrooms;

(f) to design, administer, and review educational assessments in a meaningful and ethical manner;

(g) in early childhood development and learning, if it is an Early Childhood Education (K-3), or Elementary (K-6); and

(h) in a specific content area resulting in an endorsement added to the license area, if it is an Elementary (1-8) program.

B. The standards shall be applied to the specific age group or grade level for which the program of preparation is designed.

(1) An Early Childhood Education (K-3) program shall focus primarily on early childhood development and learning.

(2) An Elementary (K-6) shall include both early childhood development and learning and elementary content and pedagogy.

(3) An Elementary (1-8) shall focus primarily on elementary content and pedagogy.

C. A teacher holding an Elementary (1-8) license area may earn an Early Childhood (K-3) license area by completing specific coursework requirements established by USOE.

D. An Elementary (1-8) license permits the teacher to teach in any academic area in self-contained classes in grades 1-8.

E. An Elementary (1-8) license permits the teacher to teach specific content courses at the 7th or 8th grade level only if the teacher's license includes the appropriate endorsement.

R277-504-5. Secondary (6-12) License Area.

A. A Secondary (6-12) license area with endorsement(s) is valid in grades six through twelve.

B. A Secondary (6-12) license area requires a major or major equivalent in a content area, but the teacher cannot teach in an elementary self-contained class.

C. The Board may approve the secondary educator preparation program of an institution if the program:

(1) is an undergraduate level program and requires candidates to have completed:

(a) an approved content area or teaching major consistent with subjects taught in Utah secondary schools; and

(b) content coursework reasonably equivalent to that required for individuals completing a non-teaching degree in the subject; or

(2) Is a graduate level program and requires candidates to have completed:

(a) a bachelor's degree or higher from an accredited university; and

(b) coursework equivalent to the minimum requirements for an endorsement as established by USOE, including the appropriate content knowledge assessment; and

(3) includes coursework specifically designed to prepare candidates:

(a) with the technical skills necessary to utilize common education technology;

(b) to integrate technology to support and meaningfully supplement the learning of students;

(c) to teach effectively in traditional, online-only, and blended classrooms;

(d) to design, administer, and review educational assessments in a meaningful and ethical manner; and

(e) to include literacy and quantitative learning objectives in content specific classes in alignment with the Utah Core Standards.

D. After completing a Board-approved Secondary (6-12) educator preparation program, the license area shall be endorsed for all subjects in which the candidate has met the course requirements for the endorsement as established by USOE.

(1) A content area or teaching major requires not fewer than 30 semester hours of credit in one content area.

(2) An endorsement requires not fewer than 16 semester hours of credit in one content area.

R277-504-6. Special Education (K-12+) and Preschool Special Education (Birth-Age 5).

A. The Board may approve an institution's special education teacher preparation program if the program is aligned with the 2011 Council for Exceptional Children Special Education Standards for Professional Practice and is focused in one or more of the following special education areas:

(1) Mild/Moderate Disabilities

(2) Severe Disabilities

(3) Deaf and Hard of Hearing;

(4) Blind and Visually Impaired; or

(5) Preschool Special Education (Birth-Age 5).

B. The Board may issue teachers who hold Special Education (K-12+) license areas additional endorsements if all endorsement requirements are met. Teachers who hold only a Special Education (K-12+) license area may only be assigned as a teacher of record of students with disabilities.

C. The Board may approve a special education preparation program of an institution if the program includes coursework specifically designed to train candidates to:

(1) understand the legal and ethical issues surrounding special education;

(2) work with other school personnel to implement and evaluate academic and behavior interventions for the purpose of identification of students with disabilities;

(3) provide the necessary specialized instruction, as per IEPs, to students with disabilities, including

(a) core content and content specific pedagogy;

(b) knowledge of the role of regular education teachers, related service providers, and paraeducators in the education of students with disabilities;

(c) skills in implementing and assessing the results of research and evidence-based interventions for students with disabilities;

(d) skills in assessing and addressing the educational needs and progress of students with disabilities; and

(e) skills in the implementation of an specialized educational program with accommodations and modifications, as needed, that supplements the Utah Core Standards, as per an IEP, for students with disabilities.

D. The Board shall issue Blind and Visually Impaired/Deaf and Hard of Hearing Endorsements required under this rule to meet the highest requirements in the State applicable to a specific profession or discipline required by the Individuals with Disabilities Education Act of 2004 (IDEA), Pub. L. No. 108-446, hereby incorporated by reference.

E. Preschool Special Education (Birth-Age 5) license holders who teach children who are hearing impaired (Birth-Age 5) or vision impaired (Birth-Age 5) or both, in self-contained, categorical classrooms shall hold an endorsement for Deaf and Hard of Hearing (Birth-Age 5) or Blind and Visually Impaired (Birth-Age 5) or both.

R277-504-7. Miscellaneous.

A. Beginning with the 2015-2016 school year, an LEA that employs intern teachers shall have a policy that includes the following:

(1) the maximum number of interns that may be supported by each LEA assigned mentor, and

(2) a specific resource commitment to significant and quality LEA support services to interns.

B. The Middle Level license (5-9) continues to be valid; however, the Board has not issued a middle level license (5-9) since April 1, 1989 and it is no longer required of teachers or issued to teachers assigned to the middle school.

C. Consistent with LEA and university policy and R277-508-5E, a student teacher may work as a paid substitute in the classroom of the student teacher's classroom mentor teacher for no more than five days and no more than three consecutive days per university semester.

D. On the days a student teacher is working as a substitute teacher, the candidate's legal status as a substitute teacher/district employee will take precedence over the legal status as a teacher candidate.

E. A student teaching placement may be changed to an internship placement upon agreement of the student teacher, the university program, and the LEA.

KEY: teacher licensing, professional education

Date of Enactment or Last Substantive Amendment: [November 10, 2014]2015

Notice of Continuation: September 2, 2014

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

Environmental Quality, Air Quality R307-120 General Requirements: Tax Exemption for Air Pollution Control Equipment

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38998

FILED: 12/04/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2014 General Legislative Session, the Utah Legislature revised the statute governing the state's certification for sales tax exemption for pollution control equipment. H.B. 31 repealed the old statute and enacted a new statute. The old and new statutes are similar but do contain differences. These proposed amendments are to align the rule with the new statute.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments to Rule R307-120 add a section for the rule applicability and rule definitions; expand the application requirements to be consistent with the statute; combine the "Review Period" and "Duty to Issue Certification" sections of the old rule into a new section, "Issuance of Certification;" remove the old sections of "Eligibility for Certification," "Conditions of Eligibility," and "Limitations of Certification;" and update the language in the "Exemptions from Certifications" and "Appeal and Revocation" to be consistent with the statute.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-12-101 and Section 19-12-102 and Section 19-12-201 and Section 19-12-202 and Section 19-12-203 and Section 19-12-301 and Section 19-12-302 and Section 19-12-303

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendments to the rule slightly change the requirements for applying for and receiving the tax exemption. There are no changes that result in any measurable costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** The amendments to the rule slightly change the requirements for applying for and receiving the tax exemption. There are no changes that result in any measurable costs or savings to local government.

◆ **SMALL BUSINESSES:** The amendments to the rule slightly change the requirements for applying for and receiving the

tax exemption. There are no changes that result in any measurable costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendments to the rule slightly change the requirements for applying for and receiving the tax exemption. There are no changes that result in any measurable costs or savings to persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments to the rule slightly change the requirements for applying for and receiving the tax exemption. There are no changes that result in any measurable additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to the rule slightly change the requirements for applying for and receiving the tax exemption. There are no changes that would have a measurable fiscal impact on businesses.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 03/05/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-120. General Requirements: Tax Exemption for Air Pollution Control Equipment.

R307-120-1. Applicability.

This rule shall apply to purchases described in Section 19-12-201.

R307-120-2. Definitions.

The following definitions apply to R307-120:

"Freestanding pollution control property" means freestanding pollution control property as defined in Section 19-12-102.

"Pollution control facility" means pollution control facility as defined in Section 19-12-102.

R307-120-[1]3. Application for Certification.

(1) An [A]application for certification shall be made on the form provided by the director. [~~Division of Air Quality, and~~]

(2) The application shall include all information requested thereon and such additional [~~reasonably necessary~~] information as is requested by the director [~~executive secretary of the Air Quality Board~~]. At a minimum, the application shall contain:

(a) a description of the pollution control facility or the freestanding pollution control property;

(b) a description of the property, part, product, or service for a purchase or lease of property, a part, a product or a service for which a person seeks to claim a sales and use tax exemption under Section 19-12-201;

(c) the existing or proposed operation procedure for the pollution control facility or freestanding pollution control property; and

(d) a statement of the purpose served or to be served by the pollution control facility or freestanding pollution control property.

(3) Applications for certification shall include:

(a) a reference to the approval order issued under R307-401-8 that requires the pollution control facility or the freestanding pollution control property; or

(b) a reference to the section of the State Implementation Plan that requires the pollution control facility or the freestanding pollution control property; or

(c) an estimate of emission reductions (in tons per year) resulting from the use of the pollution control facility or the freestanding pollution control property.

(4) The director may require an application to contain additional information that the director finds necessary to determine whether to grant certification under Section 19-12-303.

[R307-120-2. Eligibility for Certification.

Certification shall be made only for taxpayers who are owners, operators (under a lease) or contract purchasers of a trade or business that utilizes Utah property with a pollution control facility to prevent or minimize air pollution.

[R307-120-[3]4. [Review Period] Issuance of Certification.

(1) [~~Date of filing shall be date of receipt of the final item of information requested and this filing date shall initiate the 120-day review period.~~]The filing date of the application shall be the date the director receives a complete application with all of the information as described in R307-120-3. Within 120 days of the filing date of the application, the director will:

(a) issue a written certification of the pollution control facility or the freestanding pollution control property; or

(b) provide a written statement of the reason for the denial of certification.

(2) The director shall issue a certification of a pollution control facility or a freestanding pollution control property to the applicant if the director determines that:

(a) the application meets the requirements of Section 19-12-301(3) or 19-12-302(2);

(b) the facility or property that is the subject of the application is a pollution control facility or a freestanding pollution control property.

(c) the person who files the application is a person described in Section 19-12-301(1) or 19-12-302(1); and

~~(d) the purchases or leases for which the person seeks to claim a sales and use tax exemption are exempt under Section 19-12-201.~~

~~(3) The director may issue one certification for one or more pollution control facilities or freestanding pollution control properties that constitute an operational unit.~~

~~(4) If the director does not issue or deny a certification within 120 days after the date a person files an application, the director shall issue a certification to the person at the person's request.~~

[R307-120-4. Conditions for Eligibility.

~~(1) All materials, equipment and structures (or part thereof) purchased, leased or otherwise procured and services utilized for construction or installation in an air pollution control facility shall be eligible for certification, provided:~~

~~(a) such materials, equipment, structures (or part thereof), and services installed, constructed, or acquired result in a demonstrated reduction of pollutant discharges or emission pollutant levels, and~~

~~(b) the primary purpose of such materials, equipment, structures (or part thereof), and services is preventing, controlling, reducing, or disposing of air pollution.~~

~~(2) The above includes expenditures that reduce the amount of pollutants produced as well as expenditures that result in removal of pollutants from waste streams. The materials, equipment, structures (or part thereof), and services that are necessary for the proper functioning of air pollution control facilities meeting the requirements of (1)(a) and (b) above, including equipment required for compliance monitoring, shall be eligible for certification.~~

R307-120-5. Limitations on Certification.

~~Applications for certification shall be certified by the executive secretary of the Board after consultation with the State Tax Commission and only if:~~

~~(1) the air pollution control facility in question has been reviewed and approved by the executive secretary of the Board for those air pollution sources needing review in accordance with R307-401, or~~

~~(2) the air pollution control facilities installed, constructed, or acquired are the result of the requirements of these rules (permits by rule) or the State Implementation Plan.~~

[R307-120-[6]5. Exemptions from Certification.

The director shall not issue a certification for the following:

~~(1) a replacement of freestanding pollution control property;~~
~~or~~

~~(2) property, a part, a product, or a service described in Sections 19-12-201(1)(b) through (e) used or performed in a repair or replacement related to:~~

~~(a) a pollution control facility; or~~

~~(b) a freestanding pollution control property.~~

~~(3) a pollution control facility or a freestanding pollution control property that has already received a certification under R307-120-5.~~

~~The following items are specifically not eligible for certification:~~

~~(1) materials and supplies used in the normal operation or maintenance of the air pollution control facilities;~~

~~(2) materials, equipment, and services used to monitor ambient air, unless required for a permit or approval from the Board;~~

~~(3) air conditioners.~~

R307-120-7. Duty to Issue Certification.

~~Upon determination that facilities described in any application under R307-120-1 satisfy the requirements of these rules and Sections 19-2-123 through 19-2-127 the executive secretary of the Board shall issue a certification of pollution control facility to the applicant.]~~

R307-120-[8]6. Appeal and Revocation.

~~(1) A decision of the [executive secretary of the Board]director may be reviewed by filing a Request for Agency Action as provided in [R307-103]R305-7.~~

~~(2) [Revocation of prior certification shall be made for any of the circumstances prescribed in Section 19-2-126, after consultation with the State Tax Commission.]The director may revoke a certification issued under Section 19-12-303 if the director makes a determination as contained in Section 19-12-304.~~

KEY: air pollution, tax exemptions, equipment

Date of Enactment or Last Substantive Amendment: [August 29, 2011]2015

Notice of Continuation: February 1, 2012

Authorizing, and Implemented or Interpreted Law: [19-2-123; 19-2-124; 19-2-125; 19-2-126; 19-2-127]19-12-101; 19-12-102; 19-12-201; 19-12-202; 19-12-203; 19-12-301; 19-12-302; 19-12-303; 19-12-304; 19-12-305

**Environmental Quality, Air Quality
R307-302
Solid Fuel Burning Devices in Box
Elder, Cache, Davis, Salt Lake, Tooele,
Utah and Weber Counties**

**NOTICE OF PROPOSED RULE
(Amendment)**

**DAR FILE NO.: 38994
FILED: 12/04/2014**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As requested by Governor Gary Herbert, the Air Quality Board is seeking public comment on a wintertime seasonal solid fuel burning ban within the PM2.5 nonattainment areas. The ban is being considered as one means of improving wintertime air quality along the Wasatch Front and in the Cache Valley. The seasonal wood burning ban is being proposed because the Wasatch Front and the Cache Valley routinely violate the federal health-based standard for particulate matter, and solid fuel burning has been found to be a significant contributor to that problem. Additionally, these areas are well served with natural gas and electricity, both of which are significantly cleaner sources of energy for home heating.

SUMMARY OF THE RULE OR CHANGE: The seasonal wood burning ban is being proposed because the Wasatch Front and the Cache Valley routinely violate the federal health-based standard for particulate matter, and solid fuel burning has been found to be a significant contributor to that problem. Additionally, these areas are well served with natural gas and electricity, both of which are significantly cleaner sources of energy for home heating. The wood burning ban would apply to: Box Elder County: From the Wasatch Mountain range west to the Promontory Mountain range and south of Portage, with a possible exemption for sources above 7,000 ft. elevation; Cache County: Cache Valley; Salt Lake and Davis counties: all areas, with a possible exemption for sources above 7,000 ft. elevation; Tooele County: from the northernmost part of the Oquirrh Mountain range to the northern most part of the Stansbury Mountain range and north of Route 199, with a possible exemption for sources above 7,000 ft. elevation; and Weber and Utah counties: West of the Wasatch mountain range, with a possible exemption for sources above 7,000 ft. elevation. Homeowners whose homes are heated solely by wood and are registered with the Division of Air Quality as a sole source residence would be permitted to continue heating with wood. The Board is specifically seeking comment on the appropriateness of having a single ban period applicable in all areas, or if each area (county or nonattainment area) could have a different ban period that could have the same air quality impact. It is also seeking comment on the possibility of exempting counties where data may not support such a ban.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-101 and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The State of Utah does not typically burn solid fuels on a regular basis; therefore, there are no anticipated costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** Local governments do not typically burn solid fuels on a regular basis; therefore, there are no anticipated costs or savings to them.
- ◆ **SMALL BUSINESSES:** Unless wood burners get free wood, because we are not a hardwood state and because the price of natural gas in Utah is low, wood burning is actually more expensive in Utah than heating a home with natural gas. There are small businesses, however, that burn scrap wood and other solid fuel that they may receive for free or at a discounted price. For those small businesses, this rule may result in increased costs; however, that cost is difficult to quantify and aggregate as it is unknown how many small businesses burn scrap, free, or discounted solid fuels to heat their establishments.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Unless wood burners get free wood, because we are not a hardwood state and because the price of natural gas in Utah is low, wood burning is actually more expensive in Utah than heating a home with natural gas. There are persons, however, who pay nothing or very little for their solid fuels,

and for them this rule may result in increased costs; however, that cost is difficult to quantify and aggregate as it is unknown how many persons are not paying for or receiving significant discounts on their solid fuels.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Unless wood burners get free wood, because we are not a hardwood state and because the price of natural gas in Utah is low, wood burning is actually more expensive in Utah than heating a home with natural gas. There are persons, however, who pay nothing or very little for their solid fuels, and for them this rule may result in increased costs; however, that cost is difficult to quantify and aggregate as it is unknown how many persons are not paying for or receiving significant discounts on their solid fuels.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Unless wood burners get free wood, because we are not a hardwood state and because the price of natural gas in Utah is low, wood burning is actually more expensive in Utah than heating a home with natural gas. There are persons, however, who pay nothing or very little for their solid fuels, and for them this rule may result in increased costs; however, that cost is difficult to quantify and aggregate as it is unknown how many persons are not paying for or receiving significant discounts on their solid fuels.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
FOURTH FLOOR
195 N 1950 W
SALT LAKE CITY, UT 84116-3085
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/09/2015

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE:

- ◆ 01/14/2015 04:00 PM, Tooele County Health Department, 151 N Main St, #181, Tooele, UT
- ◆ 01/15/2015 06:00 PM, Department of Environmental Quality, 195 N 1950 W, #1015, SLC, UT
- ◆ 01/20/2015 11:30 AM, Bear River Health Department, 991 S 800 W, Room B, Brigham City, UT
- ◆ 01/20/2015 05:00 PM, Morgan Weber Health Department, 477 23rd St, Auditorium, Ogden, UT
- ◆ 01/21/2015 04:00 PM, Historic Court House, 199 N Main St, Council Chambers, Logan, UT
- ◆ 01/28/2015 10:00 AM, Davis County Administration Building, 61 S Main St, Farmington, UT

♦ 01/29/2015 11:00 AM, Utah County Health Department, 151 S University Ave, #1600, Provo, UT

THIS RULE MAY BECOME EFFECTIVE ON: 03/05/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-302. Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties.

R307-302-1. Purpose and Definitions.

(1) R307-302 establishes emission standards for fireplaces and solid fuel burning devices used in residential, commercial, institutional and industrial facilities and associated outbuildings used to provide comfort heating.

(2) The following additional definitions apply to R307-302:

"Sole source of heat" means the solid fuel burning device is the only available source of heat for the entire residence, except for small portable heaters.

"Solid fuel burning device" means fireplaces, wood stoves and boilers used for burning wood, coal, or any other nongaseous and non-liquid fuel, both indoors and outdoors, but excluding outdoor wood boilers, which are regulated under R307-208.

R307-302-2. Applicability.

(1) R307-302-3 and R307-302-6 shall apply to any solid fuel burning device in PM10 and PM2.5 nonattainment and maintenance areas as defined in 40 CFR 81.345 (July 1, 2011) and geographically described as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber and Utah counties west of the Wasatch mountain range; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) R307-302-4 shall apply only within the city limits of Provo in Utah County.

(3) R307-302-5 shall apply in all portions of Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

(4) The following exemptions apply to R307-302:

(a) R307-302 does not apply to restaurant and institutional food preparation.

(b) R307-302 does not apply to commercial and industrial boilers subject to an approval order issued under R307-401.

(c) R307-302-3 and R307-302-6 do ~~do~~ not apply to sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties.

(d) R307-302 does not apply to firefighting training devices that meet the definition of a solid fuel burning device.

R307-302-3. No-Burn Periods for Fine Particulate.

(1) By June 1, 2015, sole sources of residential heating using solid fuel burning devices must be registered with the director in order to be exempt during mandatory no-burn periods.

(2) When the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, Weber, or Utah counties reaches the level of 120 micrograms per cubic meter and the forecasted weather for the specific area includes a temperature inversion which is

predicted to continue for at least 24 hours, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices and fireplaces is in effect. The mandatory no-burn periods will only apply to those areas or counties impacting the real-time monitoring site registering the 120 micrograms per cubic meter concentration. Residents, commercial, institutional and industrial facilities of the affected areas shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director.

(3) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(2) will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented.

(4) Except when the seasonal burn ban in R307-302-6(3) is in effect. ~~[W]~~when the ambient concentration of PM2.5 measured by monitors in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties are forecasted to reach or exceed 25 micrograms per cubic meter, the director will issue a public announcement to provide broad notification that a mandatory no-burn period for solid fuel burning devices and fireplaces is in effect. The mandatory no-burn periods will only apply to those counties identified by the director. Residents, commercial, institutional and industrial facilities within the geographical boundaries described in R307-302-2(1) shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director.

(5) PM2.5 Contingency Plan. Except when the seasonal burn ban in R307-302-6(3) is in effect. ~~[H]~~if the PM2.5 contingency plan of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(4) shall be 15 micrograms per cubic meter for the area where the PM2.5 contingency plan has been implemented.

R307-302-4. No-Burn Periods for Carbon Monoxide.

(1) Beginning on November 1 and through March 1, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices and fireplaces is in effect when the running eight-hour average carbon monoxide concentration as monitored by the state at 4:00 PM reaches a value of 6.0 ppm or more.

(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

(a) A national weather service forecasted clearing index value of 250 or less;

(b) Forecasted wind speeds of three miles per hour or less;

(c) Passage of a vigorous cold front through the Wasatch Front; or

(d) Arrival of a strong high pressure system into the area.

(3) During the no-burn periods specified in R307-302-4(1) and (2), residents, commercial, institutional and industrial facilities in Provo City shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and are registered with the director or the local health district office.

R307-302-5. Opacity for Heating Appliances.

Except during no-burn periods as required by R307-302-3 and 4, visible emissions from solid fuel burning devices and fireplaces shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

- (1) An initial fifteen minute start-up period, and
- (2) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

R307-302-6. Prohibition.

(1) Beginning September 1, 2013, no person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA Phase 2 certified or a fireplace that is not EPA qualified.

(2) Ownership of a non EPA Phase 2 certified stove within a residential dwelling installed prior to March 6, 2014 may be transferred as part of a real estate transaction, so long as the unit remains intact within the real property of sale.

(3) Seasonal Burn Ban. From November 1 through March 15 of each year, residents, commercial, institutional and industrial facilities within the geographical boundaries described in R307-302-2 shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director.

KEY: air pollution, fireplaces, stoves, residential solid fuel burning

Date of Enactment or Last Substantive Amendment: ~~December 4, 2014~~ 2015

Notice of Continuation: June 2, 2010

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Environmental Quality, Air Quality
R307-311
 Utah County: Trading of Emission
 Budgets for Transportation Conformity

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 38997

FILED: 12/04/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule has been proposed to alleviate a problem of demonstrating conformity to the NOx budget brought on by EPA's release of a new mobile source emissions model. The new model, MOVES, replaces the older MOBILE6 model, which was used to develop the NOx budget in the 2002 PM10 SIP and must be used by the Metropolitan Planning Organization (MPO) as it prepares its conformity demonstration. Rule R307-311 establishes the procedures that may be used to trade a portion of the primary PM10 budget when demonstrating that a transportation plan, transportation improvement program, or project conforms with

the motor vehicle emission budgets in the Utah County portion of Section IX, Part A of the State Implementation Plan (SIP).

SUMMARY OF THE RULE OR CHANGE: This rule affects the way the MPO for Utah County is able to demonstrate that the emissions associated with transportation plans, programs, and projects conform to the emission budget established in the PM10 SIP for Utah County. As proposed, the rule would allow the MPO to apply a potential surplus from its budget for direct PM10 to a commensurate shortfall in its budget for NOx, at a ratio of 1 to 1. It would not, however, allow such trading in the opposite direction (e.g., to apply a surplus of NOx to a shortfall in direct PM10.) Rule R307-311 is essentially a duplicate of Rule R307-310, which allows the same type of trading when demonstrating transportation conformity to the PM10 SIP for Salt Lake County.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The requirements of this rule apply to the MPO that is responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the SIP. There are no requirements in this rule that will result in costs or savings to the state budget.

♦ **LOCAL GOVERNMENTS:** The requirements of this rule apply to the MPO that is responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the SIP. There are no requirements in this rule that will result in costs or savings to local government.

♦ **SMALL BUSINESSES:** The requirements of this rule apply to the MPO that is responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the SIP. There are no requirements in this rule that will result in costs or savings to small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule applies to the Metropolitan Planning Organization (MPO) responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the SIP. While the rule allows for trading between emission budgets, it will not result in any additional costs or savings as the MPOs must show transportation conformity with or without the trading option.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule applies to the MPO responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the SIP. While the rule allows for trading between emission budgets, it will not result in any additional compliance costs as the MPOs must show transportation conformity with or without the trading option.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:

The requirements of this rule apply to the MPO that is responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the SIP. There are no requirements in this rule that will have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY
 FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 03/05/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.

R307-311. Utah County: Trading of Emission Budgets for Transportation Conformity.

R307-311-1. Purpose.

This rule establishes the procedures that may be used to trade a portion of the primary PM10 budget when demonstrating that a transportation plan, transportation improvement program, or project conforms with the motor vehicle emission budgets in the Utah County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)".

R307-311-2. Definitions.

The definitions contained in 40 CFR 93.101, effective as of the date referenced in R307-101-3, are incorporated into this rule by reference. The following additional definitions apply to this rule.

"Budget" means the motor vehicle emission projections used in the attainment demonstration in the Utah County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)".

"NOx" means oxides of nitrogen.

"Primary PM10" means PM10 that is emitted directly by a source. Primary PM10 does not include particulate matter that is formed when gaseous emissions undergo chemical reactions in the ambient air.

"Transportation Conformity" means a demonstration that a transportation plan, transportation improvement program, or project conforms with the emissions budgets in a state implementation plan, as outlined in 40 CFR, Chapter 1, Part 93, "Determining Conformity of Federal Actions to State or Federal Implementation Plans."

R307-311-3. Applicability.

(1) This rule applies to agencies responsible for demonstrating transportation conformity with the Utah County portion of Section IX, Part A of the State Implementation Plan, "Fine Particulate Matter (PM10)".

(2) This rule does not apply to emission budgets from Section IX, Part C.6 of the State Implementation Plan, "Carbon Monoxide Maintenance Plan."

R307-311-4. Trading Between Emission Budgets.

(1) The agencies responsible for demonstrating transportation conformity are authorized to supplement the budget for NOx with a portion of the budget for primary PM10 for the purpose of demonstrating transportation conformity for NOx. The NOx budget shall be supplemented using the following procedures.

(a) The metropolitan planning organization shall include the following information in the transportation conformity demonstration:

(i) The budget for primary PM10 and NOx for each required year of the conformity demonstration, before trading allowed by this rule has been applied;

(ii) The portion of the primary PM10 budget that will be used to supplement the NOx budget, specified in tons per day using a 1:1 ratio of primary PM10 to NOx, for each required year of the conformity demonstration;

(iii) The remainder of the primary PM10 budget that will be used in the conformity demonstration for primary PM10, specified in tons per day for each required year of the conformity demonstration; and

(iv) The budget for primary PM10 and NOx for each required year of the conformity demonstration after the trading allowed by this rule has been applied.

(b) Transportation conformity for NOx shall be demonstrated using the NOx budget supplemented by a portion of the primary PM10 budget as described in (a)(ii). Transportation conformity for primary PM10 shall be demonstrated using the remainder of the primary PM10 budget described in (a)(iii).

(c) The primary PM10 budget shall not be supplemented by using a portion of the NOx budget.

KEY: air pollution, transportation conformity, PM10

Date of Enactment or Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: 19-2-104

Health, Health Care Financing,
 Coverage And Reimbursement Policy

R414-19A

Coverage for Dialysis Services by a
 Free-Standing State Licensed Dialysis
 Facility

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 39005

FILED: 12/11/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to update and clarify information, and to make other technical changes.

SUMMARY OF THE RULE OR CHANGE: This amendment updates the Medicaid agency name, correctly cites federal statutes, removes an unnecessary incorporation by reference, and makes other technical changes.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 42 CFR 440.20 and 42 CFR 440.90 and Section 26-1-5 and Section 26-18-3

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Removes 42 CFR Part 405 Subpart U, published by Government Printing Office, 10/01/2009

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because this amendment only updates and clarifies information and does not affect ongoing dialysis services.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to local governments because they do not fund or provide dialysis services to Medicaid recipients.
- ◆ **SMALL BUSINESSES:** There is no impact to small businesses because this amendment only updates and clarifies information and does not affect ongoing dialysis services.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to Medicaid providers and to Medicaid recipients because this amendment only updates and clarifies information and does not affect ongoing dialysis services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to a single Medicaid provider or to a Medicaid recipient because this amendment only updates and clarifies information and does not affect ongoing dialysis services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact on business because the amendments are merely technical in nature and do not impose additional costs or require additional action by business.

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 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

AUTHORIZED BY: David Patton, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.**R414-19A. Coverage for Dialysis Services by a Free-Standing State-~~[-]~~Licensed Dialysis Facility.****R414-19A-0. Policy Statement.**

Dialysis services are provided under the ~~[State Plan for]~~ Medicaid State Plan to cover ~~[Medicaid-eligible individuals]~~ Medicaid recipients principally for the 90-day period between the first dialysis service and commencement of Medicare End-Stage Renal Disease (ESRD) benefits. ~~[If Medicaid individuals are unable to qualify for Medicare,]~~ The State Plan also covers dialysis services ~~[are provided under the State Plan for Medicaid]~~ for Medicaid recipients who do not qualify for Medicare coverage.

R414-19A-1. Authority.

The provision of clinic services for outpatient dialysis is authorized under the authority of ~~[Title]42 [of the Code of Federal Regulations section]~~ CFR 440.20, 440.90, and the [Utah]Medicaid State Plan under [e]Clinic [s]Services.

R414-19A-2. Definition,~~[-as Used in This Chapter:]~~

(1)~~[-]~~ "Approved dialysis facility" means any free-standing ~~[S]state-licensed facility [providing]that is Medicare-certified to provide dialysis services[-, and certified to participate in the Medicare program].~~

R414-19A-3. Eligibility Requirements.

Dialysis services are available to both categorically and medically needy Medicaid recipients.

R414-19A-4. Program Access Requirements.

Dialysis services are available to Medicaid recipients when performed through a state-~~[-]~~licensed Medicare-~~[-]~~approved dialysis facility.

R414-19A-5. Service Coverage.

(1)~~[-]~~ Dialysis services, which include hemodialysis and peritoneal dialysis treatments, may be provided. Providers may bill the Division of ~~[Health Care-]~~ Medicaid and Health Financing for these services only on a fee-for-service basis.

(a)~~[-]~~ Hemodialysis and peritoneal dialysis services and supplies are covered if they are furnished in approved dialysis facilities. The composite rate for hemodialysis and peritoneal dialysis includes all services, items, supplies, and equipment necessary to

perform dialysis. The rate includes physician evaluation as part of the dialysis service and routine laboratory tests.

(b)[-] Self-dialysis is covered when performed by an ESRD patient who has completed an appropriate course of training.

(c)[-] Hemodialysis treatments performed at home are covered when they are supervised by an approved dialysis facility, and performed by an appropriately trained patient. Treatments performed at home are covered only if the facility provides the supplies, equipment, and supervisory services necessary for home dialysis. Medicaid pays the same amount for each home dialysis treatment as it does for an in-facility treatment.

(d)[-] Monthly supervision of hemodialysis and peritoneal dialysis, including home hemodialysis, is a covered benefit.

(e)[-] Routine diagnostic and dialysis monitoring tests, e.g. hematocrit and clotting time, used by the facility to monitor the patient's fluid incident to each dialysis treatment, are covered when performed by qualified staff of the facility under the direction of a physician, as provided in the plan of care.

(f)[-] Erythropoietins are covered for the treatment of anemia for ESRD patients when:

(i)[-] administered by the renal dialysis facility, or

(ii)[-] administered "incident to" a physician's service outside the dialysis facility; and

(iii)[-] hematocrit is less than 30 percent.

(g)[-] Erythropoietins are not covered when self-administered.

(2) Medically necessary renal dialysis services are covered for the first three months of dialysis pending the establishment of Medicare eligibility. If a Medicaid client is denied Medicare eligibility, the client may continue to receive medically necessary dialysis services under Medicaid.

(3) Medicare becomes the primary reimbursement source for individuals who meet Medicare eligibility criteria. Dialysis providers must assist patients in applying for and pursuing final Medicare eligibility.

R414-19A-6. Standards of Care.

Dialysis facilities must comply with the Medicare conditions of participation [as outlined]set forth in 42 CFR 405.[-Part 405-Subpart U, dated October 1, 2009, which is hereby adopted and incorporated by reference.]

R414-19A-7. Limitations.

Dialysis for [End Stage Renal Disease]ESRD is limited to medically accepted dialysis procedures for outpatients receiving services through free-standing [S]state-licensed facilities, which are [also -]Medicare-certified[to participate in the Medicare program].

R414-19A-8. Prior Authorization.

Prior authorization is not required.

R414-19A-9. Reimbursement for Services.

Payment for renal dialysis is based on the established fee schedule unless a lower amount is billed. The amount billed cannot exceed usual and customary charges. Fees are based on the Medicare payment for dialysis in Salt Lake County[-Utah].

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: [~~May 27, 2010~~]2015

Notice of Continuation: May 27, 2010

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

Natural Resources, Parks And Recreation **R651-207** Registration Fee

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 39006

FILED: 12/11/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The current rule was last amended in 2007 placing the yearly registration fee at \$25. The Division has paid \$2 per registration transaction of the \$25 to the Division of Motor Vehicles.

SUMMARY OF THE RULE OR CHANGE: On 07/01/2014, the Division of Motor Vehicles raised their registration transaction by \$2 and has shown intentions to raise it another \$1 for fiscal year 2016 which will be a total of \$4 being paid per registration transaction. With these increases, the Division will have a \$140,000 reduction in income this fiscal year and an additional \$70,000 next fiscal year with a total of \$210,000 in losses to the boating program fund.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 73-18-7(2)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is anticipated annual revenue increase of \$330,060 to the Boating Restricted Fund. Currently there are 67,000 registered boats. This amount is based on that number of boats being registered annually.
- ◆ **LOCAL GOVERNMENTS:** No effect on local government due to government exemptions.
- ◆ **SMALL BUSINESSES:** Anticipated cost for small businesses is \$5 per boat for yearly registration.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Anticipated cost is \$5 per boat for yearly registration.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs for affected persons is \$5 per boat for yearly registration.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be some minor impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION, ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015
 AUTHORIZED BY: Fred Hayes, Director

R651. Natural Resources, Parks and Recreation.

R651-207. Registration Fee.

R651-207-1. Yearly Registration Fee.

The registration fee shall be ~~\$30~~[\$25] per year.

KEY: boating

Date of Enactment or Last Substantive Amendment: ~~July 9, 2007~~2015

Notice of Continuation: January 26, 2011

Authorizing, and Implemented or Interpreted Law: 73-18-7(2)

Natural Resources, Wildlife Resources

R657-5

Taking Big Game

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 38996
 FILED: 12/04/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking public input and reviewing the big game rule.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions are: 1) add definition for "drone"; 2) remove specific names of extended archery areas and allow the Wildlife Board to establish them in guidebook; 3) clarify youth general season hunting opportunities; 4) establish multi-season

permits and hunts for elk and deer and sets criteria for managing these hunts; 5) add "moose" to the list of species tested for Chronic Wasting Disease; and 6) make clerical corrections.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: This amendment adds additional opportunity to hunt multiple seasons, and provides additional management tools for the management of wildlife in Utah, as well as adds one definition to the rule and makes clerical corrections. It does not increase workload for the agency therefore, the Division of Wildlife Resources (DWR) determines that this amendment does not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

♦ LOCAL GOVERNMENTS: Since this amendment only adds additional opportunity to hunt multiple seasons, as well as adds definitions to the rule and makes clerical corrections it does not place additional requirements on individual hunters or the local governments, the division finds that this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

♦ SMALL BUSINESSES: This amendment adds additional opportunity to hunt multiple seasons as well as adds definitions to the rule and makes clerical corrections it does not have the potential to generate a cost or savings impact to small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This amendment adds additional opportunity to hunt multiple seasons as well as adds definitions to the rule and makes clerical corrections it does not have the potential to generate a cost or savings impact to sportsmen or the other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this amendment will not create additional costs for those who participate in wildlife related activities in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not have a potential to create an impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.**R657-5. Taking Big Game.****R657-5-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.

(2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking big game.

R657-5-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Antlerless deer" means a deer without antlers or with antlers five inches or shorter.

(b) "Antlerless elk" means an elk without antlers or with antlers five inches or shorter.

(c) "Antlerless moose" means a moose with antlers shorter than its ears.

(d) "Arrow quiver" means a portable arrow case that completely encases all edges of the broadheads.

(e) "Buck deer" means a deer with antlers longer than five inches.

(f) "Buck pronghorn" means a pronghorn with horns longer than five inches.

(g) "Bull elk" means an elk with antlers longer than five inches.

(h) "Bull moose" means a moose with antlers longer than its ears.

(i) "Cow bison" means a female bison.

(j) "Doe pronghorn" means a pronghorn without horns or with horns five inches or shorter.

(k) "Draw-lock" means a mechanical device used to hold and support the draw weight of a conventional or compound bow at any increment of draw until released by the archer using a trigger mechanism and safety attached to the device.

(l) "Hunter's choice" means either sex may be taken.

(m) "Limited entry hunt" means any hunt published in the hunt tables of the guidebook of the Wildlife Board for taking big game, which is identified as limited entry and does not include general or once-in-a-lifetime hunts.

(n) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits, wildlife convention permits, sportsman permits, cooperative

wildlife management unit permits and limited entry landowner permits.

(o) "Once-in-a-lifetime hunt" means any hunt published in the hunt tables of the guidebook of the Wildlife Board for taking big game, which is identified as once-in-a-lifetime, and does not include general or limited entry hunts.

(p) "Once-in-a-lifetime permit" means any permit obtained for a once-in-a-lifetime hunt by any means, including conservation permits, wildlife conventions permits, sportsman permits, cooperative wildlife management unit permits and limited entry landowner permits.

(q) "Ram" means a male desert bighorn sheep or Rocky Mountain bighorn sheep.

(r) "Spike bull" means a bull elk which has at least one antler beam with no branching above the ears. Branched means a projection on an antler longer than one inch, measured from its base to its tip.

(s) "Drone" means an autonomously controlled, aerial vehicle of any size or configuration that is capable of controlled flight without a human pilot aboard.

R657-5-14. Use of Vehicle or Aircraft.

(1)(a) A person may not use an airplane, drone, or any other airborne vehicle or device, or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except a vessel as provided in Subsection (c), to take protected wildlife.

(b) A person may not take protected wildlife being chased, harmed, harassed, rallied, herded, flushed, pursued or moved by ~~an aircraft or~~ any ~~other~~ vehicle, device, or conveyance listed in Subsection (a).

(c) Big game may be taken from a vessel provided:

(i) the motor of a motorboat has been completely shut off;

(ii) the sails of a sailboat have been furled; and

(iii) the vessel's progress caused by the motor or sail has ceased.

(2)(a) A person may not use any type of aircraft, drone, or other airborne vehicle or device from 48 hours before any big game hunt begins through 48 hours after any big game hunting season ends to:

(i) transport a hunter or hunting equipment into a hunting area;

(ii) transport a big game carcass; or

(iii) locate, or attempt to observe or locate any protected wildlife.

(b) Flying slowly at low altitudes, hovering, circling or repeatedly flying over a forest, marsh, field, woodland or rangeland where protected wildlife is likely to be found may be used as evidence of violations of Subsections (1) and (2).

(3) The provisions of this section do not apply to the operation of an aircraft, drone, or other airborne vehicle or device in a usual manner, or landings and departures from improved airstrips, where there is no attempt or intent to locate protected wildlife.

R657-5-23. General Archery Buck Deer Hunt.

(1) The dates of the general archery buck deer hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer may use archery equipment prescribed in R657-5-11 to take:

(a) one buck deer within the general hunt area specified on the permit for the time specified in the guidebook of the Wildlife Board for taking big game; or

(b) a deer of hunter's choice within ~~the Wasatch Front or Uintah Basin~~ extended archery ~~area~~ areas as provided in the guidebook of the Wildlife Board for taking big game.

(c) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may not hunt within Cooperative Wildlife Management unit deer areas.

(d) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may not hunt within premium limited entry deer ~~and~~ or limited entry deer areas, except ~~[Crawford Mountain]~~ as provided by the Wildlife Board in the guidebooks for big game.

(3)(a) A person who obtains a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may hunt within ~~the Wasatch Front, Ogden or the Uintah Basin~~ extended archery areas during the extended archery area seasons as provided in the guidebook of the Wildlife Board for taking big game and as provided in Subsection (b).

(b)(i) A person must complete the Archery Ethics Course annually to hunt ~~the Wasatch Front, Ogden or Uintah Basin~~ any extended archery areas during the extended archery season.

(e)(ii) A person must possess an Archery Ethics Course Certificate of Completion while hunting.

(4) A person who has obtained a general archery buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except antlerless deer and extended archery areas.

~~(5)(a) Any person 17 years of age or younger on July 31 of the current year, may hunt by unit the general archery, the general any weapon and general muzzleloader deer seasons, using the appropriate equipment prescribed in Sections R657-5-7 through R657-5-11, for each respective season, provided that person obtains a general any weapon or general muzzleloader deer permit for a specified unit.~~

~~_____~~ [(b)5] If a person 17 years of age or younger ~~purchases~~ obtains a general archery buck deer permit, that person may only hunt during the general archery deer season and the extended archery season as provided Section R657-5-23(3).

(6) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study rifle hunt tables and identify these areas described in the guidebook of the Wildlife Board for taking big game.

R657-5-24. General Any Weapon Buck Deer Hunt.

(1) The dates for the general any weapon buck deer hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2)(a) A person who has obtained a general any weapon buck permit may use any legal weapon to take one buck deer within the hunt area specified on the permit as published in the guidebook of the Wildlife Board for taking big game.

(b) A person who has obtained a general any weapon buck deer permit, or any other permit which allows that person to hunt general any weapon buck deer, may not hunt within Cooperative Wildlife Management unit deer areas.

(c) A person who has obtained a general any weapon buck deer permit, or any other permit which allows that person to hunt general any weapon buck deer, may not hunt within premium limited entry deer and limited entry deer areas, except ~~[Crawford Mountain]~~ as provided by the Wildlife Board in the guidebooks for big game.

(3) A person who has obtained a general any weapon buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except:

(a) antlerless deer, as provided in R657-5-27; and

(b) any person 17 years of age or younger on July 31 of the current year, may hunt the general archery, extended archery, general any weapon and general muzzleloader buck deer seasons applicable to the unit specified on the general any weapon buck deer permit, using the appropriate equipment as provided in Sections R657-5-7 through R657-5-11, respectively, ~~for each respective season:~~

~~_____~~ (i) If a person 17 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the general archery deer season and the extended archery season as provided Section R657-5-23(3).

R657-5-25. General Muzzleloader Buck Deer Hunt.

(1) The dates for the general muzzleloader buck deer hunt are provided in the guidebook of the Wildlife Board for taking big game.

(2)(a) A person who has obtained a general muzzleloader buck permit may use a muzzleloader, as prescribed in R657-5-10, to take one buck deer within the general hunt area specified on the permit as published in the guidebook of the Wildlife Board for taking big game.

(b) A person who has obtained a general muzzleloader buck deer permit, or any other permit which allows that person to hunt general muzzleloader buck deer, may not hunt within any deer Cooperative Wildlife Management unit ~~deer areas~~.

(c) A person who has obtained a general muzzleloader buck deer permit, or any other permit which allows that person to hunt general muzzleloader buck deer, may not hunt within premium limited entry deer ~~and~~ or limited entry deer areas, except ~~[Crawford Mountain]~~ as provided by the Wildlife Board in the guidebooks for big game.

(3)(a) A person who has obtained a general muzzleloader buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except:

~~_____~~ (a) antlerless deer ~~and~~, as provided in R657-5-27.

(b) ~~[any person 17 years of age or younger on July 31 of the current year, may hunt the general archery, general any weapon and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-7 through R657-5-11, respectively, for each respective season:~~

~~_____~~ (i) If a person 17 years of age or younger purchases a general ~~archery]~~ muzzleloader buck deer permit, that person may only hunt during the general ~~archery]~~ muzzleloader deer season ~~and the extended archery season as provided Section R657-5-23(3)].~~

(4) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Muzzleloader hunters are cautioned to study the rifle hunt tables to identify these areas described in the guidebooks of the Wildlife Board for taking big game.

R657-5-26. Premium Limited Entry and Limited Entry Buck Deer Hunts.

(1)(a) To hunt in a premium limited entry or limited entry buck deer area, hunters must obtain the respective limited entry buck permit. Limited entry areas are not open to general archery buck deer, general any weapon buck deer, or general muzzleloader buck deer hunting, except as specified in the guidebook of the Wildlife Board for taking big game.

(b)(i) The Wildlife Board may establish in guidebook a limited entry buck deer hunt on a general season buck deer unit.

(ii) The season dates for a limited entry hunt under this Subsection will not overlap the season dates for the underlying general season hunt on the unit.

(iii) A landowner association under R657-43 is not eligible to receive limited entry permits that occur on general season units.

(2) A limited entry buck deer permit allows a person using the prescribed legal weapon, to take one buck deer within the area and season specified on the permit, ~~[except]~~ excluding deer cooperative wildlife management units located within the limited entry unit.

(3)(a) A person who has obtained a premium limited entry, limited entry, management ~~[buck deer]~~, or cooperative wildlife management unit buck deer permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a buck deer.

(b) Limited entry and cooperative wildlife management unit buck deer permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, management, or cooperative wildlife management unit permit or bonus ~~[points]~~ point in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(3).

(4) A person who has obtained a premium limited entry or limited entry buck permit may not ~~hunt during any other deer hunt or obtain any other deer permit, except antlerless deer.~~

(a) obtain any other deer permit, except an antlerless deer permit as provided in R657-5-27 and the guidebooks of the Wildlife Board; or

(b) hunt during any other deer hunt, except unsuccessful archery hunters may hunt within extended archery areas as provided in Subsection (7).

(5)(a) The Wildlife Board may establish a multi-season hunting opportunity in the big game guidebooks for selected premium limited entry and limited entry buck deer hunts.

(b) A person that obtains a premium limited entry or limited entry buck deer permit with a multi-season opportunity may hunt during any of the following limited entry buck deer seasons established in the guidebooks of the Wildlife Board for the unit

specified on the premium limited entry or limited entry buck deer permit:

(i) archery season, using only archery equipment prescribed in R657-5-11 for taking deer;

(ii) muzzleloader season, using only muzzleloader equipment prescribed in R657-5-10 for taking deer; and

(iii) any weapon season, using any legal weapon prescribed in R657-5 for taking deer.

(c) A landowner association under R657-43 is not eligible to receive a multi-season hunting opportunity for premium limited entry or limited entry units.

(6) A premium limited entry or limited entry buck deer permit, including a permit with a multi-season opportunity, is valid only within the boundaries of the unit designated on the permit, excluding:

(a) areas closed to hunting;

(b) deer cooperative wildlife management units; and

(c) Indian tribal trust lands.

(7) A person who possesses an archery buck deer permit for a premium limited entry or limited entry unit, including a permit with a multi-season opportunity, may hunt buck deer within any extended archery area during the established extended archery season for that area, provided the person:

(a) did not take a buck deer during the premium limited entry or limited entry hunt;

(b) uses the prescribed archery equipment for the extended archery area;

(c) completes the annual Archery Ethics Course required to hunt extended archery areas during the extended archery season; and

(d) possesses on their person while hunting:

(i) the multi-season limited entry or limited entry buck deer permit; and

(ii) the Archery Ethics Course Certificate of Completion.

R657-5-28. General Archery Elk Hunt.

(1) The dates of the general archery elk hunt are provided in the ~~[guidebook]~~ guidebooks of the Wildlife Board for taking big game.

(2)(a) A person who has obtained a general archery elk permit may use archery equipment to take:

(i) ~~[one]~~ an antlerless elk ~~[of hunter's choice]~~ or a bull elk on a general any bull elk unit, ~~[except on]~~ excluding elk cooperative wildlife management units;

(ii) an antlerless elk or a spike bull elk on a general spike bull elk unit, ~~[except on]~~ excluding elk cooperative wildlife management units;

(iii) ~~[one elk, any bull or]~~ an antlerless ~~[on the Wasatch Front or Uintah Basin]~~ elk or a bull elk on extended archery areas as provided in the guidebook of the Wildlife Board for taking big game.

(3)(a) A person who obtains a general archery elk permit may hunt within the ~~[Wasatch Front, Uintah Basin, and Sanpete Valley]~~ extended archery areas during the extended archery area seasons as provided in the guidebook of the Wildlife Board for taking big game and as provided in Subsection (b).

(b)(i) A person must complete the Archery Ethics Course annually to hunt the extended archery areas during the extended archery season.

([e]ii) A person must possess an Archery Ethics Course Certificate of Completion on their person while hunting.

(4) A person who has obtained an archery elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-33(3) and by the guidebooks of the Wildlife Board for taking big game.

(5) Hunter orange material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study the rifle hunt tables to identify these areas described in the guidebook of the Wildlife Board for taking big game.

R657-5-29. General Season Bull Elk Hunt.

(1) The dates and areas for the general season bull elk ~~[hunt]hunts~~ are provided in the ~~[guidebook]guidebooks~~ of the Wildlife Board for taking big game ~~[within general season elk units]~~, except ~~[in]~~the following areas are closed to general any weapon bull elk hunting:

- (a) Salt Lake County south of I-80 and east of I-15; and
- (b) elk cooperative wildlife management units.

(2)(a) A person may purchase either a spike bull elk permit or an any bull elk permit.

(b) A person who has obtained a general season spike bull elk permit may take a spike bull elk on a general season spike bull elk unit. Any bull elk units are closed to spike bull elk permittees.

(c) A person who has obtained a general season any bull elk permit may take any bull elk, including a spike bull elk, on a general season any bull elk unit. Spike bull elk units are closed to any bull elk permittees.

(3) A person who has obtained a general season bull elk permit may use any legal weapon to take a spike bull elk or any bull elk, as specified on the permit.

(4) A person who has obtained a general season bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-33(3).

R657-5-30. General Muzzleloader Bull Elk Hunt.

(1) The dates ~~[of the]~~and areas for general muzzleloader bull elk ~~[hunt]hunts~~ are provided in the ~~[guidebook]guidebooks~~ of the Wildlife Board for taking big game ~~[within the general season elk units]~~, except ~~[in]~~the following areas are closed [areas]to general muzzleloader bull elk hunting:

- (a) Salt Lake County south of I-80 and east of I-15; and
- (b) elk cooperative wildlife management units.

(2)(a) General muzzleloader bull elk hunters may purchase either a spike bull elk permit or an any bull elk permit.

(b) A person who has obtained a general muzzleloader spike bull elk permit may use a muzzleloader, prescribed in R657-5-10, to take a spike bull elk on an any general spike bull elk unit. Any bull units are closed to spike bull muzzleloader permittees.

(c) A person who has obtained a general muzzleloader any bull elk permit may use a muzzleloader, as prescribed in R657-5-10, to take any bull elk on an any bull elk unit. Spike bull units are closed to any bull muzzleloader permittees.

(3) A person who has obtained a general muzzleloader bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-33(3).

R657-5-31. Youth General Any Bull Elk Hunt.

(1)(a) For purposes of this section "youth" means any person 17 years of age or younger on July 31 of the current year.

(b) A youth may apply for or obtain a youth any bull elk permit.

(c) A [youth]qualified person may ~~[only]~~obtain a youth any bull elk permit only once during their [youth]life.

(2) The youth any bull elk hunting season and areas are published in the guidebook of the Wildlife Board for taking big game.

(3)(a) A youth who has obtained a youth general any bull elk permit may take any bull elk, including antlerless elk, on a general any bull elk unit. Spike bull elk units are closed to youth general any bull elk permittees.

(b) A youth who has obtained a youth general any bull elk permit may use any legal weapon to take any bull elk or antlerless elk as specified on the permit.

(4) A youth who has obtained a youth general any bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Section R657-5-33(3).

(5) Preference points shall not be awarded or utilized when applying for[;] or ~~[in]~~ obtaining[;] a youth general any bull elk ~~[permits]permit~~.

R657-5-32. ~~[Premium Limited Entry and]~~Limited Entry Bull Elk Hunts.

(1) To hunt in a ~~[premium limited entry or]~~ limited entry bull elk area, a hunter must obtain ~~[the respective premium]a~~ limited entry ~~[or limited entry]bull elk permit for the area.~~

~~(2)(a) A premium limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and to hunt all limited entry bull elk seasons specified in the hunt tables, published in the proclamation of the Wildlife Board for taking big game, for the area specified on the permit, except elk cooperative wildlife management units located within a premium limited entry unit. Spike bull elk restrictions do not apply to premium limited entry elk permittees.~~

~~(b) A limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and season specified on the permit, except as provided in Subsection (5) and excluding elk cooperative wildlife management units located within a limited entry unit. Spike bull elk restrictions do not apply to limited entry elk permittees.~~

~~(e) "Prescribed legal weapon" means for purposes of this subsection:](3)(a) The Wildlife Board may establish a multi-season hunting opportunity in the big game guidebooks for selected limited entry bull elk units.~~

~~(b) A person that obtains a limited entry bull elk permit with a multi-season opportunity may hunt during any of the following limited entry bull elk seasons established in the guidebooks of the Wildlife Board for the unit specified on the limited entry bull elk permit:~~

~~(i) archery season, using only archery equipment prescribed in R657-5-11 for taking elk;~~

~~(ii) muzzleloader season, using only muzzleloader equipment prescribed in R657-5-10 for taking elk; and~~

~~(iii) any weapon season, using any legal weapon prescribed in R657-5 for taking elk.~~

(c) A landowner association under R657-43 is not eligible to receive a multi-season hunting opportunity for limited entry units.

(4) A limited entry bull elk permit, including a permit with a multi-season opportunity, is valid only within the boundaries of the unit designated on the permit, excluding:

(a) areas closed to hunting;

(b) elk cooperative wildlife management units; and

(c) Indian tribal trust lands.

(5) A person who possesses any limited entry archery bull elk permit, including a permit with a multi-season opportunity, may hunt bull elk within any extended archery area during the established extended archery season for that area, provided the person:

(a) did not take a bull elk during the limited entry hunt;

(b) uses the prescribed archery equipment for the extended archery area;

(c) completes the annual Archery Ethics Course required to hunt extended archery areas during the extended archery season; and

(d) possesses on their person while hunting:

(i) the limited entry bull elk permit; and

(ii) the Archery Ethics Course Certificate of Completion.

(6) "Prescribed legal weapon" means for purposes of this subsection:

(i)a archery equipment, as defined in R657-5-~~[44]~~11, when hunting the archery season, excluding a crossbow or draw-lock;

(ii)b muzzleloader equipment, as defined in R657-5-~~[40]~~10, when hunting the muzzleloader season, excluding magnifying scopes; and

(iii)c any legal weapon, including a muzzleloader and crossbow with a fixed or variable magnifying scope or draw-lock when hunting during the any weapon season.

~~(3)7(a) A person who has obtained a [premium limited entry] limited entry or cooperative wildlife management unit bull elk permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull elk.~~

(b) Limited entry and cooperative wildlife management unit bull elk permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus [points]point in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(~~3~~2).

~~(4)8 A person who has obtained a [premium limited entry or] limited entry bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsections (~~4~~a)5 and R657-5-33(3).~~

R657-5-34. Buck Pronghorn Hunts.

(1) To hunt buck pronghorn, a hunter must obtain a buck pronghorn permit.

(2) A person who has obtained a buck pronghorn permit may not obtain any other pronghorn permit or hunt during any other pronghorn hunt.

(3)(a) A person who has obtained a limited entry or cooperative wildlife management unit buck pronghorn permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a buck pronghorn.

(b) Limited entry and cooperative wildlife management unit buck pronghorn permit holders must report hunt information by telephone, or through the ~~D~~division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus [points]point in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(~~3~~2).

(4) A buck pronghorn permit allows a person to take one buck pronghorn within the area, during the season, and using the weapon type specified on the permit, except on [buck]a pronghorn cooperative wildlife management unit located within a limited entry unit.

R657-5-37. Bull Moose Hunts.

(1) To hunt bull moose, a hunter must obtain a bull moose permit.

(2) A person who has obtained a bull moose permit may not obtain any other moose permit or hunt during any other moose hunt.

(3) A bull moose permit allows a person using any legal weapon to take one bull moose within the area and season specified on the permit, [except in bull]excluding any moose cooperative wildlife management [units]unit located within a limited entry unit.

(4)(a) A person who has obtained a bull moose permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bull moose.

(b) Bull moose permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus [points]point in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(~~3~~2).

R657-5-38. Bison Hunts.

(1) To hunt bison, a hunter must obtain a bison permit.

(2) A person who has obtained a bison permit may not obtain any other bison permit or hunt during any other bison hunt.

(3) The bison permit allows a person using any legal weapon to take a bison of either sex within the area and season as specified on the permit.

(4)(a) An orientation course is required for bison hunters who draw [a-]an Antelope Island bison permit. Hunters shall be notified of the orientation date, time and location.

(b) The Antelope Island hunt is administered by the Division of Parks and Recreation.

(5) A cow bison permit allows a person to take one cow bison using any legal weapon within the area and season [~~as~~] specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(6) An orientation course is required for bison hunters who draw cow bison permits. Hunters will be notified of the orientation date, time and location.

(7)(a) A person who has obtained a bison permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a bison.

(b) Bison permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus [~~points~~]point in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(~~3~~)2.

R657-5-39. Desert Bighorn and Rocky Mountain Bighorn Sheep Hunts.

(1) To hunt desert bighorn sheep or Rocky Mountain bighorn sheep, a hunter must obtain the respective permit.

(2) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit may not obtain any other desert bighorn sheep or Rocky Mountain bighorn sheep permit or hunt during any other desert bighorn sheep or Rocky Mountain bighorn sheep hunt.

(3) Desert bighorn sheep and Rocky Mountain big horn sheep permits are considered separate once-in-a-lifetime hunting opportunities.

(4)(a) The desert bighorn sheep permit allows a person using any legal weapon to take one desert bighorn ram within the area and season specified on the permit.

(b) The Rocky Mountain sheep permit allows a person using any legal weapon to take one Rocky Mountain bighorn ram within the area and season specified on the permit.

(5) The permittee may attend a hunter orientation course. The division provides each permittee with the time and location of the course.

(6) All bighorn sheep hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting bighorn sheep. Any ram may be legally taken, however, permittees are encouraged to take a mature ram. The terrain inhabited by bighorn sheep is extremely rugged, making this hunt extremely strenuous.

(7) Successful hunters must deliver the horns of the bighorn sheep to a division office within 72 hours of leaving the hunting area. A numbered seal will be permanently affixed to the horn indicating legal harvest.

(8)(a) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a desert bighorn sheep or Rocky Mountain bighorn sheep.

(b) Desert bighorn sheep or Rocky Mountain bighorn sheep permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus [~~points~~]point in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(~~3~~)2.

R657-5-40. Rocky Mountain Goat Hunts.

(1) To hunt Rocky Mountain goat, a hunter must obtain a Rocky Mountain goat permit.

(2) A person who has obtained a Rocky Mountain goat permit may not obtain any other Rocky Mountain goat permit or hunt during any other Rocky Mountain goat hunt.

(3) A Rocky Mountain goat of either sex may be legally taken on a hunter's choice permit. Permittees are encouraged to take a mature goat. A mature goat is a goat older than two years of age, as determined by counting the annual rings on the horn.

(4) The goat permit allows a person using any legal weapon to take one goat within the area and season specified on the permit.

(5) All goat hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting goats. The terrain inhabited by Rocky Mountain goat is extremely rugged making this hunt extremely strenuous. The goat's pelage may be higher quality later in the hunting season.

(6) A female-goat only permit allows a person to take one female-goat using any legal weapon within the area and season [~~as~~] specified on the permit and in the Antlerless guidebook of the Wildlife Board for taking big game.

(7) An orientation course is required for Rocky Mountain goat hunters who draw female-goat only permits. Hunters will be notified of the orientation date, time and location.

(8)(a) A person who has obtained a Rocky Mountain goat permit must report hunt information within 30 calendar days after the end of the hunting season, whether the permit holder was successful or unsuccessful in harvesting a Rocky Mountain goat.

(b) Rocky Mountain goat permit holders must report hunt information by telephone, or through the division's Internet address.

(c) A person who fails to comply with the requirement in Subsection (a) shall be ineligible to apply for any once-in-a-lifetime, premium limited entry, limited entry, or cooperative wildlife management unit permit or bonus points in the following year.

(d) Late questionnaires may be accepted pursuant to Rule R657-42-9(~~3~~)2.

R657-5-41. Depredation Hunter Pool Permits.

(1) When big game are causing damage~~;~~ or are con~~si~~dered a nuisance, control hunts not listed in the guidebook of the Wildlife Board for taking big game may be held as provided in Rule R657-44. These hunts occur on short notice, involve small areas, and are limited to only a few hunters.

(2) For the purpose of this section, nuisance is defined as a situation where big game animals are found to have moved off

formally approved management units onto adjacent units or other areas not approved for that species.

R657-5-42. Carcass Importation.

(1) It is unlawful to import dead elk, moose, mule deer, or white-tailed deer or their parts from the areas of any state, province, game management unit, equivalent wildlife management unit, or county, which has deer or elk diagnosed with Chronic Wasting Disease, except the following portions of the carcass:

- (a) meat that is cut and wrapped either commercially or privately;
- (b) quarters or other portion of meat with no part of the spinal column or head attached;
- (c) meat that is boned out;
- (d) hides with no heads attached;
- (e) skull plates with antlers attached that have been cleaned of all meat and tissue;
- (f) antlers with no meat or tissue attached;
- (g) upper canine teeth, also known as buglers, whistlers, or ivories; or
- (h) finished taxidermy heads.

(2)(a) The affected states, provinces, game management units, equivalent wildlife management units, or counties, which have deer, elk, or [~~elk~~]moose diagnosed with Chronic Wasting Disease shall be available at division offices and through the division's Internet address.

(b) Importation of harvested elk, moose, mule deer, or white-tailed deer or its parts from the affected areas are hereby restricted pursuant to Subsection (1).

(3) Nonresidents of Utah transporting harvested elk, moose, mule deer, or white-tailed deer from the affected areas are exempt if they:

- (a) do not leave any part of the harvested animal in Utah and do not stay more than 24 hours in the state of Utah;
- (b) do not have their deer, elk, or [~~elk~~]moose processed in Utah; or
- (c) do not leave any parts of the carcass in Utah.

R657-5-43. Chronic Wasting Disease - Infected Animals.

(1) Any person who under the authority of a permit issued by the division legally takes a deer, elk, or [~~elk~~]moose that is later confirmed to be infected with Chronic Wasting Disease may:

- (a) retain the entire carcass of the animal;
- (b) retain any parts of the carcass, including antlers, and surrender the remainder to the division for proper disposal; or
- (c) surrender all portions of the carcass in their actual or constructive possession, including antlers, to the division and receive a free new permit the following year for the same hunt.

(2) The new permit issued pursuant to Subsection (1)(c) shall be for the same species, sex, weapon type, unit, region, and otherwise subject to all the restrictions and conditions imposed on the original permit, except season dates for the permit shall follow the guidebook of the Wildlife Board for taking big game published in the year the new permit is valid.

(3) Notwithstanding other rules to the contrary, private landowners and landowner associations may refuse access to private property to persons possessing new permits issued under Subsection (1)(c).

KEY: wildlife, game laws, big game seasons

Date of Enactment or Last Substantive Amendment: [~~February 10, 2014~~]2015

Notice of Continuation: November 1, 2010

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-16-5; 23-16-6

Natural Resources, Wildlife Resources **R657-43** Landowner Permits

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 38995

FILED: 12/04/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to landowner permits.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions are: 1) set criteria and standards for issuing "Landowner Appreciation Permits"; and 2) language clarifications.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This amendment enhances the landowner incentives offered and makes technical changes therefore, DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** Since this amendment only enhances programs already in place and makes technical changes, this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment only enhances programs already in place and makes technical wording changes, therefore, the amendments do not have the potential to generate a cost or savings impact to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment only enhances programs already in place and makes technical wording changes, therefore, the amendments do not have the potential to generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments will not create additional costs for landowners wishing to purchase a landowner permit in Utah.

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 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015
AUTHORIZED BY: Gregory Sheehan, Director

R657. Natural Resources, Wildlife Resources.

R657-43. Landowner Permits.

R657-43-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, this rule provides the standards and procedures for private landowners to obtain landowner permits for:

(a) taking buck deer within the general unit hunt boundary area where the landowner's property is located during the general deer hunt only; and

(b) taking bull elk, buck deer or buck pronghorn within a limited entry unit.

(2) In addition to this rule, any person who receives a landowner permit must abide by Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(3) The intent of the general landowner buck deer permit is to provide an opportunity for landowners, lessees, or their immediate family, whose property provides habitat for deer, to purchase a general deer permit for the general unit hunt boundary area where the landowner's property is located.

(4) The intent of the landowner appreciation permit is to provide an opportunity for landowners and their immediate family, whose property provides habitat for migratory deer, to purchase a general deer permit for the general unit hunt boundary where the landowner's property is located.

(5) The intent of the limited entry landowner permit is to provide an opportunity for landowners, whose property provides habitat for deer, elk, or pronghorn, to be allocated a restricted number of permits for a limited entry bull elk, buck deer, or buck

pronghorn unit, where the landowner's property is located. Allowing landowners a restricted number of permits:

(a) encourages landowners to manage their land for wildlife;

(b) compensates the landowner for providing private land as habitat for wildlife; and

(c) allows the division to increase big game numbers on specific units.

R657-43-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Eligible property" means:

(i) private land that provides habitat for deer, elk or pronghorn as determined by the division of Wildlife Resources;

(ii) private land that is not used in the operation of a Cooperative Wildlife Management Unit;

(iii) private land that is not used in the operation of an elk farm or elk hunting park;

(iv) land in agricultural use as provided in Section 59-2-502 and eligible for agricultural use valuation as provided in Sections 59-2-503 and 59-2-504; and

(v) private land having one or more of the following attributes:

(A) for the purpose of receiving general buck deer permits, a minimum of 640 acres of private land owned or leased by one landowner within the general unit hunt boundary; ~~or~~

(B) for the purposes of receiving a landowner appreciation permit, a minimum of 100 acres of cultivated and mechanically harvested crop lands that, in the discretion of the division, is relied upon by migratory deer to meet herd management objectives;

~~(vi)~~ (C) for the purposes of receiving a limited entry permit or voucher, private land, including crop ~~land~~ lands, owned by members of a landowner association ~~for~~ that is within a limited entry ~~permits~~ unit.

(b) "Immediate family" means the landowner's or lessee's spouse, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchildren, and grandchildren.

(c) "Landowner" means any person, partnership, or corporation who owns property in Utah and whose name appears on a deed as the owner of eligible property or whose name appears as the purchaser on a contract for sale of eligible property.

(d) "Landowner association" means an organization of private landowners who own property within a limited entry unit, organized for the purpose of working with the division.

(e) "Lessee" means any person, partnership, or corporation whose name appears as the Lessee on a written lease, for at least a one-year period, for eligible property used for farming or ranching purposes, and who is in actual physical control of the eligible property.

(f) "Limited entry unit" means a specified geographical area that is closed to hunting deer, elk or pronghorn to any person who has not obtained a valid permit to hunt in that unit.

(g) "Voucher" means a document issued by the division to a landowner, landowner association, or Cooperative Wildlife Management Unit operator, allowing a landowner, landowner association, or Cooperative Wildlife Management Unit operator to

designate who may purchase a landowner big game hunting permit from a division office.

R657-43-3. Qualifications for General Landowner Buck Deer Permits.

(1) The director, upon approval of the Wildlife Board, may establish a number of general landowner buck deer permits within each region to be offered to eligible landowners~~[or]~~, lessees, and members of their immediate family for the general deer hunting season only.

(2) Only private lands will be considered in qualifying for general landowner buck deer permits. Public or state lands are not eligible.

(3) Crop lands will be considered in qualifying for general landowner buck deer permits if the crop lands provide habitat for deer and contribute to meeting unit management plan objectives.

(4) General landowner buck deer permits are limited to resident or nonresident landowners~~or lessees~~, and members of their immediate family.

(5)(a) An individual who receives a general landowner buck deer permit may not receive a landowner appreciation permit for the same year.

(b) If one or more general landowner buck deer permits are awarded based on an identified parcel of eligible property, landowner appreciation permits may not be awarded for that identified parcel of eligible property during that same year.

R657-43-4. Qualifications for Landowner Appreciation Permits.

(1) The director, upon approval of the Wildlife Board, may establish a number of landowner appreciation permits within each unit to be offered to eligible landowners and members of their immediate family for the general deer hunting season only.

(2) Only private lands will be considered in qualifying for landowner appreciation permits. Public or state lands are not eligible.

(3) Private lands must:

(a) be relied upon by migratory deer for habitat; and

(b) in the discretion of the division, substantially contribute to the deer herd using the private lands in meeting its management objective.

(4)(a) Landowner appreciation permits are limited to resident or nonresident landowners and members of their immediate family.

(b) Lessees do not qualify for landowner appreciation permits.

(5)(a) An individual receiving a landowner appreciation permit may not receive a general landowner buck deer permit in the same year.

(b) If a landowner appreciation permit is awarded based on an identified parcel of eligible property, general landowner buck deer permits may not be awarded for that identified parcel of eligible property during that same year.

R657-43-4-15. Qualifications for Limited Entry Permits.

(1) The Director, upon approval of the Wildlife Board, may establish a number of bull elk, buck deer and buck pronghorn

limited entry permits to be offered to an eligible landowner association.

(2) ~~[Limited]~~Except as provided in R657-43-10(1)(b), limited entry landowner permits are available for taking buck deer, bull elk or buck pronghorn, and may only be used on designated limited entry units.

(3) Only private lands that do not qualify for Cooperative Wildlife Management Units will be considered for limited entry landowner permits. Public or state lands are not eligible.

(4) Only private lands that qualify as eligible property will be considered for limited entry landowner permits.

(5) Applications for limited entry landowner permits will be received from landowner associations only.

(6) Only one landowner association, per species, may be formed for each limited entry unit as follows:

(a) A landowner association may be formed only if a simple majority of landowners, representing 51 percent of the eligible private lands within the herd unit, enter into a written agreement to form the association.

(b) The association may not unreasonably restrict membership to other qualified landowners in the unit.

(c) Each landowner association must elect a chairperson to represent the landowner association.

(d) The landowner association chairperson shall act as liaison with the division and the Wildlife Board.

(e) A landowner or landowner association may not restrict legal established passage through private land to access public lands for the purpose of hunting.

R657-43-5-6. Application for General Landowner Buck Deer Permits.

(1) Applications for general landowner buck deer permits are available from division offices.

(2) Only one eligible landowner or lessee may submit an application for the same parcel of land within the respective general unit hunt boundary area.

(3) In cases where more than one application is received for the same parcel of land, all applications will be rejected.

(4) Applications must include:

(a) total acres of eligible property owned within the respective general unit hunt boundary area;

(b) the signature of [the landowner]all landowners or lessees having an interest in the eligible property; and

(c) ~~[location]~~a map of the [private lands, acres owned,]eligible property indicating the county and [region]general unit within which it is located.

(5) In cases where the landowner's or lessee's land is in more than one general unit hunt boundary area, the landowner or lessee may select one of those units from which to receive the permit.

(6) a non-refundable handling fee must accompany each application.

(7) ~~[a landowner]~~An individual may not apply for or obtain a general landowner buck deer permit without possessing a valid Utah hunting or combination license.

(8) Applications will be available by ~~[January 7.]~~May 1 and must be received by October 1 of each year.

(9) Applications must be ~~[completed and returned]~~ submitted to the regional division office managing the general hunting unit that the applicant applies for.

(10) The landowner or lessee signature on the application [will serve]serves as an affidavit of the landowner or lessee certifying ownership of the eligible property.

R657-43-7. Application for Landowner Appreciation Permits.

(1) Applications for landowner appreciation permits are available from division offices.

(2) Only one eligible landowner may submit an application for the same parcel of eligible property within the respective general unit boundary area.

(3) In cases where more than one application is received for the same parcel of eligible property, all duplicate applications will be rejected.

(4) Applications must include:

(a) total acres of eligible property owned within the respective general unit hunt boundary area;

(b) the signature of all landowners having an interest in the property; and

(c) a map of the eligible property indicating the county and unit within which it is located.

(5) In cases where a landowner's land is in more than one general unit hunt boundary, the landowner must select one of those units from which to receive a permit.

(6) A non-refundable handling fee must accompany each application.

(7) An individual may not apply for or obtain a landowner appreciation permit without possessing a valid Utah hunting or combination license.

(8) Applications will be available by May 1 and must be received by October 1 of each year.

(9) Applications must be submitted to the regional division office managing the general hunting unit that the applicant applies for.

(10) The landowner's signature on the application serves as an affidavit of the landowner certifying ownership of the eligible property.

R657-43-[6]-8. Application for Limited Entry Permits.

(1) Applications for limited entry landowner permits are available from division offices ~~[and from division wildlife biologists].~~

(2) Applications to receive limited entry landowner permits must be submitted by a landowner association for lands within the limited entry hunt unit where the private lands are located.

(3) Applications must include:

(a) total acres owned by the association within the limited entry hunting unit and a map indicating the ~~[privately owned]eligible property acting as~~ big game habitat;

(b) signature of each of the landowners within the association including acres owned, with said signature serving as an affidavit certifying ownership;

(c) a distribution plan for the allocation of limited entry permits by the association;

(d) a copy of the association by-laws; and

(e) a non-refundable handling fee.

(4) The division ~~[shall, upon request of the applicant,]may provide a landowner association assistance in preparing the application.~~

(5) Applications must be completed and returned to the appropriate division office by September 1st of the year prior to when hunting is to occur.

(6) The division shall forward the application, its recommendation, and other related documentation to the Regional Wildlife Advisory Councils for public review and consideration.

(7) Recommendations by the Councils will then be forwarded to the Wildlife Board for review and action.

(8) Upon receiving the application, and recommendations from the Regional Advisory Councils and the division, the Wildlife Board may:

(a) authorize the issuance of a three year certificate of registration allowing the landowner association to operate; or

(b) deny or partially deny the application and provide the landowner association with reasons for the decision.

(9)(a) A landowner association certificate of registration, including any variance granted under R657-43-8(6), must be renewed every three years.

(b)(i) Notwithstanding Subsection (9)(a), the Wildlife Board may annually modify permit types, numbers, and associated seasons authorized in a certificate of registration when necessary to achieve unit management objectives or otherwise comply with applicable law.

(ii) The division shall annually review the permit types, numbers, and seasons authorized by a certificate of registration issued under this Section and recommend modifications when necessary to achieve unit management objectives or otherwise comply with applicable law.

(iii) The division's recommendation and accompanying justification will be forwarded to the affected landowner association and the Regional Advisory Councils for review and recommendation.

(iv) The Wildlife Board shall consider the recommendations made by the division, Regional Advisory Councils, and landowner association and make a final decision on the proposed modifications consistent with the requirements in Subsection (9)(b).

(10)(a) A landowner association may petition to amend a certificate of registration upon submitting a written request to the regional division office where the landowner association is located.

(b) Amendment of the certificate of registration is required for changes in:

(i) permit numbers;

(ii) a landowner association's:

(A) by-laws; or

(B) distribution plan for the allocation of limited entry permits among its members;

(iii) acreage;

(iv) land ownership; or

(v) any other matter related to the management and operation of the landowner association not originally included in the certificate of registration.

(c) Requests for amendments dealing with permit numbers or permit allocation among association members:

(i) may be initiated by the landowner association or the division;

(ii) are due on September 1st of the year prior to when hunting is to occur; and

(iii) shall be forwarded to the Regional Advisory Councils and Wildlife Board for consideration and approval.

(A) Upon approval by the Wildlife Board, an amendment to the original certificate of registration shall be issued in writing.

(d) All other requests for amendments shall be reviewed by the region and Wildlife Section and, upon approval by the division director, an amendment to the original certificate of registration shall be issued in writing.

R657-43-[7]-9. Availability of General Landowner Permits and Landowner Appreciation Permits; Associated Season Dates.

(1) The following number of general landowner buck deer permits may be available to a landowner or lessee:

(a) one general landowner buck deer permit may be issued for eligible property of 640 acres; and

(b) one additional general landowner buck deer permit may be issued for each additional 640 acres of eligible property.

(c) If an individual has both owned and leased eligible property, the acreage may be combined in determining the number of permits to be issued.

(2)~~Permittees may select only one~~(a) Only one landowner appreciation permit may be issued annually to a qualifying landowner or member of their immediate family, regardless of if that landowner owns more than 100 acres of eligible property.

(b) Only one landowner appreciation permit may be issued per parcel of eligible property.

(3) Successful applicants for the general landowner buck deer permit and the landowner appreciation permit may select only one season (archery, rifle or muzzleloader) for their permit, as provided in the guidebook of the Wildlife Board for taking big game.

(~~3~~4)(a) General landowner buck deer permits and landowner appreciation permits are for personal use only and may not be transferred to any other person.

(b) If the landowner or lessee is a corporation, the person eligible for the permit must be a shareholder, or immediate family member of a shareholder, designated by the corporation.

(~~4~~5) Any person who is issued a general landowner buck deer permit or a landowner appreciation permit under this rule is subject to all season dates, weapon restrictions and any other regulations as provided in the guidebook of the Wildlife Board for taking big game.

(~~5~~6) The fee for a general landowner buck deer permit and landowner appreciation permit is the same as the fee for a general season, general archery or general muzzleloader buck deer permit.

(~~6~~7) Nothing in this rule shall be construed to allow any person to obtain more than one general buck deer permit from any source or take more than one buck deer during any one year.

(~~7~~8) Permits will be issued beginning in June, in the order that applications are received, and permits will continue to be issued until all permits for each region have been issued.

(~~8~~9) To receive a general landowner buck deer permit or landowner appreciation permit, the eligible person must possess or obtain a valid Utah hunting or combination license.

R657-43-[8]-10. Limited Entry Permits and Season Dates.

(1)(a) Only bull elk, buck deer or buck pronghorn limited entry permits may be applied for by the landowner association.

(b) A landowner association may not apply for or receive a:

(i) multi-season hunting opportunity on any limited entry hunt under R657-5; or

(ii) late season limited entry buck deer permits on a general season unit under R657-5-26(1)(b).

(2)(a) The division and landowner chairperson ~~shall~~should jointly recommend the number of permits to be issued to the landowner association.

(b) ~~When~~If consensus between the landowner chairperson and the division ~~is not reached, applications shall include justification for permit numbers on recommended permit numbers cannot be reached, a request for permits may be submitted by the landowner association along with a recommendation from the division~~ for review by the Wildlife Regional Advisory Councils and the Wildlife Board.

(3) Permit numbers shall fall within the herd unit management guidelines. Permit numbers will be based on:

(a) the percent of ~~private land big game habitat~~eligible property within the unit that is ~~used by wildlife~~enrolled in a landowner association and serves as big game habitat; or

(b) the percentage of use by wildlife on ~~the private lands~~eligible property enrolled in a landowner association.

(4) Landowners receiving vouchers may personally use the vouchers or reassign the vouchers to any legal hunter.

(5) All landowners who receive vouchers ~~and transfer the vouchers to other hunters~~ must:

(a) allow ~~those~~ hunters ~~receiving the vouchers who redeemed a voucher from that landowner~~ access to ~~their~~the landowner's private lands included within the landowner association for hunting; and

(b) allow ~~the same~~ a number of public hunters with valid permits, ~~equal~~equivalent to the number of vouchers ~~transferred~~the landowner received that year, to access the landowner ~~association's~~ private land for hunting during the appropriate limited entry bull elk, buck deer or buck pronghorn hunting season, except as provided in Subsection (6).

(6)(a) Landowners ~~who transfer~~receiving vouchers ~~to other hunters~~ may deny public hunters access to the landowner association's private land for hunting by ~~requesting~~receiving, through the landowner association, a variance to Subsection (5)(b) from the Wildlife Board.

(b) The requested variance must be provided by the landowner association in writing to the division 30 days prior to the appropriate Regional Advisory Council meeting scheduled to review Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(c) The variance request must be presented by the landowner association to the appropriate local Regional Wildlife Advisory Council. The local Regional Wildlife Advisory Council shall forward a recommendation to the Wildlife Board for consideration and action.

(7)(a) Any person who is issued a limited entry landowner permit must follow the season dates, weapon restrictions and any other regulations governing the taking of big game as

specified in Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(b) to receive a limited entry landowner permit, the person designated on the voucher must possess or obtain a Utah hunting or combination license.

(8) A limited entry landowner permit authorizes the permittee to hunt within the limited entry unit where the eligible property is located.

(9) Nothing in this rule shall be construed to allow any person, including a landowner, to take more than one buck deer, one bull elk or one buck pronghorn during any one year.

R657-43-[9-]11. Limited Entry Permit Allocation and Fees.

(1) In order to qualify for limited entry landowner permits, a landowner association must document and upon request provide to the division:

(a) a list of landowners within the landowner association receiving vouchers for the previous year, if applicable;

(b) the number of public hunters who contacted the landowner association during the previous year requesting access to private lands within the landowner association, if applicable; and

(c) the landowners that actually provided access during the previous year to public hunters for the limited entry hunt, if applicable.

(2) If a landowner association distributes vouchers for members of the landowner association and the proceeds are distributed among members of the landowner association, the public access provisions described in R657-43-10(5) shall apply to all landowners receiving benefit from distribution of those proceeds.

(3) The division may deny a request for limited entry landowner permits if the landowner association fails to provide requested documentation from the previous year.

(4) Upon approval of the Wildlife Board, the division shall issue vouchers to landowner associations that may be used to purchase limited entry permits from division offices.

([2]5) The fee for any limited entry landowner permit is the same as the cost of similar limited entry buck deer, bull elk or buck pronghorn limited entry permits.

R657-43-[10-]12. Limited Entry Permit Conflict Resolution.

(1)(a) If landowners representing a simple majority of the private land within a landowner association are not able to resolve any dispute or conflict arising from the distribution of permits or other disagreement within its discretion and arising from the operation of the landowner association, the permits allocated to the landowner association shall be made available to the general public by the division.

(b) Landowner associations may be eligible to receive landowner permits in subsequent years if the landowner association resolves the conflict or dispute by a simple majority of the landowners.

(2) The division shall not issue landowner permits to a landowner association that has not complied with the provisions of this rule.

KEY: wildlife, landowner permits, big game seasons

Date of Enactment or Last Substantive Change: [~~March 11, 2014~~]2015

Notice of Continuation: March 5, 2012

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19

**Public Safety, Driver License
R708-50
Vehicle Impound Fee Reimbursement**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39003

FILED: 12/09/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was authorized with the passage of S.B. 72, Uninsured Motorist Provisions, from the 2014 General Session.

SUMMARY OF THE RULE OR CHANGE: This rule establishes the procedures for an individual to apply for a hearing to request reimbursement of impound and storage fees if their vehicle was wrongfully impounded for no insurance.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 41-12a-806(5)(b)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** If the finding is made to refund the impound and storage fees for a vehicle wrongfully impounded for no insurance, the reimbursement amount will come from the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

♦ **LOCAL GOVERNMENTS:** This rule will not impact local government because the Uninsured Motorist Identification Restricted Account will fund any refunds.

♦ **SMALL BUSINESSES:** This rule will not impact small businesses because the Uninsured Motorist Identification Restricted Account will fund any refunds.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** If the individual whose vehicle was impounded for no insurance requests a hearing and it is determined the vehicle was improperly impounded for no insurance, the impound and storage fees will be refunded to the individual.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because there are no costs for a hearing to determine if their vehicle was wrongfully impounded.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

AUTHORIZED BY: Nannette Rolfe, Director

R708. Public Safety, Driver License.
R708-50. Vehicle Impound Fee Reimbursement.
R708-50-1. Purpose.

The purpose of this rule is to establish procedures for a person to apply for a reimbursement for the costs of towing and storing a vehicle if the vehicle was wrongfully impounded under Subsection 41-1a-1101(2).

R708-50-2. Authority.
This rule is authorized by 41-12a-806(5)(b).

R708-50-3. Definitions.
(1) Definitions in this rule are found in Subsection 41-12a-802.

R708-50-4. Procedure.
(1) In accordance with Section 41-12a-806, a person may request a hearing with the Utah Driver License Division to determine if the person's vehicle was wrongfully impounded and meets the requirements for the Department to reimburse the person for the costs of towing and storing the impounded vehicle:

(a) the person requesting a hearing shall complete and submit to the division the Impound Fee Refund Hearing Request form or a written request that includes the required information listed in Section 63G-4-201(3)(a).

(b) the person requesting a hearing is ineligible for reimbursement if the division receives the request later than six months from the date the vehicle was impounded.

(c) the person requesting a hearing shall provide the division at the time of the hearing the following documentation:

(i) proof the vehicle was impounded on or after January 1, 2015, which includes the costs for towing and storing the vehicle; and

(ii) proof of owner's or operator's security indicating the impounded vehicle was insured at the time it was impounded.

(2) The hearing officer shall make a recommendation based on their findings of fact whether the applicant is eligible for a reimbursement under Section 41-12a-806.

(3) The Driver Improvement Manager or designee will review the recommendation and documentation to approve, deny, or remand to the hearing officer for further review.

KEY: impound fee reimbursement
Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implemented or Interpreted Law: 41-12a-806

Regents (Board of), Administration
R765-571
 Delegation of Purchasing Authority

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39010

FILED: 12/15/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The State Procurement Code requires the Board of Regents to file an administrative rule.

SUMMARY OF THE RULE OR CHANGE: The purpose of this rule is to provide institutions of higher education with the authority to individually adopt policies and rules conforming to the Utah Procurement Code.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-6a-104 and Section 65G-6a-403

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** No anticipated cost or savings to the state budget because the rule only applies to procurement provisions for USHE institutions.

♦ **LOCAL GOVERNMENTS:** No anticipated cost or savings to local government budgets because the rule only applies to procurement provisions for USHE institutions.

♦ **SMALL BUSINESSES:** No anticipated cost or savings to small businesses because the rule only applies to procurement provisions for USHE institutions.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No other anticipated cost or savings anticipated because the rule only applies to procurement provisions for USHE institutions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs anticipated because the USHE institutions are already following a similar Board of Regents' policy that the rule will mirror.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts of the rule.

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

REGENTS (BOARD OF)
ADMINISTRATION
BOARD OF REGENTS BUILDING, THE GATEWAY
60 SOUTH 400 WEST
SALT LAKE CITY, UT 84101-1284
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Courtney White by phone at 801-321-7241, by FAX at 801-321-7199, or by Internet E-mail at cwhite@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/23/2015
AUTHORIZED BY: Dave Buhler, Commissioner of Higher Education

R765. Regents (Board of), Administration.

R765-571. Delegation of Purchasing Authority.

R765-571-1. Purpose.

The purpose of this rule is to establish a procurement process for institutions in the state system of higher education.

R765-571-2. References.

2.1. Utah Code Title 53B- Higher Education

2.2. Subsection 53B-1-102(4) - State System of Higher Education. These institutions are empowered to sue and be sued and to contract and be contracted with under the general supervision of the board.

2.3. Subsection 53B-7-101(10) - State System of Higher Education. Each institution may do its own purchasing, issue its own payrolls, and handle its own financial affairs under the general supervision of the board.

2.4. Utah Code Title 63G, Chapter 6A - Utah Procurement Code

2.5. Utah Code Subsection 63G-6A-106(a) - Procurement Authority

R765-571-3. Definitions.

3.1. Applicable Rulemaking Authority: as it relates to a state institution of higher education, the State Board of Regents.

3.2. Head of a Public Procurement Unit: as it relates to an institution of higher education of the state, the president of the institution of higher education, or the president's designee.

3.3. Procurement Officer: as it relates to a state purchasing unit, the head of the state purchasing unit, or a designee of the head of the state purchasing unit.

R765-571-4. Delegation of Authority.

As outlined in Title 63G, Chapter 6a, effective May 1, 2013, the Utah Board of Regents is the body designated with rulemaking authority over procurement for institutions of Higher Education. The Board delegates to each institution the authority to adopt and administer procurement policies, rules and processes that are in conformance with the Utah Procurement Code and this

general policy. Each president, or designee, is given authority over procurements at their respective institution.

R765-571-5. Guiding Principles.

Each institution is charged to provide efficient and timely procurement services, that maximize the institution's resources and promotes its instruction, research, extension, and professional service programs. Each institution shall strive to obtain the maximum value for each dollar expended, utilizing open competition and impartial evaluation of alternate products. They should also foster fair, ethical, and legal trade practices, which develop a strong vendor community and promote public trust in the institution and the system of higher education.

R765-571-6. Small Purchases.

Each institution shall establish policies, rules, and processes governing small purchases.

6.1. Each institution shall establish the maximum expenditure that may qualify as a small purchase.

6.2. Each institution may establish expenditure thresholds and procurement requirements related to those thresholds in relation to small purchases, including, but not limited to:

6.2.1. Purchasing Cards (P-Card)

6.2.1.1. The purpose of a purchasing card program is to establish a more efficient, cost-effective method of purchase and paying for low-dollar transactions. Institutions shall establish procedures that govern card issuance, card-holder training, and the auditing of purchasing card transactions.

6.2.2. Requests for Quotation (RFQ)

6.2.2.1. Institutions are charged to seek competition whenever practicable. RFQs involve soliciting quotes from two or more known vendors. Each institution should establish procedures regarding the acceptance of phone, fax, and email quotes.

6.2.3. Small-dollar Purchase Orders

6.2.4. Reimbursements

6.2.5. Petty Cash

R765-571-7. Solicitations.

Each institution shall formally solicit competition for all procurements over the maximum small dollar expenditure established by the respective institution, unless the procurement falls under R765-571-8. Exceptions to the Solicitation Process, as required by law. Each institution shall establish policies, rules, and processes governing solicitations, including:

7.1. Invitation for Bid (IFB): The Invitation for Bids is used to initiate a competitive sealed bid procurement.

7.1.1. An IFB shall include a purchase description, and all contractual terms and conditions applicable to the procurement.

7.1.2. A minimum of ten (10) days shall be provided for response.

7.1.3. IFBs must be publically advertised as outlined in the Procurement Code.

7.1.4. Bids shall be submitted using a sealed bid process.

7.1.5. Bids shall be opened publically in accordance with the Procurement Code.

7.1.6. Bids shall be evaluated based on the requirements set forth in the IFB, which may include objective criteria. Criteria not included in the IFB may not be used to evaluate bids.

7.1.7. Contracts shall be awarded with reasonable promptness by notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB.

7.1.8. IFBs may be performed in multiple steps as outlined in the Procurement Code.

7.2. Request for Proposal (RFP): An RFP process may be used instead of the IFB process if the procurement officer determines, in writing, that the RFP process will provide the best value to the institution.

7.2.1. An RFP shall include a scope of work, all contractual terms and conditions applicable to the procurement, and the manner in which proposals are to be submitted.

7.2.2. A minimum of ten (10) days shall be provided for response.

7.2.3. RFPs must be publically advertised as outlined in the Procurement Code.

7.2.4. Proposals shall not be opened publicly.

7.2.5. Proposals shall be handled as outlined in the Procurement Code

7.2.6. A committee of at least three (3) individuals shall be appointed to the evaluation committee

7.2.7. The evaluation committee will rate proposals based on the criteria outlined in the RFP. Criteria not included in the RFP may not be used to evaluate proposals.

7.2.8. The RFP process may be conducted in multiple steps, including presentations/discussions and requests for best and final proposals.

7.3. Request for Information (RFI): The purpose of an RFI is to obtain information, comments, or suggestions from potential bidders or offerors before issuing an IFB or RFP. An RFI is not a procurement process.

7.4. Request for Supplier Qualification (RFSQ): An institution may prequalify potential bidders or offerors to provide any type of procurement item and limit participation in an IFB or RFP to the prequalified potential bidders or offerors.

7.4.1. RFSQs shall include they type of procurement item to which it relates, the scope of work, the minimum criteria for prequalification, and period of time during which the list will be used.

R765-571-8. Exceptions to the Solicitation Process.

Each institution shall establish policies, rules, and processes governing exceptions to the solicitation process, as required by law, which may include, including:

8.1 Sole Source Procurement: Sole Source Procurement is not permissible unless a requirement is available from only a single supplier. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror for that item. The determination as to whether a procurement shall be made as a sole source shall be made by the head of the purchasing agency or designee. In cases of reasonable doubt, competition should be solicited. The following are examples of circumstances which could necessitate sole source procurement:

8.1.1. where the compatibility of equipment, accessories, or replacement parts is the paramount consideration;

8.1.2. where a sole supplier's item is needed for trial use or testing;

8.1.3. where a sole supplier's item is to be procured for resale;

8.1.4. where public utility services are to be procured.

8.2. Emergency Procurement: Emergency procurement is appropriate when an emergency condition exists that limits the capability of the institution to obtain competition. An emergency condition is a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as may be proclaimed by the President of the institution. These procurements shall be made in accordance with the Procurement Code.

R765-571-9. Protests.

Aggrieved bidders, offerors, or potential bidders or offerors, may protest the solicitation's specifications or award decision in accordance with the Procurement Code. The aggrieved party may appeal a protest decision in accordance with the Procurement Code. Each institution shall establish policies, rules, and processes governing protests related to procurement in accordance with the Utah Procurement Code.

R765-571-10. Ethics.

Individuals employed by institutions of higher education must discharge their duties impartially so as to assure fair competitive access to procurement. Employees should conduct themselves in such a manner as to foster public confidence in the integrity of the system of higher education.

KEY: procurement, education

Date of Enactment or Last Substantive Amendment: 2015

Authorizing, and Implemented or Interpreted Law: 63G-6a-104; 65G-6a-403

Transportation, Operations,
Maintenance
R918-7
Highway Sponsorship Programs

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 39004

FILED: 12/10/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is to create and define the requirements for sponsorship programs that allow for private sponsorship of Department operational activities, facilities or highway-related services and programs. The purpose of the sponsorship of a roadside facility or traveler service program is to provide a product, service, or monetary contribution which will generate an ongoing revenue stream or cost savings to support the operation and maintenance of the Department's network of roadside facilities and/or of its traveler service programs.

SUMMARY OF THE RULE OR CHANGE: Rule R918-7 is a framework of requirements for a program that allows private sponsorship of a roadside facility or traveler service program. Such sponsorships will create a revenue stream that will help defray the costs of providing roadside facilities or traveler service programs.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 23 CFR 752.7 and Section 72-6-401 and Section 72-6-402 and Section 72-6-403

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** The aggregate anticipated saving to the state budget is estimated at \$450,000 to \$800,000 annually.
- ◆ **LOCAL GOVERNMENTS:** The proposed rule pertains to sponsorship of certain services on state roads and state road facilities. Local governments will not be affected.
- ◆ **SMALL BUSINESSES:** The proposed rule will allow for optional participation by small businesses and others in sponsorship of certain highway-related services, in return for the advertising value of recognition for sponsoring the service. Since participation is optional, the new rule will not affect small business.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The proposed rule would allow for optional participation by individuals, partnerships, corporations, associations, and other entities in sponsorship of certain highway-related services, in return for the advertising value of recognition for sponsoring the service. Since participation is optional, the rule will not affect persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The new rule will not affect local governments, small business, or persons other than small businesses, businesses, or local governments. There will be no costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The new rule is intended to create a revenue stream that will go into a state agency budget. The rule will not have a fiscal impact on local governments, small business, or persons other than small businesses, businesses, or local governments.

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

TRANSPORTATION
OPERATIONS, MAINTENANCE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY, UT 84119-5998
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ James Palmer by phone at 801-965-4000, by FAX at 801-965-4338, or by Internet E-mail at jimpalmer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/09/2015

AUTHORIZED BY: Carlos Braceras, Executive Director

R918. Transportation, Operations, Maintenance.

R918-7. Highway Sponsorship Programs.

R918-7-1. Authority.

This rule is authorized by Utah Code Section 72-6-403 and is promulgated pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act and Transportation Code Section 72-1-201.

R918-7-2. Purpose and Background.

Sections 72-6-401, 72-6-402, and 72-6-403 enact the "Highway Sponsorship Programs", and define the parameters around which sponsorship programs may be operated by the Department. Section 72-6-403 directs the Department to make and enforce rules governing certain aspects of such programs. Sponsorship programs allow for private sponsorship of Department operational activities, facilities or highway-related services and programs. The purpose of the sponsorship of a roadside facility or traveler service program is to provide a product, service, or monetary contribution which will generate an ongoing revenue stream or cost savings to support the operation and maintenance of the Department's network of roadside facilities and/or of its traveler service programs.

R918-7-3. Definitions.

(1) "Acknowledgement plaque" means a plaque that is intended only to inform the traveling public that a highway-related service, product, or monetary contribution has been sponsored by a person, firm, or entity. Acknowledgment plaques are installed only in the same sign assembly below a primary sign that provides the road user specific information on accessing the service being sponsored. Consistent with the MUTCD, a plaque legend is displayed on a separate substrate from that of the sign below which it is mounted.

(2) "Acknowledgement Sign" has the same meaning as defined in Section 72-6-402.

(3) "Advertisement/advertising sign" means a sign or other device that promotes commercial products or services through slogans, information on where to obtain the products and services, or other means.

(4) "Department" and "UDOT" both mean the Utah Department of Transportation.

(5) "Facility within a Rest Area" means an enclosed building, or freestanding bulletin board or partial enclosure within a Rest Area or Welcome Center, constructed by the Department for the purpose of providing specific information to the motorist as to services, places of interest within the State and other such information as the Department may consider desirable. This definition is intended to be consistent with 23 C.F.R. 752.7, which is hereby incorporated and made a part of this Rule R918-7-3(5).

(6) "FHWA" means the Federal Highway Administration

(7) "Legend" has the same meaning as in the MUTCD.

(8) "Main Traveled Way" means the portion of the roadway for the movement of vehicles, exclusive of the shoulders, ramps, berms, sidewalks, and parking lanes.

(9) "MUTCD" means the Manual on Uniform Traffic Control Devices, most recent edition as adopted by the Department in accordance with Section 41-6a-301, and Utah Administrative Rule R920-1, commonly called the Utah MUTCD.

(10) "Recipient agency" means an organization that directly receives the highway-related service, product, or monetary contribution from the sponsor entity. The recipient agency might be the Department, or a contractor engaged by the Department to administer the highway-related service and/or manage the sponsorship program.

(11) "Roadside Facility" means a facility constructed to support the highway system. Examples include Rest Areas, Welcome Centers, View Areas, Scenic Overlooks, Ports of Entry, Chain-Up Areas, etc.

(12) "RWIS" means Road Weather Information System.

(13) "Sponsor" means a person, firm, or entity that provides a monetary contribution, or highway-related service or product, to the recipient agency, in return for recognition in some form for doing so (such as logo display on an acknowledgement sign or plaque).

(14) "Sponsorship agreement" has the same meaning as defined in Section 72-6-402.

(15) "Sponsorship program" means a program that allows a person, a firm, or an entity to sponsor an element of the Department's highway operation through the provision of highway-related services, products, or monetary contributions.

(16) "Traveler Service Programs" means systems developed to support the collection, analysis, and distribution of information about UDOT's highway network, or programs used to positively impact traffic operations and maintenance. These include systems such as UDOT's Internet web pages, UDOT Traffic Mobile Application (UDOT Traffic App), Traveler Information 511 System, Express Lanes, Zero Fatalities, and others.

(17) "Visible" means the sign legend is capable of being seen by the viewer from the main traveled way

R918-7-4. Allowable Sponsorship Programs.

(1) The following elements of the Department's operation are eligible for sponsorship:

(a) Roadside Facilities, physical facilities directly adjacent to highway infrastructure including:

(i) Rest Areas,

(ii) Welcome Centers,

(iii) View Areas,

(iv) Scenic Overlooks,

(v) Ports of Entry,

(vi) Chain-Up Areas, and

(vii) Runaway Truck ramps;

(b) Litter control;

(c) Traveler services, including:

(i) 511 Traveler Information system,

(ii) UDOT Traffic App,

(iii) UDOT Web Site,

(iv) RWIS stations,

(v) Traffic cameras; and

(vi) Express Lanes;

(d) Safety programs, including:

(i) Zero Fatalities,

(ii) Student Neighborhood Access Program (SNAP),

(iii) Bicycle Safety,

(iv) Truck Safety;

(e) Other programs that positively impact traffic operations and maintenance.

R918-7-5. Acknowledgement Signs and Plaques - Size, Placement, and Content Restrictions.

(1) The placement of acknowledgement signs or plaques for Roadside Facility sponsorship is prohibited on the main traveled way. Such acknowledgement signs or plaques are permissible within the Roadside Facility, provided that they are placed such that their legend is not visible from any main traveled way, and such that they do not pose safety risks to Roadside Facility users. Acknowledgement signs or plaques acknowledging sponsorship of Traveler Service Programs may be placed along the main traveled way, as long as they conform to the design, size, and spacing requirements set forth in this Rule.

(2) All acknowledgment signs shall meet the general principles and specific criteria prescribed in the MUTCD, including the provisions for acknowledgment signs in Section 2H.08. Furthermore, these acknowledgment signs shall not be placed at key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions.

(3) Acknowledgment signs and acknowledgment plaques:

(a) Shall meet all design and placement criteria for acknowledgment signs as covered in Part 2 of the MUTCD and all sign design principles covered in the Standard Highway Signs and Markings Book;

(b) When located on a bikeway or shared-use path, should also be appropriately sized commensurate with the legibility needs of the bikeway or path user;

(c) Shall be placed near the site(s) being sponsored, consistent with the purpose and principles of traffic control devices in Parts 1 and 2 of the MUTCD;

(d) May not display any directional information, in accordance with Section 2H.08 of the MUTCD;

(e) May not display telephone numbers, Internet addresses, or other legends prohibited by the MUTCD (consistent with Section 2H.08 of the MUTCD) for the purpose of contacting the sponsoring entity or to obtain information on the sponsorship program, such as how to become a sponsor at an available site; and

(f) In accordance with the provisions of the MUTCD, the acknowledgment signs shall not be appended to any other sign, sign assembly, or other traffic control device.

(g) Acknowledgment signs and acknowledgment plaques shall remain in place only for the duration of the agreement.

(4) For sponsorship of travel service programs that are not site-specific, such as 511 Traveler Information, Radio-Weather, and Radio-Traffic, an acknowledgment plaque may be mounted in the same sign assembly below the General Service signs for these programs. The acknowledgment plaque is a horizontally oriented rectangle, with the horizontal dimension longer than the vertical dimension. The size of the acknowledgment plaque shall not exceed the lesser of 1/3 of the area of the General Service sign below which it is mounted or 24 square feet. An acknowledgment plaque shall not exceed 1/3 of the area of the largest size prescribed in the MUTCD for a specified standard sign below which the acknowledgment plaque is mounted, even where the standard sign is enlarged in accordance with

Sections 2A.11 and 2I.01 of the MUTCD or where the size of a standard sign used is designated as Oversized in the MUTCD for its application. Where the legend of a standard sign is modified based on the Utah MUTCD, and results in a sign size larger than that of the standard sign in the National MUTCD, the size of the corresponding acknowledgment plaque is governed by the size of the standard sign in the National MUTCD with the standard, unmodified legend. The sponsor legend on an acknowledgment plaque shall not exceed 1/3 of the area of the plaque.

(5) The provision of highway-related services, products, or monetary contributions that occurs through naming sponsorship (sometimes referred to as "naming rights") of officially mapped named or numbered highways is, by definition, sponsorship. Consistent with Section 2H.08 of the MUTCD, an unofficial overlay or secondary designation in the name of a sponsor on the official highway name or number through proclamation, contract, agreement, or other means, may be acknowledged within the highway right-of-way only with an acknowledgment sign. An acknowledgment sign may not display a legend that states, either explicitly or by implication, that the highway is named for the sponsor.

(6) In accordance with Section 2H.08 of the MUTCD, in order to maintain the recognition value of official devices used for traffic control, acknowledgment signs and acknowledgment plaques shall only take the form of static, non-changeable, non-electronic legends.

(7) Except as provided for acknowledgment plaques in Paragraph R918-7-5(4) of this Rule, acknowledgment sign and acknowledgment plaque messages shall not be interspersed, combined, or alternated with other official traffic control messages, either in the same display space, by adjacency in the same assembly, or by adjacency of multiple assemblies whose longitudinal separation does not meet the placement criteria contained in the MUTCD, including when placed on opposite sides of the roadway facing the same direction of travel.

(8) Consistent with the provisions of Section 2H.08 of the MUTCD, due to the limit on their maximum overall size, acknowledgment signs and acknowledgment plaques may not be overhead installations. Only roadside, post-mounted installations of acknowledgment signs and acknowledgment plaques are allowed.

(9) In order that the focus remains on the service provided rather than the sponsoring entity, the sponsor logo area on an acknowledgment sign or acknowledgment plaque shall be a horizontally oriented rectangle, consistent with the MUTCD provisions on business logos in Chapter 2J of the MUTCD. The width of this rectangle shall be at least 1.67 times its height, the total area of which may not exceed the maximum referenced or specified elsewhere in this Rule and in the MUTCD. The word legend describing the activity, such as "SPONSORED BY," shall be composed of upper-case lettering of the FHWA Standard Alphabets at least 3 inches high on conventional roads and at least 4 inches high on expressways and freeways.

(10) When a graphic logo is used to represent the sponsor (instead of a word legend using the FHWA Standard Alphabets), the logo shall be the principal trademarked official logo that represents the corporate name of the sponsor. Secondary logos or representations, even if trademarked, copyrighted, or otherwise protected, are classified as promotional advertising and may not be allowed in accordance with Section 1A.01 of the MUTCD.

(11) An alternative business name whose sole or primary purpose appears to be to circumvent the provisions of the MUTCD is classified as promotional advertising rather than an acknowledgment of a sponsoring entity of a highway-related service. In accordance with Section 1A.01 of the MUTCD, promotional advertising shall not be allowed on any traffic control device or its supports.

(12) Acknowledgment signs or acknowledgment plaques that include displays mimicking advertising shall not be allowed. The determination of whether a sign mimics or constitutes advertising lies with the FHWA. In accordance with Section 2H.08 of the MUTCD, a brief Department-wide slogan may be displayed on an acknowledgment sign. The slogan displayed is that of the program name, such as "ADOPT-A-HIGHWAY." Slogans for companion, supplementary, or other programs unrelated to the service being sponsored shall not be displayed on any acknowledgment sign or acknowledgment plaque.

(13) Acknowledgement signs and acknowledgement plaques for Traveler Service Programs or safety programs, or other operational elements that are not Roadside Facilities, such as 511, Traveler Information, UDOT Traffic App, and UDOT Traffic Web Site, shall not be placed any closer than three (3) miles from any other acknowledgement sign or acknowledgement plaque in the same direction on the main traveled way. The three-mile restriction applies regardless of which travel service program or safety program sponsorship is being acknowledged, with the exception that Sponsor-A-Highway litter control recognition signs may be placed independently of signs acknowledging any other program. Sponsor-A-Highway litter control recognition signs may be placed as close as one (1) mile from each other if facing in the same direction.

(14) The acknowledgement sign or acknowledgement plaque shall not:

(a) Create a safety concern, or

(b) Interfere with the free and safe flow of traffic.

(15) No acknowledgement sign or plaque shall promote or acknowledge sponsorship of:

(a) Any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling.

(b) Any political party, candidate, purpose, or issue; or

(c) Sexual material.

R918-7-6. Advertising - Size, Placement, and Content Restrictions.

(1) The placement of any advertising within the right of way, except in a Facility within a Rest Area or Welcome Center, is prohibited. Any advertisement within Rest Areas and Welcome Centers facilities shall meet all of the following:

(a) The advertising legend shall not be visible from the main traveled way; and

(b) The advertisement shall not resemble any traffic control device; and

(c) Signed advertisement shall only consist of printed or electronic media affixed within the interior of the building, or if the facility is in the form of a bulletin board or a partial enclosure, on the side facing away from any main traveled way; and

(d) Any audio advertisement shall only be inside of a doored building so that the sound shall not be heard outside of building when the door is closed; and

(e) Individual mounted signs and electronic displays are limited to four (4) feet by eight (8) feet in either portrait or landscape format.

- (2) Any advertising sign or other advertisement shall not:
 - (a) Create a safety concern, or
 - (b) Interfere with the free and safe flow of traffic.
- (3) No advertising sign or other advertisement shall promote:
 - (a) Any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;
 - (b) Any political party, candidate, purpose, or issue; or

- (c) Sexual material.

KEY: maintenance, rest area, sponsorships, traveler services
Date of Enactment or Last Substantive Amendment: 2015
Authorizing, and Implemented or Interpreted Law: 72-6-401; 72-6-402; 72-6-403; 23 CFR 752.7

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 February 2, 2015.

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 May 1, 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

Environmental Quality, Air Quality
R307-302
Solid Fuel Burning Devices in Box
Elder, Cache, Davis, Salt Lake, Tooele,
Utah, and Weber Counties

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38842

FILED: 12/04/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R307-302 went through a comment period from 10/01/2014 through 10/31/2014 to receive comments regarding expanding the rule applicability to include all solid fuel burning sources, including in commercial, institutional and industrial facilities, but exempting restaurants, institutional food preparation, and some industrial boilers and electrical generating facilities. In response to comments received during the public comment period, additional changes were made to the rule applicability to clarify and add exemptions to the rule.

SUMMARY OF THE RULE OR CHANGE: The rule is amended to clarify that the rule applies "to any solid fuel burning device" within PM10 and PM2.5 nonattainment and maintenance areas. Language is also added to the applicability section to further clarify exemptions to the rule. Exempt from the requirements of the rule are restaurant and institutional food preparation; commercial and industrial boilers subject to an approval order issued under Rule R307-401; sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties; and firefighting training devices that meet the definition of a solid fuel burning device. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the October 1, 2014, issue of the Utah State Bulletin, on page 44. 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 19-2-101 and Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Because adding exemptions to the proposed rule will not add any additional requirements to the state, there are no anticipated costs or savings to the state budget.

◆ **LOCAL GOVERNMENTS:** Because adding exemptions to the proposed rule will not add any additional requirements to

local government, there are no anticipated costs or savings to local government.

◆ **SMALL BUSINESSES:** Some of the exemptions added to the proposed rule, might affect small businesses. These exemptions will allow those businesses to conduct business as usual; therefore, there are no anticipated costs or savings to small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Some of the exemptions added to the proposed rule, might affect persons other than small businesses, businesses, or local government entities. These exemptions will allow those businesses to conduct business as usual; therefore, there are no anticipated costs or savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The language added to the rule adds exemptions and further clarifications to the intent of the rule. Nothing added to the rule adds additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The language added to the rule adds exemptions and further clarifications to the intent of the rule. Nothing added to the rule should have a fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 ENVIRONMENTAL QUALITY
 AIR QUALITY, FOURTH FLOOR
 195 N 1950 W
 SALT LAKE CITY, UT 84116-3085
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Mark Berger by phone at 801-536-4000, by FAX at 801-536-0085, or by Internet E-mail at mberger@utah.gov

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

THIS RULE MAY BECOME EFFECTIVE ON: 02/02/2015

AUTHORIZED BY: Bryce Bird, Director

R307. Environmental Quality, Air Quality.
R307-302. Solid Fuel Burning Devices in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah, and Weber Counties.
R307-302-1. Purpose and Definitions.

(1) R307-302 establishes emission standards for fireplaces and solid fuel burning devices used in residential, commercial, institutional and industrial facilities and associated outbuildings used to provide comfort heating.

(2) The following additional definitions apply to R307-302:

"Sole source of heat" means the solid fuel burning device is the only available source of heat for the entire residence, except for small portable heaters.

"Solid fuel burning device" means ~~[any device]~~ fireplaces, wood stoves and boilers used for burning wood, coal, or any other nongaseous and non-liquid fuel, both indoors and outdoors, but excluding outdoor wood boilers, which are regulated under R307-208.

R307-302-2. Applicability.

(1) R307-302-3 and R307-302-6 shall apply to any solid fuel burning device in PM10 and PM2.5 nonattainment and maintenance areas as defined in 40 CFR 81.345 (July 1, 2011) and geographically described as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber and Utah counties west of the Wasatch mountain range; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) R307-302-4 shall apply only within the city limits of Provo in Utah County.

(3) R307-302-5 shall apply in all portions of Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

~~_____ (4) R307-302 does not apply to restaurant and institutional food preparation.~~

~~_____ (5) R307-302 does not apply to commercial and industrial boilers and electrical generating facilities existing prior to the effective date of this rule.~~

] (4) The following exemptions apply to R307-302:

_____ (a) R307-302 does not apply to restaurant and institutional food preparation.

_____ (b) R307-302 does not apply to commercial and industrial boilers subject to an approval order issued under R307-401.

_____ (c) R307-302-3 does not apply to sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties.

_____ (d) R307-302 does not apply to firefighting training devices that meet the definition of a solid fuel burning device.

R307-302-3. No-Burn Periods for Fine Particulate.

(1) By June 1, 2015, sole sources of residential heating using solid fuel burning devices must be registered with the director in order to be exempt during mandatory no-burn periods.

(2) When the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, Weber, or Utah counties reaches the level of 120 micrograms per cubic meter and the forecasted weather for the specific area includes a temperature inversion which is predicted to continue for at least 24 hours, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices and fireplaces is in effect. The mandatory no-burn periods will only apply to those areas or counties impacting the real-time monitoring site registering the 120 micrograms per cubic meter concentration. Residents, commercial, institutional and industrial facilities of the affected areas shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director.

(3) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan

has been implemented, the trigger level for no-burn periods as specified in R307-302-3(2) will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented.

(4) When the ambient concentration of PM2.5 measured by monitors in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties are forecasted to reach or exceed 25 micrograms per cubic meter, the director will issue a public announcement to provide broad notification that a mandatory no-burn period for solid fuel burning devices and fireplaces is in effect. The mandatory no-burn periods will only apply to those counties identified by the director. Residents, commercial, institutional and industrial facilities within the geographical boundaries described in R307-302-2(1) shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the director.

(5) PM2.5 Contingency Plan. If the PM2.5 contingency plan of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(4) shall be 15 micrograms per cubic meter for the area where the PM2.5 contingency plan has been implemented.

R307-302-4. No-Burn Periods for Carbon Monoxide.

(1) Beginning on November 1 and through March 1, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices and fireplaces is in effect when the running eight-hour average carbon monoxide concentration as monitored by the state at 4:00 PM reaches a value of 6.0 ppm or more.

(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

(a) A national weather service forecasted clearing index value of 250 or less;

(b) Forecasted wind speeds of three miles per hour or less;

(c) Passage of a vigorous cold front through the Wasatch Front; or

(d) Arrival of a strong high pressure system into the area.

(3) During the no-burn periods specified in R307-302-4(1) and (2), residents, commercial, institutional and industrial facilities in Provo City shall not use solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and are registered with the director or the local health district office.

R307-302-5. Opacity for Heating Appliances.

Except during no-burn periods as required by R307-302-3 and 4, visible emissions from solid fuel burning devices and fireplaces shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

(1) An initial fifteen minute start-up period, and

(2) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

R307-302-6. Prohibition.

(1) Beginning September 1, 2013, no person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA Phase 2 certified or a fireplace that is not EPA qualified.

(2) Ownership of a non EPA Phase 2 certified stove within a residential dwelling installed prior to March 6, 2014 may be

transferred as part of a real estate transaction, so long as the unit remains intact within the real property of sale.

KEY: air pollution, fireplaces, stoves, residential solid fuel burning

Date of Enactment or Last Substantive Amendment: ~~2014~~2015

Notice of Continuation: June 2, 2010

Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Health, Family Health And Preparedness, Maternal And Child Health

R433-1

Very Low Birth Weight Infant Reporting

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 38802

FILED: 12/11/2014

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to fine tune required morbidities to be reported since the original rule filing.

SUMMARY OF THE RULE OR CHANGE: Neonatologist stakeholders requested that the division delete the following morbidities required by the rule: PDA, Late Bacterial Infection and organism, Ventilator associated pneumonia and organism, any late bacterial infection and organism and Central line Infection and organism. All of these various infections will be captured in the Nosocomial Infection and organism. They also requested that the site for the Nosocomial Infection be added to differentiate. Lastly, they also requested the division add the Major Birth Defect and type. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed new rule that was published in the September 15, 2014, issue of the Utah State Bulletin, on page 20. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed new rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 26-1-30(2)(c), (d), (e), and (p) and Subsections 26-10-1(a) and (b)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** No difference from the original proposed new rule.

◆ **LOCAL GOVERNMENTS:** No difference from the original proposed new rule.

◆ **SMALL BUSINESSES:** No difference from the original proposed new rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** No difference from the original proposed new rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No difference from the original proposed new rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No difference from the original proposed new rule. These changes are for clarification.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
MATERNAL AND CHILD HEALTH
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Lois Bloebaum by phone at 801-538-6792, or by Internet E-mail at lbloebaum@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 02/02/2015

THIS RULE MAY BECOME EFFECTIVE ON: 02/12/2015

AUTHORIZED BY: Lois Bloebaum, Director, Quality Improvement

R433. Health, Family Health and Preparedness, Maternal and Child Health.

R433-1. Very Low Birth Weight Infant Reporting.

R433-1-1. Purpose and Authority.

This rule establishes reporting and records access requirements for certain morbidities of Very Low Birth Weight infants. It establishes reporting of newborn care capabilities by Utah hospitals. Sections 26-1-30 (2)(b), (c), (d), (e), and (p) provide authority for this rule.

R433-1-2. Definitions.

As used in this rule:

(1) "Very Low Birth Weight" (VLBW) means the birth weight of an infant born weighing greater than 400 grams and less than 1500 grams.

(2) "Neonatal Intensive Care Unit" (NICU) is a designated unit within a hospital, which specializes in the care of ill or premature newborn infants.

(3) "Nursery" means a designated unit within a hospital, which unit specializes in the care of newborn infants.

(4) "Health care provider" means an individual or group of individuals who provide care for women and/or infants during the prenatal, perinatal and/or neonatal period.

(5) "Vermont Oxford Network" (VON) is a non-profit voluntary collaboration of health care professionals dedicated to improving the quality and safety of medical care for newborn infants and their families.

(6) "Hospital" is a general acute hospital licensed under Title 26, Chapter 21 that cares for a VLBW infant.

(7) "Department" means Utah Department of Health (UDOH), UDOH employed staff, or UDOH designated contractor.

(8) "Major morbidities" include: Chronic Lung Disease, ~~[Late Bacterial Infection and organism,]~~ Nosocomial Infection and organism and site, ~~[Any Late Infection and organism,]~~ Grade III or IV Intraventricular Hemorrhage, Cystic Periventricular Leukomalacia, Grade III, IV or V Retinopathy of Prematurity (ROP), ROP surgery, Avastin following ROP surgery, Necrotizing Enterocolitis, ~~[Patent Ductus Arteriosis (PDA)]~~ Patent Ductus Arteriosis (PDA) surgery, PDA ~~[surgery]~~ medication, Major Birth Defect and type ~~[and Central Line infection and organism,]~~ ~~[Ventilator associated pneumonia and organism,]~~ all as defined by the Vermont Oxford Network 2014 Manual of Operations: Part 2, Data Definitions & Infant Data Forms, Release 18.0, Published November 2013, which is adopted and incorporated by reference.

(9) "Maternal risk factors" include: Ethnicity of Mother, Race of Mother, Prenatal Care, Antenatal Steroids, Antenatal Magnesium Sulfate, Chorioamnionitis, Maternal Hypertension, Chronic or Pregnancy-Induced, Multiple Gestation, all as defined by the Vermont Oxford Network 2014 Manual of Operations: Part 2, Data Definitions & Infant Data Forms, Release 18.0, Published November 2013.

(10) "Guidelines for Perinatal Care" means the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists. Guidelines for Perinatal Care (7th ed.), October 2012 (ISBN-13: 9781581107340, ISBN: 158110734X), which are adopted and incorporated by reference.

R433-1-3. Reporting of VLBW Maternal and Infant Data by Hospital Facilities.

Each hospital that admits a VLBW infant shall report to the Department within 40 days of discharge or death, if the infant dies in the hospital, the following:

- (1) child's name;
- (2) child's date of birth;
- (3) mother's name;
- (4) mother's date of birth;
- (5) mother's zip code
- (6) delivery hospital;
- (7) maternal risk factors;
- (8) major morbidities for the child;
- (9) age of infant at admission; in hours if the infant is less than 24 hours old and in days if the child is older than 24 hours;
- (10) infant's discharge status (e.g., transported to other facility, discharged to home, death)
- (11) age of child at discharge; in hours if the infant is less than 24 hours old and in days if the child is older than 24 hours;
- (12) if transported to another hospital, the name of the hospital.

R433-1-4. Reporting of Capacity to Care for VLBW Infants, as Outlined by the 7th Edition of the Guidelines for Perinatal Care, to the Department.

Each hospital with a NICU or a Nursery that admits or cares for VLBW infants shall report as requested by the Department its capability to treat VLBW infants. The hospital shall submit its report within 30 days of the Department request. The Department's request shall be in the form of a survey based on the Guidelines for Perinatal Care and may be made no more than once in a calendar year. The medical director and nursing director of the NICU or nursery shall jointly complete the survey. Medical directors and nursing directors are encouraged to report significant changes in capability more frequently.

R433-1-5. Record Abstraction.

A hospital or health care provider that treats an infant born VLBW shall, as provided in Utah Code, Title 26, Chapter 25, allow personnel from the Department or its agents to abstract information from the hospital's or health care provider's files on the mother and infant regarding issues related to the care and treatment of the VLBW infant.

R433-1-6. Confidentiality.

(1) Information that the Department holds under this rule is confidential under the provisions of Title 26, Chapter 3. Because of the public interest needs to foster health care systems improvements, the Department exercises its discretion under Section 26-3-8 and shall not release information collected under this rule to any person pursuant to the provisions of Subsections 26-3-7(1) or (8).

(2) Information produced or collected by a facility is confidential and privileged under the provisions of Title 26, Chapter 25.

R433-1-8. Liability.

As provided in 26-25-1, facilities that report, and those individuals submitting the report, as required by this rule, information covered by this rule may not be held liable for reporting the information to the Department.

R433-1-9. Penalties.

Pursuant to Section 26-23-6, a person that willfully violates any provision of this rule may be assessed an administrative civil money penalty not to exceed \$10,000 per violation.

KEY: very low birth weight infant, very low birth weight infant reporting, very low birth weight infant treatment capability
Date of Enactment or Last Substantive Amendment:
~~[2014]~~**2015**
Authorizing, and Implemented or Interpreted Law: 26-1-30(2) (c), (d), (e), and (p); 26-10-1(a) and (b)

**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.

Commerce, Administration **R151-1** Department of Commerce General Provisions

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 39009
FILED: 12/12/2014

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: Utah Constitution Art. IV, Sec. 10, Oath of Office, sets forth the oath that must be taken by appointed board/commission members. This rule requires the oath to be given to board/commission members within the Department of Commerce. Subsection 53-13-101(12) defines the term "sworn" as it relates to a person who is required to take an oath of office, including the Department of Commerce board/commission members. Subsection 13-1-6(1) gives the Department of Commerce general rulemaking authority. Subsection ad-1-2(1)(b) requires the Department of Commerce to execute and administer state laws regulating business activities and occupations affecting the public interest. Board/commission members, who are required to take an oath of office, are key players in executing and administering those laws. Meetings with board/commission members are frequently conducted electronically. Section 52-4-103 sets forth definitions that are related to boards/commissions and their meetings. This rule reflects those definitions. Section 52-4-207 sets forth the requirements that apply generally to electronic meetings. This rule adopts those requirements as being applicable to

electronic meeting conducted by the Department of Commerce.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received 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: The rule sets forth provisions that govern: 1) oaths given to investigators and commission/board members; and 2) electronic meetings. The Department of Commerce continues to administer oaths and to conduct electronic meetings in accordance with the rule. Therefore, the rule is continually in use and requires continuation.

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

COMMERCE
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:

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

AUTHORIZED BY: Francine Giani, Executive Director

EFFECTIVE: 12/12/2014

**Commerce, Occupational and
Professional Licensing
R156-38a**

**Residence Lien Restriction and Lien
Recovery Fund Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39001
FILED: 12/09/2014

**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: Title 38, Chapter 11, provides for the Residence Lien Recovery Fund. Section 38-11-103 provides that this chapter is to be administered by the Division of Occupational and Professional Licensing. Section 38-11-105 and Subsection 38-11-108(2) provide that the Division shall establish procedures by rule with respect to the fund. This rule was enacted to clarify the provisions of Title 38, Chapter 11, with respect to the Residence Lien Recovery Fund.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in January 2010, it has been amended one time in August 2010. The Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued for several reasons. First, the rule sets forth the evidentiary requirements for Lien Recovery Fund applications. Second, the rule codifies years of decisions so the public has a single, convenient reference for guidance on taking advantage of the Residence Lien Restriction and Lien Recovery Fund Act. Finally, the rule is the repository of instructions for all fund activities. Without that guidance, the fund's workings would become mired in inefficiency and contradiction.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Dane Ishihara by phone at 801-530-7632, by FAX at 801-530-6511, or by Internet E-mail at dishihara@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 12/09/2014

**Commerce, Occupational and
Professional Licensing
R156-60c**

**Clinical Mental Health Counselor
Licensing Act Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 39002
FILED: 12/09/2014

**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: Title 58, Chapter 60, Part 4, provides for the licensure of clinical mental health counselors and associate clinical mental health counselors. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-60-403(3) provides that the Clinical Mental Health Counselor Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division director. This rule was enacted to clarify the provisions of Title 58, Chapter 60, Part 4, with respect to clinical mental health counselors and associate clinical mental health counselors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in January 2010, it has been amended two times. However, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 60, Part 4, with respect to clinical mental health counselors and associate clinical mental health counselors. The rule should also be continued as it provides

information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 12/09/2014

**Financial Institutions, Nondepository
Lenders
R343-2
Mortgage Lenders, Brokers and
Servicers Fees**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38987
FILED: 12/04/2014

**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: Under Section 70D-2-203, the department shall by rule set fees to be paid to the commissioner.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule sets an annual renewal fee and

examination fees to be paid to the commissioner as required by Section 70D-2-203. Therefore, this rule should be continued.

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

FINANCIAL INSTITUTIONS
NONDEPOSITORY LENDERS
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/04/2014

**Financial Institutions, Nondepository
Lenders
R343-3
Mortgage Lenders, Brokers and
Servicers Definitions**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 38988
FILED: 12/04/2014

**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: Under Section 70D-3-102, this rule applies to mortgage lenders, brokers, or servicers who engage in the business of mortgage lending, brokering, or servicing and are required to license with the commissioner.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides definitions that apply to mortgage lenders, brokers, or servicers who engage in the business of mortgage lending, brokering, or servicing and are

required to license with the commissioner. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 NONDEPOSITORY LENDERS
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/04/2014

**Financial Institutions, Nondepository Lenders
 R343-4**

Application Forms and Procedures for Mortgage Lenders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 38989
 FILED: 12/04/2014

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: Under Section 70D-3-203, the department shall by rule establish the form, content, and procedure for filing applications for licensure.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule prescribes license application form specifications, contents, and procedures for submitting the application as required under Section 70D-3-203. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 FINANCIAL INSTITUTIONS
 NONDEPOSITORY LENDERS
 ROOM 201
 324 S STATE ST
 SALT LAKE CITY, UT 84111-2393
 or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/04/2014

**Financial Institutions, Nondepository Lenders
 R343-5**
Mortgage Loan Originator Surety Bond Requirements

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 38990
 FILED: 12/04/2014

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: Under Section 70D-3-205, this rule establishes surety bond requirements for mortgage loan originator licensees.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes surety bond requirements for mortgage loan originator licensees as required under Section 70D-3-205. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
FINANCIAL INSTITUTIONS
NONDEPOSITORY LENDERS
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
FINANCIAL INSTITUTIONS
NONDEPOSITORY LENDERS
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/04/2014

EFFECTIVE: 12/04/2014

**Financial Institutions, Nondepository
Lenders
R343-6
Mortgage Loan Originator Challenge of
Nationwide Database Information**

**Financial Institutions, Nondepository
Lenders
R343-7
Mortgage Loan Originator Education
and Written Test Requirements**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 38991
FILED: 12/04/2014

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 38992
FILED: 12/04/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 70D-3-206, the Department is required to establish the procedure for mortgage loan originators or applicants to challenge information in the nationwide database.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Sections 70D-3-301, 70D-3-302, and 70D-3-303, the department must establish education and written test requirements for mortgage loan originators who are required to be licensed under Title 70D.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received since the last notice of continuation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received since the last notice of continuation.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: A mortgage loan originator or applicant may challenge the factual accuracy of information entered by the department into the nationwide database. This rule establishes the procedure to challenge that information under Section 70D-3-206. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: An applicant must satisfy pre-licensing education and written testing requirements to be eligible to apply for a mortgage loan originator license under Title 70D. This rule establishes these requirements. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
FINANCIAL INSTITUTIONS
NONDEPOSITORY LENDERS
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
FINANCIAL INSTITUTIONS
NONDEPOSITORY LENDERS
ROOM 201
324 S STATE ST
SALT LAKE CITY, UT 84111-2393
or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Paul Allred by phone at 801-538-8854, by FAX at 801-538-8894, or by Internet E-mail at pallred@utah.gov

AUTHORIZED BY: Edward Leary, Commissioner

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 12/04/2014

EFFECTIVE: 12/04/2014

**Financial Institutions, Nondepository
Lenders
R343-8
Mortgage Loan Originator Record
Requirements and Reports of Condition**

**Public Service Commission,
Administration
R746-401
Reporting of Construction, Purchase,
Acquisition, Sale, Transfer or
Disposition of Assets**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 38993
FILED: 12/04/2014

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 38985
FILED: 12/03/2014

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 70D-3-401, the department by rule requires that appropriate business records are created, maintained, submitted, and produced for inspection by mortgage loan originators.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 requires supervision and regulation of utility companies within the commission's jurisdiction. The commission is also directed to supervise all of the business of every such public utility in this state and to do all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction. Section 54-4-7 requires the commission to determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, furnished, constructed, enforced or employed, and shall fix the same by its order, rule or regulation.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No supporting or opposing written comments have been received since the last notice of continuation.

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 in the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Mortgage loan originators required to be licensed under Title 70D are required to create records related to the underwriting, valuation of collateral, or extension of credit for a mortgage loan. This rule establishes these requirements. Therefore, this rule should be continued.

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 allow the commission to carry out its statutory mandate under the above cited statutes. This rule provides guidelines for utilities for the reporting of construction, sale, transfer, or disposition of utility assets. Therefore, this rule should be continued.

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

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG

AUTHORIZED BY: Jordan White, Legal Counsel

EFFECTIVE: 12/03/2014

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

Commerce

Occupational and Professional Licensing

No. 38898 (AMD): R156-63b.Security Personnel Licensing

Act Armored Car Rule

Published: 11/01/2014

Effective: 12/08/2014

Education

Administration

No. 38913 (AMD): R277-419-9.Provisions for Maintaining Student Membership and Enrollment Documentation and Documentation of Student Education Services Provided by

Third Party Vendors

Published: 11/01/2014

Effective: 12/08/2014

No. 38914 (AMD): R277-700.The Elementary and Secondary School Core Curriculum

Published: 11/01/2014

Effective: 12/08/2014

Environmental Quality

Air Quality

No. 38841 (AMD): R307-110-10.Section IX, Control Measures for Area and Point Sources, Part A, Fine Particulate Matter

Published: 10/01/2014

Effective: 12/04/2014

No. 38840 (AMD): R307-110-17.Section IX, Control Measures for Area and Point Sources, Part H, Emissions Limits

Published: 10/01/2014

Effective: 12/04/2014

No. 38837 (AMD): R307-121.General Requirements: Clean Air and Efficient Vehicle Tax Credit

Published: 10/01/2014

Effective: 01/01/2015

No. 38838 (NEW): R307-125.Clean Air Retrofit, Replacement, and Off-Road Technology Program

Published: 10/01/2014

Effective: 12/04/2014

Health

Disease Control and Prevention, Epidemiology

No. 38883 (AMD): R386-702.Communicable Disease Rule

Published: 10/15/2014

Effective: 12/15/2014

Center for Health Data, Health Care Statistics

No. 38909 (AMD): R428-1.Health Data Plan and Incorporated Documents

Published: 11/01/2014

Effective: 12/08/2014

No. 38910 (AMD): R428-2.Health Data Authority Standards for Health Data

Published: 11/01/2014

Effective: 12/08/2014

Human Services

Substance Abuse and Mental Health

No. 38856 (AMD): R523-22.Utah Standards for Approval of Alcohol and Drug Educational Providers and Instructors for Court-Referred DUI Offenders

Published: 10/01/2014

Effective: 12/15/2014

NOTICES OF RULE EFFECTIVE DATES

Insurance

Administration

No. 38857 (AMD): R590-176.Health Benefit Plan Enrollment
Published: 10/01/2014
Effective: 12/02/2014

No. 38858 (AMD): R590-259.Dependent Coverage to Age 26
Published: 10/01/2014
Effective: 12/02/2014

Title and Escrow Commission

No. 38824 (NEW): R592-16.Prohibited Escrow Settlement
Closing Transactions
Published: 09/15/2014
Effective: 12/08/2014

Natural Resources

Wildlife Resources

No. 38906 (AMD): R657-13.Taking Fish and Crayfish
Published: 11/01/2014
Effective: 12/08/2014

Tax Commission

Property Tax

No. 38903 (AMD): R884-24P-24.Form for Notice of Property
Valuation and Tax Changes Pursuant to Utah Code Ann.
Sections 59-2-918.5 through 59-2-924
Published: 11/01/2014
Effective: 12/11/2014

No. 38904 (AMD): R884-24P-53.2014 Valuation Guides for
Valuation of Land Subject to the Farmland Assessment Act
Pursuant to Utah Code Ann. Section 59-2-515
Published: 11/01/2014
Effective: 01/01/2015

Transportation

Operations, Construction

No. 38912 (AMD): R916-2.Prequalification of Contractors
Published: 11/01/2014
Effective: 12/08/2014

End of the Notices of Rule Effective Dates Section

**2014 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 December 15, 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

<p>AMD = Amendment (Proposed Rule) CPR = Change in Proposed Rule EMR = 120-Day (Emergency) Rule EXD = Expired Rule EXP = Expedited Rule EXT = Five-Year Review Extension GEX = Governor's Extension</p>	<p>LNR = Legislative Nonreauthorization NEW = New Rule (Proposed Rule) NSC = Nonsubstantive Rule Change R&R = Repeal and Reenact (Proposed Rule) REP = Repeal (Proposed Rule) 5YR = Five-Year Notice of Review and Statement of Continuation</p>
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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
R23-22	General Procedures for Acquisition and Selling of Real Property	38890	AMD	11/21/2014	2014-20/6
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
R23-26	Dispute Resolution	39013	5YR	12/16/2014	Not Printed
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
<u>Purchasing and General Services</u>					
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
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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
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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
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R33-11	Surplus Property	38524	R&R	07/08/2014	2014-11/64
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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
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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

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R105-2	Records Access and Management	38749	NSC	08/28/2014	Not Printed

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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
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R131-13	Health Reform - Health Insurance Coverage in State Contracts - Implementation	38479	AMD	07/08/2014	2014-11/103
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R152-32a-2	Exempt Businesses	38763	AMD	10/16/2014	2014-17/23
R152-34	Postsecondary Proprietary School Act Rules	38880	AMD	11/24/2014	2014-20/10
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R156-38a	Residence Lien Restriction and Lien Recovery Fund Rule	39001	5YR	12/09/2014	Not Printed
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R156-63a	Security Personnel Licensing Act Contract Security Rule	38886	AMD	11/24/2014	2014-20/14
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R156-67	Utah Medical Practice Act Rule	38649	AMD	08/21/2014	2014-14/46
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R156-68	Utah Osteopathic Medical Practice Act Rule	38552	AMD	07/28/2014	2014-12/14
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R994-311	Governmental Units and Indian Tribes	38667	5YR	07/01/2014	2014-14/85
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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
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<u>adjudicative process</u>					
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<u>administrative law judges</u>					
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	38539	R280-150	AMD	07/08/2014	2014-11/117
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	38948	R652-120	5YR	11/11/2014	2014-23/57
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	38269	R986-700	AMD	04/15/2014	2014-4/46	
	38664	R986-700	AMD	10/01/2014	2014-14/70	
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	38453	R430-8	5YR	04/25/2014	2014-10/113	
	38543	R430-70	5YR	05/19/2014	2014-12/55	
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	38836	R527-40	5YR	09/03/2014	2014-19/81	
	38336	R527-275	5YR	03/06/2014	2014-7/93	
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	38551	R527-394	5YR	05/22/2014	2014-12/56	
	38729	R527-450	5YR	08/04/2014	2014-17/138	
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	38217	R512-43	AMD	03/10/2014	2014-3/15	
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	38400	R382-10	AMD	06/01/2014	2014-8/18	
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	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	
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Education, Administration	38585	R277-419-9	EMR	06/09/2014	2014-13/129	
	38913	R277-419-9	AMD	12/08/2014	2014-21/8	
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	38592	R277-800	5YR	06/10/2014	2014-13/140	
	38868	R277-800	AMD	11/10/2014	2014-19/29	
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	38865	R277-471	AMD	11/10/2014	2014-19/11	
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Education, Administration	38867	R277-506	AMD	11/10/2014	2014-19/26	
	38951	R277-506	5YR	11/13/2014	2014-23/56	
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Human Resource Management, Administration	38461	R477-10-1	AMD	07/01/2014	2014-10/87	
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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	2014-23/56
	38241	R277-518	AMD	03/10/2014	2014-3/8
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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
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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
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	38530	R317-1-3	CPR	01/01/2015	2014-18/80
	38530	R317-1-3	CPR	01/01/2015	2014-20/70
	38235	R317-1-7	AMD	03/27/2014	2014-3/13
	38402	R317-1-7	AMD	08/01/2014	2014-8/13
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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
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Lieutenant Governor, Elections	38384	R623-2	5YR	03/26/2014	2014-8/47
	38385	R623-3	5YR	03/26/2014	2014-8/48
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Commerce, Occupational and Professional Licensing	38648	R156-55b	AMD	08/21/2014	2014-14/44
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Commerce, Occupational and Professional Licensing	38928	R156-11a	AMD	12/22/2014	2014-22/10
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Health, Administration	38586	R380-25	5YR	06/09/2014	2014-13/140
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Education, Administration	38301	R277-495	AMD	04/07/2014	2014-5/20
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Education, Administration	38411	R277-725	5YR	04/04/2014	2014-9/52
	38437	R277-725	AMD	06/09/2014	2014-9/18
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Capitol Preservation Board (State), Administration	38887	R131-16	NEW	11/21/2014	2014-20/9
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Labor Commission, Boiler and Elevator Safety	38378	R616-3-3	AMD	05/22/2014	2014-8/31
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	38782	R277-706	AMD	10/09/2014	2014-17/57
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	38272	R426-8	AMD	03/24/2014	2014-4/42
	38079	R426-100	REP	01/06/2014	2013-22/119
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	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
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	38696	R33-8	5YR	07/08/2014	2014-15/65
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	38678	R307-345	CPR	12/01/2014	2014-21/61
	38679	R307-346	AMD	12/01/2014	2014-15/23
	38679	R307-346	CPR	12/01/2014	2014-21/63
	38680	R307-347	AMD	12/01/2014	2014-15/26
	38680	R307-347	CPR	12/01/2014	2014-21/65
	38681	R307-348	AMD	10/07/2014	2014-15/28
	38682	R307-349	AMD	12/01/2014	2014-15/30
	38682	R307-349	CPR	12/01/2014	2014-21/67
	38683	R307-350	AMD	12/01/2014	2014-15/32
	38683	R307-350	CPR	12/01/2014	2014-21/69
	38684	R307-352	AMD	12/01/2014	2014-15/34
	38684	R307-352	CPR	12/01/2014	2014-21/73
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	38685	R307-353	CPR	12/01/2014	2014-21/75
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	38092	R477-6-9	AMD	01/14/2014	2013-22/125
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	38716	R982-403	AMD	10/01/2014	2014-16/37
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	38172	R657-67	NEW	02/10/2014	2014-1/70
	38484	R657-67	AMD	07/08/2014	2014-11/165
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	38950	R657-68	NSC	11/28/2014	Not Printed
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	38521	R33-24	NEW	07/08/2014	2014-11/95	
	38758	R33-24	AMD	10/08/2014	2014-17/18	
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<u>Procurement Policy Board</u>						
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	38690	R33-2	5YR	07/08/2014	2014-15/61
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	38699	R33-11	5YR	07/08/2014	2014-15/66
	38523	R33-26	NEW	07/08/2014	2014-11/98
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	38758	R33-24	AMD	10/08/2014	2014-17/18
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	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	2014-23/56
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	38866	R277-504	R&R	11/10/2014	2014-19/19
	38241	R277-518	AMD	03/10/2014	2014-3/8
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Commerce, Occupational and Professional Licensing	38279	R156-22	AMD	04/08/2014	2014-5/7
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	38356	R277-486	NSC	04/01/2014	Not Printed
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	38129	R414-306-5	AMD	01/10/2014	2013-23/35
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	38844	R65-3	5YR	09/08/2014	2014-19/77
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	38287	R65-12	NEW	04/16/2014	2014-5/5
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Insurance, Administration	38309	R590-225	5YR	02/20/2014	2014-6/76
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	38904	R884-24P-53	AMD	01/01/2015	2014-21/39

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	38516	R33-18	NEW	07/08/2014	2014-11/89
	38518	R33-19	NEW	07/08/2014	2014-11/90
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	38180	R628-21	NEW	04/15/2014	2014-1/42
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Commerce, Real Estate	38270	R162-2g	AMD	03/31/2014	2014-4/16
	38389	R162-2g	AMD	05/22/2014	2014-8/8

school community councils

Education, Administration	38542	R277-491	AMD	07/08/2014	2014-11/113
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school employees

Education, Administration	38594	R277-516	5YR	06/10/2014	2014-13/139
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school enrollment

Education, Administration	38585	R277-419-9	EMR	06/09/2014	2014-13/129
	38913	R277-419-9	AMD	12/08/2014	2014-21/8

school reports

Education, Administration	38111	R277-497	AMD	01/08/2014	2013-23/8
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school sponsored activities

Education, Administration	38772	R277-113-4	AMD	10/09/2014	2014-17/39
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school transportation

Education, Administration	38410	R277-601	5YR	04/04/2014	2014-9/52
	38436	R277-601-3	AMD	06/09/2014	2014-9/17

schools

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

scoring

Administrative Services, Facilities Construction and Management	38247	R23-33	NEW	03/10/2014	2014-3/2
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sealants

Environmental Quality, Air Quality	38675	R307-342	AMD	12/01/2014	2014-15/11
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	38675	R307-342	CPR	12/01/2014	2014-21/50
	38583	R307-342-3	AMD	09/04/2014	2014-13/37
<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
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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
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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
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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
	38886	R156-63a	AMD	11/24/2014	2014-20/14
	38474	R156-63b	AMD	06/23/2014	2014-10/48
	38898	R156-63b	AMD	12/08/2014	2014-21/6
<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
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Administrative Services, Facilities Construction and Management	38618	R23-22	R&R	08/07/2014	2014-13/13
	38890	R23-22	AMD	11/21/2014	2014-20/6
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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
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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
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Administrative Services, Facilities Construction and Management	39013	R23-26	5YR	12/16/2014	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
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Environmental Quality, Water Quality	38271	R317-5	R&R	03/26/2014	2014-4/26
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Alcoholic Beverage Control, Administration	38275	R81-7	AMD	03/25/2014	2014-4/11	
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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	
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Governor, Energy Development (Office of)	38163	R362-2	AMD	01/22/2014	2013-24/23	
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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	
	38674	R307-335	AMD	12/01/2014	2014-15/8	
	38674	R307-335	CPR	12/01/2014	2014-21/48	
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Health, Disease Control and Prevention, Environmental Services	38089	R392-302	AMD	02/14/2014	2013-22/69	
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Education, Administration	38626	R277-602-3	AMD	08/07/2014	2014-13/32	
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	38145	R313-22-34	AMD	02/14/2014	2013-23/19	

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	38692	R33-4	5YR	07/08/2014	2014-15/62	
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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	
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Natural Resources, Wildlife Resources	38171	R657-41	AMD	02/10/2014	2014-1/68	
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	38490	R307-410-6	AMD	08/07/2014	2014-11/129	
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	38757	R33-7-601	AMD	10/08/2014	2014-17/16	
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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	
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Human Services, Administration	38280	R495-882	5YR	02/10/2014	2014-5/61	
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	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	
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Workforce Services, Administration	38718	R982-407	AMD	10/01/2014	2014-16/41	
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	38643	R35-4	AMD	09/16/2014	2014-14/11
	38577	R35-5	5YR	06/03/2014	2014-13/136
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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
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	38955	R277-487	5YR	11/14/2014	2014-23/55
	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
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Education, Administration	38851	R277-708	NSC	09/30/2014	Not Printed
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	38147	R313-38-3	CPR	04/07/2014	2014-5/56
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Commerce, Occupational and Professional Licensing	38659	R156-1	AMD	08/21/2014	2014-14/14
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	38253	R156-1-501	NSC	01/31/2014	Not Printed
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Environmental Quality, Air Quality	38679	R307-346	AMD	12/01/2014	2014-15/23
	38679	R307-346	CPR	12/01/2014	2014-21/63
	38680	R307-347	AMD	12/01/2014	2014-15/26
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	38681	R307-348	AMD	10/07/2014	2014-15/28
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Governor, Economic Development	38860	R357-2	NEW	11/08/2014	2014-19/46
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	38596	R865-19S-54	AMD	08/28/2014	2014-13/124
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